



**LAWS**  
**OF THE**  
**STATE OF DELAWARE**  
**ONE HUNDRED AND TWENTY-THIRD**  
**GENERAL ASSEMBLY**

**FIRST SESSION COMMENCED AND HELD AT DOVER**  
**On Tuesday, January 5, A. D.**  
**1965**

**SECOND SESSION COMMENCED AND HELD AT DOVER**  
**On Tuesday, February 1, A. D.**  
**1966**

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**PART II**  
**VOLUME LV**

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## CHAPTER 330

**AN ACT TO AMEND SECTION 2301, TITLE 30, DELAWARE CODE, RELATING TO FEES FOR OCCUPATIONAL LICENSES BY RAISING THE FEE FOR CERTIFIED PUBLIC ACCOUNTANTS.**

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

Section 1. Section 2301, Title 30, Delaware Code, is amended by striking the figure "\$75." after the words "Certified Public Accountant" and inserting in lieu thereof the figure "\$85.".

Approved May 20, 1966.



CHAPTER 331

**AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE  
CODE, BY REMOVING AGE LIMITATIONS ON MEM-  
BERSHIP IN ANY MUTUAL BENEFIT ASSOCIATION.**

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

Section 1. Chapter 17, Title 18, Delaware Code, is a-  
mended by striking therefrom Section 1709 in its entirety.

Approved May 20, 1966.

## CHAPTER 332

**AN ACT TO AMEND PART II, TITLE 29, DELAWARE CODE,  
BY REVISING THE COMPOSITION OF THE LEGISLA-  
TIVE REFERENCE BUREAU.**

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

Section 1. § 1304, Title 29, Delaware Code, is amended to read:

**§ 1304. Executive Director; Assistant Executive Directors**

(a) The Governor shall appoint an Executive Director of the Bureau who shall carry out the objectives of this Chapter and who shall hold office at the pleasure of the Governor. He shall be an attorney-at-law licensed to practice law in this state and shall be a member of one of the major political parties.

(b) The Legislative Council shall appoint with the consent of a majority of the members elected to each House of the General Assembly two Assistant Executive Directors of the Bureau who shall carry out the objectives of this chapter and who shall hold office at the pleasure of the Legislative Council. They shall be attorneys-at-law licensed to practice law in this state one of whom shall be a member of one of the major political parties and the other or whom shall be a member of the other major political party.

Section 2. § 1305, Title 29, Delaware Code, is repealed.

Approved May 20, 1966.

## CHAPTER 333

**AN ACT MAKING A SUPPLEMENTARY EMERGENCY APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT COVERING THE COST OF THE REMOVAL OF SNOW FROM THE PUBLIC HIGHWAYS OF DELAWARE FROM THE CAPITAL INVESTMENT FUND FOR THE FISCAL YEAR ENDING JUNE 30, 1966.**

WHEREAS, the State of Delaware did suffer from a severe snow storm on or about January 29, 1966; and

WHEREAS, the Delaware State Highway Department did by considerable effort on the part of the Department's personnel and public contractors manage to do an efficient and commendable job in keeping our highways open; and

WHEREAS, the 123rd General Assembly did take official notice of this accomplishment in House Joint Resolution No. 10 as introduced by Representative M. Martin Isaacs; and

WHEREAS, insufficient funds were appropriated to the Delaware State Highway Department for snow removal for the fiscal year ending June 30, 1966 due to the extra burden of the one storm; and

WHEREAS, the Delaware State Highway Department has gone on record as having expended \$248,415 more than was appropriated in various line item amounts in the budget providing funds to that agency for the fiscal year 1966; and

WHEREAS, approximately two-thirds of the over-expenditure is due commercial contractors for personnel and suppliers of materials;

NOW, THEREFORE,

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

Section 1. The following sums are hereby appropriated to the State Highway Department for the indicated purposes:

Wages and Salaries of Employees	
Contractual Services .....	\$ 66,600.
Snow Removal Contracts .....	112,165.
Oher Contractual Services .....	18,450.
Supplies and Materials .....	51,200.
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TOTAL .....	\$248,415.

Section 2. The funds appropriated shall be used only for the purposes specified and any funds hereby appropriated that remain unexpended on June 30, 1966, shall revert to the Capital Investment Fund of the State of Delaware.

Secion 3. This act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the Capital Investment Fund of the State Treasury from funds not otherwise appropriated.

Approved May 20, 1966.

CHAPTER 334

**AN ACT TO AMEND SECTION 103 AND SECTION 104, TITLE 15, DELAWARE CODE, RELATING TO APPOINTMENT OF MEMBERS OF THE DEPARTMENTS OF ELECTION FOR ALL COUNTIES.**

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

Section 1. Section 103, Title 15, Delaware Code, is hereby amended by striking Subsection (e) and inserting a new Subsection (e) to read as follows:

(e) The members shall be appointed by the Governor by and with the consent of the majority of the members elected to the Senate.

Section 2. Section 104, Title 15, Delaware Code, is hereby amended by striking Subsection (f) and inserting a new Subsection (f) to read as follows:

(f) The members shall be appointed by the Governor by and with the consent of the majority of the members elected to the Senate.

Approved May 20, 1966.

## CHAPTER 335

**AN ACT TO AMEND SECTION 904, TITLE 4, DELAWARE CODE, BY PROVIDING THAT MINORS 18 YEARS OF AGE OR OLDER MAY BE EMPLOYED IN A RESTAURANT SERVING ALCOHOLIC LIQUORS IF NOT ENGAGED IN THE SALE OR SERVICE OF ALCOHOLIC LIQUOR.**

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

Section 1. Section 904, Title 4, Delaware Code, is amended by adding thereto a new subsection (g) to read as follows:

(g) Nothing in this section shall prevent the employment of a minor, 18 years of age or older, in a restaurant serving alcoholic liquors, provided that such minor shall not be engaged in the sale or service of alcoholic liquor.

Approved May 20, 1966.

## CHAPTER 336

**AN ACT MAKING APPROPRIATIONS IN THE AMOUNT OF  
\$136,838,199.00 FOR THE EXPENSE OF THE STATE  
GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE  
30, 1967.**

*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, during the Fiscal Year ending June 30, 1967, are hereby 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, and all other provisions of the Delaware Code notwithstanding. All parts or portions of the several sums appropriated by this Act which, on the first day of July, 1967, shall not have been paid out of the State Treasury, shall revert to the General Fund; provided, however, that no funds shall revert which are encumbered pursuant to Section 6521, Title 29, Delaware Code.

The several amounts hereby appropriated are as follows:

AGENCIES		YEAR ENDING JUNE 30, 1967
LEGISLATIVE AND ELECTIONS		
GENERAL ASSEMBLY		
Salaries—House Members .....		157,500.00
Salaries—Senate Members .....		81,000.00
Total .....		238,500.00
LEGISLATIVE REFERENCE BUREAU		
Salary of Director .....		7,600.00
Salaries and Wages of Employees .....		9,000.00
Travel .....		500.00
Contractual Services .....		1,250.00

Supplies and Materials .....	1,000.00
Capital Outlay .....	1,300.00
Total .....	20,650.00
COMMISSION ON MODERNIZATION OF STATE LAWS	
Personal Services .....	1,500.00
Travel .....	600.00
Contractual Services .....	600.00
Total .....	2,700.00
DELAWARE CODE REVISION COMMISSION	
Salaries of Commissioners .....	4,800.00
Printing Pocket Parts - Delaware Code ....	20,000.00
Total .....	24,800.00
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
Travel	
Legislative Travel Only .....	7,500.00
Other Travel .....	1,000.00
Contractual Services	
Delaware River Basin Advisory Committee .....	22,800.00
National Legislative Leaders Conference .....	1,000.00
Other Contractual Services .....	4,800.00
Total .....	37,100.00
STATE ELECTION COMMISSIONER	
Salary of Office Manager .....	6,000.00
Salaries and Wages of Employees .....	14,400.00
Contractual Services	
Election Vote Tabulation .....	4,000.00
Other Contractual Services .....	8,200.00
Supplies and Materials .....	2,500.00
Capital Outlay .....	2,000.00
Total .....	37,100.00



## NEW CASTLE DEPARTMENT OF ELECTIONS

Salaries of Board Members .....	11,500.00
Salaries of Extra Employees .....	18,000.00
Salaries and Wages of Employees .....	69,300.00
Personal Services	
Registration and Election Officers .....	110,000.00
Mobile Registration Officers .....	7,000.00
Other Personal Services .....	16,300.00
Travel .....	900.00
Contractual Services	
Moving Voting Machines .....	17,500.00
Reg. and Polling Place Rental .....	22,500.00
Other Contractual Services .....	22,690.00
Supplies and Materials .....	3,500.00
Capital Outlay .....	1,650.00
Total .....	300,840.00

## KENT COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members .....	8,500.00
Salaries of Extra Employees .....	4,000.00
Salaries and Wages of Employees .....	8,500.00
Personal Services	
Registration and Election Officers .....	17,000.00
Other Personal Services .....	500.00
Travel .....	500.00
Contractual Services	
Moving Voting Machines .....	1,800.00
Reg. and Polling Place Rental .....	2,000.00
Other Contractual Services .....	10,878.00
Supplies and Materials .....	750.00
Capital Outlay .....	500.00
Total .....	54,928.00

## SUSSEX COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members .....	8,500.00
Salaries of Extra Employees .....	4,500.00
Salaries and Wages of Employees .....	16,900.00
Personal Services	
Reg. and Election Officers .....	21,000.00
Other Personal Services .....	3,300.00

Travel .....	750.00
Contractual Services .....	10,540.00
Supplies and Materials .....	2,000.00
Capital Outlay .....	900.00

Total .....	68,390.00
<b>TOTAL LEGISLATIVE AND ELECTIONS .....</b>	<b>785,008.00</b>

**EXECUTIVE AND FINANCIAL****GOVERNOR**

Salary of Governor .....	25,000.00
Salary of Management Analyst .....	15,000.00
Salaries and Wages of Employees .....	63,000.00
Travel	
Governor's Conference .....	750.00
Other Travel .....	7,250.00
Contractual Services .....	4,300.00
Supplies and Materials .....	2,500.00
Capital Outlay .....	2,000.00
Contingent Expense .....	5,000.00

Total .....	124,800.00
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**LIEUTENANT GOVERNOR**

Salary of Lieutenant Governor .....	4,500.00
Salaries and Wages of Employees .....	3,300.00
Travel	
Other than Legislative .....	1,400.00
Contractual Services .....	640.00
Supplies and Materials .....	150.00

Total .....	9,990.00
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**SECRETARY OF STATE**

Salary of Secretary of State .....	11,000.00
Salary of Assistant Secretary of State .....	8,000.00
Salary of Director of Corporation Department .....	7,800.00
Salaries and Wages of Employees .....	136,100.00
Travel .....	3,000.00
Contractual Services	
Printing and Binding Session Laws .....	30,000.00

Dissolution Account .....	10,000.00
Other Contractual Services .....	16,000.00
Supplies and Materials	
Departmental Supplies .....	60,000.00
Other Supplies and Materials .....	650.00
Capital Outlay .....	1,500.00
Total .....	284,050.00

## STATE TREASURER

Salary of Treasurer .....	9,000.00
Salary of Deputy Treasurer .....	8,000.00
Salaries and Wages of Employees .....	73,000.00
Personal Services .....	10.00
Travel .....	800.00
Contractual Services	
Machine Rental .....	34,000.00
Other Contractual Services .....	14,300.00
Supplies and Materials .....	2,100.00
Capital Outlay .....	500.00
Lost and Outdated Checks .....	2,500.00
Total .....	144,210.00

## BUDGET DIRECTOR

Salary of Budget Director .....	14,600.00
Salaries and Wages of Employees .....	198,700.00
Personal Services .....	20,000.00
Travel .....	1,800.00
Contractual Services .....	67,520.00
Supplies and Materials .....	10,000.00
Capital Outlay .....	5,500.00
Total .....	318,120.00

## AUDITOR OF ACCOUNTS

Salary of Auditor .....	9,000.00
Salary of Deputy Auditor .....	8,000.00
Salaries and Wages of Employees .....	88,000.00
Personal Services .....	35,000.00
Travel .....	1,420.00
Contractual Services .....	3,000.00
Supplies and Materials .....	4,000.00

Capital Outlay .....	5,000.00
Total .....	153,420.00
<b>BOND ISSUING OFFICERS</b>	
Expense of Issuing Bonds .....	30,000.00
Total .....	30,000.00
<b>STATE TAX DEPARTMENT</b>	
Salaries 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
Salaries and Wages of Employees .....	*659,000.00
Personal Services	
Lawyer .....	11,000.00
Other Personal Services .....	900.00
Travel	
Social Security Division .....	900.00
Other Travel .....	5,000.00
Contractual Services	
Social Security Division .....	650.00
Other Contractual Services .....	127,150.00
Supplies and Materials	
Social Security Division .....	650.00
Other Supplies and Materials .....	20,120.00
Capital Outlay	
Social Security Division .....	300.00
Other Capital Outlay .....	3,700.00
Income Tax Administration Account (Section 1195, Title 30, Delaware Code) .....	25,000.00
Total .....	883,570.00
<b>*See Contingency Fund</b>	
<b>REVENUE COLLECTOR</b>	
Salary of Revenue Collector .....	2,500.00
Travel .....	275.00
Supplies and Materials .....	25.00
Total .....	2,800.00

## DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director .....	8,000.00
Salaries and Wages of Employees .....	37,000.00
Personal Services .....	500.00
Travel .....	6,000.00
Contractual Services	
Tourist Services for Legislative Hall .....	1,000.00
Other Contractual Services .....	35,000.00
Supplies and Materials .....	8,450.00
Capital Outlay .....	1,200.00
Delmarva Advisory Council Grant .....	13,500.00

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Total ..... 110,650.00

## STATE PLANNING OFFICE

Salary of Director .....	16,500.00
Salaries and Wages of Employees .....	85,000.00
Personal Services .....	5,000.00
Travel	
State Planning Council .....	1,000.00
Other Travel .....	3,500.00
Contractual Services .....	27,200.00
Supplies and Materials	
State Planning Council .....	250.00
Other Supplies and Materials .....	5,200.00
Capital Outlay .....	5,000.00

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Total ..... 148,650.00

## TOTAL EXECUTIVE AND

FINANCIAL ..... 2,210,260.00

## JUDICIAL AND LEGAL

## SUPREME COURT

Salary of Chief Justice .....	22,500.00
Salary of Associate Justices .....	44,000.00
Salaries and Wages of Employees .....	35,000.00
Travel .....	1,550.00
Contractual Services .....	7,000.00
Supplies and Materials .....	3,000.00
Capital Outlay .....	3,000.00

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Total ..... 116,050.00

**COURT OF CHANCERY**

Salary of Chancellor .....	20,500.00
Salaries of Vice-Chancellors .....	40,000.00
Chancellor for Reporting .....	200.00
Salaries and Wages of Employees .....	43,000.00
Travel .....	2,300.00
Contractual Services	
Chancellor's Report .....	5,750.00
Other Contractual Services .....	1,250.00
Supplies and Materials .....	2,400.00
Capital Outlay .....	1,200.00

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Total ..... 116,600.00

**SUPERIOR COURT**

Salary of President Judge .....	20,500.00
Salaries of Associate Judges .....	160,000.00
Kent Res. Judge for Reporting .....	200.00
Salaries and Wages of Employees .....	136,200.00
Personal Services .....	1,500.00
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 .....	5,200.00

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Total ..... 345,350.00

**COMMON PLEAS COURT—KENT COUNTY**

Salary of Judge .....	17,500.00
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Total ..... 17,500.00

**COMMON PLEAS COURT—SUSSEX COUNTY**

Salary of Judge .....	17,500.00
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Total ..... 17,500.00

**FAMILY COURT FOR NEW CASTLE COUNTY**

Salaries of Judges .....	52,500.00
Salary of Director .....	10,500.00
Salary of Wage Support Collector - Master .....	8,000.00

Salaries and Wages of Employees .....	280,600.00
Personal Services	
Masters .....	1,000.00
Travel .....	1,500.00
Contractual Services .....	3,830.00
Supplies and Materials .....	2,345.00
Capital Outlay .....	2,900.00
<b>Total .....</b>	<b>363,175.00</b>
<b>FAMILY COURT FOR KENT AND SUSSEX COUNTY</b>	
Salaries of Judges .....	35,000.00
Salary of Director .....	8,000.00
Salaries and Wages of Employees .....	128,100.00
<b>Total .....</b>	<b>171,100.00</b>
<b>NEW CASTLE COUNTY LAW LIBRARY</b>	
Salaries and Wages of Employees .....	4,400.00
Contractual Services .....	1,500.00
Supplies and Materials .....	50.00
Capital Outlay .....	8,000.00
<b>Total .....</b>	<b>13,950.00</b>
<b>STATE LAW LIBRARY IN KENT COUNTY</b>	
Salaries and Wages of Employees .....	7,000.00
Contractual Services .....	1,800.00
Supplies and Materials .....	150.00
Capital Outlay .....	7,000.00
<b>Total .....</b>	<b>15,950.00</b>
<b>SUSSEX COUNTY LAW LIBRARY</b>	
Salaries and Wages of Employees .....	400.00
Contractual Services .....	900.00
Supplies and Materials .....	50.00
Capital Outlay .....	5,000.00
<b>Total .....</b>	<b>6,350.00</b>
<b>ATTORNEY GENERAL</b>	
Salary of Attorney General .....	11,000.00

Salary of Administrative Assistant -	
Full time .....	12,500.00
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 .....	57,700.00
Personal Services .....	4,000.00
Travel .....	5,000.00
Contractual Services .....	14,125.00
Supplies and Materials .....	7,250.00
Capital Outlay .....	4,500.00
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Total .....	206,575.00

## BOARD OF POST MORTEM EXAMINERS

Salary of Medical Examiner .....	18,500.00
Salaries of Assistant Medical	
Examiners (2) .....	14,100.00
Salary of Administrative Assistant .....	6,500.00
Salary of Technician .....	4,200.00
Salaries and Wages of Employees .....	12,300.00
Personal Services .....	9,400.00
Travel .....	1,700.00
Contractual Services .....	4,200.00
Supplies and Materials .....	2,300.00
Capital Outlay .....	8,000.00
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Total .....	81,200.00

## PUBLIC DEFENDER

Salary of Public Defender .....	10,000.00
Salary of Administrative Assistant .....	7,500.00
Salaries and Wages of Employees .....	26,500.00
Personal Services	
Lawyers .....	45,000.00
Court Reporters and Other Personal	
Services .....	5,000.00
Travel .....	1,500.00
Contractual Services .....	6,340.00
Supplies and Materials .....	2,000.00



Capital Outlay .....	3,000.00
Total .....	106,840.00
COUNCIL ON ADMINISTRATION OF JUSTICE	
Travel .....	200.00
Contractual Services .....	300.00
Total .....	500.00
CHIEF JUSTICE—SUPERVISION OF JUSTICE OF PEACE	
Salary of Deputy Administrator .....	15,000.00
Salary of Assistant Deputy Administrator .....	9,000.00
Salaries of Justice of Peace .....	368,000.00
Salaries of Constables .....	130,000.00
Salaries of Chief Clerks .....	67,500.00
Salaries of Deputy Clerks .....	120,000.00
Personal Services .....	10,800.00
Salaries and Wages of Employees .....	8,500.00
Travel	
Justice of Peace .....	1,000.00
Constables .....	32,500.00
Other Travel .....	3,000.00
Contractual Services	
Justice of Peace .....	52,844.00
Other Contractual Services .....	17,125.00
Supplies and Materials	
Justice of Peace .....	16,000.00
Capital Outlay	
Justice of Peace .....	30,000.00
Total .....	880,769.00
TOTAL JUDICIAL AND LEGAL .....	2,459,409.00
PROFESSIONAL AND OCCUPATIONAL BOARDS	
STATE BOARD OF ACCOUNTANCY	
Salaries of Board Members .....	750.00
Salaries and Wages of Employees .....	1,300.00
Travel .....	500.00

Contractual Services .....	1,955.00
Supplies and Materials .....	150.00
Total .....	4,655.00
BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS	
Salaries and Wages of Employees .....	1,800.00
Travel .....	250.00
Contractual Services .....	850.00
Supplies and Materials .....	100.00
Total .....	3,000.00
STATE BOARD OF BARBER EXAMINERS	
Salaries of Board Members .....	1,400.00
Salary of Secretary .....	300.00
Travel .....	500.00
Contractual Services .....	625.00
Supplies and Materials .....	150.00
Total .....	2,975.00
BOARD OF CHIROPODY AND/OR PODIATRY EXAMINERS	
Salaries of Board Members .....	160.00
Travel .....	30.00
Contractual Services .....	95.00
Supplies and Materials .....	65.00
Total .....	350.00
STATE BOARD OF CHIROPRACTIC EXAMINERS	
Salaries of Board Members .....	150.00
Travel .....	25.00
Contractual Services .....	165.00
Supplies and Materials .....	20.00
Total .....	360.00
BOARD OF COSMETOLOGY	
Salaries of Board Members .....	1,500.00
Salary of Secretary .....	2,300.00
Personal Services .....	800.00
Travel .....	900.00

Contractual Services .....	1,100.00
Supplies and Materials .....	450.00

Total .....	7,050.00
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## STATE BOARD OF DENTAL EXAMINERS

Salaries of Board Members .....	700.00
Salaries and Wages of Employees .....	300.00
Travel .....	500.00
Contractual Services .....	450.00
Supplies and Materials .....	80.00

Total .....	2,030.00
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STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND  
SURVEYORS

Salary of Secretary .....	4,320.00
Salaries and Wages of Employees .....	800.00
Personal Services .....	200.00
Travel .....	1,200.00
Contractual Services .....	4,025.00
Supplies and Materials .....	1,000.00

Total .....	11,545.00
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## MEDICAL COUNCIL OF DELAWARE

Salaries of Board Members .....	2,500.00
Salaries and Wages of Employees .....	8,000.00
Personal Services .....	100.00
Travel .....	2,200.00
Contractual Services .....	850.00
Supplies and Materials .....	1,000.00

Total .....	14,650.00
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## DELAWARE BOARD OF NURSING

Salaries of Board Members .....	600.00
Salary of Executive Director .....	6,500.00
Salary of Assistant Executive Director .....	6,000.00
Salaries and Wages of Employees .....	4,000.00
Personal Services	
Hearing Contingency .....	500.00
Travel .....	800.00

Contractual Services .....	4,773.00
Supplies and Materials .....	200.00
Capital Outlay .....	100.00
<b>Total .....</b>	<b>23,473.00</b>
<b>STATE BOARD OF EXAMINERS IN OPTOMETRY</b>	
Salaries of Board Members .....	200.00
Travel .....	75.00
Contractual Services .....	70.00
Supplies and Materials .....	50.00
<b>Total .....</b>	<b>395.00</b>
<b>STATE BOARD OF PHARMACY</b>	
Salaries of Board Members .....	1,500.00
Other Personal Services .....	3,800.00
Travel .....	2,000.00
Contractual Services .....	900.00
Supplies and Materials .....	150.00
<b>Total .....</b>	<b>8,350.00</b>
<b>STATE EXAMINING BOARD OF PHYSICAL THERAPISTS</b>	
Travel .....	30.00
Contractual Services .....	100.00
Supplies and Materials .....	20.00
Capital Outlay .....	50.00
<b>Total .....</b>	<b>200.00</b>
<b>STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS</b>	
Travel .....	50.00
Contractual Services .....	225.00
Supplies and Materials .....	75.00
<b>Total .....</b>	<b>350.00</b>
<b>DELAWARE REAL ESTATE COMMISSION</b>	
Salaries of Board Members .....	1,080.00
Salaries and Wages of Employees .....	2,200.00
Travel .....	200.00
Contractual Services .....	900.00

Supplies and Materials .....	300.00
Capital Outlay .....	200.00

Total .....	4,880.00
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STATE BOARD OF EXAMINERS OF  
UNDERTAKERS

Salaries of Board Members .....	300.00
Salaries and Wages of Employees .....	300.00
Travel .....	150.00
Contractual Services .....	350.00
Supplies and Materials .....	100.00

Total .....	1,200.00
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STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees .....	150.00
Personal Services .....	25.00
Travel .....	25.00

Total .....	200.00
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TOTAL PROFESSIONAL AND OCCUPATIONAL BOARDS .....	85,663.00
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REGULATORY BOARDS AND AGENCIES

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Salaries of Board Members .....	5,000.00
Salary of Secretary .....	9,000.00
Salaries and Wages of Employees .....	101,900.00
Personal Services	
Lawyers .....	5,000.00
Court Reporters .....	3,000.00
Travel .....	7,000.00
Contractual Services .....	14,235.00
Supplies and Materials .....	3,895.00
Capital Outlay .....	3,500.00

Total .....	152,530.00
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STATE ATHLETIC COMMISSION

Salaries of Board Members .....	900.00
Salaries and Wages of Employees .....	150.00
Travel .....	50.00

Contractual Services .....	20.00
Supplies and Materials .....	30.00

Total .....	1,150.00
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## STATE BANK COMMISSIONER

Salaries of Board Members .....	240.00
Salary of Bank Commissioner .....	13,000.00
Salaries and Wages of Employees .....	40,000.00
Personal Services .....	250.00
Travel .....	3,500.00
Contractual Services .....	2,300.00
Supplies and Materials .....	900.00
Capital Outlay .....	500.00

Total .....	60,690.00
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## BINGO CONTROL COMMISSION

Salaries of Board Members .....	1,200.00
Salaries and Wages of Employees .....	10,900.00
Travel .....	3,300.00
Contractual Services .....	500.00
Supplies and Materials .....	100.00

Total .....	16,000.00
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## BOARD OF BOILER RULES

Salary of Chief Inspector .....	7,000.00
Salaries and Wages of Employees .....	17,500.00
Travel .....	3,500.00
Contractual Services .....	2,750.00
Supplies and Materials .....	700.00
Capital Outlay .....	300.00

Total .....	31,750.00
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## STATE FIRE PREVENTION COMMISSION—

## OFFICE OF STATE FIRE MARSHAL

Salary of Fire Marshal .....	7,500.00
Salaries of Deputy Marshals (3) .....	16,500.00
Salaries and Wages of Employees .....	7,200.00
Travel .....	800.00
Contractual Services	
Printing Fire Prevention Code .....	1,500.00

Other Contractual Services .....	3,100.00
Supplies and Materials .....	4,350.00
Capital Outlay .....	3,600.00
Fire Prevention Conference .....	750.00
<b>Total .....</b>	<b>45,300.00</b>
<b>STATE FIRE PREVENTION COMMISSION—</b>	
<b>DELAWARE STATE FIRE SCHOOL</b>	
Salary of Director .....	7,500.00
Salaries and Wages of Employees .....	5,000.00
Travel .....	5,700.00
Contractual Services .....	3,900.00
Supplies and Materials .....	3,000.00
Capital Outlay .....	6,000.00
<b>Total .....</b>	<b>31,100.00</b>
<b>STATE HUMAN RELATIONS COMMISSION</b>	
Salary of Executive Secretary .....	3,600.00
Salaries and Wages of Employees .....	4,000.00
Personal Services .....	1,000.00
Travel .....	1,000.00
Contractual Services .....	3,000.00
Supplies and Materials .....	600.00
Capital Outlay .....	400.00
<b>Total .....</b>	<b>13,600.00</b>
<b>STATE INSURANCE COMMISSIONER</b>	
Salary of Commissioner .....	9,000.00
Salary of Deputy .....	8,000.00
Salary of Actuary .....	3,500.00
Salary of Rating Analyst .....	7,800.00
Salaries and Wages of Employees .....	29,350.00
Personal Services .....	3,000.00
Travel .....	3,000.00
Contractual Services	
Insurance Premiums .....	235,000.00
Premiums - Workmen Compensation for Wilmington School District and Special School Districts .....	50,000.00
Other Contractual Services .....	6,300.00

Supplies and Materials .....	1,300.00
Capital Outlay .....	1,000.00
Total .....	357,250.00

## PUBLIC SERVICE COMMISSION

Salaries of Board Members .....	13,500.00
Salaries and Wages of Employees .....	40,600.00
Personal Services	
Lawyers .....	7,200.00
Other Personal Services .....	5,800.00
Travel .....	3,500.00
Contractual Services .....	5,000.00
Supplies and Materials .....	3,200.00
Capital Outlay .....	2,900.00
Total .....	81,700.00

## DELAWARE HARNESS RACING COMMISSION

Salaries of Board Members .....	3.00
Salary of Executive Secretary .....	10,000.00
Salary of Supervisor of License .....	6,500.00
Salaries and Wages of Employees .....	7,500.00
Travel .....	6,000.00
Contractual Services .....	4,000.00
Supplies and Materials .....	1,500.00
Capital Outlay .....	4,000.00
Total .....	39,503.00

## DELAWARE RACING COMMISSION

Salaries of Board Members .....	4.00
Salaries and Wages of Employees .....	2,400.00
Travel .....	800.00
Contractual Services .....	2,283.00
Supplies and Materials .....	75.00
Total .....	5,562.00

TOTAL REGULATORY BOARDS AND AGENCIES .....	831,635.00
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## DEFENSE

## DELAWARE NATIONAL GUARD

Salary of Adjutant General .....	11,000.00
Salaries and Wages of Employees .....	70,000.00
Travel .....	4,300.00
Contractual Services .....	98,000.00
Supplies and Materials	
Uniform Allowance - Officers .....	24,000.00
Other Supplies and Materials .....	24,000.00
Capital Outlay .....	10,000.00
Unit Fund Allowance .....	18,500.00
<b>Total .....</b>	<b>259,800.00</b>

## DEPARTMENT OF CIVIL DEFENSE

Salary of Director (Total \$9,000.00 - State \$4,500.00 - Other Sources \$4,500.00) ....	4,500.00
Salaries and Wages of Employees .....	29,000.00
Personal Services .....	200.00
Travel .....	700.00
Contractual Services .....	7,375.00
Supplies and Materials .....	4,200.00
Capital Outlay .....	6,500.00
<b>Total .....</b>	<b>52,475.00</b>

**TOTAL DEFENSE .....** **312,275.00**

## LABOR

STATE DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS

Salary of Executive Secretary .....	8,500.00
Salary of Chief Safety Inspector .....	7,200.00
Salary of Static and Prevailing Wage .....	7,200.00
Salary of FEP Inspector .....	7,200.00
Salary of Inspectors (3) .....	16,500.00
Salaries and Wages of Employees .....	56,000.00
Personal Services	
Lawyers .....	4,000.00
Travel .....	5,000.00
Contractual Services .....	14,100.00
Supplies and Materials .....	2,700.00

Capital Outlay .....	2,500.00
<b>Total .....</b>	<b>130,900.00</b>
<b>APPRENTICESHIP AND TRAINING COUNCIL</b>	
Salaries of Board Members .....	1,440.00
Salary of Director .....	7,000.00
Salaries and Wages of Employees .....	3,600.00
Travel .....	500.00
Contractual Services .....	470.00
Supplies and Materials .....	200.00
Capital Outlay .....	500.00
<b>Total .....</b>	<b>13,710.00</b>
<b>INDUSTRIAL ACCIDENT BOARD</b>	
Salaries of Board Members .....	15,000.00
Salary of Secretary .....	6,000.00
Salary of Administrative Assistant .....	6,000.00
Salaries and Wages of Employees .....	11,300.00
Personal Services	
Legal Fees .....	5,000.00
Court Reporting .....	5,000.00
Travel .....	4,900.00
Contractual Services .....	5,000.00
Supplies and Materials .....	1,300.00
Capital Outlay .....	500.00
<b>Total .....</b>	<b>60,000.00</b>
<b>TOTAL LABOR .....</b>	<b>204,610.00</b>

### CULTURAL, HISTORIC AND RECREATIONAL

#### PUBLIC ARCHIVES COMMISSION— ADMINISTRATION

Salary of Archivist .....	10,800.00
Salaries and Wages of Employees .....	71,440.00
Personal Services .....	4,000.00
Travel .....	1,000.00
Contractual Services	
Old Sussex County Courthouse .....	600.00
Other Contractual Services .....	4,740.00

Supplies and Materials	
Film .....	6,000.00
Other Supplies and Materials .....	1,000.00
Capital Outlay	
Historic Markers .....	1,000.00
Other Capital Outlay .....	5,000.00
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Total .....	105,580.00

PUBLIC ARCHIVES COMMISSION—  
STATE MUSEUM

Salaries and Wages of Employees .....	26,850.00
Personal Services .....	1,400.00
Travel .....	300.00
Contractual Services .....	1,670.00
Supplies and Materials .....	1,150.00
Capital Outlay .....	3,000.00
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Total .....	34,370.00

PUBLIC ARCHIVES COMMISSION—  
JOHN DICKINSON MANSION

Salaries and Wages of Employees .....	14,300.00
Personal Services .....	1,000.00
Contractual Services .....	1,150.00
Supplies and Materials .....	600.00
Capital Outlay .....	1,100.00
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Total .....	18,150.00

PUBLIC ARCHIVES COMMISSION—  
FORT CHRISTINA MONUMENT

Salaries and Wages of Employees .....	6,600.00
Personal Services .....	400.00
Contractual Services .....	2,640.00
Supplies and Materials .....	600.00
Capital Outlay .....	300.00
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Total .....	10,540.00

PUBLIC ARCHIVES COMMISSION—  
GOVERNOR'S HOUSE

Salaries and Wages of Employees .....	600.00
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Supplies and Materials .....	10,000.00
Total .....	10,600.00
PUBLIC ARCHIVES COMMISSION—	
BUENA VISTA	
Salaries and Wages of Employees .....	26,000.00
Contractual Services .....	4,900.00
Supplies and Materials .....	12,000.00
Total .....	42,900.00
PORTRAIT COMMISSION	
Travel .....	25.00
Contractual Services .....	155.00
Supplies and Materials .....	20.00
Capital Outlay .....	800.00
Total .....	1,000.00
LEWES MEMORIAL COMMISSION	
Salaries and Wages of Employees .....	9,300.00
Personal Services .....	300.00
Travel .....	100.00
Contractual Services .....	1,600.00
Supplies and Materials .....	300.00
Capital Outlay .....	500.00
Total .....	12,100.00
NEW CASTLE HISTORIC BUILDINGS	
COMMISSION	
Salaries and Wages of Employees .....	9,300.00
Contractual Services .....	3,000.00
Supplies and Materials .....	500.00
Capital Outlay .....	500.00
Total .....	13,300.00
DELAWARE DAY COMMISSION	
Contractual Services .....	450.00
Total .....	450.00

## DELAWARE ARCHAEOLOGICAL

Salary of Archaeologist .....	7,500.00
Salary of Summer Employees .....	2,500.00
Salaries and Wages of Employees .....	6,600.00
Travel .....	400.00
Contractual Services .....	2,400.00
Supplies and Materials .....	675.00
Capital Outlay .....	2,000.00

Total .....	22,075.00
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LIBRARY COMMISSION FOR THE  
STATE OF DELAWARE

Salary of Librarian (Total \$9,500.00 - State \$8,000.00 - Other \$1,500.00) .....	8,000.00
Salary of Assistant Librarian .....	7,500.00
Salaries and Wages of Employees .....	37,800.00
Travel .....	400.00
Contractual Services .....	1,290.00
Supplies and Materials .....	1,900.00
Capital Outlay	
Air Conditioner .....	6,000.00
Other Capital Outlay .....	4,000.00

Total .....	66,890.00
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STATE PARK COMMISSION—  
ADMINISTRATION

Salary of Director .....	8,300.00
Salary of Assistant Director .....	8,000.00
Salary of Superintendent - Trap Pond .....	5,200.00
Salary of Superintendent - Lums Pond ....	4,700.00
Salary of Superintendent - Fort Delaware ..	4,700.00
Salary of Superintendent - Brandywine Springs .....	4,700.00
Salary of Superintendent - Brandywine Creek .....	4,700.00
Salary of Superintendent - Holt's Landing ..	4,500.00
Salary of Superintendent - Killen's Pond ....	4,700.00
Salaries and Wages of Employees .....	52,000.00
Salaries and Wages of Employees - Killen's Pond .....	5,500.00
Travel .....	800.00

Contractual Services	
Contractual Services - Killen's Pond .....	1,500.00
Other Contractual Services .....	30,000.00
Supplies and Materials	
Supplies and Materials - Killen's Pond ....	575.00
Other Supplies and Materials .....	12,000.00
Capital Outlay	
Beach Sanitizer .....	23,500.00
Capital Outlay - Killen's Pond .....	7,500.00
Other Capital Outlay .....	20,000.00
Total .....	202,875.00

## STATE PARK COMMISSION—

## CAPE HENLOPEN STATE PARK

Salary of Superintendent .....	4,700.00
Salaries and Wages of Employees .....	30,872.00
Personal Services .....	1,200.00
Contractual Services .....	20,000.00
Supplies and Materials .....	10,000.00
Capital Outlay .....	5,000.00

Total ..... 71,772.00

## TOTAL CULTURAL, HISTORIC

AND RECREATIONAL ..... 612,602.00

## STATE PROPERTIES

## CUSTODIAN

Salary of Custodian .....	9,000.00
Salaries and Wages of Employees .....	232,000.00
Travel .....	500.00
Contractual Services .....	140,822.00
Supplies and Materials .....	35,885.00
Capital Outlay .....	7,520.00

Total ..... 425,727.00

## STATE BUILDINGS AND GROUNDS

## COMMISSION

Personal Services .....	150.00
Travel .....	250.00
Contractual Services .....	150.00

Supplies and Materials .....	150.00
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Total .....	700.00
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TOTAL STATE PROPERTIES .....	426,427.00
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## HEALTH AND WELFARE

### STATE BOARD OF HEALTH— ADMINISTRATION

Salary of Executive Secretary .....	19,500.00
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Salary of Sanitary Engineer and Bacteriologist (All Sources) .....	19,000.00
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Salary of Cancer, Heart and Chronic Disease Employees .....	75,000.00
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Salary of Crippled Children Service Employees .....	136,000.00
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Salaries and Wages of Employees .....	440,500.00
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Personal Services .....	5,000.00
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Travel .....	4,300.00
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#### Contractual Services

School Examination Fees .....	25,000.00
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New Jersey Virus Lab. Service .....	6,000.00
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Other Contractual Services .....	56,400.00
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#### Supplies and Materials

Glasses - Optometry Division .....	2,000.00
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Measles Vaccine .....	35,000.00
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Other Supplies and Materials .....	27,350.00
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Capital Outlay .....	16,800.00
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Total .....	867,850.00
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### EMILY P. BISSELL HOSPITAL

Salary of Superintendent .....	13,000.00
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Salaries of Instructors .....	4,500.00
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Salaries and Wages of Employees .....	625,000.00
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Personal Services .....	23,000.00
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Travel .....	3,000.00
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Contractual Services .....	80,400.00
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Supplies and Materials .....	161,250.00
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Capital Outlay .....	35,000.00
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Total .....	945,150.00
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## WATER POLLUTION COMMISSION

Salary of Director (Total \$14,000.00 - State \$8,600.00 - Other \$5,400.00) .....	8,600.00
Salaries and Wages of Employees .....	68,000.00
Travel .....	1,000.00
Contractual Services .....	6,155.00
Supplies and Materials .....	3,125.00
Capital Outlay .....	4,000.00
Total .....	90,800.00

## AIR POLLUTION COMMISSION

Salary of Supervisor .....	10,000.00
Salaries and Wages of Employees .....	3,500.00
Travel .....	500.00
Contractual Services .....	1,150.00
Supplies and Materials .....	900.00
Capital Outlay .....	10,000.00
Total .....	26,050.00

DEPARTMENT OF MENTAL HEALTH—  
ADMINISTRATION

Salary of Board Members .....	3,300.00
Salary of Commissioner (State and all other sources) .....	27,300.00
Salary of Business Administrator (State and all other sources) .....	13,000.00
Salary of Personnel Director (State and all other sources) .....	10,000.00
Salaries and Wages of Employees .....	75,000.00
Travel .....	5,000.00
Contractual Services .....	15,000.00
Supplies and Materials .....	2,500.00
Capital Outlay .....	5,000.00
Total .....	156,100.00

DEPARTMENT OF MENTAL HEALTH—  
DELAWARE STATE HOSPITAL

Salary of Superintendent (State and all other sources) .....	21,000.00
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Salaries of Med. Ed. and Training Program Employees .....	171,520.00
Salaries of Patients Education Program Employees .....	55,000.00
Salaries of Convalescent Leave Program Employees .....	103,335.00
Salaries of Research Program Employees ..	55,000.00
Salaries and Wages of Employees .....	2,901,050.00
Personal Services .....	59,000.00
Travel .....	3,000.00
Contractual Services .....	223,000.00
Supplies and Materials	
Student Program Supplies .....	3,000.00
Other Supplies and Materials .....	666,600.00
Capital Outlay .....	75,000.00
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Total .....	4,336,505.00

DEPARTMENT OF MENTAL HEALTH—  
MENTAL HYGIENE CLINIC

Salary of Director (State and all other sources) .....	21,000.00
Salaries and Wages of Employees .....	234,165.00
Personal Services .....	4,000.00
Travel .....	1,000.00
Contractual Services .....	13,500.00
Supplies and Materials .....	8,070.00
Capital Outlay .....	2,800.00
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Total .....	284,535.00

DEPARTMENT OF MENTAL HEALTH—  
GOVERNOR BACON HEALTH CENTER

Salary of Superintendent (State and all other sources) .....	21,000.00
Salaries of Teachers - Handicapped Children .....	83,640.00
Salaries and Wages of Employees .....	865,000.00
Personal Services .....	14,500.00
Travel .....	1,000.00
Contractual Services	
Building Demolition .....	13,000.00
Other Contractual Services .....	82,000.00

Supplies and Materials	
Supplies - Handicapped Children .....	5,500.00
Other Supplies and Materials .....	134,000.00
Capital Outlay .....	12,000.00
Total .....	1,231,640.00

DEPARTMENT OF MENTAL HEALTH—  
HOSPITAL FOR THE MENTALLY RETARDED

Salary of Superintendent (State and all other sources) .....	21,000.00
Salaries of Teachers - Handicapped Children .....	17,300.00
Salaries of Teachers - Trainable Children .....	38,370.00
Salaries and Wages of Employees .....	1,109,015.00
Personal Services .....	25,000.00
Travel .....	1,100.00
Contractual Services .....	103,500.00
Supplies and Materials	
Handicapped Children .....	2,000.00
Trainable Children .....	2,000.00
Other Supplies and Materials .....	247,000.00
Capital Outlay .....	30,000.00
Total .....	1,596,285.00

DEPARTMENT OF MENTAL HEALTH—  
DAYTIME CARE CENTERS

Salary of Director (State and all other sources) .....	13,300.00
Salaries and Wages of Employees .....	126,920.00
Travel .....	3,700.00
Contractual Services .....	14,500.00
Supplies and Materials .....	14,595.00
Capital Outlay .....	11,000.00
Total .....	184,015.00

STATE DISTRIBUTION AGENCY

Salary of Director .....	9,000.00
Salaries and Wages of Employees .....	36,000.00
Travel .....	800.00

Contractual Services .....	21,000.00
Supplies and Materials .....	5,000.00
Capital Outlay .....	3,000.00
Total .....	74,800.00

DELAWARE HOME AND HOSPITAL FOR  
CHRONICALLY ILL

Salaries of Board Members .....	840.00
Salary of Medical Director (State and all other sources) .....	21,000.00
Salary of Assistant Medical Director (State and all other sources) .....	15,000.00
Salary of Administrative Director (State and all other sources) .....	8,000.00
Salary of Business Administrator (State and all other sources) .....	7,500.00
Salary of Personnel Director (State and all other sources) .....	6,000.00
Salaries and Wages of Employees .....	1,364,500.00
Personal Services .....	25,150.00
Travel .....	700.00
Contractual Services	
Accounting Equipment Rental .....	5,000.00
Other Contractual Services .....	114,400.00
Supplies and Materials	
Drugs and Medical Supplies .....	120,000.00
Other Supplies and Materials .....	406,500.00
Capital Outlay .....	45,400.00
Total .....	2,139,990.00

DELAWARE HOME AND HOSPITAL FOR  
CHRONICALLY ILL—DIVISION OF THE AGING

Salary of Director (State and all other sources) .....	8,800.00
Salaries and Wages of Employees .....	4,000.00
Travel .....	1,000.00
Contractual Services .....	800.00
Supplies and Materials .....	500.00
Old American Act Grants .....	20,000.00
Total .....	35,100.00

DELAWARE COMMISSION ON CHILDREN  
AND YOUTH

Salary of Executive Secretary .....	4,800.00
Salaries and Wages of Employees .....	1,500.00
Travel .....	600.00
Contractual Services .....	900.00
Supplies and Materials .....	900.00

Total .....	8,700.00
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DELAWARE COMMISSION FOR THE BLIND

Salary of Director (Total \$12,000.00 - State \$5,000.00 - Other \$7,000.00 .....	5,000.00
Salary of Medical Social Worker .....	3,000.00
Salaries and Wages of Employees .....	76,000.00
Personal Services .....	4,000.00
Travel .....	4,000.00
Contractual Services	
Library Services .....	6,800.00
Education Services .....	67,500.00
Other Contractual Services .....	13,500.00
Supplies and Materials	
Vocational Training .....	19,000.00
Other Supplies and Materials .....	2,700.00
Capital Outlay .....	10,000.00
Assistance Grants .....	155,000.00

Total .....	366,500.00
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DEPARTMENT OF PUBLIC WELFARE—  
ADMINISTRATION

Salary of Director (Total \$13,300.00 - State \$6,000.00 Incl. G.A. Division - Other Sources \$7,300.00) .....	6,000.00
Salaries of Intake Supervisors (3) .....	9,950.00
Salaries of P.A. and C.W.S. Supervisors (27) .....	89,450.00
Salaries of Intake Caseworkers (18) .....	33,300.00
Salaries of P.A. and C.W.S. Caseworkers (131) .....	242,500.00
Salaries of Shelter Care Employees .....	16,600.00
Salaries and Wages of Other Employees ....	301,050.00
Personal Services .....	3,000.00

Travel .....	4,500.00
Contractual Services .....	69,000.00
Supplies and Materials .....	18,000.00
Capital Outlay .....	22,500.00
Old Age Assistance Grants .....	285,000.00
Medical Care (O.A.A.) .....	140,000.00
Aid to Disabled Grants .....	175,000.00
Aid and Service to Needy Families .....	730,000.00
Direct Care - Child Welfare Service .....	750,000.00
Aid to Medically Indigent .....	140,000.00
Total .....	3,035,850.00

DEPARTMENT OF PUBLIC WELFARE—  
GENERAL ASSISTANCE PROGRAM

Salary of Director .....	3,600.00
Salaries and Wages of Employees .....	190,000.00
Travel .....	600.00
Contractual Services .....	23,000.00
Supplies and Materials .....	7,100.00
Capital Outlay .....	5,000.00
General Assistance Grants .....	520,000.00
Pensions - Employees .....	7,200.00
Pensions - Employee's Spouse .....	280.00
Total .....	756,780.00

TOTAL HEALTH AND WELFARE .. 16,136,730.00

REHABILITATION

DEPARTMENT OF CORRECTIONS

Salaries of Board Members .....	4,500.00
Salary of Director .....	16,000.00
Salary of Director of Institutions .....	12,000.00
Salary of Director of Field Services .....	10,000.00
Salary of Business Administrator .....	8,000.00
Salaries of Parole Officers (12) .....	72,000.00
Salaries of Custodial Force (113) .....	600,000.00
Salaries and Wages of Employees .....	473,940.00
Personal Services	
Payments to Inmates .....	22,000.00
Other Personal Services .....	12,500.00

Travel .....	12,000.00
Contractual Services	
Hospital Services .....	12,000.00
Other Contractual Services .....	119,800.00
Supplies and Materials .....	285,200.00
Capital Outlay .....	39,600.00

Total .....	1,699,540.00
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## YOUTH SERVICES COMMISSION

Salary of Director .....	13,500.00
Salary of Business Administrator .....	8,500.00
Salary of Superintendent -	
New Castle Bridge House .....	8,000.00
Salary of Superintendent -	
Sussex Bridge House .....	8,000.00
Salary of Superintendent -	
Ferris School .....	9,800.00
Salary of Superintendent -	
Woods Haven .....	9,800.00
Salary of Director of Program, Preventive	
and After Care .....	9,000.00
Salaries and Wages of Employees .....	552,800.00
Personal Services .....	16,000.00
Travel .....	4,400.00
Contractual Services .....	53,000.00
Supplies and Materials .....	119,800.00
Capital Outlay .....	29,200.00

Total .....	841,800.00
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## BOARD OF PAROLE

Salaries of Board Members .....	2,160.00
Salary of Secretary .....	5,700.00
Salaries and Wages of Employees .....	4,200.00
Travel .....	1,800.00
Contractual Services .....	1,100.00
Supplies and Materials .....	200.00

Total .....	15,160.00
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## BOARD OF PARDONS

Salary of President .....	144.00
Personal Services .....	96.00
Travel .....	100.00

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Total ..... 340.00

TOTAL REHABILITATION ..... 2,556,840.00

# AGRICULTURE, FORESTRY AND CONSERVATION

## STATE BOARD OF AGRICULTURE

Salaries of Board Members .....	1,950.00
Salary of Secretary .....	7,500.00
Salaries and Wages of Employees .....	189,000.00
Personal Services .....	32,100.00
Travel .....	5,200.00

## Contractual Services

U.S.D.A. Market News .....	2,500.00
U.S.D.A. Inspector Service .....	11,000.00
Other Contractual Services .....	12,000.00

Supplies and Materials ..... 16,500.00

## Capital Outlay

Vehicles .....	4,000.00
Other Capital Outlay .....	6,500.00

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Total ..... 288,250.00

STATE BOARD OF AGRICULTURE—  
WEIGHTS AND MEASURES

Salary of Inspector .....	7,300.00
Salaries of Inspectors (6) .....	33,600.00
Salaries and Wages of Employees .....	3,800.00
Personal Services .....	500.00
Travel .....	800.00
Contractual Services .....	1,450.00
Supplies and Materials .....	4,000.00
Capital Outlay .....	6,300.00

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Total ..... 57,750.00

DELAWARE SOIL AND WATER  
CONSERVATION COMMISSION

Salary of State Drainage Engineer .....	10,000.00
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Salary of Assistant Drainage Engineer ....	10,000.00
Salaries and Wages of Employees .....	18,000.00
Travel .....	4,500.00
Contractual Services	
Highway Crossing .....	90,000.00
Other Contractual Services .....	4,700.00
Supplies and Materials .....	400.00
Capital Outlay	
Conservation Books .....	600.00
Other Capital Outlay .....	400.00
Total .....	138,600.00

## STATE POULTRY COMMISSION

Salary of Executive Secretary .....	2,000.00
Salaries and Wages 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 \$10,000.00 - State \$5,000.00 - Other Sources \$5,- 000.00) .....	5,000.00
Wages of Laborers .....	24,700.00
Salaries and Wages of Employees .....	35,000.00
Personal Services .....	500.00
Travel .....	550.00
Contractual Services	
Sanitary Facility Rental .....	2,000.00
Other Contractual Services .....	5,209.00
Supplies and Materials .....	4,600.00
Capital Outlay .....	6,000.00
Total .....	83,559.00

## STATE FORESTRY DEPARTMENT—

## SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees .....	11,500.00
Personal Services .....	1,000.00
Travel .....	35.00



Contractual Services .....	1,900.00
Supplies and Materials .....	600.00
Capital Outlay	
Tractor Replacement .....	8,000.00
Other Capital Outlay .....	500.00
<b>Total .....</b>	<b>23,535.00</b>
<b>DELAWARE GAME AND FISH COMMISSION</b>	
Salaries of Board Members .....	900.00
Salary of Director (Total \$10,000.00 - State \$6,000.00 - Other Sources \$4,000.00) .....	6,000.00
Salaries and Wages of Employees .....	61,000.00
Personal Services .....	700.00
Travel .....	975.00
Contractual Services .....	11,000.00
Supplies and Materials .....	12,600.00
Capital Outlay .....	3,000.00
<b>Total .....</b>	<b>96,175.00</b>
<b>DELAWARE COMMISSION OF SHELL FISHERIES</b>	
Salary of Executive Secretary .....	5,000.00
Salaries and Wages of Employees .....	62,900.00
Personal Services .....	700.00
Travel .....	1,500.00
Contractual Services	
Research .....	10,000.00
Other Contractual Services .....	9,687.00
Supplies and Materials .....	9,400.00
Capital Outlay .....	2,000.00
Matching Funds - Oyster Disease Study ....	9,500.00
<b>Total .....</b>	<b>110,687.00</b>
<b>ATLANTIC STATES MARINE FISHERIES COMMISSION</b>	
Travel .....	300.00
Contractual Services .....	1,500.00
<b>Total .....</b>	<b>1,800.00</b>
<b>DELAWARE GEOLOGICAL COMMISSION</b>	
Salary of Executive Secretary .....	7,500.00

Salaries and Wages of Employees .....	31,000.00
Travel .....	1,000.00
Contractual Services	
River Master Program .....	17,950.00
Federal Co-Op Program .....	16,500.00
Other Contractual Services .....	1,880.00
Supplies and Materials .....	1,200.00
Capital Outlay .....	950.00
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Total .....	77,980.00
TOTAL AGRICULTURE, FOREST- RY AND CONSERVATION .....	892,886.00

## HIGHWAYS, POLICE, ETC.

STATE HIGHWAY DEPARTMENT—  
CONTROLLER'S OFFICE

Salary of Controller (Total \$15,500.00 - State \$15,500.00 - Other none) .....	15,500.00
Salaries and Wages of Employees .....	145,000.00
Personal Services .....	5,000.00
Travel .....	4,900.00
Contractual Services .....	54,000.00
Supplies and Materials .....	7,000.00
Capital Outlay .....	5,500.00
Social Security Contribution (Administer- ed by State Treasurer) .....	240,000.00
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Total .....	476,900.00

STATE HIGHWAY DEPARTMENT—  
ENGINEERING DIVISION

Salary of Director of Operations (All Sources) .....	21,000.00
Salary of Administrative Assistant (All Sources) .....	11,100.00
Salary of Chief Engineer (All Sources) ....	17,500.00
Salaries of two (2) Assistant Chief Engin- eers (All Sources) .....	29,000.00
Salary of New Castle County Engineer (All Sources) .....	11,460.00
Salary of Kent County Engineer (All Sources) .....	11,460.00

Salary of Sussex County Engineer (All Sources) .....	11,460.00
Salary of Chief of Plans and Design (All Sources) .....	11,460.00
Salary of Research Engineer (All Sources) ..	11,460.00
Salary of Utilities Engineer (All Sources) ..	10,800.00
Salaries and Wages for Snow Removal - Overtime .....	100,000.00
Salaries and Wages - Overtime .....	80,000.00
Base Wages for hourly employees (596) ....	2,240,000.00
Base Salaries for Salaried Employees .....	1,424,800.00
Personal Services	
Lawyers .....	12,000.00
Other Personal Services .....	35,500.00
Travel .....	10,000.00
Contractual Services	
Snow Removal Contracts .....	100,000.00
Resurfacing Contracts .....	1,300,000.00
Grass Mowing Contracts .....	90,000.00
Other Contractual Services .....	433,000.00
Supplies and Materials .....	1,300,000.00
Capital Outlay	
Beach Sanitizer .....	23,500.00
Other Capital Outlay .....	600,000.00
Total .....	7,895,500.00

STATE HIGHWAY DEPARTMENT—  
MOTOR VEHICLE DIVISION

Salary of Commissioner .....	11,500.00
Salary of Wilmington Lane Manager .....	6,900.00
Salary of Rural New Castle County Lane Manager .....	5,900.00
Salary of Kent County Lane Manager .....	5,900.00
Salary of Sussex County Lane Manager ....	5,900.00
Salaries and Wages of Employees .....	606,920.00
Personal Services .....	100.00
Travel .....	1,000.00
Contractual Services .....	94,850.00
Supplies and Materials .....	159,900.00

Capital Outlay .....	10,500.00
Total .....	909,370.00

STATE HIGHWAY DEPARTMENT—  
SAFETY RESPONSIBILITY DIVISION

Salary of Director .....	7,300.00
Salaries and Wages of Employees .....	18,500.00
Travel .....	500.00
Contractual Services .....	1,600.00
Supplies and Materials .....	1,100.00
Capital Outlay	
Vehicle .....	2,100.00
Other Capital Outlay .....	300.00
Total .....	31,400.00

STATE HIGHWAY DEPARTMENT—  
MOTOR FUEL TAX DIVISION

Salary of Director .....	7,300.00
Salaries and Wages of Employees .....	27,720.00
Travel .....	3,800.00
Contractual Services .....	3,950.00
Supplies and Materials .....	1,500.00
Capital Outlay .....	2,150.00
Total .....	46,420.00

STATE HIGHWAY DEPARTMENT—  
STATE POLICE DIVISION

Salary of Superintendent .....	14,000.00
Salary of Director of Operations .....	11,025.00
Salaries of Uniformed Division .....	1,606,811.00
Salaries and Wages of Employees .....	240,210.00
Personal Services .....	1,300.00
Travel .....	10,000.00
Contractual Services .....	114,000.00
Supplies and Materials .....	155,000.00
Capital Outlay .....	89,000.00
Pension Fund Contribution .....	33,000.00
Total .....	2,274,346.00

STATE HIGHWAY DEPARTMENT—  
COMMUNICATIONS DIVISION

Salaries and Wages of Employees .....	63,000.00
Travel .....	750.00
Contractual Services .....	4,850.00
Supplies and Materials .....	17,975.00
Capital Outlay .....	11,000.00

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Total ..... 97,575.00

STATE HIGHWAY DEPARTMENT—  
MOSQUITO CONTROL DIVISION

Salary of Superintendent .....	8,800.00
Salaries and Wages of Employees .....	103,900.00
Travel .....	600.00
Contractual Services .....	94,900.00
Supplies and Materials .....	43,240.00
Capital Outlay	
Trench Hoe .....	20,000.00
Tank Wagon .....	6,000.00
Other Capital Outlay .....	3,500.00

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Total ..... 280,940.00

TOTAL HIGHWAYS, POLICE, ETC... 12,012,451.00

DEBT SERVICE

Redemptions .....	19,999,165.00
Interest .....	8,123,641.00

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Total ..... 28,122,806.00

COUNTY OBLIGATIONS

Redemptions .....	50,000.00
Interest .....	4,188.00

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Total ..... 54,188.00

TOTAL DEBT SERVICE ..... 28,176,994.00

PENSIONS AND SOCIAL SECURITY

STATE EMPLOYEES PENSION PLAN—  
STATE TREASURER

Salaries and Wages of Employees .....	7,000.00
Travel .....	200.00

Contractual Services .....	1,050.00
Supplies and Materials .....	350.00
Capital Outlay .....	1,000.00
Benefits .....	2,750,000.00
Survivor's Pension - Spouse .....	200,000.00
Total .....	2,959,600.00
STATE JUDICIARY RETIREMENT FUND	
Contributions .....	37,419.00
Total .....	37,419.00
ELECTED OFFICIALS-SPOUSE BENEFITS	
Benefits .....	2,250.00
Total .....	2,250.00
STATE POLICE RETIREMENT FUND	
Personal Services .....	250.00
Supplies and Materials .....	250.00
Contributions	
Regular Pensions .....	337,697.00
Survivors Pensions .....	60,594.00
Total .....	398,791.00
PARAPLEGIC VETERANS' PENSION	
Benefits .....	6,600.00
Total .....	6,600.00
RETIRED AND DISABLED TEACHER'S PENSIONS	
Benefits .....	220,000.00
Total .....	220,000.00
STATE SHARE—SOCIAL SECURITY	
Contributions .....	3,420,000.00
Total .....	3,420,000.00
TOTAL PENSIONS AND SOCIAL SECURITY .....	7,044,660.00

## GRANTS-IN-AID

## MUNICIPALITIES

Street Improvement Aid Funds .....	2,000,000.00
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Total .....	2,000,000.00
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## PENINSULA HORTICULTURAL SOCIETY

Contractual Services .....	900.00
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Total .....	900.00
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## CROP IMPROVEMENT ASSOCIATION

Contractual Services .....	800.00
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Total .....	800.00
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TOTAL GRANTS-IN-AID .....	2,001,700.00
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## CONTINGENCY FUND

(Administered by State Budget Commission)

Emergency Fund Only .....	100,000.00
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Boiler and Roof Repair .....	50,000.00
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Fire and Storm Damage .....	100,000.00
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Beach Operations (to be transferred to State Highway Department or State Park Commission) .....	50,000.00
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School Construction Audits ("pre" and "post" audits) .....	30,000.00
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Kent & Sussex Detention Facility - Youth Service Commission) .....	35,000.00
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Increase Enrollment - Youth Services Commission .....	20,000.00
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State Tax Department - Additional Tech- nical Employees .....	50,000.00
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Public Service Commission .....	10,000.00
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## Game and Fish Commission

Salary for Dog Warden - Sussex County..	4,728.00
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## Contractual Services

New Castle County Dog Control .....	25,350.00
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Kent County Dog Control .....	5,000.00
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## Capital Outlay

Truck - Sussex County .....	2,000.00
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TOTAL CONTINGENCY FUND .....	482,078.00
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TOTAL AGENCIES, GRANTS-IN-AID .... 77,236,728.00

## EDUCATION

### HIGHER EDUCATION

#### UNIVERSITY OF DELAWARE

General Aid Grant .....	6,985,200.00
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 ..... 7,189,700.00

#### DELAWARE STATE COLLEGE

Salaries and Wages of Employees .....	546,000.00
Personal Services	
Work Study Program .....	5,000.00
Other Personal Services .....	4,500.00
Travel .....	3,000.00
Contractual Services .....	109,000.00
Supplies and Materials .....	85,500.00
Capital Outlay .....	57,000.00
Scholarships (Section 6510, Title 14, Del- aware Code) .....	50,000.00

Total ..... 860,000.00

TOTAL HIGHER EDUCATION ..... 8,049,700.00

### PUBLIC EDUCATION

#### STATE BOARD OF EDUCATION

#### Division I.—SALARIES

A. Board Members .....	2,700.00
Superintendent (All Sources) .....	18,500.00
B. Assistant Superintendents (2)	
1. Administrative Services .....	14,340.00
2. Instructional Services .....	14,340.00



## C. Directors (7)

1. Research and Publications .....	13,340.00
2. Pupil Personnel Services .....	12,860.00
3. Teachers certification and standards .....	13,340.00
4. School Plant Planning .....	13,340.00
5. Elementary Education .....	10,140.00
6. Administrative Assistant (Pursu- ant to Section No. 11) .....	.....
7. Secondary Education (Pursuant to Section No. 11) .....	.....

## D. Supervisors

## a. Supervisors (20)

1. Art .....	10,880.00
2. Music .....	10,880.00
3. Physical Education and Health....	10,880.00
4. School Lunch Program .....	10,880.00
5. Transportation .....	9,680.00
6. Science (Total \$11,840.00 - State \$5,920.00 - Other \$5,920.00) .....	5,920.00
7. Mathematics (Total \$11,360.00 - State \$5,680.00 - Other \$5,680.00) .....	5,680.00
8. Foreign Language (Total \$10,- 880.00 - State \$5,440.00 - Other \$5,440.00) .....	5,440.00
9. Adult Education .....	9,680.00
10. English (Total \$10,140.00 - State \$5,070.00 - Other \$5,070.00) .....	5,070.00
11. Library Services .....	10,880.00
12. High School Extension Programs	11,160.00
13. Maintenance of School Plants .....	9,360.00
14. Social Studies (Total \$10,760.00 - State \$5,380.00 - Other \$5,380.00) .....	5,380.00
15. Guidance (Total \$10,080.00 - State \$5,040.00 - Other \$5,040.00) .....	5,040.00
16. Driver Education and Safety ....	10,680.00
17. Planning - Federal Programs (Pursuant to Section 11) .....	.....
18. Civil Defense Education (Pur- suant to Section 11) .....	.....

19. School Plant Construction (Pursuant to Section 11) .....	.....
20. Reading (Pursuant to Section 11) .....	.....
b. Assistant Supervisors (14)	
1. Research and Publications .....	11,440.00
2. Elementary (11 months) .....	10,046.00
3. Elementary (11 months) .....	9,606.00
4. Elementary (11 months) .....	10,046.00
5. Transportation - Pupil .....	9,760.00
6. Certification .....	9,880.00
7. Business - Accounting .....	9,280.00
8. Testing .....	10,960.00
9. Speech, Hearing and Psychologists .....	10,960.00
10. Special Schools, Physically Handicapped and Homebound) .....	10,960.00
11. State and Federal Funds (Total \$10,480.00 - State \$3,500.00 - Other \$6,980.00) .....	3,500.00
12. Finance (Pursuant to Section 11) .....	.....
13. Elementary Education (11 months) (Pursuant to Section 11) .....	.....
14. Teacher Education (Pursuant to to Section 11) .....	.....
H. Teachers	
1. Personnel Records .....	8,880.00
2. Driver Education (41) (10 months) .....	260,000.00
3. A. I. duPont Institute .....	5,100.00
4. Attendance Officers (4) (10 months) .....	26,400.00
5. Psychologists (12) (10 months) ..	80,000.00
6. Speech and Hearing (9) (10 months) .....	60,000.00
7. Coordinator (1) (12 months) .....	8,880.00
8. Homebounds (10) (10 months) .....	60,000.00
9. Substitutes in Districts .....	320,000.00
10. E.D.P. Programer (12 months) (Total \$6,720.00 - State \$1,845.00 - Other \$4,875.00) .....	1,845.00

11. Audio Visual (12 months) (Total \$7,200.00 - State none - Other \$7,200.00) .....	.....
12. Graphic Arts (12 months) (Pursuant to Section No. 11) .....	.....
I. Clerical .....	186,940.00
J. Janitorial .....	3,780.00
O. Others .....	
1. Education Foreign Born .....	8,480.00
2. Bus Drivers and Attendants .....	113,400.00
3. Coordinator Data Processing (Total \$10,600.00 - State \$3,500.00 - Other \$7,100.00) .....	3,500.00
TOTAL SALARIES .....	1,504,033.00
Division II.—	
Travel .....	
Reimbursement to Parents .....	25,000.00
Other Travel .....	30,000.00
Contractual Services .....	
Tuition - Deaf Program .....	173,000.00
Transportation - Bus Contracts .....	2,320,000.00
Evening School .....	85,000.00
All Other Contractual Services .....	80,570.00
Supplies and Materials .....	45,000.00
Capital Outlay .....	
Films .....	15,000.00
Buses .....	15,000.00
All Other Capital Outlay .....	8,000.00
Scholarship Fund (Chapter 34, Title 14, Delaware Code) .....	100,000.00
Governor's Committee on Employment of Handicapped .....	500.00
TOTAL NON-SALARY .....	2,897,070.00
TOTAL STATE BOARD OF EDUCATION .....	4,401,103.00
EDUCATIONAL DIVISION	
Division I.—SALARIES	
B. Assistant Superintendents (1)	
1. Vocational Education (Total \$14,340.00 - State \$7,170.00 - Other \$7,170.00) .....	7,170.00

## D. Supervisors

## a. Supervisors (7)

1. Home Economics (Total \$10,- 880.00 - State \$5,440.00 - Other 5,440.00) .....	5,440.00
2. Agriculture (Total \$11,160.00 - State \$5,580.00 - Other \$5,580.00) .....	5,580.00
3. Trades, Industry and Teacher Training (Total \$11,360.00 - State \$5,680.00 - Other \$5,680.00) .....	5,680.00
4. Distributive Education (Total \$10,280.00 - State \$5,140.00 - Other \$5,140.00) .....	5,140.00
5. Foreman Training (Total \$9,- 320.00 - State \$4,660.00 - Other \$4,660.00) .....	4,660.00
6. Apprentice Training (Total \$10,- 520.00 - State \$5,260.00 - Other \$5,260.00) .....	5,260.00
7. Planning and Vocational - Techni- cal Research (Total \$11,840.00 - State \$5,920.00 - Other \$5,920.00) .....	5,920.00

## b. Assistant Supervisors (5)

1. Manpower Developments (Pursu- ant to Section No. 11) .....	.....
2. Office Occupations (Pursuant to Section No. 11) .....	.....
3. Work Study and Diversified Oc- cupation (Pursuant to Section 11) .....	.....
4. Occupational Information (Pursu- ant to Section No. 11) .....	.....
5. Health Occupations (Pursuant to Section No. 11) .....	.....

## H. Teachers

1. Fire School .....	5,000.00
2. Vocational Programs .....	42,500.00

## I. Clerical .....

16,410.00

TOTAL SALARIES .....

108,760.00

## Division II.—

Personal Services ..... 1,000.00

Travel .....	4,000.00
Contractual Services .....	2,000.00
Supplies and Materials	
Textbooks - Vocational Programs .....	7,500.00
Other Supplies and Materials .....	3,500.00
Capital Outlay .....	1,600.00
TOTAL NON-SALARIES .....	19,600.00

TOTAL STATE BOARD OF VOCATIONAL EDUCATION - EDUCATIONAL DIVISION .....	128,360.00
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STATE BOARD OF VOCATIONAL EDUCATION—  
REHABILITATION DIVISION

Personal Services .....	24,000.00
Travel .....	7,000.00
Contractual Services	
Case Service .....	203,000.00
Other Contractual Services .....	7,000.00
Supplies and Materials .....	2,000.00

TOTAL STATE BOARD OF VOCATIONAL EDUCATION - REHABILITATION DIVISION .....	243,000.00
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EDUCATIONAL TELEVISION BOARD

Salary of Director .....	16,000.00
Salaries and Wages of Employees .....	264,000.00
Personal Services .....	5,450.00
Travel .....	7,000.00
Contractual Services	
Film Processing .....	23,000.00
Videotape Rental .....	55,000.00
Cable Rental .....	500,000.00
Other Contractual Services .....	50,700.00
Supplies and Materials .....	70,800.00
Capital Outlay .....	7,100.00

Total .....	999,050.00
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## SPECIAL SCHOOL DISTRICTS

## CAESAR RODNEY

For School Year  
1966-1967

## Division I.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	5 .....	52,540.00
F. Part-time Principals ....	1 .....	6,525.00
G. Administrative Assistants	1 .....	11,060.00

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 Total Administrative Salaries ..... 82,005.00

H. Teachers .....	151 .....	912,350.00
I. Clerical .....	9 .....	41,800.00
J. Janitorial .....	22 .....	104,050.00
K. Health .....	4 .....	21,200.00
L. Cafeteria .....	5 .....	19,150.00

## Division II.—OTHER COSTS

A. All Other Costs .....	157 .....	121,675.00
B. Capital Outlay .....	157 .....	15,700.00

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 Total ..... 1,317,930.00
CAESAR RODNEY TRAINABLE SCHOOL  
(Administered by Caesar Rodney)

## Division I.—SALARIES

H. Teachers .....	4 .....	23,000.00
I. Clerical .....	PT .....	1,500.00
K. Health .....	PT .....	1,600.00
M. Attendants and Aides....	4 .....	11,000.00

## Division II.—OTHER COSTS

A. All Other Costs .....	8 .....	6,200.00
B. Capital Outlay .....	8 .....	800.00

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 Total ..... 44,100.00

## CLAYMONT

## Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	4 .....	41,880.00
F. Vice-Principals .....	1 .....	9,380.00

G. Administrative Assistants 1 .....	11,060.00
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Total Administrative Salaries .....	74,680.00
H. Teachers ..... 122 .....	812,800.00
I. Clerical ..... 8 .....	38,600.00
J. Janitorial ..... 22 .....	103,500.00
K. Health ..... 3 .....	17,400.00
L. Cafeteria ..... 5 .....	20,450.00
Division II.—OTHER COSTS	
A. All Other Costs ..... 127 .....	98,425.00
B. Capital Outlay ..... 127 .....	12,700.00
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Total .....	1,178,555.00

## DOVER

## Division I.—SALARIES

A. Chief School Officer .....	12,840.00
E. Principals - Full Time.... 6 .....	57,780.00
F. Principals - Part Time.. 1 .....	9,040.00
F. Vice-Principals ..... 1 .....	8,460.00
G. Administrative Assistants 1 .....	11,060.00
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Total Administrative Salaries .....	99,180.00
H. Teachers ..... 191 .....	1,228,000.00
I. Clerical ..... 11 .....	50,900.00
J. Janitorial ..... 34 .....	150,400.00
K. Health ..... 4½ .....	24,000.00
L. Cafeteria ..... 6 .....	25,950.00
Division II.—OTHER COSTS	
A. All Other Costs ..... 199 .....	154,225.00
B. Capital Outlay ..... 199 .....	19,900.00
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Total .....	1,752,555.00

## ALEXIS I. duPONT

## Division I.—SALARIES

A. Chief School Officer .....	12,840.00
E. Principals ..... 2 .....	20,560.00
F. Principals - Part Time... 2 .....	15,750.00
F. Vice-Principals ..... 1 .....	8,640.00
G. Administrative Assistants 1 .....	10,660.00

Total Administrative Salaries .....		68,450.00
H. Teachers .....	87 .....	588,800.00
I. Clerical .....	6 .....	31,951.00
J. Janitorial .....	19 .....	86,600.00
K. Health .....	21½ .....	12,900.00
L. Cafeteria .....	5 .....	20,450.00
Division II.—OTHER COSTS		
A. All Other Costs .....	92 .....	71,300.00
B. Capital Outlay .....	92 .....	9,200.00
Total .....		889,651.00

## GEORGETOWN

## Division I.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	21,040.00

Total Administrative Salaries .....		32,420.00
H. Teachers .....	66 .....	432,800.00
I. Clerical .....	5 .....	23,109.00
J. Janitorial .....	10 .....	48,100.00
K. Health .....	2 .....	11,400.00
L. Cafeteria .....	1 .....	3,600.00
Division II.—OTHER COSTS		
A. All Other Costs .....	68 .....	52,700.00
B. Capital Outlay .....	68 .....	6,800.00
Total .....		610,929.00

## HARRINGTON

## Division I.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	21,120.00

Total Administrative Salaries .....		32,500.00
H. Teachers .....	56 .....	362,600.00
I. Clerical .....	4 .....	19,600.00
J. Janitorial .....	10 .....	47,050.00
K. Health .....	11½ .....	7,700.00
L. Cafeteria .....	2 .....	6,750.00



## Division II.—OTHER COSTS

A. All Other Costs .....	58 .....	44,950.00
B. Capital Outlay .....	58 .....	5,800.00
Total .....		526,950.00

## LAUREL

## Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	3 .....	30,820.00
F. Vice-Principals .....	1 .....	8,980.00
G. Administrative Assistants .....	1 .....	11,060.00

Total Administrative Salaries ..... 63,220.00

H. Teachers .....	88 .....	572,600.00
I. Clerical .....	6 .....	29,100.00
J. Janitorial .....	17 .....	81,150.00
K. Health .....	2½ .....	13,900.00
L. Cafeteria .....	2 .....	7,800.00

## Division II.—OTHER COSTS

A. All Other Costs .....	92 .....	71,300.00
B. Capital Outlay .....	92 .....	9,200.00
Total .....		848,270.00

## LEWES

## Division I.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	2 .....	21,320.00
F. Principals - Part Time...	1 .....	7,600.00

Total Administrative Salaries ..... 40,780.00

H. Teachers .....	59 .....	389,000.00
I. Clerical .....	5 .....	22,700.00
J. Janitorial .....	10 .....	45,250.00
K. Health .....	2 .....	11,400.00
L. Cafeteria .....	2 .....	8,400.00

## Division II.—OTHER COSTS

A. All Other Costs .....	62 .....	48,050.00
B. Capital Outlay .....	62 .....	6,200.00

Total ..... 571,780.00

## MILFORD

## Division I.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	5 .....	50,500.00
F. Vice-Principals .....	1 .....	8,340.00
G. Administrative Assistants .....	1 .....	11,060.00

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Total Administrative Salaries ..... 81,780.00

H. Teachers .....	125 .....	799,600.00
I. Clerical .....	8 .....	36,300.00
J. Janitorial .....	25 .....	115,950.00
K. Health .....	3 .....	17,200.00
L. Cafeteria .....	5 .....	18,350.00

## Division II.—OTHER COSTS

A. All Other Costs .....	131 .....	101,525.00
B. Capital Outlay .....	131 .....	13,100.00

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Total ..... 1,183,805.00

## MOUNT PLEASANT

## Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	6 .....	63,040.00
F. Vice-Principals .....	1 .....	9,380.00
G. Administrative Assistants .....	1 .....	11,060.00

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Total Administrative Salaries ..... 95,840.00

H. Teachers .....	224 .....	1,543,080.00
I. Clerical .....	13 .....	61,900.00
J. Janitorial .....	34 .....	147,750.00
K. Health .....	5½ .....	31,300.00
L. Cafeteria .....	7 .....	29,700.00

## Division II.—OTHER COSTS

A. All Other Costs .....	231 .....	179,025.00
B. Capital Outlay .....	231 .....	23,100.00

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Total ..... 2,111,695.00

## NEW CASTLE

## Division I.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	7 .....	73,400.00

F. Vice-Principals .....	2 .....	18,940.00
G. Administrative Assistants .....	1 .....	11,060.00
Total Administrative Salaries .....		115,280.00
H. Teachers .....	249 .....	1,597,800.00
I. Clerical .....	14 .....	63,400.00
J. Janitorial .....	31 .....	128,000.00
K. Health .....	7 .....	37,800.00
L. Cafeteria .....	8 .....	30,350.00
Division II.—OTHER COSTS		
A. All Other Costs .....	258 .....	199,950.00
B. Capital Outlay .....	258 .....	25,800.00
Total .....		2,198,380.00

## NEWARK

## Division I.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	14 .....	148,600.00
F. Principals - Part Time....	1 .....	7,750.00
F. Vice-Principals .....	2 .....	19,720.00
G. Administrative Assistants .....	2 .....	22,600.00
Total Administrative Salaries .....		210,550.00
H. Teachers .....	452 .....	2,965,800.00
I. Clerical .....	25 .....	110,314.00
J. Janitorial .....	66 .....	292,700.00
K. Health .....	11½ .....	63,300.00
L. Cafeteria .....	14 .....	55,800.00
M. Attendants and Aides ....	1 .....	2,200.00
Division II.—OTHER COSTS		
A. All Other Costs .....	469 .....	363,475.00
B. Capital Outlay .....	469 .....	46,900.00
Total .....		4,111,039.00

## REHOBOTH

## Division I.—SALARIES

A. Chief School Officer .....		11,840.00
E. Principals .....	1 .....	10,360.00
F. Principals - Part Time....	1 .....	7,750.00
Total Administrative Salaries .....		29,950.00

H. Teachers .....	24 .....	166,600.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	6 .....	27,700.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	2 .....	7,500.00
Division II.—OTHER COSTS		
A. All Other Costs .....	26 .....	20,150.00
B. Capital Outlay .....	26 .....	2,600.00
Total .....		270,700.00

## SEAFORD

## Division I.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	5 .....	51,820.00
F. Vice-Principals .....	1 .....	9,760.00
G. Administrative Assistants .....	1 .....	11,060.00

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Total Administrative Salaries .....

H. Teachers .....	138 .....	894,200.00
I. Clerical .....	9 .....	43,200.00
J. Janitorial .....	22 .....	106,100.00
K. Health .....	3½ .....	19,700.00
L. Cafeteria .....	5 .....	20,000.00
M. Attendants and Aides ....	1 .....	3,000.00

## Division II.—OTHER COSTS

A. All Other Costs .....	145 .....	112,375.00
B. Capital Outlay .....	145 .....	14,500.00

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Total .....

## SMYRNA

## Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	4 .....	40,320.00
G. Administrative Assistants .....	1 .....	11,060.00

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Total Administrative Salaries .....

H. Teachers .....	104 .....	687,400.00
I. Clerical .....	7 .....	33,300.00
J. Janitorial .....	18 .....	85,350.00
K. Health .....	3 .....	17,000.00

L. Cafeteria .....	6 .....	22,900.00
M. Attendants and Aides ....	1 .....	2,400.00
Division II.—OTHER COSTS		
A. All Other Costs .....	109 .....	84,475.00
B. Capital Outlay .....	109 .....	10,900.00

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Total ..... 1,007,465.00

## TOTAL SPECIAL SCHOOL

DISTRICTS ..... 19,922,359.00

## LOCAL SCHOOL DISTRICTS

## GUNNING BEDFORD, JR. SCHOOL No. 53

## Division I.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	2 .....	20,440.00

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Total Administrative Salaries ..... 32,300.00

H. Teachers .....	44 .....	280,600.00
I. Clerical .....	4 .....	18,800.00
J. Janitorial .....	12 .....	55,400.00
K. Health .....	1½ .....	7,900.00
L. Cafeteria .....	3 .....	11,400.00

## Division II.—OTHER COSTS

A. All Other Costs .....	46 .....	35,650.00
B. Capital Outlay .....	46 .....	4,600.00

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Total ..... 446,650.00

## HENRY C. CONRAD SCHOOL No. 131

## Division I.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	1 .....	10,860.00
F. Vice-Principals .....	1 .....	9,080.00

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Total Administrative Salaries ..... 31,800.00

H. Teachers .....	63 .....	419,000.00
I. Clerical .....	5 .....	23,600.00
J. Janitorial .....	8 .....	37,100.00
K. Health .....	2 .....	9,600.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs .....	65 .....	50,375.00
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B. Capital Outlay .....	65 .....	6,500.00
Total .....		581,875.00

## JOHN DICKINSON No. 133

## Division I.—SALARIES

A. Chief School Officer .....		11,880.00
E. Principals .....	1 .....	10,880.00
F. Vice-Principals .....	1 .....	9,860.00

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Total Administrative Salaries ..... 32,620.00

H. Teachers .....	70 .....	457,800.00
I. Clerical .....	5 .....	23,300.00
J. Janitorial .....	11 .....	51,300.00
K. Health .....	2 .....	10,000.00
L. Cafeteria .....	1 .....	4,350.00

## Division II.—OTHER COSTS

A. All Other Costs .....	72 .....	55,800.00
B. Capital Outlay .....	72 .....	7,200.00

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Total ..... 642,370.00

## ALFRED I. duPONT SCHOOL No. 7

## Division I.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	8 .....	87,260.00
F. Principals - Part Time....	1 .....	9,760.00
G. Administrative Assistants	1 .....	22,600.00

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Total Administrative Salaries ..... 132,460.00

H. Teachers .....	333 .....	2,220,800.00
I. Clerical .....	19 .....	88,983.00
J. Janitorial .....	59 .....	185,000.00
K. Health .....	8½ .....	46,000.00
L. Cafeteria .....	9 .....	35,250.00

## Division II.—OTHER COSTS

A. All Other Costs .....	342 .....	265,050.00
B. Capital Outlay .....	342 .....	34,200.00

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Total ..... 3,007,743.00

C. W. BUSH TRAINABLE SCHOOL  
(Administered by Alfred I. duPont)

Division I.—SALARIES

E. Principals .....	1 .....	8,150.00
Total Administrative Salaries .....		8,150.00
H. Teachers .....	4 .....	29,600.00
I. Clerical .....	PT .....	1,800.00
J. Janitorial .....	1 .....	4,600.00
K. Health .....	PT .....	2,000.00
M. Attendants and Aides ....	5 .....	14,000.00
Division II.—OTHER COSTS		
A. All Other Costs .....	10 .....	7,750.00
B. Capital Outlay .....	10 .....	1,000.00
Total .....		68,900.00

MARSHALLTON SCHOOL No. 77

Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	4 .....	41,700.00
G. Administrative Assistants	1 .....	11,060.00
Total Administrative Salaries .....		65,120.00
H. Teachers .....	122 .....	810,000.00
I. Clerical .....	8 .....	37,900.00
J. Janitorial .....	18 .....	86,600.00
K. Health .....	3 .....	16,200.00
L. Cafeteria .....	5 .....	19,400.00
Division II.—OTHER COSTS		
A. All Other Costs .....	126 .....	97,650.00
B. Capital Outlay .....	126 .....	12,600.00
Total .....		1,145,470.00

MIDDLETOWN SCHOOL No. 60

Division I.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	21,320.00
Total Administrative Salaries .....		32,700.00
H. Teachers .....	55 .....	410,100.00

I. Clerical .....	4 .....	19,600.00
J. Janitorial .....	9 .....	39,875.00
K. Health .....	11½.....	8,000.00
L. Cafeteria .....	1 .....	4,500.00
Division II.—OTHER COSTS		
A. All Other Costs .....	57 .....	44,175.00
B. Capital Outlay .....	57 .....	5,700.00
Total .....		564,650.00

## NEWPORT SCHOOL No. 21

## Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	2 .....	21,140.00
F. Principals - Part Time....	1 .....	100.00

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Total Administrative Salaries .....

33,600.00

H. Teachers .....	69 .....	451,800.00
I. Clerical .....	5 .....	24,200.00
J. Janitorial .....	11 .....	51,100.00
K. Health .....	2 .....	9,200.00
L. Cafeteria .....	2 .....	6,750.00
Division II.—OTHER COSTS		
A. All Other Costs .....	71 .....	55,025.00
B. Capital Outlay .....	71 .....	7,100.00

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Total .....

638,775.00

## OAK GROVE SCHOOL No. 130

## Division I.—SALARIES

A. Chief School Officer .....		12,360.00
E. Principals .....	3 .....	30,240.00
G. Administrative Assistants	1 .....	11,060.00

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Total Administrative Salaries .....

53,660.00

H. Teachers .....	79 .....	501,400.00
I. Clerical .....	6 .....	25,600.00
J. Janitorial .....	11 .....	52,600.00
K. Health .....	2 .....	11,000.00
L. Cafeteria .....	2 .....	8,400.00
Division II.—OTHER COSTS		
A. All Other Costs .....	82 .....	63,550.00



B. Capital Outlay .....	82 .....	8,200.00
Total .....		724,410.00

## ODESSA SCHOOL No. 61

## Division I.—SALARIES

A. Chief School Officer .....		7,800.00
Total Administrative Salaries .....		7,800.00
H. Teachers .....	5 .....	32,400.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	1 .....	4,200.00
K. Health .....	PT .....	1,200.00
L. Cafeteria .....	1 .....	3,750.00

## Division II.—OTHER COSTS

A. All Other Costs .....	6 .....	4,650.00
B. Capital Outlay .....	6 .....	600.00
Total .....		55,600.00

## RICHARDSON PARK SCHOOL No. 20

## Division I.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	1 .....	9,880.00
Total Administrative Salaries .....		21,740.00
H. Teachers .....	43 .....	269,800.00
I. Clerical .....	3 .....	13,800.00
J. Janitorial .....	6 .....	27,850.00
K. Health .....	1½ .....	8,700.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs .....	44 .....	34,100.00
B. Capital Outlay .....	44 .....	4,400.00
Total .....		384,290.00

## DE LA WARR No. 47

## Division I.—SALARIES

A. Chief School Officer .....		12,840.00
E. Principals .....	7 .....	71,340.00
F. Vice-Principals .....	1 .....	9,860.00

G. Administrative Assistants	1	11,060.00
Total Administrative Salaries		105,100.00
H. Teachers	190	1,224,800.00
I. Clerical	11	51,700.00
J. Janitorial	28	126,100.00
K. Health	4½	25,400.00
L. Cafeteria	7	27,600.00
Division II.—OTHER COSTS		
A. All Other Costs	198	153,450.00
B. Capital Outlay	198	19,800.00
Total		1,733,950.00

## JOHN G. LEACH

(Administered by DeLaWarr No. 47)

## Division I.—SALARIES

E. Principals	1	8,490.00
Total Administrative Salaries		8,490.00
H. Teachers	8	47,900.00
I. Clerical	1	4,217.00
J. Janitorial	1	4,600.00
K. Health	1	5,800.00
M. Attendants and Aides	7	14,925.00
Division II.—OTHER COSTS		
A. All Other Costs	8	6,200.00
B. Capital Outlay	8	800.00
Total		92,932.00

## STANTON SCHOOL No. 38

## Division I.—SALARIES

A. Chief School Officer		12,360.00
E. Principals	4	41,980.00
G. Administrative Assistants	1	11,060.00
Total Administrative Salaries		65,400.00
H. Teachers	149	957,300.00
I. Clerical	9	42,100.00
J. Janitorial	19	89,600.00
K. Health	3½	19,700.00

L. Cafeteria .....	5 .....	20,900.00
Division II.—OTHER COSTS		
A. All Other Costs .....	153 .....	118,575.00
B. Capital Outlay .....	153 .....	15,300.00
Total .....		1,328,875.00

## STANTON TRAINABLE

(Administered by Stanton No. 38)

## Division I.—SALARIES

E. Principals .....	1 .....	9,960.00
Total Administrative Salaries .....		9,960.00
H. Teachers .....	8 .....	46,400.00
I. Clerical .....	1 .....	3,800.00
J. Janitorial .....	1 .....	4,050.00
K. Health .....	1 .....	4,800.00
M. Attendants and Aides ....	7 .....	19,000.00
Division II.—OTHER COSTS		
A. All Other Costs .....	16 .....	12,400.00
B. Capital Outlay .....	16 .....	1,600.00
Total .....		102,010.00

## TOWNSEND SCHOOL No. 81

## Division I.—SALARIES

A. Chief School Officer .....		10,860.00
Total Administrative Salaries .....		10,860.00
H. Teachers .....	17 .....	108,400.00
I. Clerical .....	1 .....	4,900.00
J. Janitorial .....	2 .....	9,300.00
K. Health .....	1 .....	4,400.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs .....	17 .....	13,175.00
B. Capital Outlay .....	17 .....	1,700.00
Total .....		156,635.00

## MIDDLETOWN SCHOOL No. 120

## Division I.—SALARIES

A. Chief School Officer .....		11,840.00
Total Administrative Salaries .....		11,840.00

H. Teachers .....	23 .....	150,600.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	5 .....	22,100.00
K. Health .....	1 .....	6,200.00
L. Cafeteria .....	1 .....	5,250.00
Division II.—OTHER COSTS		
A. All Other Costs .....	23 .....	17,825.00
B. Capital Outlay .....	23 .....	2,300.00
Total .....		226,515.00

## FELTON SCHOOL No. 54

## Division I.—SALARIES

A. Chief School Officer .....		12,340.00
E. Principals 2 .....		19,960.00
Total Administrative Salaries .....		32,300.00
H. Teachers .....	44 .....	276,400.00
I. Clerical .....	4 .....	17,100.00
J. Janitorial .....	7 .....	31,175.00
K. Health .....	1½ .....	5,900.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs .....	46 .....	35,650.00
B. Capital Outlay .....	46 .....	4,600.00
Total .....		407,025.00

## FREDERICA SCHOOL No. 32

## Division I.—SALARIES

A. Chief School Officer .....		10,380.00
Total Administrative Salaries .....		10,380.00
H. Teachers .....	13 .....	81,100.00
I. Clerical .....	1 .....	4,400.00
J. Janitorial .....	2 .....	9,400.00
K. Health .....	1 .....	2,600.00
L. Cafeteria .....	1 .....	3,750.00
Division II.—OTHER COSTS		
A. All Other Costs .....	13 .....	10,075.00
B. Capital Outlay .....	13 .....	1,300.00
Total .....		123,005.00

## HARTLY SCHOOL No. 96

## Division I.—SALARIES

A. Chief School Officer .....	9,660.00
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Total Administrative Salaries .....	9,660.00
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H. Teachers .....	15	93,700.00
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I. Clerical .....	1	4,400.00
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J. Janitorial .....	2	8,300.00
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K. Health .....	1	5,600.00
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L. Cafeteria .....	1	3,900.00
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## Division II.—OTHER COSTS

A. All Other Costs .....	15	11,625.00
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B. Capital Outlay .....	15	1,500.00
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Total .....	138,685.00
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## HOUSTON SCHOOL No. 125

## Division I.—SALARIES

A. Chief School Officer .....	5,900.00
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Total Administrative Salaries .....	5,900.00
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H. Teachers .....	3	17,200.00
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I. Clerical .....	PT	1,000.00
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J. Janitorial .....	1	4,900.00
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K. Health .....	PT	800.00
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L. Cafeteria .....	1	3,900.00
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## Division II.—OTHER COSTS

A. All Other Costs .....	4	3,100.00
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B. Capital Outlay .....	4	400.00
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Total .....	37,200.00
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## MAGNOLIA SCHOOL No. 50

## Division I.—SALARIES

A. Chief School Officer .....	8,400.00
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Total Administrative Salaries .....	8,400.00
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H. Teachers .....	8	48,400.00
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I. Clerical .....	PT	1,500.00
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J. Janitorial .....	1	4,250.00
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K. Health .....	PT	1,800.00
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L. Cafeteria .....	1	3,150.00
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## Division II.—OTHER COSTS

A. All Oher Costs .....	9 .....	6,975.00
B. Capital Outlay .....	9 .....	900.00
Total .....		75,375.00

## WILLIAM W. M. HENRY SCHOOL No. 133

## Division I.—SALARIES

A. Chief School Officer .....		10,860.00
E. Principals .....	1 .....	9,880.00

Total Administrative Salaries .....		20,740.00
H. Teachers .....	19 .....	133,200.00
I. Clerical .....	1 .....	4,600.00
J. Janitorial .....	9 .....	43,550.00
K. Health .....	1 .....	4,400.00
L. Cafeteria .....	1 .....	5,700.00

## Division II.—OTHER COSTS

A. All Other Costs .....	20 .....	15,500.00
B. Capital Outlay .....	20 .....	2,000.00
Total .....		229,690.00

## BRIDGEVILLE SCHOOL No. 90

## Division I.—SALARIES

A. Chief School Officer .....		12,340.00
E. Principals .....	2 .....	19,240.00

Total Administrative Salaries .....		31,580.00
H. Teachers .....	47 .....	303,000.00
I. Clerical .....	4 .....	18,800.00
J. Janitorial .....	8 .....	36,900.00
K. Health .....	2 .....	6,200.00
L. Cafeteria .....	2 .....	9,000.00

## Division II.—OTHER COSTS

A. All Other Costs .....	49 .....	37,975.00
B. Capital Outlay .....	49 .....	4,900.00
Total .....		448,355.00

## BLADES SCHOOL No. 172

## Division I.—SALARIES

A. Chief School Officer .....		7,900.00
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Total Administrative Salaries .....		7,900.00
H. Teachers .....	4 .....	28,200.00
I. Clerical .....	PT .....	1,000.00
J. Janitorial .....	1 .....	4,200.00
K. Health .....	PT .....	1,000.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs .....	5 .....	3,875.00
B. Capital Outlay .....	5 .....	500.00
Total .....		50,575.00

## JOHN M. CLAYTON SCHOOL No. 97

## Division I.—SALARIES

A. Chief School Officer .....		10,880.00
E. Principals .....	1 .....	8,840.00

Total Administrative Salaries .....		19,720.00
H. Teachers .....	28 .....	175,800.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	6 .....	29,000.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	3,750.00
Division II.—OTHER COSTS		
A. All Other Costs .....	29 .....	22,475.00
B. Capital Outlay .....	29 .....	2,900.00
Total .....		269,845.00

## DELMAR SCHOOL No. 163

## Division I.—SALARIES

A. Chief School Officer .....		11,360.00
F. Part-time Principals ....	1 .....	7,750.00

Total Administrative Salaries .....		19,110.00
H. Teachers .....	27 .....	184,600.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	7 .....	33,100.00
K. Health .....	1 .....	4,200.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs .....	28 .....	21,700.00

B. Capital Outlay .....	28 .....	2,800.00
Total .....		279,810.00

## ELLENDALE SCHOOL No. 125

## Division I.—SALARIES

A. Chief School Officer .....	8,400.00
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Total Administrative Salaries .....	8,400.00
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H. Teachers .....	9 .....	50,200.00
I. Clerical .....	PT .....	1,800.00
J. Janitorial .....	1½ .....	7,050.00
K. Health .....	PT .....	2,000.00
L. Cafeteria .....	1 .....	3,000.00

## Division II.—OTHER COSTS

A. All Other Costs .....	10 .....	7,750.00
B. Capital Outlay .....	10 .....	1,000.00

Total .....	81,200.00
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## GREENWOOD SCHOOL No. 91

## Division I.—SALARIES

A. Chief School Officer .....	10,880.00
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E. Principals .....	1 .....	9,280.00
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Total Administrative Salaries .....	20,160.00
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H. Teachers .....	31 .....	186,000.00
I. Clerical .....	3 .....	14,000.00
J. Janitorial .....	6 .....	28,550.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs .....	32 .....	24,800.00
B. Capital Outlay .....	32 .....	3,200.00

Total .....	286,410.00
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## LINCOLN SCHOOL No. 3

## Division I.—SALARIES

A. Chief School Officer .....	8,400.00
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Total Administrative Salaries .....	8,400.00
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H. Teachers .....	8 .....	51,800.00
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I. Clerical .....	1 .....	1,500.00
J. Janitorial .....	1 .....	4,800.00
K. Health .....	1 .....	1,800.00
L. Cafeteria .....	1 .....	3,600.00
Division II.—OTHER COSTS		
A. All Other Costs .....	9 .....	6,975.00
B. Capital Outlay .....	9 .....	900.00
Total .....		79,775.00

## LORD BALTIMORE SCHOOL No. 28

## Division I.—SALARIES

A. Chief School Officer .....		10,310.00
E. Principals .....		9,960.00
Total Administrative Salaries .....		20,270.00
H. Teachers .....	22 .....	144,200.00
I. Clerical .....	2 .....	10,700.00
J. Janitorial .....	5 .....	22,450.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	5,250.00
Division II.—OTHER COSTS		
A. All Other Costs .....	23 .....	17,825.00
B. Capital Outlay .....	23 .....	2,300.00
Total .....		228,795.00

## MILLSBORO SCHOOL No. 23

## Division I.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	2 .....	20,040.00
F. Principals - Part Time..	1 .....	7,000.00
Total Administrative Salaries .....		38,900.00
H. Teachers .....	37 .....	215,800.00
I. Clerical .....	3 .....	15,000.00
J. Janitorial .....	7 .....	32,100.00
K. Health .....	1 .....	4,200.00
L. Cafeteria .....	2 .....	7,800.00
Division II.—OTHER COSTS		
A. All Other Costs .....	40 .....	31,000.00

B. Capital Outlay .....	40 .....	4,000.00
Total .....		348,800.00

## MILTON SCHOOL No. 8

## Division I.—SALARIES

A. Chief School Officer .....		11,860.00
E. Principals .....	2 .....	17,840.00

Total Administrative Salaries .....		29,700.00
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H. Teachers .....	39 .....	261,800.00
I. Clerical .....	3 .....	15,300.00
J. Janitorial .....	6 .....	28,800.00
K. Health .....	1 .....	5,800.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs .....	41 .....	31,775.00
B. Capital Outlay .....	41 .....	4,100.00

Total .....		381,175.00
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## SELBYVILLE SCHOOL No. 32

## Division I.—SALARIES

A. Chief School Officer .....		11,360.00
E. Principals .....		9,760.00
F. Principals - Part Time .....		200.00

Total Administrative Salaries .....		21,320.00
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H. Teachers .....	25 .....	156,600.00
I. Clerical .....	2 .....	10,400.00
J. Janitorial .....	5 .....	23,900.00
K. Health .....	1 .....	5,000.00
L. Cafeteria .....	1 .....	3,900.00

## Division II.—OTHER COSTS

A. All Other Costs .....	26 .....	20,150.00
B. Capital Outlay .....	26 .....	2,600.00

Total .....		243,870.00
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## FRANKFORD SCHOOL No. 206

## Division I.—SALARIES

A. Chief School Officer .....		8,800.00
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Total Administrative Salaries .....		8,800.00
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H. Teachers .....	10 .....	63,600.00
I. Clerical .....	PT .....	1,800.00
J. Janitorial .....	2 .....	9,400.00
K. Health .....	PT .....	2,200.00
L. Cafeteria .....	1 .....	3,900.00
Division II.—OTHER COSTS		
A. All Other Costs .....	11 .....	8,525.00
B. Capital Outlay .....	11 .....	1,100.00
Total .....		99,325.00

## WILLIAM C. JASON SCHOOL No. 192

## Division I.—SALARIES

A. Chief School Officer .....		11,380.00
E. Principals .....	2 .....	20,640.00
Total Administrative Salaries .....		32,020.00
H. Teachers .....	41 .....	265,000.00
I. Clerical .....	3 .....	13,800.00
J. Janitorial .....	10 .....	47,600.00
K. Health .....	1½ .....	7,800.00
L. Cafeteria .....	1 .....	2,850.00

## Division II.—OTHER COSTS

A. All Other Costs .....	43 .....	33,325.00
B. Capital Outlay .....	43 .....	4,300.00
Total .....		406,695.00

## MILLSBORO SCHOOL No. 204

## Division I.—SALARIES

A. Chief School Officer .....		10,380.00
Total Administrative Salaries .....		10,380.00
H. Teachers .....	15 .....	95,000.00
I. Clerical .....	1 .....	4,600.00
J. Janitorial .....	2 .....	8,900.00
K. Health .....	1 .....	6,000.00
L. Cafeteria .....	1 .....	4,200.00

## Division II.—OTHER COSTS

A. All Other Costs .....	15 .....	11,625.00
B. Capital Outlay .....	15 .....	1,500.00
Total .....		142,205.00

## SELBYVILLE SCHOOL No. 210

## Division I.—SALARIES

A. Chief School Officer .....	8,400.00
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Total Administrative Salaries .....	8,400.00
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H. Teachers .....	8	51,400.00
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I. Clerical .....	PT	1,500.00
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J. Janitorial .....	2	9,350.00
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K. Health .....	PT	1,600.00
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L. Cafeteria .....	1	3,900.00
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## Division II.—OTHER COSTS

A. All Other Costs .....	8	6,200.00
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B. Capital Outlay .....	8	800.00
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Total .....	83,150.00
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## 1-2-3- TEACHER SCHOOL

## Division I.—SALARIES

H. Teachers .....	8	53,100.00
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I. Clerical .....	1	1,100.00
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J. Janitorial .....	5	3,700.00
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K. Health .....	2	1,600.00
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## Division II.—OTHER COSTS

A. All Other Costs .....	8	6,200.00
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B. Capital Outlay .....	8	800.00
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Total .....	66,500.00
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## KENTON No. 9

## Division I.—SALARIES

E. Principals .....	1	500.00
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Total Administrative Salaries .....	500.00
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H. Teachers .....	5	31,000.00
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I. Clerical .....	PT	1,000.00
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J. Janitorial .....	1	4,050.00
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K. Health .....	PT	1,000.00
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L. Cafeteria .....	1	2,850.00
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## Division II.—OTHER COSTS

A. All Other Costs .....	5	3,875.00
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B. Capital Outlay .....	5	500.00
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Total .....	44,775.00
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KENT COUNTY VOCATIONAL TECHNICAL  
CENTER

Division I.—SALARIES

A. Chief School Officer .....		10,035.00
Total Administrative Salaries .....		10,035.00
H. Teachers - Vocational		
Education .....	22	162,120.00
I. Clerical .....	2	10,400.00
J. Janitorial .....	7	27,350.00
K. Health .....	1	4,200.00
L. Cafeteria .....	1	3,000.00
Division II.—OTHER COSTS		
A. All Other Costs .....	22	51,150.00
B. Capital Outlay .....	22	4,400.00
Total .....		272,655.00

SUSSEX COUNTY VOCATIONAL TECHNICAL  
CENTER

Division I.—SALARIES

A. Chief School Officer .....		10,140.00
Total Administrative Salaries .....		10,140.00
H. Teachers - Vocational		
Education .....	20	157,680.00
I. Clerical .....	1	5,800.00
J. Janitorial .....	5	21,950.00
K. Health .....	1	4,560.00
Division II.—OTHER COSTS		
A. All Other Costs .....	20	46,500.00
B. Capital Outlay .....	20	6,000.00
Total .....		252,630.00

TOTAL LOCAL SCHOOL

DISTRICTS ..... 16,979,175.00

WILMINGTON BOARD OF EDUCATION

Division I.—SALARIES

A. Superintendent .....		12,840.00
B. Assistant Superintendents (2)		
1. Business And Administration		
Services .....		13,360.00

2. Instructional Services .....	13,840.00
C. Directors (3)	
1. Research .....	12,840.00
2. Child Development and Guidance .....	12,360.00
3. Personnel and Child Accounting..	12,360.00
D. Supervisors (14)	
1. School Lunch ..... 12 months	10,560.00
2. Maintenance and Plant Operations ..... 12 months	10,760.00
3. Library ..... 10 months	8,967.00
4. Art ..... 10 months	8,967.00
5. Music ..... 10 months	8,967.00
6. Special Education .... 10 months	8,967.00
7. Physical Education .... 10 months	9,367.00
8. English ..... 10 months	8,967.00
9. Social Science ..... 10 months	9,367.00
10. Business Education .... 10 months	8,567.00
11. Industrial Arts ..... 10 months	8,967.00
12. Science ..... 10 months	9,367.00
13. Mathematics ..... 10 months	9,367.00
14. Foreign Language ..... 10 months	8,967.00
E. Principals (19) .....	202,740.00
F. Vice Principals (3) .....	28,620.00
G. Administrative Assistants (2)	
1. Secondary Education .....	11,540.00
2. Elementary Education .....	10,380.00
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Total Administrative Salaries .....	461,004.00
H. Teachers	
1. Vocational Education .... 657 ....	4,431,320.00
2. Vocational Education .... 25 ....	183,000.00
3. Visiting Teachers ..... 3 ....	22,200.00
4. Psychologists ..... 5 ....	39,800.00
5. Speech and Hearing ..... 5 ....	35,000.00
6. Homebound Instruction .....	4,000.00
I. Clerical (54) .....	263,100.00
J. Janitorial (107) .....	488,800.00
K. Health (25) .....	130,500.00
L. Cafeteria (19) .....	73,200.00
M. Trainable Attendants (6) .....	16,800.00

Total Division I.—SALARIES .....	6,148,724.00
Division II.—OTHER COSTS	
A. All Other Costs .....	589,000.00
General Education .... 679 526,225.00	
Vocational Education.. 27 62,775.00	
B. Capital Outlay .....	76,000.00
General Education .... 679 67,900.00	
Vocational Education.. 27 8,100.00	
 TOTAL WILMINGTON BOARD OF EDUCATION .....	 6,813,724.00
EDUCATIONAL CONTINGENCY FUND	
A. Public Education - Growth and Up- grading (Administered by Budget Di- rector pursuant to Chapter 13, Title 14, Delaware Code and Section 9 of this Act.) .....	1,500,000.00
B. Night School - Growth (Administered by Budget Director) .....	15,000.00
C. Adult Educational Federal Matching Fund - State Board for Vocational Ed- ucation (Administered by Budget Com- mission) .....	50,000.00
D. School Building Maintenance - State Board of Education (Administered by Budget Director pursuant to Section 12) .....	500,000.00
E. All Federal Funds received from Fed- eral Elementary and Secondary Edu- cation Act of 1965 or its successor not otherwise appropriated in other Sec- tions of this Act. (Administered by Budget Commission.) (Pursuant to Section 11) .....	
TOTAL EDUCATION CONTING- ENCY FUNDS .....	2,065,000.00
TOTAL PUBLIC EDUCATION .....	51,551,771.00
TOTAL EDUCATION .....	59,601,471.00
TOTAL AGENCIES, EDUCATION, ETC. ....	136,838,199.00

Section 2. The monies appropriated in Section 1 of this Budget Appropriation Act shall be paid by the State Treasurer from the General Fund except that an amount equal to all interest and earnings received from investment of the Capital Investment Fund as of June 30, 1967 shall be paid from the Capital Investment Fund for the following purposes:

(a) \$10,000.00 for expense of the State Tax Department in administering the Capital Investment Fund;

(b) \$10,600.00 for expense of the Archives Commission in operating the Governor's House;

(c) \$42,900.00 for expense of the Archives Commission in operating Buena Vista;

(d) \$25,800.00 for expense of the State Custodian in servicing the Governor's House;

(e) The balance to be used for the payment of interest on the State's bonded indebtedness.

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 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 of 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 Section 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 purpose 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 Cost" 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, 1966, than the number of units from 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, 1966, 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 pupils units in the district on September 30, 1966 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, 1966, 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, 1966.

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 as provided in Section 11 of this Act. Except for casual or part-time "Teachers", "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 Superintendent", "Directors", "Supervisors (with programs)", "Assistant Supervisors (without programs)", "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 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, 1965, except in the event such employee is reduced in classification or in months employed.

Section 11. The State Board of Education, the State Board for Vocational Education, the Board of Public Education in Wilmington, the Boards of Education in Special School Districts and the Board of School Trustees of School Districts, may employ such additional personnel who are paid entirely from federal funds provided the titles of such personnel are specified by line item in this Act and provided further such

personnel shall not be covered by the provisions of Chapter 14, Title 14, Delaware Code. All personnel employed pursuant to this Section shall be paid in accordance with the salary schedule set forth in Chapter 13, Title 14, Delaware Code, for the classification heading under which said line item position appears.

Section 12. The sum appropriated to the State Board of Education in Section 1 of this Act for "School Building Maintenance" shall be allocated to the school district in accordance with the following provisions:

(a) The maximum allocation to any district shall be the sum of the allotments for each school building in the district based upon the following formula: \$5.00 for each year since the date of pupil occupancy of the building up to a maximum of 30 such years multiplied by the full number of units of 25 pupils in the building on a full-time bases as of September 30, 1966;

(b) The allotment for each school district as computed in (a) shall be expended only for the purpose of maintenance of buildings and such integral parts as the heating plant, plumbing and electrical system; it shall not be used for the purchase of routine janitorial supplies, upkeep of grounds nor the repair of any equipment not a basic part of the building;

(c) Before the State Board of Education shall make any allotment pursuant to this Section, it shall require that the school district submit a plan of the maintenance and the estimated cost thereof and an obligation from the school district to pay not less than 10% of the cost from non-State Appropriated funds;

(d) The State Board of Education shall establish such rules and regulations as it deems necessary, subject to the approval of the Budget Director, to assure that the purpose of this appropriation is carried out.

Section 13. No funds appropriated by this Act or otherwise available to an agency of this State shall be expended ex-

cept for purposes necessary to carry out the functions of such agency; no such funds shall be expended for purposes such as but not limited to greeting cards, flowers and tickets to athletic events when unrelated to the agency's function, and the Budget Director shall, in executing his duty under Section 6518, Title 29, Delaware Code, refuse to approve such expenditures. An agency so affected by this section shall have the right of appeal to the Budget Commission.

Section 14. 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 salary nor to State Police recruits during the period of their training.

Section 15. Transfer 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 16. 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, wages-in-kind or food allotment, 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 line-item shall be reduced by the amount of the excess received from such other sources. In the event 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 Director shall have the power to increase the State appropriation to the extent necessary to provide the "Total Salary" indicated in the line-item. Nor shall any State agency provide housing or compensation for housing for any State employee whose title and salary is designated in a line-item in Section 1 of this Act that was not so provided prior to January 1, 1966, without a reduction in the line-item salary comparable to the Federal Income Tax and/or State Income Tax value of such housing. Further provided no State agency shall provide any employee with a housing allowance or compensation for housing.

Section 17. In the event a line-item salary for a job classification has been established within an agency in Section 1 of this Act, the agency shall not pay a salary in excess of this amount to the person classified in such position as of January 1, 1966 or at any time thereafter except if such person is promoted to another job classification for which a line-item salary is appropriated or to another job classification set forth in a job classification schedule and printed by the agency and on file with the Budget Director on or before January 1, 1966.

Section 18. 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 receives funds from salaries or wages from Federal Departments or agencies and has established prior to January 1, 1966 a comprehensive employee salary classifications schedule for all or part of the employees of the agency, and the said salary schedule shall be on

file with the Budget Director on or before January 1, 1966;

(c) Employee of any agency who is promoted from one existing job classification as established prior to January 1, 1966, to another existing job classification as existing prior to January 1, 1966 and the said salary schedule shall be on file with the Budget Director on or before January 1, 1966;

(d) Any agency that adopted a comprehensive salary classification schedule for all or part of the employees of the agency prior to January 1, 1966 and the said salary schedule shall be on file with the Budget Director on or before January 1, 1966.

Section 19. No funds appropriated to the Department of Public Welfare in Section 1 of this Budget Appropriation Act shall be expended to implement or finance any reciprocity agreements with any other State or Territory of the United States nor shall any funds be expended to give public assistance grants to any persons who have not been an official resident of the State of Delaware for a full year.

Section 20. Nothing contained in Title 14 and 31, Delaware Code, shall be construed as authorizing appropriations or expenditures of General Funds monies during the fiscal year ending June 30, 1967 in excess of or other than the amounts set forth in this Act and as may be authorized in Supplementary Appropriation Acts enacted by the 123rd and 124th General Assemblies.

Section 21. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved May 23, 1966.

## CHAPTER 337

**AN ACT TO REPEAL THE AUTHORITY TO ISSUE BONDS OR NOTES OF THE STATE OF DELAWARE AUTHORIZED PRIOR TO JANUARY 3, 1961.**

*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. Chapter 74, Title 29, Delaware Code, is amended by adding thereto a new section to read:

**§ 7416. Time limitation on issuance of bonds or notes**

(a) The authority to issue any bonds or notes authorized to be issued by or on behalf of this state, which were authorized by an Act of the General Assembly enacted prior to January 3, 1961, is repealed.

(b) Nothing herein contained shall in any way affect bonds or notes issued prior to the effective date of this section.

Approved May 23, 1966.



## CHAPTER 338

**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 the 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 Six Thousand Dollars (\$6,000.), 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 339

**AN ACT TO AMEND CHAPTER 3, TITLE 21, DELAWARE CODE, BY PROVIDING FOR AND RESTRICTING THE INSPECTION OF REGISTRATION AND LICENSE RECORDS AND BY PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

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

Section 1. Chapter 3, Title 21, Delaware Code, is amended by striking § 310 and inserting in lieu thereof a new § 310 to read as follows:

**§ 310. Registration and license records**

(a) All registration and license records of three years or less in the offices of the Department shall be public records and open to inspection by the public during business hours.

(b) All registration and license records of more than three years age shall be available to the Governor as required by Article 3, § 14 of the Constitution.

(c) All registration and license records of more than three years age shall be available for inspection for purposes relating to the performance of public duties by (1) the Chairman and the members of the State Highway Department, (2) the Commissioner and his designated representatives, (3) the chief executive officer of any public police organization or his representative, so designated in writing, (4) any judge of any Court of this State, (5) any probation officer designated by any Court of this State, (6) the attorney of the individual whose record is requested upon presentation of a notarized affidavit that such record is required for the defense of the individual charged with a motor vehicle violation, and (7) any member of the General Assembly. Any such person inspecting such records for purposes other than those relating to the performance of public duties or using the information so obtained for purposes other than those relating to the performance of pub-

lic duties shall be guilty of a misdemeanor and shall be fined not less than \$50.00 or more than \$500.00 or imprisoned for not more than one year or both.

(d) The license and registration records of the Department shall not be available for inspection except as provided under subsections (a), (b) and (c) hereof.

(e) The Commissioner shall charge a fee of \$2.00 for each copy of a record supplied to persons other than those designated in subsections (b) and (c) hereof.

Approved May 24, 1966.

## CHAPTER 340

**AN ACT TO AMEND TITLE 21, DELAWARE CODE, GIVING  
POLICE AUTHORITY TO REMOVE OR CAUSE TO BE  
REMOVED CERTAIN MOTOR VEHICLES FROM PUB-  
LIC HIGHWAYS.**

*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 be known as Chapter 69 to read as follows:

**CHAPTER 69. REMOVAL OF MOTOR VEHICLES FROM  
PUBLIC HIGHWAYS BY POLICE****§ 6901. Removal of motor vehicles from public highways by  
police**

Any police officer of the State, County or Municipality in the State of Delaware while in the performance of his duty shall have the authority to remove or cause to be removed from any public highway, highway right of way, street or alley, at the owner's or operator's expense, any motor vehicle, trailer, or part thereof, parked or left standing in such manner as to create a hazard by interfering with the normal movement of traffic; by preventing the exit from or entrance to any public highway, private road, or driveway; by interfering with emergency firefighting equipment; by being involved in an accident and rendered incapable of being moved under its own power; when the owner or operator has been arrested and detained; or when the owner or operator is unable, unwilling or not available to do so immediately.

Approved May 26, 1966.

## CHAPTER 341

**AN ACT RELATING TO THE SATISFACTION OF JUDGEMENTS AND MORTGAGES.**

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

Section 1. § 4751, Title 10, Delaware Code, is amended to read:

**§ 4751. Time for entry; penalty for failure to satisfy; jurisdiction**

(a) Every person, to whom a sum is due by judgement, receiving satisfaction of the same shall forthwith cause such satisfaction to be entered upon the record of the judgement.

(b) Whoever being the holder of a judgement willfully fails to satisfy a judgement upon the record as required by this section, shall be guilty of a misdemeanor and fined not more than \$500 for each such failure.

(c) The Superior Court shall have jurisdiction over offenses under this section.

Section 2. § 4573, Title 10, Delaware Code, is amended to read:

**§ 4753. Persons making and signing entry**

Satisfaction shall be entered by the legal holder of the judgement of such satisfaction upon the record of the judgement. Such entry shall be signed by the holder of such judgement or his or its attorney of record, or his or its attorney duly constituted, or, when a corporation is the holder, by any officer or the cashier or assistant cashier of the corporation or the attorney thereof duly constituted and attested by the Prothonotary.

Section 3. § 4754, Title 10, Delaware Code, is amended to read:

**§ 4754. Penalty for failure to enter within time limit**

Any person committing a default under section 4751 of this title, his executors or administrators, in addition to the other penalties provided for, shall be liable to the defendant in the judgement, or the executors or administrators of such defendant, in damages, to be recovered in a civil action. The damages shall not be less than \$10 nor more than \$500 except when special damages to a larger amount are alleged in the complaint and proved.

Section 4. § 2111, Title 25, Delaware Code, is amended to read:

**§ 2111. Satisfaction of mortgages**

(a) Whenever the debt or duty secured by a mortgage or conveyance in the nature of a mortgage is satisfied or performed, the legal holder of such mortgage or conveyance at the time of the satisfaction or performance completed, shall, forthwith after satisfaction or performance completed, cause an entry of such satisfaction or performance to be made upon the record of such mortgage or conveyance. Such entry shall be signed by the holder of such mortgage or conveyance, or his attorney duly constituted; or, when a corporation is the holder, by any officer or the cashier or assistant cashier, or the attorney of the corporation duly constituted, and attested by the Recorder. The fee for entering such satisfaction or performance upon the record of such mortgage or conveyance shall be paid by the debtor or obligor unless the mortgage or conveyance provides otherwise.

(b) Whoever being the holder of a mortgage willfully fails to satisfy a mortgage upon the record as required by this section, shall be guilty of a misdemeanor and fined not more than \$500 for each such failure.

(c) The Superior Court shall have jurisdiction over offenses under this section.

Section 5. § 2114, Title 25, Delaware Code, is amended by inserting the words, "in addition to the other penalties pro-

vided for", following the words "such corporation" and before the words "shall be liable" as they appear in said section.

Section 6. § 2115(a), Title 25, Delaware Code, is amended by striking out the words "within 60 days" as they appear in line 6 of said section and inserting in lieu thereof the words "forthwith".

Section 7. Any satisfaction of a judgement or mortgage entered or made by an officer of a corporation prior to the effective date of this act shall be effective notwithstanding that such officer was not empowered to enter or make a satisfaction of a judgement or mortgage by prior law.

Approved May 26, 1966.

## CHAPTER 342

**AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO THE GROUNDS FOR REFUSAL OF LICENSE.**

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

Section 1. Section 543 (f), Chapter 5, Title 4, Delaware Code, is amended by striking therein the words "within a radius of 1200 feet in any incorporated city or town or within a radius of one mile in any unincorporated or rural area; provided, however," and inserting in lieu thereof the words "within 1200 feet by accessible public road or street in any incorporated city or town or within one mile by accessible public road or street in any unincorporated or rural area; provided, however, that if there is an existing licensed establishment less than one mile but more than nine-tenths of one mile by accessible public road or street in any unincorporated or rural area, the Commission may, in its discretion, grant such license; and provided further, however,".

Section 2. Section 543 (f), Chapter 5, Title 4, Delaware Code, is amended by adding therein a new subsection (3) to read as follows:

(3) To any holder of an existing license in any unincorporated or rural area who desires to move the location of his license to a location within 300 feet thereof by accessible public road or street.

Approved May 26, 1966.



## CHAPTER 343

**AN ACT MAKING AN APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF CONTROLLING AND PREVENTING BEACH EROSION AT BROADKILL BEACH.**

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

Section 1. The sum of \$13,000 is hereby appropriated to the State Highway Department for the purpose of controlling and preventing further beach erosion at Broadkill Beach. These funds shall be expended only in a manner which is compatible and in compliance with a study being made by the U. S. Army Corps of Engineers concerning the erosion of the Delaware Bay and Atlantic Ocean coast lines. Each property owner of land in Broadkill Beach, Delaware shall be given equal and unbiased consideration in the expenditure of these funds.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1967, 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 May 26, 1966.

## CHAPTER 344

**AN ACT TO AMEND § 704, CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO PROHIBITED HUNTING AND TRAPPING DEVICES AND METHODS.**

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

Section 1. § 704, Chapter 7, Title 7, Delaware Code, is amended by inserting the following new subsection (e) (2) and designating the present subsection (e) (2) as (e) (3):

(2) No person shall throw or cast the rays of a spotlight, headlight or other artificial light or other illuminating device upon any field, woodland or other area for the purpose of spotlighting within 100 feet of a public roads.

Approved May 26, 1966.

## CHAPTER 345

**AN ACT APPROPRIATING MONIES TO THE LOUIS L. REDDING COMPREHENSIVE SCHOOL TO PAY EXPENSES ILLEGALLY INCURRED IN PRIOR FISCAL YEARS.**

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

Section 1. There is hereby appropriated to the Louis L. Redding Comprehensive School the sum of \$2,344.36 to pay expenses illegally incurred prior to July 1, 1965, as follows:

Ginn and Company .....	\$ 173.00
Houghton Mifflin and Company .....	69.20
McGraw Hill .....	289.32
Welch Scientific Company .....	102.38
Callaway Oil Company .....	462.09
Huber and Company .....	875.27
H. A. Burris, Inc. ....	100.00
J. L. Hammett Company .....	273.10
	<hr/>
	\$2,344.36

Section 2. None of the sums appropriated in Section 1 of this Act shall be paid until the Budget Director has verified the accuracy of the claim and certified thereto.

Section 3. This Act is a supplementary appropriation and the sums appropriated shall be paid by the State Treasurer from the General Fund. Any sums not disbursed by January 1, 1967 shall revert to the General Fund.

Approved May 26, 1966.

## CHAPTER 346

**AN ACT TO AMEND TITLE 5, DELAWARE CODE, BY ADDING A CHAPTER 31 THERETO, RELATING TO SECONDARY MORTGAGE LOANS.**

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

Section 1. Title 5, Delaware Code, is amended by adding thereto a new Chapter 31 to read as follows:

**CHAPTER 31. SECONDARY MORTGAGE LOANS****§ 3101. Definitions**

1. In this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Secondary mortgage loan" means (1) a loan not to be repaid in 90 days or less which is secured in whole or in part by a mortgage upon any interest in real property used as a dwelling with accommodations for not more than 4 families, which property is subject to the lien of one or more prior mortgages or (2) the purchase of any interest in an existing mortgage made to secure such a loan.

(b) "Person" means an individual, corporation, partnership or any other group of individuals however organized, but does not include any banking institution, savings bank, Federal savings and loan association, insurance company or any other financial institution which is subject to any other law of this State or of the United States regulating the power of such institution to engage in mortgage loan transactions.

(c) "Licensee" means any person duly licensed by the commissioner pursuant to this act.

(d) "Commissioner" means the State Bank Commissioner.

(e) "Payment period" means the period of time scheduled by the terms of a secondary mortgage loan to elapse between the days upon which installment payments are required to be made on such loan.

(f) "Net proceeds" means the difference between the full amount of a secondary mortgage loan and the amount of interest taken in advance upon such loan pursuant to this act.

### **§ 3102. License to make secondary mortgage loan**

2. No person shall make or negotiate, or offer to make or negotiate, any secondary mortgage loan in the regular course of business unless he or his broker, agent or other representative shall have first obtained a license from the commissioner as provided for by this act. A person shall not be deemed to be acting in the regular course of business if he makes or negotiates not more than 2 secondary mortgage loans in a calendar year.

### **§ 3103. Qualifications of licensee**

3. Every applicant for a license under this act shall have been a bona fide resident of this State for a period of at least 2 years prior to the date of filing the application for such license. In the case of a corporate applicant, the holder or holders of at least 50% of the stock of such corporation shall have resided in this State for a period of at least 2 years prior to the date of filing the application.

### **§ 3104. Application for license**

4. (a) Application for a license under this act shall be in writing, under oath, and shall be in the form prescribed by the commissioner .

(b) The application shall state the name and residence and business addresses of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer, director and stockholder thereof. It shall also state the address where the business is to be

conducted and any other information the commissioner may require.

#### **§ 3105. Issuance or refusal of license**

5. Within 60 days after the filing of the application and the payment of the fees hereinafter set forth the commissioner shall either:

(a) Issue and deliver to the applicant a license to engage in the business of making or negotiating secondary mortgage loans in accordance with the provisions of this act at the location specified in the said application; or

(b) Refuse to issue the license for any reason for which the commissioner may suspend, revoke or refuse to renew any license under section II of this act.

#### **§ 3106. Procedure on refusal of license**

6. If the commissioner refuses to issue a license he shall:

(a) Notify the applicant of the denial and of his right to request a hearing within 10 days.

(b) If the applicant does not request a hearing, return the sum paid as a license fee.

(c) If the applicant requests such a hearing, give notice of the grounds for refusal and hold a hearing thereon. Within 30 days thereafter the commissioner shall file a written decision containing his findings and conclusions and serve a copy thereof upon the applicant.

#### **§ 3107. License; contents**

7. (a) Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case such location be changed, the commissioner shall indorse the change of location on the license without charge.

(b) Such license shall not be transferable or assignable.

(c) No license shall transact the business provided for by this act under any other name or maintain an office at any other location than that designated in the license.

**§ 3108. License fee**

8. Every licensee shall pay to the commissioner at the time of making the application and annually thereafter upon renewal a license fee of \$25.00.

**§ 3109. Licensee bond**

9. Every licensee shall file with the commissioner a corporate surety bond in the principal sum of \$5,000.00. Such bond shall be in form satisfactory to the commissioner and shall be issued by a surety company authorized to transact business in this State. The bond shall run to the State and shall be conditioned that the licensee will comply with the provisions of this act. The aggregate liability of the surety on the bond shall in no event exceed the amount of such bond.

**§ 3110. Abatement of license fee**

10. No abatement in the amount of said license fee shall be made if the license is issued for less than 1 year, nor if the license is surrendered, canceled or revoked prior to the expiration of the period for which such license was issued. Every license shall expire on December 31 of each year.

**§ 3111. Suspension; revocation; refusal of license; procedure; grounds**

11. The commissioner may suspend, revoke or refuse to renew any license issued hereunder, upon 10 days' notice in writing, forwarded by registered or certified mail to the principal place of business of such licensee, stating the contemplated action and in general the grounds therefor, and after reasonable opportunity to be heard, if he shall find that the licensee or any owner, director, officer, member, partner, stockholder, employee or agent of such licensee has:

(a) made any material misstatement in the application;

(b) committed any fraud, engaged in any dishonest activities, or misrepresented or failed to disclose any of the material particulars of any secondary mortgage loan transaction to any one entitled to such information;

(c) violated any of the provisions of this act or of any rule or regulation promulgated pursuant thereto;

(d) otherwise demonstrated unworthiness, bad faith, dishonesty or any other quality indicating that the business of the licensee has not been or will not be conducted honestly, fairly, equitably and efficiently within the purposes and intent of this act.

#### **§ 3112. Surrender of license**

12. Any licensee may surrender his license by delivering the license to the commissioner with written notice that he thereby surrenders the license, but such surrender shall not affect the licensee's civil or criminal liability for acts committed prior to the surrender.

#### **§ 3113. Term of license**

13. Every license issued hereunder shall remain in force and effect until the same shall have expired or been surrendered, revoked or suspended in accordance with the provisions of this act, but the commissioner may re-instate suspended licenses or issue new licenses to a licensee whose license or licenses have been revoked, if the conditions under which such licenses were revoked have been corrected and the commissioner is satisfied as the result of an investigation that such conditions are not likely to recur.

#### **§ 3114. Investigation by Commissioner of violations**

14. The commissioner, if he has reasonable cause to believe that any licensee, or any other person, has violated any of the provisions of this act or of any rules or regulations promulgated pursuant thereto, shall have the power to make such investigations as it shall deem necessary, and may ex-



amine the books, accounts, records and files of such licensee or any other such person believed to have violated this act or any rules or regulations promulgated pursuant thereto.

**§ 3115. Commissioner; power to issue subpoena**

15. The commissioner shall have power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision. The commissioner shall have the power to administer oaths and affirmations to any person whose testimony is required.

**§ 3116. Enforcement of Commissioner's subpoena in Superior Court**

16. In case of a failure of any person to comply with any subpoena issued by the commissioner or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court, on application of the commissioner, may issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the court's order may be punished by the court as for contempt.

**§ 3117. Maintenance of books and records by licensee**

17. Every licensee shall maintain at its place or places of business in this State such books, accounts and records relating to all transactions within this act as will enable the commissioner to enforce full compliance with the provisions of this act.

**§ 3118. Period of retention of records by licensee**

18. All books, accounts and records of the licensee shall be preserved and kept available as provided herein for such period of time as the commissioner may by regulation require.

**§ 3119. Prescription of information to be shown in licensee books**

19. The commissioner is hereby authorized to prescribe the minimum information to be shown in such books, accounts

and records of the licensee so that such records will enable the commissioner to determine compliance with the provisions of this act.

**§ 3120. Prohibition of secondary mortgage not made or offered in accordance with this act**

20. No licensee shall make or offer to make any secondary mortgage loan except on the terms and conditions authorized by this act.

**§ 3121. Formula to determine maximum loan**

21. A licensee may make a secondary mortgage loan in such an amount that the net proceeds thereof shall equal a predetermined sum, and may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment. The full amount of such loan shall not exceed the aggregate of the net proceeds and the amount of interest which may be taken in advance, as determined by the application of the formula,

$$I = \frac{.14 A (P+1)}{2N}$$

in which "I" represents the amount of interest which may be taken in advance; "A" represents the amount of the predetermined net proceeds; "P" represents the number of payment periods contained in the period from the date of the making of the loan to and including the date of maturity of the final installment; and "N" represents, to the nearest whole number, the number of payment periods contained in a calendar year.

**§ 3122. Maximum service charges**

22. The commissioner shall prepare and distribute to each licensee an itemized schedule of the maximum amounts which may be charged to an applicant for a secondary mortgage loan for costs, fees, services, points, premiums, collection charges,

late charges and all other reasonable expenses which may be incurred by such applicant in connection with a secondary mortgage loan. The maximum amounts permitted by said schedule may vary with the amount of the secondary mortgage loan and shall bear a reasonable relationship to such loan, the services required and the complexity of the transaction. No licensee or any other person shall demand, collect or receive from any applicant for a secondary mortgage loan, directly or indirectly, any other charges, or any greater amounts for any authorized charges, than those permitted by said schedule. Every licensee shall furnish to every applicant for a secondary mortgage loan a copy of said schedule at the time when such application is made.

**§ 3123. Instrument evidencing loan; contents**

23. No instrument evidencing or securing a secondary mortgage loan shall contain:

(a) Any acceleration clause under which any part or all of the unpaid balance of the obligation not yet matured may be declared due and payable because the holder deems himself to be insecure;

(b) any power of attorney to confess judgment or any other power of attorney;

(c) any provisions whereby the debtor waives any rights accruing to him under the provisions of this act or of any other law;

(d) any requirements that more than one installment be payable in any one installment period, or that the amount of any installment be greater or less than that of any other installment, except for the final installment which may be in a lesser amount;

(e) any assignment of or order for the payment of any salary, wages, commissions, or other compensation for services, or any part thereof, earned or to be earned.

**§ 3124. Statement of account; supplied to borrower**

24. Upon written request from the borrower, the holder of a secondary mortgage loan instrument shall deliver to the borrower within 10 days from receipt of the written request a statement of the borrower's account showing the date and amount of all payments made or credited to the account and the total unpaid balance. Not more than 2 such statements shall be required in any 12-month period.

**§ 3125. Satisfaction of debt; refund of interest taken in advance**

25. Any borrower may satisfy in full at any time before maturity the amount of any balance to become due on any secondary mortgage obligation, and in so satisfying any such debt shall receive a refund credit on account of the interest taken in advance.

**§ 3126. Requirement that prior mortgage holders refuse to make loan**

26. No license shall make or negotiate any secondary mortgage loan unless it shall appear, from satisfactory evidence furnished by the applicant, that the holder of every existing mortgage upon the property offered as security for the secondary mortgage loan, other than the licensee, has declined to make a loan in the desired amount on the security of another mortgage upon such property.

**§ 3127. False or misleading advertising prohibited**

27. It shall be unlawful for any person to cause to be placed before the public in this State, directly or indirectly, any false or misleading advertising matter pertaining to secondary mortgage loans or the availability thereof; provided, however, that this section shall not apply to the owner, publisher, operator or employees of any publication or radio or television station which disseminates such advertising matter without knowledge of the false or misleading character thereof.

**§ 3128. Penalties for violation of chapter**

28. Any person who shall knowingly violate any provision of this act or shall directly or indirectly counsel, aid or abet such violation shall be liable, in addition to all other penalties and forfeitures imposed by this act or by any other law, to a penalty of not more than \$1,000.00 for each offense. The Superior Court shall have exclusive jurisdiction over offenses under this Chapter.

**§ 3129. Enforce ability of loan not made in compliance with this act**

29. No obligation arising out of a secondary mortgage loan shall be enforceable in the courts of this State unless such loan was negotiated and made in full compliance with the provisions of this act.

**§ 3130. Rules and regulations; power of commissioner to make**

30. The commissioner is hereby authorized and empowered to make, alter, amend and repeal such rules and regulations as shall be necessary to the establishment and maintenance of a standard of fair, equitable and honest conduct in the transaction of secondary mortgage loans.

**§ 3131. Exclusion of certain institutions from the operation of the act**

31. Nothing contained in this act shall be deemed to have any effect whatever upon the existing powers of any banking institution, savings bank, Federal savings and loan association, or insurance company or other financial institution which is subject to any other law of this State or of the United States regulating the power of such institution to engage in mortgage loan transactions, or upon the conditions and limitations imposed by any such law upon the exercise of such powers.

Section 2. This act shall take effect on the ninetieth day next following the enactment thereof and shall be applicable to all secondary mortgage loans which have been entered into or more on or after said date.

Approved May 27, 1966.

## CHAPTER 347

**AN ACT RELATING TO ATLANTIC SAILFISH, BLUE MARLIN, WHITE MARLIN AND STRIPED MARLIN.**

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

Section 1. Title 7, Delaware Code, is amended by adding thereto a new chapter to read:

**CHAPTER 12. POSSESSION OF CERTAIN MARINE LIFE****§ 1201. Illegal possession of Atlantic Sailfish, Blue Marlin White Marlin and Striped Marlin; penalties**

(a) No person shall sell, possess for sale, offer for sale, offer to purchase, purchase, deliver for shipment, ship, caused to be shipped, deliver for transportation, transport or cause to be transported, carry or cause to be carried by any means whatever for the purpose of sale, or barter, the carcass, processed byproduct or any portion thereof of any Atlantic Sailfish (*Istiophorus americanus*), Blue Marlin (*Makaira nigricans ampla*), White Marlin (*Makaira albida*) or Striped Marlin (*Makaira mitsukurii*).

(b) This section shall not apply to Atlantic Sailfish, Blue Marlin, White Marlin or Striped Marlin, whole, packed or processed in transportation in unbroken packages and coming from any other state or country, but such packages shall be clearly marked by stencil, tag, or otherwise, showing the true origin of the shipment and its destination beyond the limits of this State.

(c) Any person, who violates any provision of this section shall be fined not more than \$1,000 for each offense, or be imprisoned for not more than 30 days for each offense.

(d) The Superior Court shall have jurisdiction over offenses under this section.

Approved June 1, 1966.

## CHAPTER 348

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE PENSIONS BY INCREASING THE MAXIMUM BENEFITS PAYABLE THEREUNDER TO EMPLOYEES AND TO THEIR SURVIVING SPOUSES, AND BY ADDING THERETO A SYSTEM OF EMPLOYEE CONTRIBUTIONS UNDER CERTAIN CONDITIONS.**

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

Section 1. Chapter 55, Title 29, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER IV. CONTRIBUTORY PENSIONS**

**§ 5551. Pension benefits exceeding \$250 a month**

The maximum monthly payments as provided by section 5523 of this title shall be \$500 per month, instead of \$250 per month for any employee eligible for the additional payments pursuant to section 5552 of this title.

**§ 5552. Eligibility for pension payments exceeding \$250 per month**

(a) A covered employee shall be eligible to receive a monthly payment in excess of \$250 if his monthly retiring base salary exceeds \$500 and if:

(1) the covered employee retires prior to July 2, 1971 and makes a payment into the State Employees' Retirement Fund at, or prior to his application for a pension, which payment shall be equal to 10% of his monthly retiring base salary times the number of months between the date of his retirement and July 1, 1971; or

(2) the covered employee retires after July 1, 1971.

(b) No payment as provided in (a) (1) herein shall be required for any portion of a monthly retiring base salary in

excess of \$1,000. The payments provided for in (a) (1) herein are in addition to the payments required by section 5562 of this chapter.

(c) No covered employee who retires after July 1, 1971 shall be eligible for the additional pensions provided for by this subchapter unless the covered employee has at the time of his retirement made payments into the State Employees' Retirement Fund equal to the payments required by section 5562 of this title.

### **§ 5553. Election of optional benefits**

Any covered employee who is in covered employment on or before June 30, 1966, may, at time of retirement, elect in writing to retire under the provisions of the law in existence prior to the effective date of this subchapter or the provisions of the law existing at the time of his retirement. If such covered employee elects to retire under the provisions of the law in existence prior to the effective date of this subchapter, any contributions he has paid into the State Employees' Retirement Fund shall be refunded to the employee.

Section 2. § 5523, Title 29, Delaware Code, is amended by adding thereto a new sentence to read:

This \$250 maximum monthly payment shall not be exceeded except as provided in § 5551 of this title.

Section 3. § 5530, Title 29, Delaware Code, is amended by adding thereto a new paragraph to read:

Time shall be credited under this section only if for each month to be so credited the covered employee shall have paid into the State Employees' Retirement Fund, at, or prior to date of application for pension, an amount equal to 5% of his monthly retiring base salary as defined in § 5501 of this title. No such payment, however, shall be required for any portion of a monthly retiring base salary in excess of \$1,000.

Section 4. Chapter 55, Title 29, Delaware Code, is amended by adding thereto a new subchapter to read:



## **SUBCHAPTER V. EMPLOYEE CONTRIBUTIONS**

### **§ 5561. State employees' retirement fund; trustees; membership; powers and duties**

(a) There shall be a State Employees' Retirement Fund hereafter referred to as "Fund".

(b) There shall be a Board of State Employees' Pension Trustees hereafter referred to as "Trustees", which shall establish and maintain the Fund.

(c) The Trustees shall consist of the Secretary of State, the Budget Director, and the President of the Farmers Bank of the State of Delaware.

(d) The Trustees shall have control and management of the State Employees' Retirement Fund provided for in this subchapter.

### **§ 5562. Employee; contributions to Fund; use**

(a) Every covered employee whose monthly base salary exceeds \$500 shall, each calendar year, beginning January 1, 1966, contribute to the State Employees' Retirement Fund, 5% of that portion of his annual salary which exceeds \$6,000 and does not exceed \$12,000 during such calendar year. Such contributions shall be deducted by the State Treasurer from the employee's salary and deposited in the Fund. In the event any state employee is employed by more than one state agency, he shall contribute to the Fund on the basis of total income from the State.

(b) The Trustees shall invest and accumulate the payments and contributions made to the Fund and shall pay from the Fund that portion of any covered employee's pension in excess of \$250 monthly, or that portion of the pension of a surviving spouse in excess of \$125 monthly. Such payment shall be in the form of a monthly reimbursement to the pension account of the State Treasurer for the total of all such additional pension payments made for such month to such retired or dis-

abled employees or their surviving spouses under the appropriate provisions of this chapter. If at any time there shall be insufficient money in the Fund for the purposes of this chapter, the State Treasurer shall transfer funds from the General Fund to make up any such deficiency.

(c) If any covered employee dies or otherwise leaves State service prior to qualifying for pension or survivorship rights under this chapter, the contributions he has paid into the State Employees' Retirement Fund shall be refunded to the employee or his estate. Where applicable, the surviving spouse shall have the option of making a payment into the State Employees' Retirement Fund.

Section 5. The provisions of this Act shall become effective on June 30, 1966.

Section 6. Nothing in this Act, nor in Chapter 55, Title 29, Delaware Code, shall be construed as giving any person retired under the provisions of Chapter 55, Title 29, Delaware Code, prior to June 30, 1966, any coverage under the provisions of this Act.

Approved June 1, 1966.

## CHAPTER 349

**AN ACT ESTABLISHING TITLE 5A, DELAWARE CODE,  
ENTITLED "UNIFORM COMMERCIAL CODE," ENACT-  
ING THE UNIFORM COMMERCIAL CODE AND RE-  
PEALING AND REVISING CERTAIN LAWS OF THIS  
STATE RELATING TO COMMERCE AND TRADE.**

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

Section 1. The Delaware Code is amended by enacting  
a new Title 5A, consisting of the Uniform Code, to read:

**TITLE 5A. UNIFORM COMMERCIAL CODE**

**ARTICLE 1. GENERAL PROVISIONS**

**PART 1**

**SHORT TITLE, CONSTRUCTION, APPLICATION AND  
SUBJECT MATTER OF THE ACT**

**Section 1-101. Short title**

This Act shall be known and may be cited as Uniform  
Commercial Code.

**Section 1-102. Purposes; rules of construction; variation by  
agreement**

(1) This Act shall be liberally construed and applied to  
promote its underlying purposes and policies.

(2) Underlying purposes and policies of this Act are:

(a) to simplify, clarify and modernize the law govern-  
ing commercial transactions;

(b) to permit the continued expansion of commercial  
practices through custom, usage and agreement of the parties;

(c) to make uniform the law among the various jurisdictions.

(3) The effect of provisions of this Act may be varied by agreement, except as otherwise provided in this Act and except that the obligations of good faith, diligence, reasonableness and care prescribed by this Act may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of this Act of the words "unless otherwise agreed" or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3).

(5) In this Act unless the context otherwise requires:

(a) words in the singular number include the plural, and in the plural include the singular;

(b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

#### **Section 1-103. Supplementary general principles of law applicable**

Unless displaced by the particular provisions of this Act, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

#### **Section 1-104. Construction against implicit repeal**

This Act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

**Section 1-105. Territorial application of the Act; parties' power to choose applicable law**

(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this Act applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this Act specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2-402.

Applicability of the Article on Bank Deposits and Collections. Section 4-102.

Bulk transfers subject to the Article on Bulk Transfers. Section 6-102.

Applicability of the Article on Investment Securities. Section 8-106.

Policy and scope of the Article on Secured Transactions. Sections 9-102 and 9-103.

**Section 1-106. Remedies to be liberally administered**

(1) The remedies provided by this Act shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this Act or by other rule of law.

(2) Any right or obligation declared by this Act is enforceable by action unless the provision declaring it specifies a different and limited effect.

**Section 1-107. Waiver or renunciation of claim or right after breach**

Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.

**Section 1-108. Severability**

If any provision or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**Section 1-109. Section captions**

Section captions are parts of this Act.

**PART 2****GENERAL DEFINITIONS AND PRINCIPLES  
OF INTERPRETATION****Section 1-201. General definitions**

Subject to additional definitions contained in the subsequent Articles of this Act which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Act:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other

circumstances including course of dealing or usage of trade or course of performance as provided in this Act (Sections 1-205 and 2-208). Whether an agreement has legal consequences is determined by the provisions of this Act, if applicable; otherwise by the law of contracts (Section 1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document, title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom

it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this Act and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this



Act to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

(a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists. A persons "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to

reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Act.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes 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.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Act.

(30) "Person" includes an individual or an organization (See Section 1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its non-existence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (Section 2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no

additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3-303, 4-208 and 4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a pre-existing claim; or

(c) accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, type-writing or any other intentional reduction to tangible form.

### **Section 1-202. Prima facie evidence by third party documents**

A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

### **Section 1-203. Obligation of good faith**

Every contract or duty within this Act imposes an obligation of good faith in its performance or enforcement.

### **Section 1-204. Time; reasonable time; "seasonably"**

(1) Whenever this Act requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

(2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.

(3) An action is taken "seasonably" when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.

### **Section 1-205. Course of dealing and usage of trade**

(1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly

to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.

(3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.

(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.

(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.

(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.

**Section 1-206. Statute of frauds for kinds of personal property not otherwise covered**

(1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made be-

tween the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.

(2) Subsection (1) of this section does not apply to contracts for the sale of goods (Section 2-201) nor of securities (Section 8-319) nor to security agreements (Section 9-203).

#### **Section 1-207. Performance or acceptance under reservation of rights**

A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest" or the like are sufficient.

#### **Section 1-208. Option to accelerate at will**

A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or "when he deems himself insecure" or in words of similar import shall be construed to mean that he shall have power to do so only if he in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.

### **ARTICLE 2. SALES**

#### **PART 1**

#### **SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER**

##### **Section 2-101. Short title**

This Article shall be known and may be cited as Uniform Commercial Code—Sales.

##### **Section 2-102. Scope; certain security and other transactions excluded from this article**

Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction

which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

### **Section 2-103. Definitions and index of definitions**

(1) In this Article unless the context otherwise requires

(a) "Buyers" means a person who buys or contracts to buy goods.

(b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(c) "Receipt" of goods means taking physical possession of them.

(d) "Seller" means a person who sells or contracts to sell goods.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Acceptance". Section 2-606.

"Banker's credit". Section 2-325.

"Between merchants". Section 2-104.

"Cancellation". Section 2-106(4).

"Commercial unit". Section 2-105.

"Confirmed credit". Section 2-325.

"Conforming to contract". Section 2-106.

"Contract for sale". Section 2-106.

"Cover". Section 2-712.

"Entrusting". Section 2-403.

"Financing agency". Section 2-104.

"Future goods". Section 2-105.

"Goods". Section 2-105.

"Identification". Section 2-501.

"Installment contract". Section 2-612.



- "Letter of Credit". Section 2-325.
- "Lot". Section 2-105.
- "Merchant". Section 2-104.
- "Overseas". Section 2-323.
- "Person in position of seller". Section 2-707.
- "Present sale". Section 2-106.
- "Sale". Section 2-106.
- "Sale on approval". Section 2-326.
- "Sale or return". Section 2-326.
- "Termination". Section 2-106.

(3) The following definitions in other Articles apply to this Article:

- "Check". Section 3-104.
- "Consignee". Section 7-102.
- "Consignor". Section 7-102.
- "Consumer goods". Section 9-109.
- "Dishonor". Section 3-507.
- "Draft". Section 3-104.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Section 2-104. Definitions: "merchant"; "between merchants"; "financing agency"**

(1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

(2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's

draft or making advances against it or by merely taking it for collection whether or not documents of title accompany the draft. "Financing agency" includes also a bank or other persons who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (Section 2-707).

(3) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

**Section 2-105. Definitions: transferability; "goods"; "future goods"; "lot"; "commercial unit"**

(1) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Article 8) and things in action. "Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (Section 2-107).

(2) Goods must be both existing and identified before any interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified goods.

(4) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article (as a machine) or a set of articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or car-load) or any other unit treated in use or in the relevant market as a single whole.

**Section 2-106. Definitions: "contract"; "agreement"; "contract for sale"; "sale"; "present sale"; "conforming" to contract; "termination"; "cancellation"**

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (Section 2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

**Section 2-107. Goods to be severed from realty; recording**

(1) A contract for the sale of timber, minerals or the like or a structure or its materials to be removed from realty

is a contract for the sale of goods within this Article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) is a contract for the sale of goods within this Article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

## PART 2

### FORM, FORMATION AND READJUSTMENT OF CONTRACT

#### Section 2-201. Formal requirements; statute of frauds

(1) Except as otherwise provided in this section a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.

(2) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against

the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within ten days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable

(a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) if the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) with respect to goods for which payment has been made and accepted or which have been received and accepted (Section 2-606).

#### **Section 2-202. Final written expression: parol or extrinsic evidence**

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented

(a) by course of dealing or usage of trade (Section 1-205) or by course of performance (Section 2-208); and

(b) by evidence of consistent additional terms unless the

court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

### **Section 2-203. Seals inoperative**

The affixing of a seal to a writing evidencing a contract for sale or an offer to buy or sell goods does not constitute the writing a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

### **Section 2-204. Formation in general**

(1) A contract for sale of goods may be made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract.

(2) An agreement sufficient to constitute a contract for sale may be found even though the moment of its making is undetermined.

(3) Even though one or more terms are left open a contract for sale does not fail for indefiniteness if the parties have intended to make a contract and there is a reasonably certain basis for giving an appropriate remedy.

### **Section 2-205. Firm offers**

An offer by a merchant to buy or sell goods in a signed writing which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

### **Section 2-206. Offer and acceptance in formation of contract**

(1) Unless otherwise unambiguously indicated by the language or circumstances

(a) an offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances;

(b) an order or other offer to buy goods for prompt or current shipment shall be construed as inviting acceptance either by a prompt promise to ship or by the prompt or current shipment of conforming or non-conforming goods, but such a shipment of non-conforming goods does not constitute an acceptance if the seller seasonably notifies the buyer that the shipment is offered only as an accommodation to the buyer.

(2) Where the beginning of a requested performance is a reasonable mode of acceptance on offeror who is not notified of acceptance within a reasonable time may treat the offer as having lapsed before acceptance.

#### **Section 2-207. Additional terms in acceptance or confirmation**

(1) A definite and seasonable expression of acceptance or a written confirmation which is sent within a reasonable time operates as an acceptance even though it states terms additional to or different from those offered or agreed upon, unless acceptance is expressly made conditional on assent to the additional or different terms.

(2) The additional terms are to be construed as proposals for addition to the contract. Between merchants such terms become part of the contract unless:

(a) the offer expressly limits acceptance to the terms of the offer;

(b) they materially alter it; or

(c) notification of objection to them has already been given or is given within a reasonable time after notice of them is received.

(3) Conduct by both parties which recognizes the existence of a contract is sufficient to establish a contract for sale although the writings of the parties do not otherwise establish a contract. In such case the terms of the particular contract consist of those terms on which the writings of the parties

agree, together with any supplementary terms incorporated under any other provisions of this Act.

### **Section 2-208. Course of performance or practical construction**

(1) Where the contract for sale involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acquiesced in without objection shall be relevant to determine the meaning of the agreement.

(2) The express terms of the agreement and any such course of performance, as well as any course of dealing and usage of trade, shall be construed whenever reasonable as consistent with each other; but when such construction is unreasonable, express terms shall control course of performance and course of performance shall control both course of dealing and usage of trade (Section 1-205).

(3) Subject to the provisions of the next section on modification and waiver, such course of performance shall be relevant to show a waiver or modification of any term inconsistent with such course of performance.

### **Section 2-209. Modification, rescission and waiver**

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (Section 2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission



does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

### **Section 2-210. Delegation of performance; assignment of rights**

(1) A party may perform his duty through a delegate unless otherwise agreed or unless the other party has a substantial interest in having his original promisor perform or control the acts required by the contract. No delegation of performance relieves the party delegating of any duty to perform or any liability for breach.

(2) Unless otherwise agreed all rights of either seller or buyer can be assigned except where the assignment would materially change the duty of the other party, or increase materially the burden or risk imposed on him by his contract, or impair materially his chance of obtaining return performance. A right to damages for breach of the whole contract or a right arising out of the assignor's due performance of his entire obligation can be assigned despite agreement otherwise.

(3) Unless the circumstances indicate the contrary a prohibition of assignment of "the contract" is to be construed as barring only the delegation to the assignee of the assignor's performance.

(4) An assignment of "the contract" or of "all my rights under the contract" or an assignment in similar general terms is an assignment of rights and unless the language or the circumstances (as in an assignment for security) indicate the contrary, it is a delegation of performance of the duties of the assignor and its acceptance by the assignee constitutes a promise by him to perform those duties. This promise is enforceable by either the assignor or the other party to the original contract.

(5) The other party may treat any assignment which delegates performance as creating reasonable grounds for insecurity and may without prejudice to his rights against the assignor demand assurances from the assignee (Section 2-609).

### **PART 3**

## **GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT**

### **Section 2-301. General obligations of parties**

The obligation of the seller is to transfer and deliver and that of the buyer is to accept and pay in accordance with the contract.

### **Section 2-302. Unconscionable contract or clause**

(1) If the court as a matter of law finds the contract or any clause of the contract to have been unconscionable at the time it was made the court may refuse to enforce the contract, or it may enforce the remainder of the contract without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(2) When it is claimed or appears to the court that the contract or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its commercial setting, purpose and effect to aid the court in making the determination.

### **Section 2-303. Allocation or division of risks**

Where this Article allocates a risk or a burden as between the parties "unless otherwise agreed", the agreement may not only shift the allocation but may also divide the risk or burden.

### **Section 2-304. Price payable in money, goods, realty, or otherwise**

(1) The price can be made payable in money or other-

wise. If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.

(2) Even though all or part of the price is payable in an interest in realty the transfer of the goods and the seller's obligations with reference to them are subject to this Article, but not the transfer of the interest in realty or the transferor's obligations in connections therewith.

#### **Section 2-305. Open price term**

(1) The parties if they so intend can conclude a contract for sale even though the price is not settled. In such a case the price is a reasonable price at the time for delivery if

(a) nothing is said as to price; or

(b) the price is left to be agreed by the parties and they fail to agree; or

(c) the price to be fixed in terms of some agreed market or other standard at set or recorded by a third person or agency and it is not so set or recorded.

(2) A price to be fixed by the seller or by the buyer means a price for him to fix in good faith.

(3) When a price left to be fixed otherwise than by agreement of the parties fails to be fixed through fault of one party the other may at his option treat the contract as cancelled or himself fix a reasonable price.

(4) Where, however, the parties intend not to be bound unless the price be fixed or agreed and it is not fixed or agreed there is no contract. In such a case the buyer must return any goods already received or if unable so to do must pay their reasonable value at the time of delivery and the seller must return any portion of the price paid on account.

#### **Section 2-306. Output, requirements and exclusive dealings**

(1) A term which measures the quantity by the output of the seller or the requirements of the buyer means such actual

output or requirements as may occur in good faith, except that no quantity unreasonably disproportionate to any stated estimate or in the absence of a stated estimate to any normal or otherwise comparable prior output or requirements may be tendered or demanded.

(2) A lawful agreement by either the seller or the buyer for exclusive dealing in the kind of goods concerned imposes unless otherwise agreed an obligation by the seller to use best efforts to supply the goods and by the buyer to use best efforts to promote their sale.

**Section 2-307. Delivery in single lot or several lots**

Unless otherwise agreed all goods called for by a contract for sale must be tendered in a single delivery and payment is due only on such tender but where the circumstances give either party the right to make or demand delivery in lots the price if it can be apportioned may be demanded for each lot.

**Section 2-308. Absence of specified place for delivery**

Unless otherwise agreed

(a) the place for delivery of goods is the seller's place of business or if he has none his residence; but

(b) in a contract for sale of identified goods which to the knowledge of the parties at the time of contracting are in some other place, that place is the place for their delivery; and

(c) documents of title may be delivered through customary banking channels.

**Section 2-309. Absence of specific time provisions; notice of termination**

(1) The time for shipment or delivery or any other action under a contract if not provided in this Article or agreed upon shall be a reasonable time.

(2) Where the contract provides for successive performances but is indefinite in duration it is valid for a reasonable time but unless otherwise agreed may be terminated at any time by either party.

(3) Termination of a contract by one party except on the happening of an agreed event requires that reasonable notification be received by the other party and an agreement dispensing with notification is invalid if its operation would be unconscionable.

**Section 2-310. Open time for payment or running of credit; authority to ship under reservation**

Unless otherwise agreed

(a) payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and

(b) if he seller is authorized to send the goods he may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is due unless such inspection is inconsistent with the terms of the contract (Section 2-513); and

(c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) then payment is due at the time and place at which the buyer is to receive the documents regardless of where the goods are to be received; and

(d) where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but post-dating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

**Section 2-311. Options and cooperation respecting performance**

(1) An agreement for sale which is otherwise sufficiently definite (subsection (3) of Section 2-204) to be a contract is

not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

(2) Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in subsections (1) (c) and (3) of Section 2-319 specifications or arrangements relating to shipment are at the seller's option.

(3) Where such specification would materially affect the other party's performance but is not seasonably made or where one party's cooperation is necessary to the agreed performance of the other but is not seasonably forthcoming, the other party in addition to all other remedies

(a) is excused for any resulting delay in his own performance; and

(b) may also either proceed to perform in any reasonable manner or after the time for a material part of his own performance treat the failure to specify or to cooperate as a breach by failure to deliver or accept the goods.

**Section 2-312. Warranty of title and against infringement;  
buyer's obligation against infringement**

(1) Subject to subsection (2) there is in a contract for sale a warranty by the seller that

(a) the title conveyed shall be good, and its transfer rightful; and

(b) the goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.

(2) A warranty under subsection (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not

claim title in himself or that he is purporting to sell only such right or title as he or a third person may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

**Section 2-313. Express warranties by affirmation, promise, description, sample**

(1) Express warranties by the seller are created as follows:

(a) Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise.

(b) Any description of the goods which is made part of the basis of the bargain creates an express warranty that the goods shall conform to the description.

(c) Any sample or model which is made part of the basis of the bargain creates an express warranty that the whole of the goods shall conform to the sample or model.

(2) It is not necessary to the creation of an express warranty that the seller use formal words such as "warranty" or "guarantee" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the goods or a statement purporting to be merely the seller's opinion or commendation of the goods does not create a warranty.

**Section 2-314. Implied warranty; merchantability; usage of trade**

(1) Unless excluded or modified (Section 2-316), a warranty that the goods shall be merchantable is implied in a con-

tract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.

(2) Goods to be merchantable must be at least such as

(a) pass without objection in the trade under the contract description; and

(b) in the case of fungible goods, are of fair average quality within the description; and

(c) are fit for the ordinary purposes for which such goods are used; and

(d) run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and

(e) are adequately contained, packaged, and labeled as the agreement may require; and

(f) conform to the promises or affirmations of fact made on the container or label if any.

(3) Unless excluded or modified (Section 2-316) other implied warranties may arise from course of dealing or usage of trade.

#### **Section 2-315. Implied warranty; fitness for particular purpose**

Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose.

#### **Section 2-316. Exclusion or modification of warranties**

(1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or lim-



it warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of this Article on parol or extrinsic evidence (Section 2-202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that "There are no warranties which extend beyond the description on the face hereof."

(3) Notwithstanding subsection (2)

(a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (Sections 2-718 and 2-719).

#### **Section 2-317. Cumulation and conflict of warranties express or implied**

Warranties whether express or implied shall be construed as consistent with each other and as cumulative, but if such con-

struction is unreasonable the intention of the parties shall determine which warranty is dominant. In ascertaining that intention the following rules apply:

(a) Exact or technical specifications displace an inconsistent sample or model or general language of description.

(b) A sample from an existing bulk displaces inconsistent general language of description.

(c) Express warranties displace inconsistent implied warranties other than an implied warranty of fitness for a particular purpose.

**Section 2-318. Third party beneficiaries of warranties express or implied**

A sellers warranty whether express or implied extends to any natural person who may reasonably be expected to use, consume or be affected by the goods and who is injured by breach of the warranty. A seller may not exclude or limit the operation of this Section.

**Section 2-319. F.O.B. and F.A.S. terms**

(1) Unless otherwise agreed the term F.O.B. (which means "free on board") at a named place, even though used only in connection with the stated price, is a delivery term under which

(a) when the term is F.O.B. the place of shipment, the seller must at that place ship the goods in the manner provided in this Article (Section 2-504) and bear the expense and risk of putting them into the possession of the carrier; or

(b) when the term is F.O.B. the place of destination, the seller must at his own expense and risk transport the goods to that place and there tender delivery of them in the manner provided in this Article (Section 2-503);

(c) when under either (a) or (b) the term is also F.O.B. vessel, car or other vehicle, the seller must in addition at his

own expense and risk load the goods on board. If the term is F.O.B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this Article on the form of bill of lading (Section 2-323).

(2) Unless otherwise agreed the term F.A.S. vessel (which means "free alongside") at a named port, even though used only in connection with the stated price, is a delivery term under which the seller must

(a) at his own expense and risk deliver the goods alongside the vessel in the manner usual in that port or on a dock designated and provided by the buyer; and

(b) obtain and tender a receipt for the goods in exchange for which the carrier is under a duty to issue a bill of lading.

(3) Unless otherwise agreed in any case falling within subsection (1) (a) or (c) or subsection (2) the buyer must seasonably give any needed instructions for making delivery, including when the term is F.A.S. or F.O.B. the loading berth of the vessel and in an appropriate case its name and sailing date. The seller may treat the failure of needed instructions as a failure of cooperation under this Article (Section 2-311). He may also at his option move the goods in any reasonable manner preparatory to delivery or shipment.

(4) Under the term F.O.B. vessel or F.A.S. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

#### Section 2-320. C.I.F. and C. & F. terms

(1) The term C.I.F. means that the price includes in a lump sum the cost of the goods and the insurance and freight to the named destination. The term C. & F. or C.F. means that the price so includes cost and freight to the named destination.

(2) Unless otherwise agreed and even though used only in connection with the stated price and destination, the term C.I.F. destination or its equivalent requires the seller at his own expense and risk to

(a) put the goods into the possession of a carrier at the port for shipment and obtain a negotiable bill or bills of lading covering the entire transportation to the named destination; and

(b) load the goods and obtain a receipt from the carrier (which may be contained in the bill of lading) showing that the freight has been paid or provided for; and

(c) obtain a policy or certificate of insurance, including any war risk insurance, of a kind and on terms then current at the port of shipment in the usual amount, in the currency of the contract, shown to cover the same goods covered by the bill of lading and providing for payment of loss to the order of the buyer or for the account of whom it may concern; but the seller may add to the price the amount of the premium for any such war risk insurance; and

(d) prepare an invoice of the goods and procure any other documents required to effect shipment or to comply with the contract; and

(e) forward and tender with commercial promptness all the documents in due form and with any indorsement necessary to perfect the buyer's rights.

(3) Unless otherwise agreed the term C.&F. or its equivalent has the same effect and imposes upon the seller the same obligation and risks as a C.I.F. term except the obligation as to insurance.

(4) Under the term C.I.F. or C.&F. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

**Section 2-321. C.I.F. or C. & F.: "net landed weights"; "payment on arrival"; warranty of condition on arrival**

Under a contract containing a term C.I.F. or C.&F.

(1) Where the price is based on or is to be adjusted according to "net landed weights", "delivered weights", "out turn" quantity or quality or the like, unless otherwise agreed the seller must reasonably estimate the price. The payment due on tender of the documents called for by the contract is the amount so estimated, but after final adjustment of the price a settlement must be made with commercial promptness.

(2) An agreement described in subsection (1) or any warranty of quality or condition of the goods on arrival places upon the seller the risk of ordinary deterioration, shrinkage and the like in transportation but has no effect on the place or time of identification to the contract for sale or delivery or on the passing of the risk of loss.

(3) Unless otherwise agreed where the contract provides for payment on or after arrival of the goods the seller must before payment allow such preliminary inspection as is feasible; but if the goods are lost delivery of the documents and payment are due when the goods should have arrived.

**Section 2-322. Delivery "ex-ship"**

(1) Unless otherwise agreed a term for delivery of goods "ex-ship" (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.

(2) Under such a term unless otherwise agreed

(a) the seller must discharge all liens arising out of the carriage and furnish the buyer with a direction which puts the carrier under a duty to deliver the goods; and

(b) the risk of loss does not pass to the buyer until the goods leave the ship's tackle or are otherwise properly unloaded.

**Section 2-323. Form of bill of lading required in overseas shipment; "overseas"**

(1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C.&F. or F.O.B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C.&F., received for shipment.

(2) Where in a case within subsection (1) a bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

(a) due tender of a single part is acceptable within the provisions of this Article on cure of improper delivery (subsection (1) of Section 2-508); and

(b) even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deep water commerce.

**Section 2-324. "No arrival, no sale" term**

Under a term "no arrival, no sale" or terms of like meaning, unless otherwise agreed,

(a) the seller must properly ship conforming goods and if they arrive by any means he must tender them on arrival but

he assumes no obligation that the goods will arrive unless he has caused the non-arrival; and

(b) where without fault of the seller the goods are in part lost or have so deteriorated as no longer to conform to the contract or arrive after the contract time, the buyer may proceed as if there had been casualty to identified goods (Section 2-613).

**Section 2-325. "Letter of credit" term; "confirmed credit"**

(1) Failure of the buyer seasonably to furnish an agreed letter of credit is a breach of the contract for sale.

(2) The delivery to seller of a proper letter of credit suspends the buyer's obligation to pay. If the letter of credit is dishonored, the seller may on seasonable notification to the buyer require payment directly from him.

(3) Unless otherwise agreed the term "letter of credit" or "banker's credit" in a contract for sale means an irrevocable credit issued by a financing agency of good repute and, where the shipment is overseas, of good international repute. The term "confirmed credit" means that the credit must also carry the direct obligation of such an agency which does business in the seller's financial market.

**Section 2-326. Sale on approval and sale or return; consignment sales and rights of creditors**

(1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

(a) a "sale on approval" if the goods are delivered primarily for use, and

(b) a "sale or return" if the goods are delivered primarily for resale.

(2) Except as provided in subsection (3), goods held on approval are not subject to the claims of the buyer's creditors

until acceptance; goods held on sale or return are subject of such claims while in the buyer's possession.

(3) Where goods are delivered to a person for sale and such person maintains a place of business at which he deals in goods of the kind involved, under a name other than the name of the person making delivery, then with respect to claims of creditors of the person conducting the business the goods are deemed to be on sale or return. The provisions of this subsection are applicable even though an agreement purports to reserve title to the person making delivery until payment or resale or uses such words as "on consignment" or "on memorandum". However, this subsection is not applicable if the person making delivery

(a) complies with an applicable law providing for a consignor's interest or the like to be evidenced by a sign, or

(b) establishes that the person conducting the business is generally known by his creditors to be substantially engaged in selling the goods of others, or

(c) complies with the filing provisions of the Article on Secured Transactions (Article 9).

(4) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this Article (Section 2-201) and as contradicting the sale aspect of the contract within the provisions of this Article on parol or extrinsic evidence (Section 2-202).

#### **Section 2-327. Special incidents of sale on approval and sale or return**

(1) Under a sale on approval unless otherwise agreed

(a) although the goods are identified to the contract the risk of loss and the title do not pass to the buyer until acceptance; and

(b) use of the goods consistent with the purpose or trial is not acceptance but failure seasonably to notify the seller of



election to return the goods is acceptance, and if the goods conform to the contract acceptance of any part is acceptance of the whole; and

(c) after due notification of election to return, the return is at the seller's risk and expense but a merchant buyer must follow any reasonable instructions.

(2) Under a sale or return unless otherwise agreed

(a) the option to return extends to the whole or any commercial unit of the goods while in substantially their original condition, but must be exercised seasonably; and

(b) the return is at the buyer's risk and expense.

#### **Section 2-328. Sale by auction**

(1) In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.

(2) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(3) Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and

notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

## PART 4

### TITLE, CREDITORS AND GOOD FAITH PURCHASES

#### **Section 2-401. Passing of title; reservation for security; limited application of this section**

Each provision of this Article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this Article and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (Section 2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this Act. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the Article on Secured Transactions (Article 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

election to return the goods is acceptance, and if the goods conform to the contract acceptance of any part is acceptance of the whole; and

(c) after due notification of election to return, the return is at the seller's risk and expense but a merchant buyer must follow any reasonable instructions.

(2) Under a sale or return unless otherwise agreed

(a) the option to return extends to the whole or any commercial unit of the goods while in substantially their original condition, but must be exercised seasonably; and

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(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and

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(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) if the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance revests title to the goods in the seller. Such revesting occurs by operation of law and is not a "sale".

#### **Section 2-402. Rights of seller's creditors against sold goods**

(1) Except as provided in subsections (2) and (3), rights of unsecured creditors of the seller with respect to goods which have been identified to a contract for sale are subject to the buyer's rights to recover the goods under this Article (Sections 2-502 and 2-716).

(2) A creditor of the seller may treat a sale or an identification of goods to a contract for sale as void if as against him a retention of possession by the seller is fraudulent under any rule of law of the state where the goods are situated, except that retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent.

(3) Nothing in this Article shall be deemed to impair the rights of creditors of the seller

(a) under the provisions of the Article on Secured Transactions (Article 9); or

(b) where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a pre-existing claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this Article constitute the transaction a fraudulent transfer or voidable preference.

**Section 2-403. Power to transfer; good faith purchase of goods; "entrusting"**

(1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

(a) the transferor was deceived as to the identity of the purchaser, or

(b) the delivery was in exchange for a check which is later dishonored, or

(c) it was agreed that the transaction was to be a "cash sale", or

(d) the delivery was procured through fraud punishable as larcenous under the criminal law.

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition

expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on Secured Transactions (Article 9), Bulk Transfers (Article 6) and Documents of Title (Article 7).

## PART 5

### PERFORMANCE

#### **Section 2-501. Insurable interest in goods; manner of identification of goods**

(1) The buyer obtains a special property and an insurable interest in goods by identification of existing goods as goods to which the contract refers even though the goods so identified are non-conforming and he has an option to return or reject them. Such identification can be made at any time and in any manner explicitly agreed to by the parties. In the absence of explicit agreement identification occurs

(a) when the contract is made if it is for the sale of goods already existing and identified;

(b) if the contract is for the sale of future goods other than those described in paragraph (c), when goods are shipped, marked or otherwise designated by the seller as goods to which the contract refers;

(c) when the crops are planted or otherwise become growing crops or the young are conceived if the contract is for the sale of unborn young to be born within twelve months after contracting or for the sale of crops to be harvested within twelve months or the next normal harvest season after contracting whichever is longer.

(2) The seller retains an insurable interest in goods so long as title to or any security interest in the goods remains

in him and where the identification is by the seller alone he may until default or insolvency or notification to the buyer that the identification is final substitute other goods for those identified.

(3) Nothing in this section impairs any insurable interest recognized under any other statute or rule of law.

#### **Section 2-502. Buyer's rights to goods on seller's insolvency**

(1) Subject to subsection (2) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he has a special property under the provisions of the immediately preceding section may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if the seller becomes insolvent within ten days after receipt of the first installment on their price.

(2) If the identification creating his special property has been made by the buyer he acquires the right to recover the goods only if they conform to the contract for sale.

#### **Section 2-503. Manner of seller's tender of delivery**

(1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner, time and place for tender are determined by the agreement and this Article, and in particular

(a) tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.



(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subsection (1) and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

(a) tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but

(b) tender to the buyer of a non-negotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the non-negotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

(a) he must tender all such documents in correct form, except as provided in this Article with respect to bills of lading in a set (subsection (2) of Section 2-323); and

(b) tender through customary banking channels is sufficient and dishonor of a draft accompanying the documents constitutes non-acceptable or rejection.

#### **Section 2-504. Shipment by seller**

Where the seller is required or authorized to send the goods to the buyer and the contract does not require him to deliver them at a particular destination, then unless otherwise agreed he must

(a) put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and

(b) obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and

(c) promptly notify the buyer of the shipment. Failure to notify the buyer under paragraph (c) or to make a proper contract under paragraph (a) is a ground for rejection only if material delay or loss ensues.

#### **Section 2-505. Seller's shipment under reservation**

(1) Where the seller has identified goods to the contract by or before shipment:

(a) his procurement of a negotiable bill of lading to his own order or otherwise reserves in him a security interest in the goods. His procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.

(b) a non-negotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (subsection (2) of Section 2-507) a non-negotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's power as a holder of a negotiable document.

**Section 2-506. Rights of financing agency**

(1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular on its face.

**Section 2-507. Effect of seller's tender; delivery on condition**

(1) Tender of delivery is a condition to the buyer's duty to accept the goods and, unless otherwise agreed, to his duty to pay for them. Tender entitles the seller to acceptance of the goods and to payment according to the contract.

(2) Where payment is due and demanded on the delivery to the buyer of goods or documents of title, his right as against the seller to retain or dispose of them is conditional upon his making the payment due.

**Section 2-508. Cure by seller of improper tender or delivery; replacement**

(1) Where any tender or delivery by the seller is rejected because non-conforming and the time for performance has not yet expired, the seller may seasonably notify the buyer of his intention to cure and may then within the contract time make a conforming delivery.

(2) Where the buyer rejects a non-conforming tender which the seller had reasonable grounds to believe would be acceptable with or without money allowance the seller may if he seasonably notifies the buyer have a further reasonable time to substitute a conforming tender.

**Section 2-509. Risk of loss in the absence of breach**

(1) Where the contract requires or authorizes the seller to ship the goods by carrier

(a) if it does not require him to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (Section 2-505); but

(b) if it does require him to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

(a) on his receipt of a negotiable document of title covering the goods; or

(b) on acknowledgment by the bailee of the buyer's right to possession of the goods; or

(c) after his receipt of a non-negotiable document of title or other written direction to deliver, as provided in subsection (4) (b) of Section 2-503.

(3) In any case not within subsection (1) or (2), the risk of loss passes to the buyer on his receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this Article on sale on approval (Section 2-327) and on effect of breach on risk of loss (Section 2-510).

**Section 2-510. Effect of breach on risk of loss**

(1) Where a tender or delivery of goods so fails to conform to the contract as to give a right of rejection the risk of their loss remains on the seller until cure or acceptance.

(2) Where the buyer rightfully revokes acceptance he may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as having rested on the seller from the beginning.

(3) Where the buyer as to conforming goods already identified to the contract for sale repudiates or is otherwise in breach before risk of their loss has passed to him, the seller may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as resting on the buyer for a commercially reasonable time.

**Section 2-511. Tender of payment by buyer; payment by check**

(1) Unless otherwise agreed tender of payment is a condition to the seller's duty to tender and complete any delivery.

(2) Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it.

(3) Subject to the provisions of this Act on the effect of an instrument on an obligation (Section 3-802), payment by check is conditional and is defeated as between the parties by dishonor of the check on due presentment.

**Section 2-512. Payment by buyer before inspection**

(1) Where the contract requires payment before inspection non-conformity of the goods does not excuse the buyer from so making payment unless

(a) the non-conformity appears without inspection; or

(b) despite tender of the required documents the circumstances would justify injunction against honor under the provisions of this Act (Section 5-114).

(2) Payment pursuant to subsection (1) does not constitute an acceptance of goods or impair the buyer's right to inspect or any of his remedies.

**Section 2-513. Buyer's right to inspection of goods**

(1) Unless otherwise agreed and subject to subsection (3), where goods are tendered or delivered or identified to the contract for sale, the buyer has a right before payment or acceptance to inspect them at any reasonable place and time and in any reasonable manner. When the seller is required or authorized to send the goods to the buyer, the inspection may be after their arrival.

(2) Expenses of inspection must be borne by the buyer but may be recovered from the seller if the goods do not conform and are rejected.

(3) Unless otherwise agreed and subject to the provisions of this Article on C.I.F. contracts (subsection (3) of Section 2-321), the buyer is not entitled to inspect the goods before payment of the price when the contract provides

(a) for delivery "C.O.D." or on other like terms; or

(b) for payment against documents of title, except where such payment is due only after the goods are to become available for inspection.

(4) A place or method of inspection fixed by the parties is presumed to be exclusive but unless otherwise expressly agreed it does not postpone identification or shift the place for delivery or for passing the risk of loss. If compliance becomes impossible, inspection shall be as provided in this section unless the place or method fixed was clearly intended as an indispensable condition failure of which avoids the contract.

**Section 2-514. When documents deliverable on acceptance; when on payment**

Unless otherwise agreed documents against which a draft is drawn are to be delivered to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment.

**Section 2-515. Preserving evidence of goods in dispute**

In furtherance of the adjustment of any claim or dispute

(a) either party on reasonable notification to the other and for the purpose of ascertaining the facts and preserving evidence has the right to inspect, test and sample the goods including such of them as may be in the possession or control of the other; and

(b) the parties may agree to a third party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

**PART 6****BREACH, REPUDIATION AND EXCUSE****Section 2-601. Buyer's rights on improper delivery**

Subject to the provisions of this Article on breach in installment contracts (Section 2-612) and unless otherwise agreed under the sections on contractual limitations of remedy (Sections 2-718 and 2-719), if the goods or the tender of delivery fail in any respect to conform to the contract, the buyer may

- (a) reject the whole; or
- (b) accept the whole; or
- (c) accept any commercial unit or units and reject the rest.

**Section 2-602. Manner and effect of rightful rejection**

(1) Rejection of goods must be within a reasonable time after their delivery or tender. It is ineffective unless the buyer seasonably notifies the seller.

(2) Subject to the provisions of the two following sections on rejected goods (Sections 2-603 and 2-604),

(a) after rejection any exercise of ownership by the buyer with respect to any commercial unit is wrongful as against the seller; and

(b) if the buyer has before rejection taken physical possession of goods in which he does not have a security interest under the provisions of this Article (subsection (3) of Section 2-711), he is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but

(c) the buyer has no further obligations with regard to goods rightfully rejected.

(3) The seller's rights with respect to goods wrongfully rejected are governed by the provisions of this Article on Seller's remedies in general (Section 2-703).

**Section 2-603. Merchant buyer's duties as to rightfully rejected goods**

(1) Subject to any security interest in the buyer (subsection (3) of Section 2-711), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in his possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

(2) When the buyer sells goods under subsection (1), he is entitled to reimbursement from the seller or out of the proceeds for reasonable expenses of caring for and selling them, and if the expenses include no selling commission then to such commission as is usual in the trade or if there is none to a reasonable sum not exceeding ten per cent on the gross proceeds.

(3) In complying with this section the buyer is held only to good faith and good faith conduct hereunder is neither



acceptance nor conversion nor the basis of an action for damages.

**Section 2-604. Buyer's options as to salvage of rightfully rejected goods**

Subject to the provisions of the immediately preceding section on perishables, if the seller gives no instructions within a reasonable time after notification of rejection the buyer may store the rejected goods for the seller's account or reship them to him or resell them for the seller's account with reimbursement as provided in the preceding section. Such action is not acceptance or conversion.

**Section 2-605. Waiver of buyer's objections by failure to particularize**

(1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

(a) where the seller could have cured it if stated seasonably; or

(b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent on the face of the documents.

**Section 2-606. What constitutes acceptance of goods**

(1) Acceptance of goods occurs when the buyer

(a) after a reasonable opportunity to inspect the goods signifies to the seller that the goods are conforming or that he will take or retain them in spite of their non-conformity; or

(b) fails to make an effective rejection (subsection (1) of Section 2-602), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or

(c) does any act inconsistent with the seller's ownership; but if such act is wrongful as against the seller it is an acceptance only if ratified by him.

(2) Acceptance of a part of any commercial units is acceptance of that entire unit.

**Section 2-607. Effect of acceptance; notice of breach; burden of establishing breach after acceptance; notice of claim or litigation to person answerable over**

(1) The buyer must pay at the contract rate for any goods accepted.

(2) Acceptance of goods by the buyer precludes rejection of the goods accepted and if made with knowledge of a non-conformity cannot be revoked because of it unless the acceptance was on the reasonable assumption that the non-conformity would be seasonably cured but acceptance does not of itself impair any other remedy provided by this Article for non-conformity.

(3) Where a tender has been accepted

(a) the buyer must within a reasonable time after he discovers or should have discovered any breach notify the seller of breach or be barred from any remedy; and

(b) if the claim is one for infringement or the like (subsection (3) of Section 2-312) and the buyer is sued as a result of such a breach he must so notify the seller within a reasonable time after he receives notice of the litigation or be barred from any remedy over for liability established by the litigation.

(4) The burden is on the buyer to establish any breach with respect to the goods accepted.

(5) Where the buyer is sued for breach of a warranty or other obligation for which his seller is answerable over

(a) he may give his seller written notice of the litigation. If the notice states that the seller may come in and defend and that if the seller does not do so he will be bound in any action against him by his buyer by any determination of fact common to the two litigations, then unless the seller after reasonable receipt of the notice does come in and defend he is so bound.

(b) if the claim is one for infringement or the like (subsection (3) of Section 2-312) the original seller may demand in writing that his buyer turn over to him control of the litigation including settlement or else be barred from any remedy over and if he also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after reasonable receipt of the demand does turn over control the buyer is so barred.

(6) The provisions of subsections (3), (4) and (5) apply to any obligation of a buyer to hold the seller harmless against infringement or the like (subsection (3) of Section 2-312).

**Section 2-608. Revocation of acceptance in whole or in part**

(1) The buyer may revoke his acceptance of a lot or commercial unit whose non-conformity substantially impairs its value to him if he has accepted it

(a) on the reasonable assumption that its non-conformity would be cured and it has not been seasonably cured; or

(b) without discovery of such non-conformity if his acceptance was reasonably induced either by the difficulty of discovery before acceptance or by the seller's assurances.

(2) Revocation of acceptance must occur within a reasonable time after the buyer discovers or should have discovered the ground for it and before any substantial change in condition of the goods which is not caused by their own defects. It is not effective until the buyer notifies the seller of it.

(3) A buyer who so revokes has the same rights and duties with regard to the goods involved as if he had rejected them.

**Section 2-609. Right to adequate assurance of performance**

(1) A contract for sale imposes an obligation on each party that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party the other may in writing demand adequate assurance of due performance and until he receives such assurance may if commercially reasonable suspend any performance for which he has not already received the agreed return.

(2) Between merchants the reasonableness of grounds for insecurity and the adequacy of any assurance offered shall be determined according to commercial standards.

(3) Acceptance of any improper delivery or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

(4) After receipt of a justified demand failure to provide within a reasonable time not exceeding thirty days such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of the contract.

**Section 2-610. Anticipatory repudiation**

When either party repudiates the contract with respect to a performance not yet due the loss of which will substantially impair the value of the contract to the other, the aggrieved party may

(a) for a commercially reasonable time await performance by the repudiating party; or

(b) resort to any remedy for breach (Section 2-703 or Section 2-711), even though he has notified the repudiating party that he would await the latter's performance and has urged retraction; and

(c) in either case suspend his own performance or proceed in accordance with the provisions of this Article on the

seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods (Section 2-704).

#### **Section 2-611. Retraction of anticipatory repudiation**

(1) Until the repudiating party's next performance is due he can retract his repudiation unless the aggrieved party has since the repudiation cancelled or materially changed his position or otherwise indicated that he considers the repudiation final.

(2) Retraction may be by any method which clearly indicates to the aggrieved party that the repudiating party intends to perform, but must include any assurance justifiably demanded under the provisions of this Article (Section 2-609).

(3) Retraction reinstates the repudiating party's rights under the contract with due excuse and allowance to the aggrieved party for any delay occasioned by the repudiation.

#### **Section 2-612. "Installment contract"; breach**

(1) An "installment contract" is one which requires or authorizes the delivery of goods in separate lots to be separately accepted, even though the contract contains a clause "each delivery is a separate contract" or its equivalent.

(2) The buyer may reject any installment which is non-conforming if the non-conformity substantially impairs the value of that installment and cannot be cured or if the non-conformity is a defect in the required documents; but if the non-conformity does not fall within subsection (3) and the seller gives adequate assurance of its cure the buyer must accept that installment.

(3) Whenever non-conformity or default with respect to one or more installments substantially impairs the value of the whole contract there is a breach of the whole. But the aggrieved party reinstates the contract if he accepts a non-conforming installment without seasonably notifying of cancellation or if

he brings an action with respect only to past installments or demands performance as to future installments.

### **Section 2-613. Casualty to identified goods**

Where the contract requires for its performance goods identified when the contract is made, and the goods suffer casualty without fault of either party before the risk of loss passes to the buyer, or in a proper case under a "no arrival, no sale" term (Section 2-324) then

(a) if the loss is total the contract is avoided; and

(b) if the loss is partial or the goods have so deteriorated as no longer to conform to the contract the buyer may nevertheless demand inspection and at his option either treat the contract as avoided or accept the goods with due allowance from the contract price for the deterioration or the deficiency in quantity but without further right against the seller.

### **Section 2-614. Substituted performance**

(1) Where without fault of either party the agreed berthing, loading, or unloading facilities fail or an agreed type of carrier becomes unavailable or the agreed manner of delivery otherwise becomes commercially impracticable but a commercially reasonable substitute is available, such substitute performance must be tendered and accepted.

(2) If the agreed means or manner of payment fails because of domestic or foreign governmental regulation, the seller may withhold or stop delivery unless the buyer provides a means or manner of payment which is commercially a substantial equivalent. If delivery has already been taken, payment by the means or in the manner provided by the regulation discharges the buyer's obligation unless the regulation is discriminatory, oppressive or predatory.

### **Section 2-615. Excuse by failure of presupposed conditions**

Except so far as a seller may have assumed a greater obligation and subject to the preceding section on substituted performance:

(a) Delay in delivery or non-delivery in whole or in part by a seller who complies with paragraphs (b) and (c) is not a breach of his duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the non-occurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.

(b) Where the causes mentioned in paragraph (a) affect only a part of the seller's capacity to perform, he must allocate production and deliveries among his customers but may at his option include regular customers not then under contract as well as his own requirements for further manufacture. He may so allocate in any manner which is fair and reasonable.

(c) The seller must notify the buyer seasonably that there will be delay or non-delivery and, when allocation is required under paragraph (b), of the estimated quota thus made available for the buyer.

#### **Section 2-616. Procedure on notice claiming excuse**

(1) Where the buyer receives notification of a material or indefinite delay or an allocation justified under the preceding section he may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this Article relating to breach of installment contracts (Section 2-612), then also as to the whole,

(a) terminate and thereby discharge any unexecuted portion of the contract; or

(b) modify the contract by agreeing to take his available quota in substitution.

(2) If after receipt of such notification from the seller the buyer fails so to modify the contract within a reasonable time not exceeding thirty days the contract lapses with respect to any deliveries affected.

(3) The provisions of this section may not be negated by agreement except in so far as the seller has assumed a greater obligation under the preceding section.

## PART 7

### REMEDIES

#### **Section 2-701. Remedies for breach of collateral contracts not impaired**

Remedies for breach of any obligation or promise collateral or ancillary to a contract for sale are not impaired by the provisions of this Article.

#### **Section 2-702. Seller's remedies on discovery if buyer's insolvency**

(1) Where the seller discovers the buyer to be insolvent he may refuse delivery except for cash including payment for all goods theretofore delivered under the contract, and stop delivery under this Article (Section 2-705).

(2) Where the seller discovers that the buyer has received goods on credit while insolvent he may reclaim the goods upon demand made within ten days after the receipt, but if misrepresentation of solvency has been made to the particular seller in writing within three months before delivery the ten day limitation does not apply. Except as provided in this subsection the seller may not base a right to reclaim goods on the buyer's fraudulent or innocent misrepresentation of solvency or of intent to pay.

(3) The seller's right to reclaim under subsection (2) is subject to the rights of a buyer in ordinary course or other good faith purchaser or lien creditor under this Article (Section 2-403). Successful reclamation of goods excludes all other remedies with respect to them.

#### **Section 2-703. Seller's remedies in general**

Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery



or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (Section 2-612), then also with respect to the whole undelivered balance, the aggrieved seller may

- (a) withhold delivery of such goods;
- (b) stop delivery by any bailee as hereafter provided (Section 2-705);
- (c) proceed under the next section respecting goods still unidentified to the contract;
- (d) resell and recover damages as hereafter provided (Section 2-706);
- (e) recover damages for non-acceptance (Section 2-708) or in a proper case the price (Section 2-709);
- (f) cancel.

**Section 2-704. Seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods**

- (1) An aggrieved seller under the preceding section may
  - (a) identify to the contract conforming goods not already identified if at the time he learned of the breach they are in his possession or control;
  - (b) treat as the subject of resale goods which have demonstrably been intended for the particular contract even though those goods are unfinished.
- (2) Where the goods are unfinished an aggrieved seller may in the exercise of reasonable commercial judgment for the purposes of avoiding loss and of effective realization either complete the manufacture and wholly identify the goods to the contract or cease manufacture and resell for scrap or salvage value or proceed in any other reasonable manner.

**Section 2-705. Seller's stoppage of delivery in transit or otherwise**

(1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he discovers the buyer to be insolvent (Section 2-702) and may stop delivery of carload, truckload, planeload or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

(2) As against such buyer the seller may stop delivery until

(a) receipt of the goods by the buyer; or

(b) acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or

(c) such acknowledgment to the buyer by a carrier by reshipment or as warehouseman; or

(d) negotiation to the buyer of any negotiable document of title covering the goods.

(3) (a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.

(c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of the document.

(d) A carrier who has issued a non-negotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

**Section 2-706. Seller's resale including contract for resale**

(1) Under the conditions stated in Section 2-703 on seller's remedies, the seller may resell the goods concerned or the undelivered balance thereof. Where the resale is made in good faith and in a commercially reasonable manner the seller may recover the difference between the resale price and the contract price together with any incidental damages allowed under the provisions of this Article (Section 2-710), but less expenses saved in consequence of the buyer's breach.

(2) Except as otherwise provided in subsection (3) or unless otherwise agreed resale may be at public or private sale including sale by way of one or more contracts to sell or of identification to an existing contract of the seller. Sale may be as a unit or in parcels and at any time and place and on any terms but every aspect of the sale including the method, manner, time, place and terms must be commercially reasonable. The resale must be reasonably identified as referring to the broken contract, but it is not necessary that the goods be in existence or that any or all of them have been identified to the contract before the breach.

(3) Where the resale is at private sale the seller must give the buyer reasonable notification of his intention to resell.

(4) Where the resale is at public sale

(a) only identified goods can be sold except where there is a recognized market for a public sale of futures in goods of the kind; and

(b) it must be made at a usual place or market for public sale if one is reasonably available and except in the case of goods which are perishable or threaten to decline in value speedily the seller must give the buyer reasonable notice of the time and place of the resale; and

(c) if the goods are not to be within the view of those attending the sale the notification of sale must state the place

where the goods are located and provide for their reasonable inspection by prospective bidders; and

(d) the seller may buy.

(5) A purchaser who buys in good faith at a resale takes the goods free of any rights of the original buyer even though the seller fails to comply with one or more of the requirements of this section.

(6) The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (Section 2-707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of his security interest, as hereinafter defined (subsection (3) of Section 2-711).

#### **Section 2-707. "Person in the position of a seller"**

(1) A "person in the position of a seller" includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of his principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

(2) A person in the position of a seller may as provided in this Article withhold or stop delivery (Section 2-705) and resell (Section 2-706) and recover incidental damages (Section 2-710).

#### **Section 2-708. Seller's damages for non-acceptance or repudiation**

(1) Subject to subsection (2) and to the provisions of this Article with respect to proof of market price (Section 2-723), the measure of damages for non-acceptance or repudiation by the buyer is the difference between the market price at the time and place for tender and the unpaid contract price together with any incidental damages provided in this Article (Section 2-710), but less expenses saved in consequence of the buyer's breach.

(2) If the measure of damages provided in subsection (1) is inadequate to put the seller in as good a position as performance would have done then the measure of damages is the profit (including reasonable overhead) which the seller would have made from full performance by the buyer, together with any incidental damages provided in this Article (Section 2-710), due allowance for costs reasonably incurred and due credit for payments or proceeds of resale.

#### **Section 2-709. Action for the price**

(1) When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under the next section, the price

(a) of goods accepted or of conforming goods lost or damaged within a commercially reasonable time after risk of their loss has passed to the buyer; and

(b) of goods identified to the contract if the seller is unable after reasonable effort to resell them at a reasonable price or the circumstances reasonably indicate that such effort will be unavailing.

(2) Where the seller sues for the price he must hold for the buyer any goods which have been identified to the contract and are still in his control except that if resale becomes possible he may resell them at any time prior to the collection of the judgment. The net proceeds of any such resale must be credited to the buyer and payment of the judgment entitles him to any goods not resold.

(3) After the buyer has wrongfully rejected or revoked acceptance of the goods or has failed to make a payment due or has repudiated (Section 2-610), a seller who is held not entitled to the price under this section shall nevertheless be awarded damages for non-acceptance under the preceding section.

#### **Section 2-710. Seller's incidental damages**

Incidental damages to an aggrieved seller include any commercially reasonable charges, expenses or commissions incur-

red in stopping delivery, in the transportation, care and custody of goods after the buyer's breach, in connection with return or resale of the goods or otherwise resulting from the breach.

**Section 2-711. Buyer's remedies in general; buyer's security interest in rejected goods**

(1) Where the seller fails to make delivery or repudiates or the buyer rightfully rejects or justifiably revokes acceptance then with respect to any goods involved, and with respect to the whole if the breach goes to the whole contract (Section 2-612), the buyer may cancel and whether or not he has done so may in addition to recovering so much of the price as has been paid

(a) "cover" and have damages under the next section as to all the goods affected whether or not they have been identified to the contract; or

(b) recover damages for non-delivery as provided in this Article (Section 2-713).

(2) Where the seller fails to deliver or repudiates the buyer may also

(a) if the goods have been identified recover them as provided in this Article (Section 2-502); or

(b) in a proper case obtain specific performance or replevy the goods as provided in this Article (Section 2-716).

(3) On rightful rejection or justifiable revocation of acceptance a buyer has a security interest in goods in his possession or control for any payments made on their price and any expenses reasonably incurred in their inspection, receipt, transportation, care and custody and may hold such goods and resell them in like manner as an aggrieved seller (Section 2-706).

**Section 2-712. "Cover"; buyer's procurement of substitute goods**

(1) After a breach within the preceding section the buyer may "cover" by making in good faith and without unreason-

able delay any reasonable purchase of or contract to purchase goods in substitution for those due from the seller.

(2) The buyer may recover from the seller as damages the difference between the cost of cover and the contract price together with any incidental or consequential damages as hereinafter defined (Section 2-715), but less expenses saved in consequence of the seller's breach.

(3) Failure of the buyer to effect cover within this section does not bar him from any other remedy.

**Section 2-713. Buyer's damages for non-delivery or repudiation**

(1) Subject to the provisions of this Article with respect to proof of market price (Section 2-723), the measure of damages for non-delivery or repudiation by the seller is the difference between the market price at the time when the buyer learned of the breach and the contract price together with any incidental and consequential damages provided in this Article (Section 2-715), but less expenses saved in consequence of the seller's breach.

(2) Market price is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

**Section 2-714. Buyer's damages for breach in regard to accepted goods**

(1) Where the buyer has accepted goods and given notification (subsection (3) of Section 2-607) he may recover as damages for any non-conformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

(2) The measure of damages for breach of warranty is the difference at the time and place of acceptance between the value of the goods accepted and the value they would have had if they had been as warranted, unless special circumstances show proximate damages of a different amount.

(3) In a proper case any incidental and consequential damages under the next section may also be recovered.

#### **Section 2-715. Buyer's incidental and consequential damages**

(1) Incidental damages resulting from the seller's breach include expenses reasonably incurred in inspection, receipt, transportation and care and custody of goods rightfully rejected, any commercially reasonable charges, expenses or commissions in connection with effecting cover and any other reasonable expense incident to the delay or other breach.

(2) Consequential damages resulting from the seller's breach include

(a) any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) injury to person or property proximately resulting from any breach of warranty.

#### **Section 2-716. Buyer's right to specific performance or replevin**

(1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of replevin for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered.

#### **Section 2-717. Deduction of damages from the price**

The buyer on notifying the seller of his intention to do so may deduct all or any part of the damages resulting from any



breach of the contract from any part of the price still due under the same contract.

**Section 2-718. Liquidation or limitation of damages; deposits**

(1) Damages for breach by either party may be liquidated in the agreement but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or non-feasibility of otherwise obtaining an adequate remedy. A term fixing unreasonably large liquidated damages is void as a penalty.

(2) Where the seller justifiably withholds delivery of goods because of the buyer's breach, the buyer is entitled to restitution of any amount by which the sum of his payments exceeds

(a) the amount to which the seller is entitled by virtue of terms liquidating the seller's damages in accordance with subsection (1), or

(b) in the absence of such terms, twenty per cent of the value of the total performance for which the buyer is obligated under the contract or \$500, whichever is smaller.

(3) The buyer's right to restitution under subsection (2) is subject to offset to the extent that the seller establishes

(a) a right to recover damages under the provisions of this Article other than subsection (1), and

(b) the amount or value of any benefits received by the buyer directly or indirectly by reason of the contract.

(4) Where a seller has received payment in goods their reasonable value or the proceeds of their resale shall be treated as payments for the purposes of subsection (2); but if the seller has notice of the buyer's breach before reselling goods received in part performance, his resale is subject to the condi-

tions laid down in this Article on resale by an aggrieved seller (Section 2-706).

**Section 2-719. Contractual modification or limitation of remedy**

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Act.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

**Section 2-720. Effect of "cancellation" or "rescission" on claims for antecedent breach**

Unless the contrary intention clearly appears, expressions of "cancellation" or "rescission" of the contract or the like shall not be construed as a renunciation or discharge of any claim in damages for an antecedent breach.

**Section 2-721. Remedies for fraud**

Remedies for material misrepresentation or fraud include all remedies available under this Article for non-fraudulent

breach. Neither rescission or a claim for rescission of the contract for sale nor rejection or return of the goods shall bar or be deemed inconsistent with a claim for damages or other remedy.

#### **Section 2-722. Who can sue third parties for injury to goods**

Where a third party so deals with goods which have been identified to a contract for sale as to cause actionable injury to a party to that contract

(a) a right of action against the third party is in either party to the contract for sale who has title to or a security interest or a special property or an insurable interest in the goods; and if the goods have been destroyed or converted a right of action is also in the party who either bore the risk of loss under the contract for sale or has since the injury assumed that risk as against the other;

(b) if at the time of the injury the party plaintiff did not bear the risk of loss as against the other party to the contract for sale and there is no arrangement between them for disposition of the recovery, his suit or settlement is, subject to his own interest, as a fiduciary for the other party to the contract;

(c) either party may with the consent of the other sue for the benefit of whom it may concern.

#### **Section 2-723. Proof of market price; time and place**

(1) If an action based on anticipatory repudiation comes to trial before the time for performance with respect to some or all of the goods, any damages based on market price (Section 2-708 or Section 2-713) shall be determined according to the price of such goods prevailing at the time when the aggrieved party learned of the repudiation.

(2) If evidence of a price prevailing at the times or places described in this Article is not readily available the price prevailing within any reasonable time before or after the time described or at any other place which in commercial judgment or

under usage of trade would serve as a reasonable substitute for the one described may be used, making any proper allowance for the cost of transporting the goods to or from such other place.

(3) Evidence of a relevant price prevailing at a time or place other than the one described in this Article offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise.

#### **Section 2-724. Admissibility of market quotations**

Whenever the prevailing price or value of any goods regularly bought and sold in any established commodity market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of such market shall be admissible in evidence. The circumstances of the preparation of such a report may be shown to affect its weight but not its admissibility.

#### **Section 2-725. Statute of limitations in contracts for sale**

(1) An action for breach of any contract for sale must be commenced within four years after the cause of action has accrued. By the original agreement the parties may reduce the period of limitation to not less than one year but may not extend it.

(2) A cause of action accrues when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach. A breach of warranty occurs when tender of delivery is made, except that where a warranty explicitly extends to future performance of the goods and discovery of the breach must await the time of such performance the cause of action accrues when the breach is or should have been discovered.

(3) Where an action commenced within the time limited by subsection (1) is so terminated as to leave available a remedy by another action for the same breach such other action may be commenced after the expiration of the time limited and

within six months after the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.

(4) This section does not alter the law on tolling of the statute of limitations nor does it apply to causes of action which have accrued before this Act becomes effective.

### ARTICLE 3. COMMERCIAL PAPER

#### PART 1

#### SHORT TITLE, FORM AND INTERPRETATION

##### Section 3-101. Short title

This Article shall be known and may be cited as Uniform Commercial Code—Commercial Paper.

##### Section 3-102. Definitions and index of definitions

(1) In this Article unless the context otherwise requires

(a) "Issue" means the first delivery of an instrument to a holder or a remitter.

(b) An "order" is a direction to pay and must be more than an authorization or request. It must identify the person to pay with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.

(c) A "promise" is an undertaking to pay and must be more than an acknowledgment of an obligation.

(d) "Secondary party" means a drawer or endorser.

(e) "Instrument" means a negotiable instrument.

(2) Other definitions applying to this Article and the

sections in which they appear are:

- "Acceptance". Section 3-410.
- "Accommodation party". Section 3-415.
- "Alteration". Section 3-407.
- "Certificate of deposit". Section 3-104.
- "Certification". Section 3-411.
- "Check". Section 3-104.
- "Definite time". Section 3-109.
- "Dishonor". Section 3-507.
- "Draft". Section 3-104.
- "Holder in due course". Section 3-302.
- "Negotiation". Section 3-202.
- "Note". Section 3-104.
- "Notice of dishonor". Section 3-508.
- "On demand". Section 3-108.
- "Presentment". Section 3-504.
- "Protest". Section 3-509.
- "Restrictive Indorsement". Section 3-205.
- "Signature". Section 3-401.

(3) The following definitions in other Articles apply to this Article:

- "Account". Section 4-104.
- "Banking Day". Section 4-104.
- "Clearing house". Section 4-104.
- "Collecting bank". Section 4-105.
- "Customer". Section 4-104.
- "Depository Bank". Section 4-105.
- "Documentary Draft". Section 4-104.
- "Intermediary Bank". Section 4-105.
- "Item". Section 4-104.
- "Midnight deadline". Section 4-104.
- "Payor bank". Section 4-105.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Section 3-103. Limitations on scope of article**

(1) This Article does not apply to money, documents of title or investment securities.

(2) The provisions of this Article are subject to the provisions of the Article on Bank Deposits and Collections (Article 4) and Secured Transactions (Article 9).

**Section 3-104. Form of negotiable instruments; "draft"; "check"; "certificate of deposit"; "note"**

(1) Any writing to be a negotiable instrument within this Article must

(a) be signed by the maker or drawer; and

(b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this Article; and

(c) be payable on demand or at a definite time; and

(d) be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

(a) a "draft" ("bill of exchange") if it is an order;

(b) a "check" if it is a draft drawn on a bank and payable on demand;

(c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;

(d) a "note" if it is a promise other than a certificate of deposit.

(3) As used in other Articles of this Act, and as the context may require, the terms "draft", "check", "certificate of

deposit" and "note" may refer to instruments which are not negotiable within this Article as well as to instruments which are so negotiable.

**Section 3-105. When promise or order unconditional**

(1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument

(a) is subject to implied or constructive conditions; or

(b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or

(c) refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or

(d) states that it is drawn under a letter of credit; or

(e) states that it is secured, whether by mortgage, reservation of title or otherwise; or

(f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or

(g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or

(h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.

(2) A promise or order is not unconditional if the instrument

(a) states that it is subject to or governed by any other agreement; or



(b) states that it is to be paid only out of a particular fund or source except as provided in this section.

#### **Section 3-106. Sum certain**

(1) The sum payable is a sum certain even though it is to be paid

(a) with stated interest or by stated installments; or

(b) with stated different rates of interest before and after default or a specified date; or

(c) with a stated discount or addition if paid before or after the date fixed for payment; or

(d) with exchange or less exchange, whether at a fixed rate or at the current rate; or

(e) with costs of collection or an attorney's fee or both upon default.

(2) Nothing in this section shall validate any term which is otherwise illegal.

#### **Section 3-107. Money**

(1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.

(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand. If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.

**Section 3-108. Payable on demand**

Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.

**Section 3-109. Definite time**

(1) An instrument is payable at a definite time if by its terms it is payable

(a) on or before a stated date or at a fixed period after a stated date; or

(b) at a fixed period after sight; or

(c) at a definite time subject to any acceleration; or

(d) at a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.

**Section 3-110. Payable to order**

(1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of

(a) the maker or drawer; or

(b) the drawee; or

(c) a payee who is not maker, drawer or drawee; or

- (d) two or more payees together or in the alternative; or
- (e) an estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or
- (f) an office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or
- (g) a partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.

(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed."

(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.

### **Section 3-111. Payable to bearer**

An instrument is payable to bearer when by its terms it is payable to

- (a) bearer or the order of bearer; or
- (b) a specified person or bearer; or
- (c) "cash" or the order of "cash", or any other indication which does not purport to designate a specific payee.

### **Section 3-112. Terms and omissions not affecting negotiability**

- (1) The negotiability of an instrument is not affected by
  - (a) the omission of a statement of any consideration or of the place where the instrument is drawn or payable; or

(b) a statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in case of default on those obligations the holder may realize on or dispose of the collateral; or

(c) a promise or power to maintain or protect collateral or to give additional collateral; or

(d) a term authorizing a confession of judgment on the instrument if it is not paid when due; or

(e) a term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or

(f) a term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or

(g) a statement in a draft drawn in a set of parts (Section 3-801) to the effect that the order is effective only if no other part has been honored.

(2) Nothing in this section shall validate any term which is otherwise illegal.

### **Section 3-113. Seal**

An instrument otherwise negotiable is within this Article even though it is under a seal.

### **Section 3-114. Date, antedating, postdating**

(1) The negotiability of an instrument is not affected by the fact that it is undated, antedated or postdated.

(2) Where an instrument is antedated or postdated the time when it is payable is determined by the stated date if the instrument is payable on demand or at a fixed period after date.

(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.

**Section 3-115. Incomplete instruments**

(1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.

(2) If the completion is unauthorized the rules as to material alteration apply (Section 3-407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.

**Section 3-116. Instruments payable to two or more persons**

An instrument payable to the order of two or more persons

(a) if in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;

(b) if not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.

**Section 3-117. Instruments payable with words of description**

An instrument made payable to a named person with the addition of words describing him

(a) as agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;

(b) as any other fiduciary for a specified person or purpose is payable to the payee and may be negotiated, discharged or enforced by him;

(c) in any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.

**Section 3-118. Ambiguous terms and rules of construction**

The following rules apply to every instrument:

(a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.

(b) Handwritten terms control typewritten and printed terms, and typewritten control printed.

(c) Words control figures except that if the words are ambiguous figures control.

(d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is undated from the date of issue.

(e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay".

(f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with Section 3-604 tenders full payment when the instrument is due.

**Section 3-119. Other writings affecting instrument**

(1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the sep-

arate written agreement if he had no notice of the limitation when he took the instrument.

(2) A separate agreement does not affect the negotiability of an instrument.

#### **Section 3-120. Instruments "payable through" bank**

An instrument which states that it is "payable through" a bank or the like designates that bank as a collecting bank to make presentment but does not of itself authorize the bank to pay the instrument.

#### **Section 3-121. Instruments payable at bank**

A note or acceptance which states that it is payable at a bank is the equivalent of a draft drawn on the bank payable when it falls due out of any funds of the maker or acceptor in current account or otherwise available for such payment.

#### **Section 3-122. Accrual of cause of action**

(1) A cause of action against a maker or an acceptor accrues

(a) in the case of a time instrument on the day after maturity;

(b) in the case of a demand instrument upon its date or, if no date is stated, on the date of issue.

(2) A cause of action against the obligor of a demand or time certificate of deposit accrues upon demand, but demand on a time certificate may not be made until on or after the date of maturity.

(3) A cause of action against a drawer of a draft or an indorser of any instrument accrues upon demand following dishonor of the instrument. Notice of dishonor is a demand.

(4) Unless an instrument provides otherwise, interest runs at the rate provided by law for a judgment

(a) in the case of a maker, acceptor or other primary obligor of a demand instrument, from the date of demand;

(b) in all other cases from the date of accrual of the cause of action.

## PART 2

### TRANSFER AND NEGOTIATION

#### Section 3-201. Transfer; right to indorsement

(1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.

(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.

(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.

#### Section 3-202. Negotiation

(1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.

(2) An indorsement must be written by or on behalf of the holder and on the instrument or on a paper so firmly affixed thereto as to become a part thereof.



(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.

(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.

### **Section 3-203. Wrong or misspelled name**

Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.

### **Section 3-204. Special indorsement; blank indorsement**

(1) A special indorsement specifies the person to whom or to whose order it makes the instrument payable. Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.

(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature. An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.

(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

### **Section 3-205. Restrictive indorsements**

An indorsement is restrictive which either

(a) is conditional; or

(b) purports to prohibit transfer of the instrument; or

(c) includes the words "for collection", "for deposit", "pay any bank", or like terms signifying a purpose of deposit or collection; or

(d) otherwise states that it is for the benefit or use of the indorser or of another person.

### **Section 3-206. Effect of restrictive indorsement**

(1) No restrictive indorsement prevents further transfer or negotiation of the instrument.

(2) An intermediary bank, or a payor bank which is not the depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.

(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words "for collection", "for deposit", "pay any bank", or like terms (subparagraphs (a) and (c) of Section 3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such transferee is a holder in due course if he otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course.

(4) The first taker under an indorsement for the benefit of the indorser or another person (subparagraph (d) of Section 3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instrument in any transaction for his own benefit or otherwise in breach of duty (subsection (2) of Section 3-304).

**Section 3-207. Negotiation effective although it may be rescinded**

(1) Negotiation is effective to transfer the instrument although the negotiation is

(a) made by an infant, a corporation exceeding its powers, or any other person without capacity; or

(b) obtained by fraud, duress or mistake of any kind; or

(c) part of an illegal transaction; or

(d) made in breach of duty.

(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law.

**Section 3-208. Reacquisition**

Where an instrument is returned to or reacquired by a prior party he may cancel any indorsement which is not necessary to his title and reissue or further negotiate the instrument, but any intervening party is discharged as against the reacquiring party and subsequent holders not in due course and if his indorsement has been cancelled is discharged as against subsequent holders in due course as well.

**PART 3**

**RIGHTS OF A HOLDER**

**Section 3-301. Rights of a holder**

The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in Section 3-603 on payment or satisfaction, discharge it or enforce payment in his own name.

**Section 3-302. Holder in due course**

(1) A holder in due course is a holder who takes the instrument

(a) for value; and

(b) in good faith; and

(c) without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.

(2) A payee may be a holder in due course.

(3) A holder does not become a holder in due course of an instrument:

(a) by purchase of it at judicial sale or by taking it under legal process; or

(b) by acquiring it in taking over an estate; or

(c) by purchasing it as part of a bulk transaction not in regular course of business of the transferor.

(4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.

**Section 3-303. Taking for value**

A holder takes the instrument for value

(a) to the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or

(b) when he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or

(c) when he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.

**Section 3-304. Notice to purchaser**

(1) The purchaser has notice of a claim or defense if

(a) the instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or

(b) the purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.

(2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.

(3) The purchaser has notice that an instrument is overdue if he has reason to know

(a) that any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or

(b) that acceleration of the instrument has been made; or

(c) that he is taking a demand instrument after demand has been made or more than a reasonable length of time after its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District of Columbia is presumed to be thirty days.

(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim

(a) that the instrument is antedated or postdated;

(b) that it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;

(c) that any party has signed for accommodation;

(d) that an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;

(e) that any person negotiating the instrument is or was a fiduciary;

(f) that there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.

(5) The filing or recording of a document does not of itself constitute notice within the provisions of this Article to a person who would otherwise be a holder in due course.

(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.

### **Section 3-305. Rights of a holder in due course**

To the extent that a holder is a holder in due course he takes the instrument free from

(1) all claims to it on the part of any person; and

(2) all defenses of any party to the instrument with whom the holder has not dealt except

(a) infancy, to the extent that it is a defense to a simple contract; and

(b) such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and

(c) such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and

(d) discharge in insolvency proceedings; and

(e) any other discharge of which the holder has notice when he takes the instrument.

### **Section 3-306. Rights of one not holder in due course**

Unless he has the rights of a holder in due course any person takes the instrument subject to

(a) all valid claims to it on the part of any person; and

(b) all defenses of any party which would be available in an action on a simple contract; and

(c) the defenses of want or failure of consideration, non-performance of any condition precedent, non-delivery; or delivery for a special purpose (Section 3-408); and

(d) the defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement. The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.

### **Section 3-307. Burden of establishing signatures; defenses and due course**

(1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue

(a) the burden of establishing it is on the party claiming under the signature; but

(b) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.

(2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.

(3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.

## PART 4

### LIABILITY OF PARTIES

#### Section 3-401. Signature

(1) No person is liable on an instrument unless his signature appears thereon.

(2) A signature is made by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature.

#### Section 3-402. Signature in ambiguous capacity

Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.

#### Section 3-403. Signature by authorized representative

(1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation. No particular form of appointment is necessary to establish such authority.

(2) An authorized representative who signs his own name to an instrument



(a) is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;

(b) except as otherwise established between the immediate parties, is personally obligated if the instrument names the person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.

(3) Except as otherwise established the name of an organization preceded or followed by the name and office of an authorized individual is a signature made in a representative capacity.

#### **Section 3-404. Unauthorized signatures**

(1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.

(2) Any unauthorized signature may be ratified for all purposes of this Article. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.

#### **Section 3-405. Imposters; signature in name of payee**

(1) An indorsement by any person in the name of a named payee is effective if

(a) an imposter by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or

(b) a person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument;  
or

(c) an agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.

(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.

**Section 3-406. Negligence contributing to alteration or unauthorized signature**

Any person who by his negligence substantially contributes to a material alteration of the instrument or to the making of an unauthorized signature is precluded from asserting the alteration or lack of authority against a holder in due course or against a drawee or other payor who pays the instrument in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business.

**Section 3-407. Alteration**

(1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in

(a) the number or relations of the parties; or

(b) an incomplete instrument, by completing it otherwise than as authorized; or

(c) the writing as signed, by adding to it or by removing any part of it.

(2) As against any person other than a subsequent holder in due course

(a) alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed unless that party assents or is precluded from asserting the defense;

(b) no other alteration discharges any party and the instrument may be enforced according to its original tenor, or

as to incomplete instruments according to the authority given.

(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.

#### **Section 3-408. Consideration**

Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (Section 3-305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this Act under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.

#### **Section 3-409. Draft not an assignment**

(1) A check or other draft does not of itself operate as an assignment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.

(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.

#### **Section 3-410. Definition and operation of acceptance**

(1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.

(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.

(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.

#### **Section 3-411. Certification of a check**

(1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.

(2) Unless otherwise agreed a bank has no obligation to certify a check.

(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.

#### **Section 3-412. Acceptance varying draft**

(1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance cancelled.

(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.

(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.

#### **Section 3-413. Contract of maker, drawer and acceptor**

(1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to Section 3-115 on incomplete instruments.

(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the

amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.

(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.

#### **Section 3-414. Contract of indorser; order of liability**

(1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.

(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.

#### **Section 3-415. Contract of accommodation party**

(1) An accommodation party is one who signs the instrument in any capacity for the purpose of lending his name to another party to it.

(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.

(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.

(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.

(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.

### **Section 3-416. Contract of guarantor**

(1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.

(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.

(3) Words of guaranty which do not otherwise specify guarantee payment.

(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.

(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.

(6) Any guaranty written on the instrument is enforceable notwithstanding any statute of frauds.

### **Section 3-417. Warranties on presentment and transfer**

(1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that

(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith

(i) to a maker with respect to the maker's own signature; or

(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) to an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) the instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith

(i) to the maker of a note; or

(ii) to the drawer of a draft whether or not the drawer is also the drawee; or

(iii) to the acceptor of a draft with respect to an alteration made prior to the acceptance if the holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) to the acceptor of a draft with respect to an alteration made after the acceptance.

(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by indorsement to any subsequent holder who takes the instrument in good faith that

(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

- (b) all signatures are genuine or authorized; and
- (c) the instrument has not been materially altered; and
- (d) no defense of any party is good against him; and

(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.

(3) By transferring "without recourse" the transferor limits the obligation stated in subsection (2) (d) to a warranty that he has no knowledge of such a defense.

(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.

#### **Section 3-418. Finality of payment or acceptance**

Except for recovery of bank payments as provided in the Article on Bank Deposits and Collections (Article 4) and except for liability for breach of warranty on presentment under the preceding section, payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.

#### **Section 3-419. Conversion of instrument; innocent representative**

(1) An instrument is converted when

- (a) a drawee to whom it is delivered for acceptance refuses to return it on demand; or
- (b) any person to whom it is delivered for payment refuses on demand either to pay or to return it; or
- (c) it is paid on a forged indorsement.

(2) In an action against a drawee under subsection (1) the measure of the drawee's liability is the face amount of the



instrument. In any other action under subsection (1) the measure of liability is presumed to be the face amount of the instrument.

(3) Subject to the provisions of this Act concerning restrictive indorsements a representative, including a depository or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.

(4) An intermediary bank or payor bank which is not a depository bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (Sections 3-205 and 3-206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.

## PART 5

### PRESENTMENT, NOTICE OF DISHONOR AND PROTEST

#### **Section 3-501. When presentment, notice of dishonor, and protest necessary or permissible**

(1) Unless excused (Section 3-511) presentment is necessary to charge secondary parties as follows:

(a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;

(b) presentment for payment is necessary to charge any indorser;

(c) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, pre-

sentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in Section 3-502 (1) (b).

(2) Unless excused (Section 3-511)

(a) notice of any dishonor is necessary to charge any indorser;

(b) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice discharges such drawer, acceptor or maker only as stated in Section 3-502 (1) (b).

(3) Unless excused (Section 3-511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District of Columbia. The holder may at his option make protest of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security.

(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.

**Section 3-502. Unexcused delay; discharge**

(1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due

(a) any indorser is discharged; and

(b) any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written

assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.

(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.

### **Section 3-503. Time of presentment**

(1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:

(a) where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;

(b) where an instrument is payable after sight it must either be presented for acceptance or negotiated within a reasonable time after date or issue whichever is later;

(c) where an instrument shows the date on which it is payable presentment for payment is due on that date;

(d) where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;

(e) with respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.

(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:

(a) with respect to the liability of the drawer, thirty days after date or issue whichever is later; and

(b) with respect to the liability of an indorser, seven days after his indorsement.

(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.

(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.

#### **Section 3-504. How presentment made**

(1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.

(2) Presentment may be made

(a) by mail, in which event the time of presentment is determined by the time of receipt of the mail; or

(b) through a clearing house; or

(c) at the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.

(3) It may be made

(a) to any one of two or more makers, acceptors, drawees or other payors; or

(b) to any person who has authority to make or refuse the acceptance or payment.

(4) A draft accepted or a note made payable at a bank in the United States must be presented at such bank.

(5) In the cases described in Section 4-210 presentment may be made in the manner and with the result stated in that section.

**Section 3-505. Rights of party to whom presentment is made**

(1) The party to whom presentment is made may without dishonor require

(a) exhibition of the instrument; and

(b) reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and

(c) that the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and

(d) a signed receipt on the instrument for any partial or full payment and its surrender upon full payment.

(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.

**Section 3-506. Time allowed for acceptance or payment**

(1) Acceptance may be deferred without dishonor until the close of the next business day following presentment. The holder may also in a good faith effort to obtain acceptance and without either dishonor of the instrument or discharge of secondary parties allow postponement of acceptance for an additional business day.

(2) Except as a longer time is allowed in the case of documentary drafts drawn under a letter of credit, and unless an earlier time is agreed to by the party to pay, payment of an instrument may be deferred without dishonor pending reasonable examination to determine whether it is properly payable, but

payment must be made in any event before the close of business on the day of presentment.

**Section 3-507. Dishonor; holder's right of recourse; term allowing re-presentment**

(1) An instrument is dishonored when

(a) a necessary or optional presentment is duly made and due acceptance or payment is refused or cannot be obtained within the prescribed time or in case of bank collections the instrument is seasonably returned by the midnight deadline (Section 4-301); or

(b) presentment is excused and the instrument is not duly accepted or paid.

(2) Subject to any necessary notice of dishonor and protest, the holder has upon dishonor an immediate right of recourse against the drawers and indorsers.

(3) Return of an instrument for lack of proper indorsement is not dishonor.

(4) A term in a draft or an indorsement thereof allowing a stated time for re-presentment in the event of any dishonor of the draft by nonacceptance if a time draft or by nonpayment if a sight draft gives the holder as against any secondary party bound by the term an option to waive the dishonor without affecting the liability of the secondary party and he may present again up to the end of the stated time.

**Section 3-508. Notice of dishonor**

(1) Notice of dishonor may be given to any person who may be liable on the instrument by or on behalf of the holder or any party who has himself received notice, or any other party who can be compelled to pay the instrument. In addition an agent or bank in whose hands the instrument is dishonored may give notice to his principal or customer or to another agent or bank from which the instrument was received.

(2) Any necessary notice must be given by a bank before its midnight deadline and by any other person before midnight of the third business day after dishonor or receipt of notice of dishonor.

(3) Notice may be given in any reasonable manner. It may be oral or written and in any terms which identify the instrument and state that it has been dishonored. A misdescription which does not mislead the party notified does not vitiate the notice. Sending the instrument bearing a stamp, ticket or writing stating that acceptance or payment has been refused or sending a notice of debit with respect to the instrument is sufficient.

(4) Written notice is given when sent although it is not received.

(5) Notice to one partner is notice to each although the firm has been dissolved.

(6) When any party is in insolvency proceedings instituted after the issue of the instrument notice may be given either to the party or to the representative of his estate.

(7) When any party is dead or incompetent notice may be sent to his last known address or given to his personal representative.

(8) Notice operates for the benefit of all parties who have rights on the instrument against the party notified.

### **Section 3-509. Protest; noting for protest**

(1) A protest is a certificate of dishonor made under the hand and seal of a United States consul or vice consul or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs. It may be made upon information satisfactory to such person.

(2) The protest must identify the instrument and certify either that due presentment has been made or the reason why

it is excused and that the instrument has been dishonored by nonacceptance or nonpayment.

(3) The protest may also certify that notice of dishonor has been given to all parties or to specified parties.

(4) Subject to subsection (5) any necessary protest is due by the time that notice of dishonor is due.

(5) If, before protest is due, an instrument has been noted for protest by the officer to make protest, the protest may be made at any time thereafter as of the date of the noting.

#### **Section 3-510. Evidence of dishonor and notice of dishonor**

The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor therein shown:

(a) a document regular in form as provided in the preceding section which purports to be a protest;

(b) the purported stamp or writing of the drawee, payor bank or presenting bank on the instrument or accompanying it stating that acceptance or payment has been refused for reasons consistent with dishonor;

(c) any book or record of the drawee, payor bank, or any collecting bank kept in the usual course of business which shows dishonor, even though there is no evidence of who made the entry.

#### **Section 3-511. Waived or excused presentment, protest or notice of dishonor or delay therein**

(1) Delay in presentment, protest or notice of dishonor is excused when the party is without notice that it is due or when the delay is caused by circumstances beyond his control and he exercises reasonable diligence after the cause of the delay ceases to operate.



(2) Presentment or notice or protest as the case may be is entirely excused when

(a) the party to be charged has waived it expressly or by implication either before or after it is due; or

(b) such party has himself dishonored the instrument or has countermanded payment or otherwise has no reason to expect or right to require that the instrument be accepted or paid; or

(c) by reasonable diligence the presentment or protest cannot be made or the notice given.

(3) Presentment is also entirely excused when

(a) the maker, acceptor or drawee of any instrument except a documentary draft is dead or in insolvency proceedings instituted after the issue of the instrument; or

(b) acceptance or payment is refused but not for want of proper presentment.

(4) Where a draft has been dishonored by nonacceptance a later presentment for payment and any notice of dishonor and protest for nonpayment are excused unless in the meantime the instrument has been accepted.

(5) A waiver of protest is also a waiver of presentment and of notice of dishonor even though protest is not required.

(6) Where a waiver of presentment or notice or protest is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser it binds him only.

## PART 6

### DISCHARGE

#### Section 3-601. Discharge of parties

(1) The extent of the discharge of any party from liability on an instrument is governed by the sections on

- (a) payment or satisfaction (Section 3-603); or
- (b) tender of payment (Section 3-604); or
- (c) cancellation or renunciation (Section 3-605); or
- (d) impairment of right of recourse or of collateral (Section 3-606); or
- (e) reacquisition of the instrument by a prior party (Section 3-208); or
- (f) fraudulent and material alteration (Section 3-407); or
- (g) certification of a check (Section 3-411); or
- (h) acceptance varying a draft (Section 3-412); or
- (i) unexcused delay in presentment or notice of dishonor or protest (Section 3-502).

(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.

(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument

(a) reacquires the instrument in his own right; or

(b) is discharged under any provision of this Article, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (Section 3-606).

#### **Section 3-602. Effect of discharge against holder in due course**

No discharge of any party provided by this Article is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.

**Section 3-603. Payment or satisfaction**

(1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subsection does not, however, result in the discharge of the liability

(a) of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or

(b) of a party (other than an intermediary bank or a payor bank which is not a depository bank) who pays or satisfies the holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.

(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instrument to such a person gives him the rights of a transferee (Section 3-201).

**Section 3-604. Tender of payment**

(1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs and attorney's fees.

(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.

(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at

every place of payment specified in the instrument when it is due, it is equivalent to tender.

### **Section 3-605. Cancellation and renunciation**

(1) The holder of an instrument may even without consideration discharge any party

(a) in any manner apparent on the face of the instrument or the indorsement, as by intentionally cancelling the instrument or the party's signature by destruction or mutilation, or by striking out the party's signature; or

(b) by renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.

(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto.

### **Section 3-606. Impairment of recourse or of collateral**

(1) The holder discharges any party to the instrument to the extent that without such party's consent the holder

(a) without express reservation of rights releases or agrees not to sue any person against whom the party has to the knowledge of the holder a right of recourse or agrees to suspend the right to enforce against such person the instrument or collateral or otherwise discharges such person, except that failure or delay in effecting any required presentment, protest or notice of dishonor with respect to any such person does not discharge any party as to whom presentment, protest or notice of dishonor is effective or unnecessary; or

(b) unjustifiably impairs any collateral for the instrument given by or on behalf of the party or any person against whom he has a right of recourse.

(2) By express reservation of rights against a party with a right of recourse the holder preserves

(a) all his rights against such party as of the time when the instrument was originally due; and

(b) the right of the party to pay the instrument as of that time; and

(c) all rights of such party to recourse against others.

## PART 7

### ADVICE OF INTERNATIONAL SIGHT DRAFT

#### Section 3-701. Letter of advice of international sight draft

(1) A "letter of advice" is a drawer's communication to the drawee that a described draft has been drawn.

(2) Unless otherwise agreed when a bank receives from another bank a letter of advice of an international sight draft the drawee bank may immediately debit the drawer's account and stop the running of interest pro tanto. Such a debit and any resulting credit to any account covering outstanding drafts leaves in the drawer full power to stop payment or otherwise dispose of the amount and creates no trust or interest in favor of the holder.

(3) Unless otherwise agreed and except where a draft is drawn under a credit issued by the drawee, the drawee of an international sight draft owes the drawer no duty to pay an unadvised draft but if it does so and the draft is genuine, may appropriately debit the drawer's account.

## PART 8

### MISCELLANEOUS

#### Section 3-801. Drafts in a set

(1) Where a draft is drawn in a set of parts, each of which is numbered and expressed to be an order only if no other part has been honored, the whole of the parts constitutes

one draft but a taker of any part may become a holder in due course of the draft.

(2) Any person who negotiates, indorses or accepts a single part of a draft drawn in a set thereby becomes liable to any holder in due course of that part as if it were the whole set, but as between different holders in due course to whom different parts have been negotiated the holder whose title first accrues has all rights to the draft and its proceeds.

(3) As against the drawee the first presented part of a draft drawn in a set is the part entitled to payment, or if a time draft to acceptance and payment. Acceptance of any subsequently presented part renders the drawee liable thereon under subsection (2). With respect both to a holder and to the drawer payment of a subsequently presented part of a draft payable at sight has the same effect as payment of a check notwithstanding an effective stop order (Section 4-407).

(4) Except as otherwise provided in this section, where any part of a draft in a set is discharged by payment or otherwise the whole draft is discharged.

**Section 3-802. Effect of instrument on obligation for which it is given**

(1) Unless otherwise agreed where an instrument is taken for an underlying obligation

(a) the obligation is pro tanto discharged if a bank is drawer, maker or acceptor of the instrument and there is no recourse on the instrument against the underlying obligor; and

(b) in any other case the obligation is suspended pro tanto until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation.

(2) The taking in good faith of a check which is not post-dated does not of itself so extend the time on the original obligation as to discharge a surety.

**Section 3-803. Notice to third party**

Where a defendant is sued for breach of an obligation for which a third person is answerable over under this Article he may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over to him under this Article. If the notice states that the person notified may come in and defend and that if the person notified does not do so he will in any action against him by the person giving the notice be bound by any determination of fact common to the two litigations, then unless after seasonable receipt of the notice the person notified does come in and defend he is so bound.

**Section 3-804. Lost, destroyed or stolen instruments**

The owner of an instrument which is lost, whether by destruction, theft or otherwise, may maintain an action in his own name and recover from any party liable thereon upon due proof of his ownership, the facts which prevent his production of the instrument and its terms. The court may require security indemnifying the defendant against loss by reason of further claims on the instrument.

**Section 3-905. Instruments not payable to order or to bearer**

This Article applies to any instrument whose terms do not preclude transfer and which is otherwise negotiable within this Article but which is not payable to order or to bearer, except that there can be no holder in due course of such an instrument.

**ARTICLE 4. BANK DEPOSITS AND COLLECTIONS****PART 1****GENERAL PROVISIONS AND DEFINITIONS****Section 4-101. Short title**

This Article shall be known and may be cited as Uniform Commercial Code—Bank Deposits and Collections.

**Section 4-102. Applicability**

(1) To the extent that items within this Article are also within the scope of Articles 3 and 8, they are subject to the provisions of those Articles. In the event of conflict the provisions of this Article govern those of Article 3 but the provisions of Article 8 govern those of this Article.

(2) The liability of a bank for action or non-action with respect to any item handled by it for purposes of presentment, payment or collection is governed by the law of the place where the bank is located. In the case of action or non-action by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

**Section 4-103. Variation by agreement; measure of damages; certain action constituting ordinary care**

(1) The effect of the provisions of this Article may be varied by agreement except that no agreement can disclaim a bank's responsibility for its own lack of good faith or failure to exercise ordinary care or can limit the measure of damages for such lack or failure; but the parties may by agreement determine the standards by which such responsibility is to be measured if such standards are not manifestly unreasonable.

(2) Federal Reserve regulations and operating letters, clearing house rules, and the like, have the effect of agreements under subsection (1), whether or not specifically assented to by all parties interested in items handled.

(3) Action or non-action approved by this Article or pursuant to Federal Reserve regulations or operating letters constitutes the exercise of ordinary care and, in the absence of special instructions, action or non-action consistent with clearing house rules and the like or with a general banking usage not disapproved by this Article, prima facie constitutes the exercise of ordinary care.

(4) The specification or approval of certain procedures by this Article does not constitute disapproval of other procedures which may be reasonable under the circumstances.



(5) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount which could not have been realized by the use of ordinary care, and where there is bad faith it includes other damages, if any, suffered by the party as a proximate consequence.

#### **Section 4-104. Definitions and index of definitions**

(1) In this Article unless the context otherwise requires

(a) "Account" means any account with a bank and includes a checking, time, interest or savings account;

(b) "Afternoon" means the period of a day between noon and midnight;

(c) "Banking day" means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions;

(d) "Clearing house" means any association of banks or other payors regularly clearing items;

(e) "Customer" means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;

(f) "Documentary draft" means any negotiable or non-negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;

(g) "Item" means any instrument for the payment of money even though it is not negotiable but does not include money;

(h) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

(i) "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

(j) "Settle" means to pay in cash, by clearing house settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;

(k) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Collecting bank". Section 4-105.

"Depository bank". Section 4-105.

"Intermediary bank". Section 4-105.

"Payor bank". Section 4-105.

"Presenting bank". Section 4-105.

"Remitting bank". Section 4-105.

(3) The following definitions in other Articles apply to this Article:

"Acceptance". Section 3-410.

"Certificate of deposit". Section 3-104.

"Certification". Section 3-411.

"Check". Section 3-104.

"Draft". Section 3-104.

"Holder in due course". Section 3-302.

"Notice of dishonor". Section 3-508.

"Presentment". Section 3-504.

"Protest". Section 3-509.

"Secondary party". Section 3-102.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Section 4-105. "Depository bank"; "intermediary bank"; "collecting bank"; "payor bank"; "presenting bank"; "remitting bank"**

In this Article unless the context otherwise requires:

(a) "Depository bank" means the first bank to which an item is transferred for collection even though it is also the payor bank;

(b) "Payor bank" means a bank by which an item is payable as drawn or accepted;

(c) "Intermediary bank" means any bank to which an item is transferred in course of collection except the depository or payor bank;

(d) "Collecting bank" means any bank handling the item for collection except the payor bank;

(e) "Presenting bank" means any bank presenting an item except a payor bank;

(f) "Remitting bank" means any payor or intermediary bank remitting for an item.

**Section 4-106. Separate office of a bank**

Except with respect to Section 4-403, a branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this Article and under Article 3.

**Section 4-107. Time of receipt of items**

(1) For the purpose of allowing time to process items, prove balances and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P. M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.

(2) Any item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

#### **Section 4-108. Delays**

(1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this Act for a period in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.

(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Act or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.

#### **Section 4-109. Process of posting**

The "process of posting" means the usual procedure followed by a payor bank in determining to pay an item and in recording the payment including one or more of the following or other steps as determined by the bank:

- (a) verification of any signature;
- (b) ascertaining that sufficient funds are available;
- (c) affixing a "paid" or other stamp;
- (d) entering a charge or entry to a customer's account;
- (e) correcting or reversing an entry or erroneous action with respect to the item.

## PART 2

COLLECTION OF ITEMS: DEPOSITARY AND  
COLLECTING BANKS**Section 4-201. Presumption and duration of agency status of collecting banks and provisional status of credits; applicability of article; item indorsed "pay any bank"**

(1) Unless a contrary intent clearly appears and prior to the time that a settlement given by a collecting bank for an item is or becomes final (subsection (3) of Section 4-211 and Sections 4-212 and 4-213) the bank is an agent or sub-agent of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and valid rights of setoff. When an item is handled by banks for purposes of presentment, payment and collection, the relevant provisions of this Article apply even though action of parties clearly establishes that a particular bank has purchased the item and is the owner of it.

(2) After an item has been indorsed with the words "pay any bank" or the like, only a bank may acquire the rights of a holder

(a) until the item has been returned to the customer initiating collection; or

(b) until the item has been specially indorsed by a bank to a person who is not a bank.

**Section 4-202. Responsibility for collection; when action sea-sonable**

(1) A collecting bank must use ordinary care in

- (a) presenting an item or sending it for presentment; and
- (b) sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor or directly to the depository bank under subsection (2) of Section 4-212 after learning that the item has not been paid or accepted, as the case may be; and
- (c) settling for an item when the bank receives final settlement; and
- (d) making or providing for any necessary protest; and
- (e) notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

(2) A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts seasonably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.

(3) Subject to subsection (1) (a), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of an item in transit or in the possession of others.

#### **Section 4-203. Effect of instructions**

Subject to the provisions of Article 3 concerning conversion of instruments (Section 3-419) and the provisions of both Article 3 and this Article concerning restrictive indorsements only a collecting bank's transferor can give instructions which affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action taken pursuant to such instructions or in accordance with any agreement with its transferor.

#### **Section 4-204. Methods of sending and presenting; sending direct to payor bank**

(1) A collecting bank must send items by reasonably prompt method taking into consideration any relevant instruc-

tions, the nature of the item, the number of such items on hand, and the cost of collection involved and the method generally used by it or others to present such items.

(2) A collecting bank may send

(a) any item direct to the payor bank;

(b) any item to any non-bank payor if authorized by its transferor; and

(c) any item other than documentary drafts to any non-bank payor, if authorized by Federal Reserve regulation or operating letter, clearing house rule or the like.

(3) Presentment may be made by a presenting bank at a place where the payor bank has requested that presentment be made.

#### **Section 4-205. Supplying missing indorsement; no notice from prior indorsement**

(1) A depository bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depository bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.

(2) An intermediary bank, or payor bank which is not a depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor.

#### **Section 4-206. Transfer between banks**

Any agreed method which identifies the transferor bank is sufficient for the item's further transfer to another bank.

**Section 4-207. Warranties of customer and collecting bank on transfer or presentment of items; time for claims**

(1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) to a maker with respect to the maker's own signature; or

(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) to an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) the item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) to the maker of a note; or

(ii) to the drawer of a draft whether or not the drawer is also the drawee; or

(iii) to the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or



(iv) to the acceptor of an item with respect to an alteration made after the acceptance.

(2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that

(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) all signatures are genuine or authorized; and

(c) the item has not been materially altered; and

(d) no defense of any party is good against him; and

(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon dishonor and any necessary notice of dishonor and protest he will take up the item.

(3) The warranties and the engagement to honor set forth in the two preceding subsections arise notwithstanding the absence of indorsement or words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.

(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim.

**Section 4-208. Security interest of collecting bank in items, accompanying documents and proceeds**

(1) A bank has a security interest in an item and any accompanying documents or the proceeds of either

(a) in case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;

(b) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of charge-back; or

(c) if it makes an advance on or against the item.

(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents and proceeds. To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of Article 9 except that

(a) no security agreement is necessary to make the security interest enforceable (subsection (1) (b) of Section 9-203); and

(b) no filing is required to perfect the security interest; and

(c) the security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.

**Section 4-209. When bank gives value for purposes of holder in due course**

For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course.

**Section 4-210. Presentment by notice of item not payable by, through or at a bank; liability of secondary parties**

(1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under Section 3-505 by the close of the bank's next banking day after it knows of the requirement.

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under Section 3-505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

**Section 4-211. Media of remittance; provisional and final settlement in remittance cases**

(1) A collecting bank may take in settlement of an item

(a) a check of the remitting bank or of another bank on any bank except the remitting bank; or

(b) a cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearing house or group as the collecting bank; or

(c) appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or

(d) if the item is drawn upon or payable by a person other than a bank, a cashier's check, certified check or other bank check or obligation.

(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subsection (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.

(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement

(a) if the remittance instrument or authorization to charge is of a kind approved by subsection (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization,—at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;

(b) if the person receiving the settlement has authorized remittance by a non-bank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subsection (1) (b),—at the time of the receipt of such remittance check or obligation; or

(c) if in a case not covered by sub-paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance instrument or authorization to it to charge before its midnight deadline,—at such midnight deadline.

### Section 4-212. Right of charge-back or refund

(1) If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason of dishonor, suspension of payments by a bank or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge-back and obtain refunds terminate if and when a settlement for the item received by the bank is or becomes final (subsection (3) of Section 4-211 and subsections (2) and (3) of Section 4-213).

(2) Within the time and manner prescribed by this section and Section 4-301, an intermediary or payor bank, as the case may be, may return an unpaid item directly to the depository bank and may send for collection a draft on the depository bank and obtain reimbursement. In such case, if the depository bank has received provisional settlement for the item, it must reimburse the bank drawing the draft and any provisional credits for the item between banks shall become and remain final.

(3) A depository bank which is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (Section 4-301).

(4) The right to charge-back is not affected by

(a) prior use of the credit given for the item; or

(b) failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.

(5) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other party.

(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any charge-back or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.

**Section 4-213. Final payment of item by payor bank; when provisional debits and credits become final; when certain credits become available for withdrawal**

(1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

(a) paid the item in cash; or

(b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or

(c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or

(d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presentment and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of Section 4-211, sub-

section (2) of Section 4-213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit

to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) in any case where the bank has received a provisional settlement for the item,—when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid,—at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit.

#### **Section 4-214. Insolvency and preference**

(1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or inter-

fere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subsection (3) of Section 4-211, subsections (1) (d), (2) and (3) of Section 4-213).

(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.

### PART 3

#### COLLECTION OF ITEMS: PAYOR BANKS

##### **Section 4-301. Deferred posting; recovery of payment by return of items; time of dishonor**

(1) Where an authorized settlement for a demand item (other than a documentary draft) received by a payor bank otherwise than for immediate payment over the counter has been made before midnight of the banking day of receipt the payor bank may revoke the settlement and recover any payment if before it has made final payment (subsection (1) of Section 4-213) and before its midnight deadline it

(a) returns the item; or

(b) sends written notice of dishonor or nonpayment if the items is held for protest or is otherwise unavailable for return.

(2) If a demand item is received by a payor bank for credit on its books it may return such item or send notice of dishonor and may revoke any credit given or recover the amount thereof withdrawn by its customers, if it acts within the time limit and in the manner specified in the preceding subsection.

(3) Unless previous notice of dishonor has been sent an item is dishonored at the time when for purposes of dishonor



it is returned or notice sent in accordance with this section.

(4) An item is returned:

(a) as to an item received through a clearing house, when it is delivered to the presenting or last collecting bank or to the clearing house or is sent or delivered in accordance with its rules; or

(b) in all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to his instructions.

**Section 4-302. Payor bank's responsibility for late return of item**

In the absence of a valid defense such as breach of a presentment warranty (subsection (1) of Section 4-207), settlement effected or the like, if an item is presented on and received by a payor bank the bank is accountable for the amount of

(a) a demand item other than a documentary draft whether properly payable or not if the bank, in any case where it is not also the depositary bank, retains the item beyond midnight of the banking day of receipt without settling for it or, regardless of whether it is also the depositary bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or

(b) any other properly payable item unless within the time allowed for acceptance or payment of that item the bank either accepts or pays the item or returns it and accompanying documents.

**Section 4-303. When items subject to notice, stop-order, legal process or setoff; order in which items may be charged or certified**

(1) Any knowledge, notice or stop-order received by, legal process served upon or setoff exercised by a payor bank, whether or not effective under other rules of law to terminate, suspend or modify the bank's right or duty to pay an item or to

charge its customer's account for the item, comes too late to so terminate, suspend or modify such right or duty if the knowledge, notice, stop-order or legal process is received or served and a reasonable time for the bank to act thereon expires or the setoff is exercised after the bank has done any of the following:

- (a) accepted or certified the item;
  - (b) paid the item in cash;
  - (c) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement;
  - (d) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith or otherwise has evidenced by examination of such indicated account and by action its decision to pay the item; or
  - (e) become accountable for the amount of the item under subsection (1) (d) of Section 4-213 and Section 4-302 dealing with the payor bank's responsibility for late return of items.
- (2) Subject to the provisions of subsection (1) items may be accepted, paid, certified or charged to the indicated account of its customer in any order convenient to the bank.

#### PART 4

### RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

#### Section 4-401. When bank may charge customer's account

(1) As against its customer, a bank may charge against his account any item which is otherwise properly payable from that account even though the charge creates an overdraft.

(2) A bank which in good faith makes payment to a holder may charge the indicated account of its customer according to

(a) the original tenor of his altered item; or

(b) the tenor of his completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

**Section 4-402. Bank's liability to customer for wrongful dishonor**

A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. When the dishonor occurs through mistake liability is limited to actual damages proved. If so proximately caused and proved damages may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

**Section 4-403. Customer's right to stop payment; burden of proof of loss**

(1) A customer may by order to his bank stop payment of any item payable for his account but the order must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it prior to any action by the bank with respect to the item described in Section 4-303.

(2) An oral order is binding upon the bank only for fourteen calendar days unless confirmed in writing within that period. A written order is effective for only six months unless renewed in writing.

(3) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop payment order is on the customer.

**Section 4-404. Bank not obligated to pay check more than six months old**

A bank is under no obligation to a customer having a checking account to pay a check, other than a certified check, which

is presented more than six months after its date, but it may charge its customer's account for a payment made thereafter in good faith.

#### **Section 4-405. Death or incompetence of customer**

(1) A payor or collecting bank's authority to accept, pay or collect an item or to account for proceeds of its collection if otherwise effective is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes such authority to accept, pay, collect or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

(2) Even with knowledge a bank may for ten days after the date of death pay or certify checks drawn on or prior to that date unless ordered to stop payment by a person claiming an interest in the account.

#### **Section 4-406. Customer's duty to discover and report unauthorized signature or alteration**

(1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customers or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection (1) the customer is precluded from asserting against the bank

(a) his unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and

(b) an unauthorized signature or alteration by the same wrongdoer on any other item paid in good faith by the bank after the first item and statement was available to the customer for a reasonable period not exceeding fourteen calendar days and before the bank receives notification from the customer of any such unauthorized signature or alteration.

(3) The preclusion under subsection (2) does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the items(s).

(4) Without regard to care or lack of care of either the customer or the bank a customer who does not within one year from the time the statement and items are made available to the customer (subsection (1)) discover and report his unauthorized signature or any alteration on the face or back of the item or does not within three years from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alternation giving rise to the customer's claim.

#### **Section 4-407. Payor bank's right to subrogation on improper payment**

If a payor bank has paid an item over the stop payment order of the drawer or maker or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank shall be subrogated to the rights

(a) of any holder in due course on the item against the drawer or maker; and

(b) of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and

(c) of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

## PART 5

### COLLECTION OF DOCUMENTARY DRAFTS

#### **Section 4-501. Handling of documentary drafts; duty to send for presentment and to notify customer of dishonor**

A bank which takes a documentary draft for collection must present or send the draft and accompanying documents for presentment and upon learning that the draft has not been paid or accepted in due course must seasonably notify its customer of such fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

#### **Section 4-502. Presentment of "on arrival" drafts**

When a draft or the relevant instructions require presentment "on arrival", "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of such refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

#### **Section 4-503. Responsibility of presenting bank for documents and goods; report of reasons for dishonor; referee in case of need**

Unless otherwise instructed and except as provided in Article 5 a bank presenting a documentary draft

(a) must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and

(b) upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or if the presenting bank does not choose to utilize his services it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor and must request instructions.

But the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to prepayment of or indemnity for such expenses.

**Section 4-504. Privilege of presenting bank to deal with goods; security interest for expenses**

(1) A presenting bank which, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

(2) For its reasonable expenses incurred by action under subsection (1) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

**ARTICLE 5. LETTERS OF CREDIT**

**Section 5-101. Short title**

This Article shall be known and may be cited as Uniform Commercial Code—Letters of Credit.

**Section 5-102. Scope**

(1) This Article applies

(a) to a credit issued by a bank if the credit requires a documentary draft or a documentary demand for payment; and

(b) to a credit issued by a person other than a bank if the credit requires that the draft or demand for payment be accompanied by a document of title; and

(c) to a credit issued by a bank or other person if the credit is not within subparagraphs (a) or (b) but conspicuously states that it is a letter of credit or is conspicuously so entitled.

(2) Unless the engagement meets the requirements of subsection (1), this Article does not apply to engagements to make advances or to honor drafts or demands for payment, to authorities to pay or purchase, to guarantees or to general agreements.

(3) This Article deals with some but not all of the rules and concepts of letters of credit as such rules or concepts have developed prior to this act or may hereafter develop. The fact that this Article states a rule does not by itself require, imply or negate application of the same or a converse rule to a situation not provided for or to a person not specified by this Article.

### **Section 5-103. Definitions**

(1) In this Article unless the context otherwise requires

(a) "Credit" or "letter of credit" means an engagement by a bank or other person made at the request of a customer and of a kind within the scope of this Article (Section 5-102) that the user will honor drafts or other demands for payment upon compliance with the conditions specified in the credit. A credit may be either revocable or irrevocable. The engagement may be either an agreement to honor or a statement that the bank or other person is authorized to honor.

(b) A "documentary draft" or a "documentary demand for payment" is one honor of which is conditioned upon the presentation of a document or documents. "Document" means



any paper including document of title, security, invoice, certificate, notice of default and the like.

(c) An "issuer" is a bank or other person issuing a credit.

(d) A "beneficiary" of a credit is a person who is entitled under its terms to draw or demand payment.

(e) An "advising bank" is a bank which gives notification of the issuance of a credit by another bank.

(f) A "confirming bank" is a bank which engages either that it will itself honor a credit already issued by another bank or that such a credit will be honored by the issuer or a third bank.

(g) A "customer" is a buyer or other person who causes an issuer to issue a credit. The term also includes a bank which procures issuance or confirmation on behalf of that bank's customer.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Notation of Credit". Section 5-108.

"Presenter". Section 5-112(3).

(3) Definitions in other Articles applying to this Article and the sections in which they appear are:

"Accept" or "Acceptance". Section 3-410.

"Contract for sale". Section 2-106.

"Draft". Section 3-104.

"Holder in due course". Section 3-302.

"Midnight deadline". Section 4-104.

"Security". Section 8-102.

(4) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Section 5-104. Formal requirements; signing**

(1) Except as otherwise required in subsection (1) (c) of Section 5-102 on scope, no particular form of phrasing is required for a credit. A credit must be in writing and signed by the issuer and a confirmation must be in writing and signed by the confirming bank. A modification of the terms of a credit or confirmation must be signed by the issuer or confirming bank.

(2) A telegram may be a sufficient signed writing if it identifies its sender by an authorized authentication. The authentication may be in code and the authorized naming of the issuer in an advice of credit is a sufficient signing.

**Section 5-105. Consideration**

No consideration is necessary to establish a credit or to enlarge or otherwise modify its terms.

**Section 5-106. Time and effect of establishment of credit**

(1) Unless otherwise agreed a credit is established

(a) as regards the customer as soon as a letter of credit is sent to him or the letter of credit or an authorized written advice of its issuance is sent to the beneficiary; and

(b) as regards the beneficiary when he receives a letter of credit or an authorized written advice of its issuance.

(2) Unless otherwise agreed once an irrevocable credit is established as regards the customer it can be modified or revoked only with the consent of the customer and once it is established as regards the beneficiary it can be modified or revoked only with his consent.

(3) Unless otherwise agreed once an irrevocable credit is established it may be modified or revoked by the issuer without notice to or consent from the customer or beneficiary.

(4) Notwithstanding any modification or revocation of a revocable credit any person authorized to honor or negotiate under the terms of the original credit is entitled to reimbursement for or honor of any draft or demand for payment duly honored or negotiated before receipt of notice of the modification or revocation and the issuer in turn is entitled to reimbursement from its customer.

**Section 5-107. Advice of credit; confirmation; error in statement of terms**

(1) Unless otherwise specified an advising bank by advising a credit issued by another bank does not assume any obligation to honor drafts drawn or demands for payment made under the credit but it does assume obligation for the accuracy of its own statement.

(2) A confirming bank by confirming a credit becomes directly obligated on the credit to the extent of its confirmation as though it were its issuer and acquires the rights of an issuer.

(3) Even though an advising bank incorrectly advises the terms of a credit it has been authorized to advise the credit is established as against the issuer to the extent of its original terms.

(4) Unless otherwise specified the customer bears as against the issuer all risks of transmission and reasonable translation or interpretation of any message relating to a credit.

**Section 5-108. "Notation credit"; exhaustion of credit**

(1) A credit which specifies that any person purchasing or paying drafts drawn or demands for payment made under it must note the amount of the draft or demand on the letter or advice of credit is a "notation credit".

(2) Under a notation credit

(a) a person paying the beneficiary or purchasing a draft or demand for payment from him acquires a right to honor

(b) unless the credit or a signed statement that an appropriate notation has been made accompanies the draft or demand for payment the issuer may delay honor until evidence of notation has been procured which is satisfactory to it but its obligation and that of its customer continue for a reasonable time not exceeding thirty days to obtain such evidence.

(3) If the credit is not a notation credit

(a) the issuer may honor complying drafts or demands for payment presented to it in the order in which they are presented and is discharged pro tanto by honor of any such draft or demand;

(b) as between competing good faith purchasers of complying drafts or demands the person first purchasing has priority over a subsequent purchaser even though the later purchased draft or demand has been first honored.

#### **Section 5-109. Issuer's obligation to its customer**

(1) An issuer's obligation to its customer includes good faith and observance of any general banking usage but unless otherwise agreed does not include liability or responsibility

(a) for performance of the underlying contract for sale or other transaction between the customer and the beneficiary; or

(b) for any act or omission of any person other than itself or its own branch or for loss or destruction of a draft, demand or document in transit or in the possession of others; or

(c) based on knowledge or lack of knowledge of any usage of any particular trade.

(2) An issuer must examine documents with care so as to ascertain that on their face they appear to comply with the or forwarding for honor the documents under the credit such only if the appropriate notation is made and by transferring a person warrants to the issuer that the notation has been made; and

terms of the credit but unless otherwise agreed assumes no liability or responsibility for the genuineness, falsification or effect of any document which appears on such examination to be regular on its face.

(3) A non-bank issuer is not bound by any banking usage of which it has no knowledge.

**Section 5-110. Availability of credit in portions; presenter's reservation of lien or claim**

(1) Unless otherwise specified a credit may be used in portions in the discretion of the beneficiary.

(2) Unless otherwise specified a person by presenting a documentary draft or demand for payment under a credit relinquishes upon its honor all claims to the documents and a person by transferring such draft or demand or causing such presentment authorizes such relinquishment. An explicit reservation of claim makes the draft or demand non-complying.

**Section 5-111. Warranties on transfer and presentment**

(1) Unless otherwise agreed the beneficiary by transferring or presenting a documentary draft or demand for payment warrants to all interested parties that the necessary conditions of the credit have been complied with. This is in addition to any warranties arising under Articles 3, 4, 7 and 8.

(2) Unless otherwise agreed a negotiating, advising, confirming, collecting or issuing bank presenting or transferring a draft or demand for payment under a credit warrants only the matters warranted by a collecting bank under Article 4 and any such bank transferring a document warrants only the matters warranted by an intermediary under Articles 7 and 8.

**Section 5-112. Time allowed for honor or rejection; withholding honor or rejection by consent; "presenter"**

(1) A bank to which a documentary draft or demand for payment is presented under a credit may without dishonor of the draft, demand or credit

(a) defer honor until the close of the third banking day following receipt of the documents; and

(b) further defer honor if the presenter has expressly or impliedly consented thereto.

Failure to honor within the time here specified constitutes dishonor of the draft or demand and of the credit.

(2) Upon dishonor the bank may unless otherwise instructed fulfill its duty to return the draft or demand and the documents by holding them at the disposal of the presenter and sending him an advice to that effect.

(3) "Presenter" means any person presenting a draft or demand for payment for honor under a credit even though that person is a confirming bank or other correspondent which is acting under an issuer's authorization.

#### **Section 5-113. Indemnities**

(1) A bank seeking to obtain (whether for itself or another) honor, negotiation or reimbursement under a credit may give an indemnity to induce such honor, negotiation or reimbursement.

(2) An indemnity agreement inducing honor, negotiation or reimbursement

(a) unless otherwise explicitly agreed applies to defects in the documents but not in the goods; and

(b) unless a longer time is explicitly agreed expires at the end of ten business days following receipt of the documents by the ultimate customer unless notice of objection is sent before such expiration date. The ultimate customer may send notice of objection to the person from whom he received the documents and any bank receiving such notice is under a duty to send notice to its transferor before its midnight deadline.

#### **Section 5-114. Issuer's duty and privilege to honor; right to reimbursement**

(1) An issuer must honor a draft or demand for payment which complies with the terms of the relevant credit regardless

of whether the goods or documents conform to the underlying contract for sale or other contract between the customer and the beneficiary. The issuer is not excused from honor of such a draft or demand by reason of an additional general term that all documents must be satisfactory to the issuer, but an issuer may require that specified documents must be satisfactory to it.

(2) Unless otherwise agreed when documents appear on their face to comply with the terms of a credit but a required document does not in fact conform to the warranties made on negotiation or transfer of a document of title (Section 7-507) or of a security (Section 8-306) or is forged or fraudulent or there is fraud in the transaction

(a) the issuer must honor the draft or demand for payment if honor is demanded by a negotiating bank or other holder of the draft or demand which has taken the draft or demand under the credit and under circumstances which would make it a holder in due course (Section 3-302) and in an appropriate case would make it a person to whom a document of title has been duly negotiated (Section 7-502) or a bona fide purchaser of a security (Section 8-302); and

(b) in all other cases as against its customer, an issuer acting in good faith may honor the draft or demand for payment despite notification from the customer of fraud, forgery or other defect not apparent on the face of the documents but a court of appropriate jurisdiction may enjoin such honor.

(3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment made under the credit and to be put in effectively available funds not later than the day before maturity of any acceptance made under the credit.

#### **Section 5-115. Remedy for improper dishonor or anticipatory repudiation**

(1) When an issuer wrongfully dishonors a draft or demand for payment presented under a credit the person entitled to honor has with respect to any documents the rights of a per-

son in the position of a seller (Section 2-707) and may recover from the issuer the face amount of the draft or demand together with incidental damages under Section 2-710 on seller's incidental damages and interest but less any amount realized by resale or other use or disposition of the subject matter of the transaction. In the event no resale or other utilization is made the documents, goods or other subject matter involved in the transaction must be turned over to the issuer on payment of judgment.

(2) When an issuer wrongfully cancels or otherwise repudiates a credit before presentment of a draft or demand for payment drawn under it the beneficiary has the rights of a seller after anticipatory repudiation by the buyer under Section 2-610 if he learns of the repudiation in time reasonably to avoid procurement of the required documents. Otherwise the beneficiary has an immediate right of action for wrongful dishonor.

#### **Section 5-116. Transfer and assignment**

(1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract right under Article 9 on Secured Transactions and is governed by that Article except that

(a) the assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Article 9; and

(b) the issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identi-



fies the credit involved in the assignment and contains a request to pay the assignee; and

(c) after what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

**Section 5-117. Insolvency of bank holding funds for documentary credit**

(1) Where an issuer or an advising or confirming bank or a bank which has for a customer procured issuance of a credit by another bank becomes insolvent before final payment under the credit and the credit is one to which this Article is made applicable by paragraphs (a) or (b) of Section 5-102(1) on scope, the receipt or allocation of funds or collateral to secure or meet obligations under the credit shall have the following results:

(a) to the extent of any funds or collateral turned over after or before the insolvency as indemnity against or specifically for the purpose of payment of drafts or demands for payment drawn under the designated credit, the drafts or demands are entitled to payment in preference over depositors or other general creditors of the issuer or bank; and

(b) on expiration of the credit or surrender of the beneficiary's rights under it unused any person who has given such funds or collateral is similarly entitled to return thereof; and

(c) a change to a general or current account with a bank if specifically consented to for the purpose of indemnity against or payment of drafts or demands for payment drawn under the designated credit falls under the same rules as if the funds had

been drawn out in cash and then turned over with specific instructions.

(2) After honor or reimbursement under this section the customer or other person for whose account the insolvent bank has acted is entitled to receive the documents involved.

## ARTICLE 6. BULK TRANSFERS

### Section 6-101. Short title

This Article shall be known and may be cited as Uniform Commercial Code—Bulk Transfers.

### Section 6-102. “Bulk transfers”; transfers of equipment; enterprises subject to this Article; bulk transfers subject to this Article

(1) A “bulk transfer” is any transfer in bulk and not in the ordinary course of the transferor’s business of a major part of the materials, supplies, merchandise or other inventory (Section 9-109) of an enterprise subject to this Article.

(2) A transfer of a substantial part of the equipment (Section 9-109) of such an enterprise is a bulk transfer if it is made in connection with a bulk transfer of inventory, but not otherwise.

(3) The enterprises subject to this Article are all those whose principal business is the sale of merchandise from stock, including those who manufacture what they sell.

(4) Except as limited by the following section all bulk transfers of goods located within this state are subject to this Article.

### Section 6-103. Transfers excepted from this Article

The following transfers are not subject to this Article:

(1) Those made to give security for the performance of an obligation;

(2) General assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(3) Transfers in settlement or realization of a lien or other security interest;

(4) Sales by executors, administrators, receivers, trustees in bankruptcy, or any public officer under judicial process;

(5) Sales made in the course of judicial or administrative proceedings for the dissolution or reorganization of a corporation and of which notice is sent to the creditors of the corporation pursuant to order of the court or administrative agency;

(6) Transfers to a person maintaining a known place of business in this State who becomes bound to pay the debts of the transferor in full and gives public notice of that fact, and who is solvent after becoming so bound;

(7) A transfer to a new business enterprise organized to take over and continue the business, if public notice of the transaction is given and the new enterprise assumes the debts of the transferor and he receives nothing from the transaction except an interest in the new enterprise junior to the claims of creditors;

(8) Transfers of property which is exempt from execution.

Public notice under subsection (6) or subsection (7) may be given by publishing once a week for two consecutive weeks in a newspaper of general circulation where the transferor had its principal place of business in this state an advertisement including the names and addresses of the transferor and transferee and the effective date of the transfer.

#### **Section 6-104. Schedule of property; list of creditors**

(1) Except as provided with respect to auction sales (Section 6-108), a bulk transfer subject to this Article is ineffec-

tive against any creditor of the transferor unless:

(a) The transferee requires the transferor to furnish a list of his existing creditors prepared as stated in this section; and

(b) The parties prepare a schedule of the property transferred sufficient to identify it; and

(c) The transferee preserves the list and schedule for six months next following the transfer and permits inspection of either or both and copying therefrom at all reasonable hours by any creditor of the transferor, or files the list and schedule in the office of the Secretary of State.

(2) The list of creditors must be signed and sworn to or affirmed by the transferor or his agent. It must contain the names and business addresses of all creditors of the transferor, with the amount when known, and also the names of all persons who are known to the transferor to assert claims against him even though such claims are disputed. If the transferor is the obligor of an outstanding issue of bonds, debentures or the like as to which there is an indenture trustee, the list of creditors need include only the name and address of the indenture trustee and the aggregate outstanding principal amount of the issue.

(3) Responsibility for the completeness and accuracy of the list of creditors rests on the transferor, and the transfer is not rendered ineffective by errors or omissions therein unless the transferee is shown to have had knowledge.

#### **Section 6-105. Notice to creditors**

In addition to the requirements of the preceding section, any bulk transfer subject to this Article except one made by auction sale (Section 6-108) is ineffective against any creditor of the transferor unless at least ten days before he takes possession of the goods or pays for them, whichever happens first, the transferee gives notice of the transfer in the manner and to the persons hereafter provided (Section 6-107).

**Section 6-107. The notice**

(1) The notice to creditors (Section 6-105) shall state:

(a) that a bulk transfer is about to be made; and

(b) the names and business addresses of the transferor and transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and

(c) whether or not all the debts of the transferor are to be paid in full as they fall due as a result of the transaction, and if so, the address to which creditors should send their bills.

(2) If the debts of the transferor are not to be paid in full as they fall due or if the transferee is in doubt on that point then the notice shall state further:

(a) the location and general description of the property to be transferred and the estimated total of the transferor's debts;

(b) the address where the schedule of property and list of creditors (Section 6-104) may be inspected;

(c) whether the transfer is to pay existing debts and if so the amount of such debts and to whom owing;

(d) whether the transfer is for new consideration and if so the amount of such consideration and the time and place of payment;

(3) The notice in any case shall be delivered personally or sent by registered or certified mail to all the persons shown on the list of creditors furnished by the transferor (Section 6-104) and to all other persons who are known to the transferee to hold or assert claims against the transferor.

**Section 6-108. Auction sales; "auctioneer"**

(1) A bulk transfer is subject to this Article even though it is by sale at auction, but only in the manner and with the results stated in this section.

(2) The transferor shall furnish a list of his creditors and assist in the preparation of a schedule of the property to be sold, both prepared as before stated (Section 6-104).

(3) The person or persons other than the transferor who direct, control or are responsible for the auction are collectively called the "auctioneer". The auctioneer shall:

(a) receive and retain the list of creditors and prepare and retain the schedule of property for the period stated in this Article (Section 6-104);

(b) give notice of the auction personally or by registered or certified mail at least ten days before it occurs to all persons shown on the list of creditors and to all other persons who are known to him to hold or assert claims against the transferor;

(4) Failure of the auctioneer to perform any of these duties does not affect the validity of the sale or the title of the purchasers, but if the auctioneer knows that the auction constitutes a bulk transfer such failure renders the auctioneer liable to the creditors of the transferor as a class for the sums owing to them from the transferor up to but not exceeding the net proceeds of the auction. If the auctioneer consists of several persons their liability is joint and several.

**Section 6-109. What creditors protected**

(1) The creditors of the transferor mentioned in this Article are those holding claims based on transactions or events occurring before the bulk transfer, but creditors who become such after notice to creditors is given (Sections 6-105 and 6-107) are not entitled to notice.

**Section 6-110. Subsequent transfers**

When the title of a transferee to property is subject to a defect by reason of his non-compliance with the requirements of this Article; then:

(1) a purchaser of any of such property from such transferee who pays no value or who takes with notice of such non-compliance takes subject to such defect, but

(2) a purchaser for value in good faith and without such notice takes free of such defect.

**Section 6-111. Limitation of actions and levies**

No action under this Article shall be brought nor levy made more than six months after the date on which the transferee took possession of the goods unless the transfer has been concealed. If the transfer has been concealed, actions may be brought or levies made within six months after its discovery.

**ARTICLE 7. WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE****PART 1****GENERAL****Section 7-101. Short title**

This Article shall be known and may be cited as Uniform Commercial Code—Documents of Title.

**Section 7-102. Definitions and index of definitions**

(1) In this Article, unless the context otherwise requires:

(a) "Bailee" means the person who by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.

(b) "Consignee" means the person named in a bill to whom or to whose order the bill promises delivery.

(c) "Consignor" means the person named in a bill as the person from whom the goods have been received for shipment.

(d) "Delivery order" means a written order to deliver goods directed to a warehouseman, carrier or other person who in the ordinary course of business issues warehouse receipts or bills of lading.

(e) "Document" means document of title as defined in the general definitions in Article 1 (Section 1-201).

(f) "Goods" means all things which are treated as movable for the purpose of a contract of storage or transportation.

(g) "Issuer" means a bailee who issues a document except that in relation to an unaccepted delivery order it means the person who orders the possessor of goods to deliver. Issuer includes any person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, notwithstanding that the issuer received no goods or that the goods were misdescribed or that in any other respect the agent or employee violated his instructions.

(h) "Warehouseman" is a person engaged in the business of storing goods for hire.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Duly negotiate". Section 7-501.

"Person entitled under the document". Section 7-403(4).

(3) Definitions in other Articles applying to this Article and the sections in which they appear are:

"Contract for sale". Section 2-106.

"Overseas". Section 2-323.

"Receipt" of goods. Section 2-103.



(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Section 7-103. Relation of Article to treaty, statute, tariff, classification or regulation**

To the extent that any treaty or statute of the United States, regulatory statute of this State or tariff, classification or regulation filed or issued pursuant thereto is applicable, the provisions of this Article are subject thereto.

**Section 7-104. Negotiable and non-negotiable warehouse receipt, bill of lading or other document of title**

(1) A warehouse receipt, bill of lading or other document of title is negotiable

(a) if by its terms the goods are to be delivered to bearer or to the order of a named person; or

(b) where recognized in overseas trade, if it runs to a named person or assigns.

(2) Any other document is non-negotiable. A bill of lading in which it is stated that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against a written order signed by the same or another named person.

**Section 7-105. Construction against negative implication**

The omission from either Part 2 or Part 3 of this Article of a provision corresponding to a provision made in the other Part does not imply that a corresponding rule of law is not applicable.

**PART 2**

**WAREHOUSE RECEIPTS: SPECIAL PROVISIONS**

**Section 7-201. Who may issue a warehouse receipt; storage under government bond**

(1) A warehouse receipt may be issued by any warehouseman.

(2) Where goods including distilled spirits and agricultural commodities are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods has like effect as a warehouse receipt even though issued by a person who is the owner of the goods and is not a warehouseman.

**Section 7-202. Form of warehouse receipt; essential terms; optional terms**

(1) A warehouse receipt need not be in any particular form.

(2) Unless a warehouse receipt embodies within its written or printed terms each of the following, the warehouseman is liable for damages caused by the omission to a person injured thereby:

(a) the location of the warehouse where the goods are stored;

(b) the date of issue of the receipt;

(c) the consecutive number of the receipt;

(d) a statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;

(e) the rate of storage and handling charges, except that where goods are stored under a field warehousing arrangement a statement of that fact is sufficient on a non-negotiable receipt;

(f) a description of the goods or of the packages containing them;

(g) the signature of the warehouseman, which may be made by his authorized agent;

(h) if the receipt is issued for goods of which the ware-

houseman is owner, either solely or jointly or in common with others, the fact of such ownership; and

(i) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien or security interest (Section 7-209). If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(3) A warehouseman may insert in his receipt any other terms which are not contrary to the provisions of this Act and do not impair his obligation of delivery (Section 7-403) or his duty of care (Section 7-204). Any contrary provisions shall be ineffective.

#### **Section 7-203. Liability for non-receipt or misdescription**

A party to or purchaser for value in good faith of a document of title other than a bill of lading relying in either case upon the description therein of the goods may recover from the issuer damages caused by the non-receipt or misdescription of the goods, except to the extent that the document conspicuously indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity or condition, or the receipt or description is qualified by "contents, condition and quality unknown", "said to contain" or the like, if such indication be true, or the party or purchaser otherwise has notice.

#### **Section 7-204. Duty of care; contractual limitation of warehouseman's liability**

(1) A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful man would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

(2) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

**Section 7-205. Title under warehouse receipt defeated in certain cases**

A buyer in the ordinary course of business of fungible goods sold and delivered by a warehouseman who is also in the business of buying and selling such goods takes free of any claim under a warehouse receipt even though it has been duly negotiated.

**Section 7-206. Termination of storage at warehouseman's option**

(1) A warehouseman may on notifying the person on whose account the goods are held and any other person known to claim an interest in the goods require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document, or, if no period is fixed, within a stated period not less than thirty days after the notification. If the goods are not removed before the date specified in the notification, the warehouseman may sell them in accordance with the provisions of the section on enforcement of a warehouseman's lien (Section 7-210).

(2) If a warehouseman in good faith believes that the goods are about to deteriorate or decline in value to less than the amount of his lien within the time prescribed in subsection (1) for notification, advertisement and sale, the warehouseman may specify in the notification any reasonable shorter time for removal of the goods and in case the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

(3) If as a result of a quality or condition of the goods of which the warehouseman had no notice at the time of deposit the goods are a hazard to other property or to the warehouse or to persons, the warehouseman may sell the goods at public or private sale without advertisement on reasonable notification to all persons known to claim an interest in the goods. If the warehouseman after a reasonable effort is unable to sell the goods he may dispose of them in any lawful manner and shall incur no liability by reason of such disposition.

(4) The warehouseman must deliver the goods to any person entitled to them under this Article upon due demand made at any time prior to sale or other disposition under this section.

(5) The warehouseman may satisfy his lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he would have been bound to deliver the goods.

#### **Section 7-207. Goods must be kept separate; fungible goods**

(1) Unless the warehouse receipt otherwise provides, a warehouseman must keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods except that different lots of fungible goods may be commingled.

(2) Fungible goods so commingled are owned in common by the persons entitled thereto and the warehouseman is severally liable to each owner for that owner's share. Where because of overissue a mass of fungible goods is insufficient to meet all

the receipts which the warehouseman has issued against it, the persons entitled include all holders to whom overissued receipts have been duly negotiated.

#### **Section 7-208. Altered warehouse receipts**

Where a blank in a negotiable warehouse receipt has been filled in without authority, a purchaser for value and without notice of the want of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any receipt enforceable against the issuer according to its original tenor.

#### **Section 7-209. Lien of warehouseman**

(1) A warehouseman has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds thereof in his possession for charges for storage or transportation (including demurrage and terminal charges), insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges in an amount or at a rate specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest. Such a security interest is governed by the Article on Secured Transactions (Article 9).

(3) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7-503.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

### **Section 7-210. Enforcement of warehouseman's lien**

(1) Except as provided in subsection (2), a warehouseman's lien may be enforced by public or private sale of the goods in block or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the warehouseman is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the warehouseman either sells the goods in the usual manner in any recognized market therefor, or if he sells at the price current in such market at the time of his sale, or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold, he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to insure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) A warehouseman's lien on goods other than goods stored by a merchant in the course of his business may be enforced only as follows:

(a) All persons known to claim an interest in the goods must be notified.

(b) The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified.

(c) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

(d) The sale must conform to the terms of the notification.

(e) The sale must be held at the nearest suitable place to that where the goods are held or stored.

(f) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account they are being held, and the time and place of the sale. The sale must take place at least fifteen days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.

(3) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the warehouseman subject to the terms of the receipt and this Article.

(4) The warehouseman may buy at any public sale pursuant to this section.

(5) A purchaser in good faith of goods sold to enforce a warehouseman's lien takes the goods free of any rights of per-



sons against whom the lien was valid, despite noncompliance by the warehouseman with the requirements of this section.

(6) The warehouseman may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(7) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(8) Where a lien is on goods stored by a merchant in the course of his business the lien may be enforced in accordance with either subsection (1) or (2).

(9) The warehouseman is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

### PART 3

#### BILLS OF LADING: SPECIAL PROVISIONS

**Section 7-301. Liability for non-receipt or misdescription;  
"said to contain"; "shipper's load and count";  
improper handling**

(1) A consignee of a non-negotiable bill who has given value in good faith or a holder to whom a negotiable bill has been duly negotiated relying in either case upon the description therein of the goods, or upon the date therein shown, may recover from the issuer damages caused by the misdating of the bill or the non-receipt or misdescription of the goods, except to the extent that the document indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels of kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown", "said to contain", "shipper's weight, load and count" or the like, if such indication be true.

(2) When goods are loaded by an issuer who is a common carrier, the issuer must count the packages of goods if package freight and ascertain the kind and quantity if bulk freight. In such cases "shipper's weight, load and count" or other words indicating that the description was made by the shipper are ineffective except as to freight concealed by packages.

(3) When bulk freight is loaded by a shipper who makes available to the issuer adequate facilities for weighing such freight, an issuer who is a common carrier must ascertain the kind and quantity within a reasonable time after receiving the written request of the shipper to do so. In such cases "shipper's weight" or other words of like purport are ineffective.

(4) The issuer may by inserting in the bill the words "shipper's weight, load and count" or other words of like purport indicate that the goods were loaded by the shipper; and if such statement be true the issuer shall not be liable for damages caused by the improper loading. But their omission does not imply liability for such damages.

(5) The shipper shall be deemed to have guaranteed to the issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition and weight, as furnished by him; and the shipper shall indemnify the issuer against damage caused by inaccuracies in such particulars. The right of the issuer to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

#### **Section 7-302. Through bills of lading and similar documents**

(1) The issuer of a through bill of lading or other document embodying an undertaking to be performed in part by persons acting as its agents or by connecting carriers is liable to anyone entitled to recover on the document for any breach by such other persons or by a connecting carrier of its obligation under the document but to the extent that the bill covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking

including matters other than transportation this liability may be varied by agreement of the parties.

(2) Where goods covered by a through bill of lading or other document embodying an undertaking to be performed in part by persons other than the issuer are received by any such person, he is subject with respect to his own performance while the goods are in his possession to the obligation of the issuer. His obligation is discharged by delivery of the goods to another such person pursuant to the document, and does not include liability for breach by any other such persons or by the issuer.

(3) The issuer of such through bill of lading or other document shall be entitled to recover from the connecting carrier or such other person in possession of the goods when the breach of the obligation under the document occurred, the amount it may be required to pay to anyone entitled to recover on the document therefor, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action brought by anyone entitled to recover on the document therefor.

#### **Section 7-303. Diversion; reconsignment; change of instructions**

(1) Unless the bill of lading otherwise provides, the carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods on instructions from

(a) the holder of a negotiable bill; or

(b) the consignor on a non-negotiable bill notwithstanding contrary instructions from the consignee; or

(c) the consignee on a non-negotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the bill; or

(d) the consignee on a non-negotiable bill if he is entitled as against the consignor to dispose of them.

(2) Unless such instructions are noted on a negotiable bill of lading, a person to whom the bill is duly negotiated can hold the bailee according to the original terms.

#### **Section 7-304. Bills of lading in a set**

(1) Except where customary in overseas transportation, a bill of lading must not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

(2) Where a bill of lading is lawfully drawn in a set of parts, each of which is numbered and expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitute one bill.

(3) Where a bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to whom the first due negotiation is made prevails as to both the document and the goods even though any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrender of his part.

(4) Any person who negotiates or transfers a single part of a bill of lading drawn in a set is liable to holders of that part as if it were the whole set.

(5) The bailee is obliged to deliver in accordance with Part 4 of this Article against the first presented part of a bill of lading lawfully drawn in a set. Such delivery discharges the bailee's obligation on the whole bill.

#### **Section 7-305. Destination bills**

(1) Instead of issuing a bill of lading to the consignor at the place of shipment a carrier may at the request of the consignor procure the bill to be issued at destination or at any other place designated in the request.

(2) Upon request of anyone entitled as against the carrier to control the goods while in transit and on surrender of

any outstanding bill of lading or other receipt covering such goods, the issuer may procure a substitute bill to be issued at any place designated in the request.

#### **Section 7-306. Altered bills of lading**

An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

#### **Section 7-307. Lien of carrier**

(1) A carrier has a lien on the goods covered by a bill of lading for charges subsequent to the date of its receipt of the goods for storage or transportation (including demurrage and terminal charges) and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. But against a purchaser for value of a negotiable bill of lading a carrier's lien is limited to charges stated in the bill or the applicable tariffs, or if no charges are stated then to a reasonable charge.

(2) A lien for charges and expenses under subsection (1) on goods which the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to such charges and expenses. Any other lien under subsection (1) is effective against the consignor and any person who permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked such authority.

(3) A carrier loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

#### **Section 7-308. Enforcement of carrier's lien**

(1) A carrier's lien may be enforced by public or private sale of the goods, in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such

notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the carrier either sells the goods in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the carrier subject to the terms of the bill and this Article.

(3) The carrier may buy at any public sale pursuant to this section.

(4) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the carrier with the requirements of this section.

(5) The carrier may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(6) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(7) A carrier's lien may be enforced in accordance with either subsection (1) or the procedure set forth in subsection (2) of Section 7-210.

(8) The carrier is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

**Section 7-309. Duty of care; contractual limitation of carrier's liability**

(1) A carrier who issues a bill of lading whether negotiable or non-negotiable must exercise the degree of care in relation to the goods which a reasonably careful man would exercise under like circumstances. This subsection does not repeal or change any law or rule of law which imposes liability upon a common carrier for damages not caused by its negligence.

(2) Damages may be limited by a provision that the carrier's ability shall not exceed a value stated in the document if the carrier's rates are dependent upon value and the consignor by the carrier's tariff is afforded an opportunity to declare a higher value or a value as lawfully provided in the tariff, or where no tariff is filed he is otherwise advised of such opportunity; but no such limitation is effective with respect to the carrier's liability for conversion to its own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the shipment may be included in a bill of lading or tariff.

**PART 4**

**WAREHOUSE RECEIPTS AND BILLS OF LADING:  
GENERAL OBLIGATIONS**

**Section 7-401. Irregularities in issue of receipt or bill or conduct of issuer**

The obligations imposed by this Article on an issuer apply to a document of title regardless of the fact that

(a) the document may not comply with the requirements of this Article or of any other law or regulation regarding its issue, form or content; or

(b) the issuer may have violated laws regulating the conduct of his business; or

(c) the goods covered by the document were owned by the bailee at the time the document was issued; or

(d) the person issuing the document does not come within the definition of warehouseman if it purports to be a warehouse receipt.

#### **Section 7-402. Duplicate receipt or bill; overissue**

Neither a duplicate nor any other document of title purporting to cover goods already represented by an outstanding document of the same issuer confers any right in the goods, except as provided in the case of bills in a set, overissue of documents for fungible goods and substitutes for lost, stolen or destroyed documents. But the issuer is liable for damages caused by his overissue or failure to identify a duplicate documents as such by conspicuous notation on its face.

#### **Section 7-403. Obligation of warehouseman or carrier to deliver; excuse**

(1) The bailee must deliver the goods to a person entitled under the document who complies with subsections (2) and (3), unless and to the extent that the bailee establishes any of the following:

(a) delivery of the goods to a person whose receipt was rightful as against the claimant;

(b) damage to or delay, loss or destruction of the goods for which the bailee is not liable;

(c) previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;

(d) the exercise by a seller of his right to stop delivery pursuant to the provisions of the Article on Sales (Section 2-705);



(e) a diversion, reconsignment or other disposition pursuant to the provisions of this Article (Section 7-303) or tariff regulating such right;

(f) release, satisfaction or any other fact affording a personal defense against the claimant;

(g) any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) Unless the person claiming is one against whom the document confers no right under Sec. 7-503 (1), he must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a non-negotiable document.

**Section 7-404. No liability for good faith delivery pursuant to receipt or bill**

A bailee who in good faith including observance of reasonable commercial standards has received goods and delivered or otherwise disposed of them according to the terms of the document of title or pursuant to this Article is not liable therefor. This rule applies even though the person from whom he received the goods had no authority to procure the document or to dispose of the goods and even though the person to whom he delivered the goods had no authority to receive them.

## PART 5

WAREHOUSE RECEIPTS AND BILLS OF LADING:  
NEGOTIATION AND TRANSFER**Section 7-501. Form of negotiation and requirements of "due negotiation"**

(1) A negotiable document of title running to the order of a named person is negotiated by his indorsement and delivery. After his indorsement in blank or to bearer any person can negotiate it by delivery alone.

(2) (a) A negotiable document of title is also negotiated by delivery alone when by its original terms it runs to bearer.

(b) When a document running to the order of a named person is delivered to him the effect is the same as if the document had been negotiated.

(3) Negotiation of a negotiable document of title after it has been indorsed to a specified person requires indorsement by the special indorsee as well as delivery.

(4) A negotiable document of title is "duly negotiated" when it is negotiated in the manner stated in this section to a holder who purchases it in good faith without notice of any defense against or claim to it on the part of any person and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a money obligation.

(5) Indorsement of a non-negotiable document neither makes it negotiable nor adds to the transferee's rights.

(6) The naming in a negotiable bill of a person to be notified of the arrival of the goods does not limit the negotiability of the bill nor constitute notice to a purchaser thereof of any interest of such person in the goods.

**Section 7-502. Rights acquired by due negotiation**

(1) Subject to the following section and to the provisions of Section 7-205 on fungible goods, a holder to whom a negoti-

able document of title has been duly negotiated acquires thereby:

- (a) title to the document;
- (b) title to the goods;
- (c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and
- (d) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by him except those arising under the terms of the document or under this Article. In the case of a delivery order the bailee's obligation accrues only upon acceptance and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

(2) Subject to the following section, title and rights so acquired are not defeated by any stoppage of the goods represented by the document or by surrender of such goods by the bailee, and are not impaired even though the negotiation or any prior negotiation constituted a breach of duty or even though any person has been deprived of possession of the document by misrepresentation, fraud, accident, mistake, duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or document has been made to a third person.

**Section 7-503. Document of title to goods defeated in certain cases**

(1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

(a) delivered or entrusted them or any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this Article (Section 7-403) or with power of

disposition under this Act (Sections 2-403 and 9-307) or other statute or rule of law; nor

(b) acquiesced in the procurement by the bailor or his nominee of any document of title.

(2) Title to goods based upon an unaccepted delivery order is subject to the rights of anyone to whom a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. Such a title may be defeated under the next section to the same extent as the rights of the issuer or a transferee from the issuer.

(3) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with Part 4 of this Article pursuant to its own bill of lading discharges the carrier's obligation to deliver.

**Section 7-504. Rights acquired in the absence of due negotiation; effect of diversion; seller's stoppage of delivery**

(1) A transferee of a document, whether negotiable or non-negotiable, to whom the document has been delivered but not duly negotiated, acquires the title and rights which his transferor had or had actual authority to convey.

(2) In the case of a non-negotiable document, until but not after the bailee receives notification of the transfer, the rights of the transferee may be defeated

(a) by those creditors of the transferor who could treat the sale as void under Section 2-402; or

(b) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of his rights; or

(c) as against the bailee by good faith dealings of the bailee with the transferor.

(3) A diversion or other change of shipping instructions by the consignor in a non-negotiable bill of lading which causes the bailee not to deliver to the consignee defeats the consignee's title to the goods if they have been delivered to a buyer in ordinary course of business and in any event defeats the consignee's rights against the bailee.

(4) Delivery pursuant to a non-negotiable document may be stopped by a seller under Section 2-705, and subject to the requirement of due notification there provided. A bailee honoring the seller's instructions is entitled to be indemnified by the seller against any resulting loss or expense.

**Section 7-505. Indorser not a guarantor for other parties**

The indorsement of a document of title issued by a bailee does not make the indorser liable for any default by the bailee or by previous indorsers.

**Section 7-506. Delivery without indorsement: right to compel indorsement**

The transferee of a negotiable document of title has a specifically enforceable right to have his transferor supply any necessary indorsement but the transfer becomes a negotiation only as of the time the indorsement is supplied.

**Section 7-507. Warranties on negotiation or transfer of receipt or bill**

Where a person negotiates or transfers a document of title for value otherwise than as a mere intermediary under the next following section, then unless otherwise agreed he warrants to his immediate purchaser only in addition to any warranty made in selling the goods

- (a) that the document is genuine; and
- (b) that he has no knowledge of any fact which would impair its validity or worth; and
- (c) that his negotiation or transfer is rightful and fully effective with respect to the title to the document and the goods it represents.

**Section 7-508. Warranties of collecting bank as to documents**

A collecting bank or other intermediary known to be entrusted with documents on behalf of another or with collection of a draft or other claim against delivery of documents warrants by such delivery of the documents only its own good faith and authority. This rule applies even though the intermediary has purchased or made advances against the claim or draft to be collected.

**Section 7-509. Receipt or bill: when adequate compliance with  
..commercial contract**

The question whether a document is adequate to fulfill the obligations of a contract for sale or the conditions of a credit is governed by the Articles on Sales (Article 2) and on Letters of Credit (Article 5).

**PART 6****WAREHOUSE RECEIPTS AND BILLS OF LADING:  
MISCELLANEOUS PROVISIONS****Section 7-601. Lost and missing documents**

(1) If a document has been lost, stolen or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with such order. If the document was negotiable the claimant must post security approved by the court to indemnify any person who may suffer loss as a result of non-surrender of the document. If the document was not negotiable, such security may be required at the discretion of the court. The court may also in its discretion order payment of the bailee's reasonable costs and counsel fees.

(2) A bailee who without court order delivers goods to a person claiming under a missing negotiable document is liable to any person injured thereby, and if the delivery is not in good faith becomes liable for conversion. Delivery in good faith is not conversion if made in accordance with a filed classification or

tariff or, where no classification or tariff is filed, if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery who files a notice of claim within one year after the delivery.

**Section 7-602. Attachment of goods covered by a negotiable document**

Except where the document was originally issued upon delivery of the goods by a person who had no power to dispose of them, no lien attaches by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless the document be first surrendered to the bailee or its negotiation enjoined, and the bailee shall not be compelled to deliver the goods pursuant to process until the document is surrendered to him or impounded by the court. One who purchases the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

**Section 7-603. Conflicting claims; interpleader**

If more than one person claims title or possession of the goods, the bailee is excused from delivery until he has had a reasonable time to ascertain the validity of the adverse claims or to bring an action to compel all claimants to interplead and may compel such interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate.

**ARTICLE 8. INVESTMENT SECURITIES**

**PART 1**

**SHORT TITLE AND GENERAL MATTERS**

**Section 8-101. Short title**

This Article shall be known and may be cited as Uniform Commercial Code—Investment Securities.

**Section 8-102. Definitions and index of definitions**

(1) In this Article unless the context otherwise requires

(a) A "security" is an instrument which

(i) is issued in bearer or registered form; and

(ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this Article and not by Uniform Commercial Code-Commercial Paper even though it also meets the requirements of that Article. This Article does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation all of the capital stock of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934.



(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

"Adverse claim". Section 8-301.

"Bona fide purchaser". Section 8-302.

"Broker". Section 8-303.

"Guarantee of the signature". Section 8-402.

"Intermediary bank". Section 4-105.

"Issuer". Section 8-201.

"Overissue". Section 8-104.

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

#### **Section 8-103. Issuer's lien**

A lien upon a security in favor of an issuer thereof is valid against a purchaser only if the right of the issuer to such lien is noted conspicuously on the security.

#### **Section 8-104. Effect of overissue; "overissue"**

(1) The provisions of this Article which validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue; but

(a) if an identical security which does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the issuer to purchase and deliver such a security to him against surrender of the security, if any, which he holds; or

(b) if a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand.

(2) "Overissue" means the issue of securities in excess of the amount which the issuer has corporate power to issue.

**Section 8-105. Securities negotiable; presumptions**

(1) Securities governed by this Article are negotiable instruments.

(2) In any action on a security

(a) unless specifically denied in the pleadings, each signature on the security or in a necessary indorsement is admitted;

(b) when the effectiveness of a signature is put in issue the burden of establishing it is on the party claiming under the signature but the signature is presumed to be genuine or authorized;

(c) when signatures are admitted or established production of the instrument entitles a holder to recover on it unless the defendant establishes a defense or a defect going to the validity of the security; and

(d) after it is shown that a defense or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective. (Section 8-202).

**Section 8-106. Applicability**

The validity of a security and the rights and duties of the issuer with respect to registration of transfer are governed by the law (including the conflict of laws rules) of the jurisdiction of organization of the issuer.

**Section 8-107. Securities deliverable; action for price**

(1) Unless otherwise agreed and subject to any applicable law or regulation respecting short sales, a person obligated to deliver securities may deliver any security of the specified issue

in bearer form or registered in the name of the transferee or indorsed to him in blank.

(2) When the buyer fails to pay the price as it comes due under a contract of sale the seller may recover the price

(a) of securities accepted by the buyer; and

(b) of other securities if efforts at their resale would be unduly burdensome or if there is no readily available market for their resale.

## PART 2

### ISSUE — ISSUER

#### Section 8-201. "Issuer"

(1) With respect to obligations on or defenses to a security "issuer" includes a person who

(a) places or authorizes the placing of his name on a security (otherwise than as authenticating trustee, registrar, transfer agent or the like) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty to perform an obligation evidenced by the security; or

(b) directly or indirectly creates fractional interests in his rights or property which fractional interests are evidenced by securities; or

(c) becomes responsible for or in place of any other person described as an issuer in this section.

(2) With respect to obligations on or defenses to a security a guarantor is an issuer to the extent of his guaranty whether or not his obligation is noted on the security.

(3) With respect to registration of transfer (Part 4 of this Article) "issuer" means a person on whose behalf transfer books are maintained.

**Section 8-202. Issuer's responsibility and defenses; notice of defect or defense**

(1) Even against a purchaser for value and without notice, the terms of a security include those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a constitution, statute, ordinance, rule, regulation, order or the like to the extent that the terms so referred to do not conflict with the stated terms. Such a reference does not of itself charge a purchaser for value with notice of a defect going to the validity of the security, even though the security expressly states that a person accepting it admits such notice.

(2) (a) A security other than one issued by a government or governmental agency or unit even though issued with a defect going to its validity is valid in the hands of a purchaser for value and without notice of the particular defect unless the defect involves a violation of constitutional provisions in which case the security is valid in the hands of a subsequent purchaser for value and without notice of the defect.

(b) The rule of subparagraph (a) applies to an issuer which is the government or governmental agency or unit only if either there has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as otherwise provided in the case of certain unauthorized signatures on issue (Section 8—205), lack of genuineness of a security is a complete defense even against a purchaser for value and without notice.

(4) All other defenses of the issuer including nondelivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defense.

(5) Nothing in this section shall be construed to affect the right of a party to a "when, as and if issued" or a "when distributed" contract to cancel the contract in the event of a material change in the character of the security which is the subject of the contract or in the plan or arrangement pursuant to which such security is to be issued or distributed.

#### **Section 8-203. Staleness as notice of defects or defenses**

(1) After an act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer

(a) if the act or event is one requiring the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and

(b) if the act or event is not covered by paragraph (a) and he takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.

(2) A call which has been revoked is not within subsection (1).

#### **Section 8-204. Effect of issuer's restrictions on transfer**

Unless noted conspicuously on the security a restriction on transfer imposed by the issuer even though otherwise lawful is ineffective except against a person with actual knowledge of it.

#### **Section 8-205. Effect of unauthorized signature on issue**

An unauthorized signature placed on a security prior to or in the course of issue is ineffective except that the signature is

effective in favor of a purchaser for value and without notice of the lack of authority if the signing has been done by

(a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities or their immediate preparation for signing; or

(b) an employee of the issuer or of any of the foregoing entrusted with responsible handling of the security.

**Section 8-206. Completion or alteration of instrument**

(1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect

(a) any person may complete it by filling in the blanks as authorized; and

(b) even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness.

(2) A complete security which has been improperly altered even though fraudulently remains enforceable but only according to its original terms.

**Section 8-207. Rights of issuer with respect to registered owners**

(1) Prior to due presentment for registration of transfer of a security in registered form the issuer or indenture trustee may treat the registered owner as the person exclusively entitled to vote, to receive notifications and otherwise to exercise all the rights and powers of an owner.

(2) Nothing in this Article shall be construed to affect the liability of the registered owner of a security for calls, assessments or the like.

**Section 8-208. Effect of signature of authenticating trustee, registrar or transfer agent**

(1) A person placing his signature upon a security as authenticating trustee, registrar, transfer agent or the like

warrants to a purchaser for value without notice of the particular defect that

(a) the security is genuine; and

(b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects.

### PART 3

#### PURCHASE

##### **Section 8-301. Rights acquired by purchaser; "adverse claim"; title acquired by bona fide purchaser**

(1) Upon delivery of a security the purchaser acquires the rights in the security which his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later bona fide purchaser. "Adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security.

(2) A bona fide purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

**Section 8-302. "Bona fide purchaser"**

A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or of one in registered form issued to him or indorsed to him or in blank.

**Section 8-303. "Broker"**

"Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, or buys a security from or sells a security to a customer. Nothing in this Article determines the capacity in which a person acts for purposes of any other statute or rule to which such person is subject.

**Section 8-304. Notice to purchaser of adverse claims**

(1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

(a) the security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or

(b) the security is in bearer form and has on it an ambiguous statement that it is the property of a person other than the transferor. The mere writing of a name on a security is not such a statement.

(2) the fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.



**Section 8-305. Staleness as notice of adverse claims**

An act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange does not of itself constitute any notice of adverse claims except in the case of a purchase

(a) after one year from any date set for such presentment or surrender for redemption or exchange; or

(b) after six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date.

**Section 8-306. Warranties on presentment and transfer**

(1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or exchange. But a purchaser for value without notice of adverse claims who receives a new, reissued or re-registered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature (Section 8-311) in a necessary indorsement.

(2) A person by transferring a security to a purchaser for value warrants only that

(a) his transfer is effective and rightful; and

(b) the security is genuine and has not been materially altered; and

(c) he knows no fact which might impair the validity of the security.

(3) Where a security is delivered by an intermediary known to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim against

such delivery, the intermediary by such delivery warrants only his own good faith and authority even though he has purchased or made advances against the claim to be collected against the delivery.

(4) A pledge or other holder for security who redelivers the security received, or after payment and on order of the debtor delivers that security to a third person makes only the warranties of an intermediary under subsection (3).

(5) A broker gives to his customer and to the issuer and a purchaser the warranties provided in this section and has the rights and privileges of a purchaser under this section. The warranties of and in favor of the broker acting as an agent are in addition to applicable warranties given by and in favor of his customer.

**Section 8-307. Effect of delivery without indorsement; right to compel indorsement**

Where a security in registered form has been delivered to a purchaser without a necessary indorsement he may become a bona fide purchaser only as of the time the indorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary indorsement supplied.

**Section 8-308. Indorsement, how made; special indorsement; indorser not a guarantor; partial assignment**

(1) An indorsement of a security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of such person is written without more upon the back of the security.

(2) An indorsement may be in blank or special. An indorsement in blank includes an indorsement to bearer. A special indorsement specifies the person to whom the security is to be transferred, or who has power to transfer it. A holder may convert a blank indorsement into a special indorsement.

(3) "An appropriate person" in subsection (1) means

(a) the person specified by the security or by special indorsement to be entitled to the security; or

(b) where the person so specified is described as a fiduciary but is no longer serving in the described capacity,—either that person or his successor; or

(c) where the security or indorsement so specifies more than one person as fiduciaries and one or more are no longer serving in the described capacity,—the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified; or

(d) where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise,—his executor, administrator, guardian or like fiduciary; or

(e) where the security or indorsement so specifies more than one person as tenants by the entirety or with right of survivorship and by reason of death all cannot sign,—the survivor or survivors; or

(f) a person having power to sign under applicable law or controlling instrument; or

(g) to the extent that any of the foregoing persons may act through an agent,—his authorized agent.

(4) Unless otherwise agreed the indorser by his indorsement assumes no obligation that the security will be honored by the issuer.

(5) An indorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the indorsement.

(6) Whether the person signing is appropriate is determined as of the date of signing and an indorsement by such

a person does not become unauthorized for the purposes of this Article by virtue of any subsequent change of circumstances.

(7) Failure of a fiduciary to comply with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his indorsement unauthorized for the purposes of this Article.

#### **Section 8-309. Effect of indorsement without delivery**

An indorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the indorsement is on a separate document until delivery of both the document and the security.

#### **Section 8-310. Indorsement of security in bearer form**

An indorsement of a security in bearer form may give notice of adverse claims (Section 8-304) but does not otherwise affect any right to registration the holder may possess.

#### **Section 8-311. Effect of unauthorized indorsement**

Unless the owner has ratified an unauthorized indorsement or is otherwise precluded from asserting its ineffectiveness

(a) he may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or re-registered security on registration of transfer; and

(b) an issuer who registers the transfer of a security upon the unauthorized indorsement is subject to liability for improper registration (Section 8-404).

#### **Section 8-312. Effect of guaranteeing signature or indorsement**

(1) Any person guaranteeing a signature of an indorser of a security warrants that at the time of signing

(a) the signature was genuine; and

(b) the signer was an appropriate person to indorse (Section 8-308); and

(c) the signer had legal capacity to sign.  
But the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an indorsement of a security and by so doing warrants not only the signature (subsection 1) but also the rightfulness of the particular transfer in all respects. But no issuer may require a guarantee of indorsement as a condition to registration of transfer.

(3) The foregoing warranties are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of the warranties.

**Section 8-313. When delivery to the purchaser occurs; purchaser's broker as holder**

(1) Delivery to a purchaser occurs when

(a) he or a person designated by him acquires possession of a security; or

(b) his broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or

(c) his broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or

(d) with respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or

(e) appropriates on the books of a clearing corporation are made under Section 8-320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in subparagraphs (b), (c) and (e) of subsection (1). Where a security is part of a fungible bulk the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the broker or by the purchaser after the broker takes delivery as a holder for value is not effective either as to the broker or as to the purchaser. However, as between the broker and the purchaser the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received.

#### **Section 8-314. Duty to deliver, when completed**

(1) Unless otherwise agreed where a sale of a security is made on an exchange or otherwise through brokers

(a) the selling customer fulfills his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or if requested causes an acknowledgment to be made to the selling broker that it is held for him; and

(b) the selling broker including a correspondent broker acting for a selling customer fulfills his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the exchange on which the transaction took place.

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by him or at the purchaser's request causes an acknowledgment to be made to the purchaser that it is held for him. Unless made on an exchange a sale to a broker purchasing for his own account is within this subsection and not within subsection (1).

**Section 8-315. Action against purchaser based upon wrongful transfer**

(1) Any person against whom the transfer of a security is wrongful for any reason, including his incapacity may against anyone except a bona fide purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or have damages.

(2) If the transfer is wrongful because of an unauthorized indorsement, the owner may also reclaim or obtain possession of the security or new security even from a bona fide purchaser if the ineffectiveness of the purported indorsement can be asserted against him under the provisions of this Article on unauthorized indorsements (Section 8-311).

(3) The right to obtain or reclaim possession of a security may be specifically enforced and its transfer enjoined and the security impounded pending the litigation.

**Section 8-316. Purchaser's right to requisites for registration of transfer on books**

Unless otherwise agreed the transferor must on due demand supply his purchaser with any proof of his authority to transfer or with any other requisite which may be necessary to obtain registration of the transfer of the security but if the transfer is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses. Failure to comply with a demand made within a reasonable time gives the purchaser the right to reject or rescind the transfer.

**Section 8-317. Effect on attachment and sequestration laws; attachment or levy upon security**

(1) Nothing contained in this Act shall repeal, amend or in any way effect the provisions of sections 169 and 324, title 8, or sections 365 and 366, and chapter 35, title 10; and to the extent that any provision of this Act is inconsistent with such sections, sections 169 and 324, title 8, and 365 and 366 and chapter 35, title 10, shall be controlling.

(2) A creditor whose debtor is the owner of a security shall be entitled to such aid from courts of appropriate jurisdiction, by injunction or otherwise, in reaching such security or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

#### **Section 8-318. No conversion by good faith delivery**

An agent or bailee who in good faith (including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities) has received securities and sold, pledged or delivered them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal had no right to dispose of them.

#### **Section 8-319. Statute of frauds**

A contract for the sale of securities is not enforceable by way of action or defense unless

(a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price; or

(b) delivery of the security has been accepted or payment has been made but the contract is enforceable under this provision only to the extent of such delivery or payment; or

(c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under paragraph (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within ten days after its receipt; or

(d) the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract was made for sale of a stated quantity of described securities at a defined or stated price.



**Section 8-320. Transfer or pledge within a central depository system**

(1) If a security

(a) is in the custody of a clearing corporation or of a custodian bank or a nominee of either subject to the instructions of the clearing corporation; and

(b) is in bearer form or indorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian bank or a nominee of either; and

(c) is shown on the account of a transferor or pledgor on the books of the clearing corporation; then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries on the books of the clearing corporation reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

(2) Under this section entries may be with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly indorsed in blank (Section 8-301) representing the amount of the obligation or the number of shares or rights transferred or pledged. If a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party (Sections 9-304 and 9-305). A transferee or pledgee under this section is a holder.

(4) A transfer or pledge under this section does not constitute a registration of transfer under Part 4 of this Article.

(5) That entries made on the books of the clearing corporation as provided in subsection (1) are not appropriate does not affect the validity or effect of the entries nor the liabilities or obligations of the clearing corporation to any person adversely affected thereby.

## PART 4

### REGISTRATION

#### **Section 8-401. Duty of issuer to register transfer**

(1) Where a security in registered form is presented to the issuer with a request to register transfer, the issuer is under a duty to register the transfer as requested if

(a) the security is indorsed by the appropriate person or persons (Section 8-308); and

(b) reasonable assurance is given that those indorsements are genuine and effective (Section 8-402); and

(c) the issuer has no duty to inquire into adverse claims or has discharged any such duty (Section 8-403); and

(d) any applicable law relating to the collection of taxes has been complied with; and

(e) the transfer is in fact rightful or is to a bona fide purchaser.

(2) Where an issuer is under a duty to register a transfer of a security the issuer is also liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer.

#### **Section 8-402. Assurance that indorsements are effective**

(1) The issuer may require the following assurance that each necessary indorsement (Section 8-308) is genuine and effective

(a) in all cases, a guarantee of the signature (subsection (1) of Section 8-312) of the person indorsing; and

(b) where the indorsement is by an agent, appropriate assurance of authority to sign;

(c) where the indorsement is by a fiduciary, appropriate evidence of appointment or incumbency;

(d) where there is more than one fiduciary, reasonable assurance that all who are required to sign have done so;

(e) where the indorsement is by a person not covered by any of the foregoing, assurance appropriate to the case corresponding as nearly as may be to the foregoing.

(2) A "guarantee of the signature" in subsection (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible. The issuer may adopt standards with respect to responsibility provided such standards are not manifestly unreasonable.

(3) "Appropriate evidence of appointment or incumbency" in subsection (1) means

(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 date of presentation for 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 issuer to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the issuer to be appropriate. The issuer may adopt standards with respect to such evidence provided such standards are not manifestly unreasonable. The issuer is not charged with notice of the contents of any document obtained pursuant to this paragraph (b) except to the extent that the contents relate directly to the appointment or incumbency.

(4) The issuer may elect to require reasonable assurance beyond that specified in this section but if it does so and for a purpose other than that specified in subsection 3 (b) both requires and obtains a copy of a will, trust, indenture, articles of co-partnership, by-laws or other controlling instrument it is charged with notice of all matters contained therein affecting the transfer.

#### **Section 8-403. Limited duty of inquiry**

(1) An issuer to whom a security is presented for registration is under a duty to inquire into adverse claims if

(a) a written notification of an adverse claim is received at a time and in a manner which affords the issuer a reasonable opportunity to act on it prior to the issuance of a new, reissued or re-registered security and the notification identifies the claimant, the registered owner and the issue of which the security is a part and provides an address for communications directed to the claimant; or

(b) the issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of Section 8-402.

(2) The issuer may discharge any duty of inquiry by any reasonable means, including notifying an adverse claimant by registered or certified mail at the address furnished by him or if there be no such address at his residence or regular place of business that the security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within thirty days from the date of mailing the notification, either

(a) an appropriate restraining order, injunction or other process issues from a court of competent jurisdiction; or

(b) an indemnity bond sufficient in the issuer's judgment to protect the issuer and any transfer agent, registrar or other agent of the issuer involved, from any loss which it or they may suffer by complying with the adverse claim is filed with the issuer.

(3) Unless an issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of Section 8-402 or receives notification of an adverse claim under subsection (1) of this section, where a security presented for registration is indorsed by the appropriate person or persons the issuer is under no duty to inquire into adverse claims. In particular

(a) an issuer 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 issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security;

(b) an issuer registering transfer on an indorsement by a fiduciary is not bound to inquire whether the transfer is made in compliance with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) the issuer is not charged with notice of the contents of any court record or file or other recorded or unrecorded document even though the document is in its possession and even though the transfer is made on the indorsement of a fiduciary to the fiduciary himself or to his nominee.

**Section 8-404. Liability and non-liability for registration**

(1) Except as otherwise provided in any law relating to the collection of taxes, the issuer is not liable to the owner or any other person suffering loss as a result of the registration of a transfer of a security if

(a) there were on or with the security the necessary indorsements (Section 8-308); and

(b) the issuer had no duty to inquire into adverse claims or has discharged any such duty (Section 8-403).

(2) Where an issuer has registered a transfer of a security to a person not entitled to it the issuer on demand must deliver a like security to the true owner unless

(a) the registration was pursuant to subsection (1); or

(b) the owner is precluded from asserting any claim for registering the transfer under subsection (1) of the following section; or

(c) such delivery would result in overissue, in which case the issuer's liability is governed by Section 8-104.

#### **Section 8-405. Lost, destroyed and stolen securities**

(1) Where a security has been lost, apparently destroyed or wrongfully taken and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving such a notification, the owner is precluded from asserting against the issuer any claim for registering the transfer under the preceding section or any claim to a new security under this section.

(2) Where the owner of a security claims that the security has been lost, destroyed or wrongfully taken, the issuer must issue a new security in place of the original security if the owner

(a) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser; and

(b) files with the issuer a sufficient indemnity bond; and

(c) satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of the new security, a bona fide purchaser of the original security presents it for registration of transfer, the issuer must register the transfer unless registration would result in overissue, in which event the issuer's liability is governed by Section 8-104. In addition to any rights

on the indemnity bond, the issuer may recover the new security from the person to whom it was issued or any person taking under him except a bona fide purchaser.

**Section 8-406. Duty of authenticating trustee, transfer agent or registrar**

(1) Where a person acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities

(a) he is under a duty to the issuer to exercise good faith and due diligence in performing his functions; and

(b) he has with regard to the particular functions he performs the same obligation to the holder or owner of the security and has the same rights and privileges as the issuer has in regard to those functions.

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent.

**ARTICLE 9. SECURED TRANSACTIONS; SALES OF  
ACCOUNTS, CONTRACT RIGHTS AND CHATTEL  
PAPER**

**PART 1**

**SHORT TITLE, APPLICABILITY AND DEFINITIONS**

**Section 9-101. Short title**

This Article shall be known and may be cited as Uniform Commercial Code—Secured Transactions.

**Section 9-102. Policy and scope of article**

(1) Except as otherwise provided in Section 9-103 on multiple state transactions and in Section 9-104 on excluded transactions, this Article applies so far as concerns any personal property and fixtures within the jurisdiction of this state

(a) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper, accounts or contract rights; and also

(b) to any sale of accounts, contract rights or chattel paper.

(2) This Article applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This Article does not apply to statutory liens except as provided in Section 9-310.

(3) The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself by a transaction or interest to which this Article does not apply.

**Section 9-103. Accounts, contract rights, general intangibles and equipment relating to another jurisdiction; and incoming goods already subject to a security interest**

(1) If the office where the assignor of accounts or contract rights keeps his records concerning them is in this state, the validity and perfection of a security interest therein and the possibility and effect of proper filing is governed by this Article; otherwise by the law (including the conflict of laws rules) of the jurisdiction where such office is located.

(2) If the chief place of business of a debtor is in this state, this Article governs the validity and perfection of a security interest and the possibility and effect of proper filing with regard to general intangibles or with regard to goods of a type which are normally used in more than one jurisdiction (such as automotive equipment, rolling stock, airplanes, road building equipment, commercial harvesting equipment, construction machinery and the like) if such goods are classified as equipment or classified as inventory by reason of their be-



ing leased by the debtor to others. Otherwise, the law (including the conflict of laws rules) of the jurisdiction where such chief place of business is located shall govern. If the chief place of business is located in a jurisdiction which does not provide for perfection of the security interest by filing or recording in that jurisdiction, then the security interest may be perfected by filing in this state. For the purpose of determining the validity and perfection of a security interest in an airplane, the chief place of business of a debtor who is a foreign air carrier under the Federal Aviation Act of 1958, as amended, is the designated office of the agent upon whom service of process may be made on behalf of the debtor.

(3) If personal property other than that governed by subsections (1) and (2) is already subject to a security interest when it is brought into this state, the validity of the security interest in this state is to be determined by the law (including the conflict of laws rules) of the jurisdiction where the property was when the security interest attached. However, if the parties to the transaction understood at the time that the security interest attached that the property would be kept in this state and it was brought into this state within 30 days after the security interest attached for purposes other than transportation through this state, then the validity of the security interest in this state is to be determined by the law of this state. If the security interest was already perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this state, the security interest continues perfected in this state for four months and also thereafter if within the four month period it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four month period; in such case perfection dates from the time of perfection in this state. If the security interest was not perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this state, it may be perfected in this state; in such case perfection dates from the time of perfection in this state.

(4) Notwithstanding subsections (2) and (3), if personal property is covered by a certificate of title issued under a statute

of this state or any other jurisdiction which requires indication on a certificate of title of any security interest in the property as a condition of perfection, then the perfection is governed by the law of the jurisdiction which issued the certificate.

(5) Notwithstanding subsection (1) and Section 9-302, if the office where the assignor of accounts or contract rights keeps his records concerning them is not located in a jurisdiction which is a part of the United States, its territories or possessions, and the accounts or contract rights are within the jurisdiction of this state or the transaction which creates the security interest otherwise bears an appropriate relation to this state, this Article governs the validity and perfection of the security interest and the security interest may only be perfected by notification to the account debtor.

#### **Section 9-104. Transactions excluded from article**

This Article does not apply

(a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials except as provided in Section 9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to an equipment trust covering railway rolling stock; or

(f) to a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel paper which

is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) to a transfer of an interest or claim in or under any policy of insurance; or

(h) to a right represented by a judgment; or

(i) to any right of set-off; or

(j) except to the extent that provision is made for fixtures in Section 9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any of the following: any claim arising out of tort; any deposit, savings, pass-book or like account maintained with a bank, savings and loan association, credit union or like organization.

#### **Section 9-105. Definitions and index of definitions**

(1) In this Article unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper, contract right or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods. When a transactions is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts, contract rights and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not

he owns or has rights in the collateral, and includes the seller of accounts, contract rights or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the Article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Document" means document of title as defined in the general definitions of Article 1 (Section 1-201);

(f) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (Section 9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, contract rights and other things in action. "Goods" also include the unborn young of animals and growing crops;

(g) "Instrument" means a negotiable instrument (defined in Section 3-104), or a security (defined in Section 8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(h) "Security agreement" means an agreement which creates or provides for a security interest;

(i) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts, contract rights or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Account". Section 9-106.

"Consumer goods". Section 9-109(1).

- "Contract right". Section 9-106.
- "Equipment". Section 9-109(2).
- "Farm products". Section 9-109(3).
- "General intangibles". Section 9-106.
- "Inventory". Section 9-109(4).
- "Lien creditor". Section 9-301(3).
- "Proceeds". Section 9-306(1).
- "Purchase money security interest". Section 9-107.

(3) The following definitions in other Articles apply to this Article:

- "Check". Section 3-104.
- "Contract for sale". Section 2-106.
- "Holder in due course". Section 3-302.
- "Note". Section 3-104.
- "Sale". Section 2-106.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Section 9-106. Definitions: "account"; "contract right"; "general intangibles"**

"Account" means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper. "Contract right" means any right to payment under a contract not yet earned by performance and not evidenced by an instrument or chattel paper. "General intangibles" means any personal property (including things in action) other than goods, accounts, contract rights, chattel paper, documents and instruments.

**Section 9-107. Definitions: "purchase money security interest"**

A security interest is a "purchase money security interest" to the extent that it is

(a) taken or retained by the seller of the collateral to secure all or part of its price; or

(b) taken by a person who by making advances or incurring an obligation gives value to enable the debtor to acquire rights in or the use of collateral if such value is in fact so used.

**Section 9-108. When after-acquired collateral not security for antecedent debt**

Where a secured party makes an advance, incurs an obligation, releases a perfected security interest, or otherwise gives new value which is to be secured in whole or in part by after-acquired property his security interest in the after-acquired collateral shall be deemed to be taken for new value and not as security for an antecedent debt if the debtor acquires his rights in such collateral either in the ordinary course of his business or under a contract of purchase made pursuant to the security agreement within a reasonable time after new value is given.

**Section 9-109. Classification of goods; "consumer goods"; "equipment"; "farm products"; "inventory"**

Goods are

(1) "consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a non-profit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "farm products" if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool-clip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) "inventory" if they are held by a person who holds them for sale or lease or to be furnished under contracts of ser-

vice or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a person is not to be classified as his equipment.

#### **Section 9-110. Sufficiency of description**

For the purposes of this Article any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described.

#### **Section 9-111. Applicability of bulk transfer laws**

The creation of a security interest is not a bulk transfer under Article 6 (see Section 6-103).

#### **Section 9-112. Where collateral is not owned by debtor**

Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under Section 9-502(2) or under Section 9-504(1), and is not liable for the debt or for any deficiency after resale, and he has the same right as the debtor

- (a) to receive statements under Section 9-208;
  - (b) to receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under Section 9-505;
  - (c) to redeem the collateral under Section 9-506;
  - (d) to obtain injunctive or other relief under Section 9-507(1); and
  - (e) to recover losses caused to him under Section 9-208
- (2).

#### **Section 9-113. Security interests arising under Article on sales**

A security interest arising solely under the Article on Sales (Article 2) is subject to the provisions of this Article except

that to the extent that and so long as the debtor does not have or does not lawfully obtain possession of the goods

(a) no security agreement is necessary to make the security interest enforceable; and

(b) no filing is required to perfect the security interest; and

(c) the rights of the secured party on default by the debtor are governed by the Article on Sales (Article 2).

## PART 2

### VALIDITY OF SECURITY AGREEMENT AND RIGHTS OF PARTIES THERETO

#### Section 9-201. General validity of security agreement

Except as otherwise provided by this Act a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in this Article validates any charge or practice illegal under any statute or regulations thereunder governing usury, small loans, retail installment sales, or the like, or extends the application of any such statute or regulations to any transaction not otherwise subject thereto.

#### Section 9-202. Title to collateral immaterial

Each provision of this Article with regard to rights, obligations and remedies applies whether title to collateral is in the secured party or in the debtor.

#### Section 9-203. Enforceability of security interest; proceeds, formal requisites

(1) Subject to the provisions of Section 4-208 on the security interest of a collecting bank and Section 9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties unless



(a) the collateral is in the possession of the secured party; or

(b) the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops or oil, gas or minerals to be extracted or timber to be cut, a description of the land concerned. In describing collateral, the word "proceeds" is sufficient without further description to cover proceeds of any character.

(2) A transaction, although subject to this Article, is also subject to chapter 21, title 5, relating to small loans, chapter 29, title 5, relating to financing the sale of motor vehicles; chapter 23, title 6, relating to interest; chapter 43, title 6, relating to retail installment sales and chapter 23, title 24, relating to pawn brokers and junk dealers, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

**Section 9-204. When security interest attaches; after-acquired property; future advances**

(1) A security interest cannot attach until there is agreement (subsection (3) of Section 1-201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

(a) in crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;

(b) in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;

(c) in a contract right until the contract has been made;

(d) in an account until it comes into existence.

(3) Except as provided in subsection (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an after-acquired property clause

(a) to crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;

(b) to consumer goods other than accessions (Section 9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

#### **Section 9-205. Use or disposition of collateral without accounting permissible**

A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts, contract rights or chattel paper, or to accept the return of goods or make repossessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

**Section 9-206. Agreement not to assert defenses against assignee; modification of sales warranties where security agreement exists**

(1) Subject to any statute or decision which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a negotiable instrument under the Article on Commercial Paper (Article 3). A buyer who as part of one transaction signs both a negotiable instrument and a security agreement makes such an agreement.

(2) When a seller retains a purchase money security interest in goods the Article on Sales (Article 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

**Section 9-207. Rights and duties when collateral is in secured party's possession**

(1) A secured party must use reasonable care in the custody and preservation of collateral in his possession. In the case of an instrument or chattel paper reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Unless otherwise agreed, when collateral is in the secured party's possession

(a) reasonable expenses (including the cost of any insurance and payment of taxes or other charges) incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) The risk of accidental loss or damage is on the debtor to the extent of any deficiency in any effective insurance coverage;

(c) the secured party may hold as additional security any increase or profits (except money) received from the collateral, but money so received, unless remitted to the debtor, shall be applied in reduction of the secured obligation;

(d) the secured party must keep the collateral identifiable but fungible collateral may be commingled;

(e) the secured party may repledge the collateral upon terms which do not impair the debtor's right to redeem it.

(3) A secured party is liable for any loss caused by his failure to meet any obligation imposed by the preceding subsections but does not lose his security interest.

(4) A secured party may use or operate the collateral for the purpose of preserving the collateral or its value or pursuant to the order of a court of appropriate jurisdiction or, except in the case of consumer goods, in the manner and to the extent provided in the security agreement.

#### **Section 9-208. Request for statement of account or list of collateral**

(1) A debtor may sign a statement indicating what he believes to be the aggregate amount of unpaid indebtedness as of a specified date and may send it to the secured party with a request that the statement be approved or corrected and returned to the debtor. When the security agreement or any other record kept by the secured party identifies the collateral a debtor may similarly request the secured party to approve or correct a list of the collateral.

(2) The secured party must comply with such a request within two weeks after receipt by sending a written correction or approval. If the secured party claims a security interest in all of a particular type of collateral owned by the debtor he may indicate that fact in his reply and need not approve or correct an itemized list of such collateral. If the secured party without reasonable excuse fails to comply he is liable for any loss caused to the debtor thereby; and if the debtor has properly included

in his request a good faith statement of the obligation or a list of the collateral or both the secured party may claim a security interest only as shown in the statement against persons misled by his failure to comply. If he no longer has an interest in the obligation or collateral at the time the request is received he must disclose the name and address of any successor in interest known to him and he is liable for any loss caused to the debtor as a result of failure to disclose. A successor in interest is not subject to this section until a request is received by him.

(3) A debtor is entitled to such a statement once every six months without charge. The secured party may require payment of a charge not exceeding \$10 for each additional statement furnished.

### PART 3

#### RIGHTS OF THIRD PARTIES; PERFECTED AND UNPERFECTED SECURITY INTERESTS; RULES OF PRIORITY

##### Section 9-301. Persons who take priority over unperfected security interests; "lien creditor"

(1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of

(a) persons entitled to priority under Section 9-312;

(b) a person who becomes a lien creditor without knowledge of the security interest and before it is perfected;

(c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) in the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within ten days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment. Unless all the creditors represented had knowledge of the security interest such a representative of creditors is a lien creditor without knowledge even though he personally has knowledge of the security interest.

**Section 9-302. When filing is required to perfect security interest; security interests to which filing provisions of this Article do not apply**

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under Section 9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under Section 9-304 or in proceeds for a 10 day period under Section 9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of \$2500; but filing is required for a fixture under Section 9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under Section 9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the

same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (Section 4-208) or arising under the Article on Sales (see Section 9-113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

**Section 9-303. When security interest is perfected; continuity of perfection**

(1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in Sections 9-302, 9-304, 9-305 and 9-306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.

(2) If a security interest is originally perfected in any way permitted under this Article and is subsequently perfected in some other way under this Article, without an intermediate

period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Article.

**Section 9-304. Perfection of security interest in instruments, documents, and goods covered by documents; perfection by permissive filing; temporary perfection without filing or transfer of possession**

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5).

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

(a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing,



shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange; or

(b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21 day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this Article.

**Section 9-305. When possession by secured party perfects security interest without filing**

A security interest in letters of credit and advices of credit (subsection (2) (a) of Section 5-116), goods, instruments, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this Article. The security interest may be otherwise perfected as provided in this Article before or after the period of possession by the secured party.

**Section 9-306. "Proceeds"; secured party's rights on disposition of collateral**

(1) "Proceeds" includes whatever is received when collateral or proceeds is sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks and the like are "cash proceeds". All other proceeds are "non-cash proceeds".

(2) Except where this Article otherwise provides, a security interest continues in collateral notwithstanding sale, ex-

change or other disposition thereof by the debtor unless his action was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected ten days after receipt of the proceeds by the debtor unless

(a) a filed financing statement covering the original collateral also covers proceeds; or

(b) the security interest in the proceeds is perfected before the expiration of the ten day period.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest.

(a) in identifiable non-cash proceeds;

(b) in identifiable cash proceeds in the form of money which is not commingled with other money or deposited in a bank account prior to the insolvency proceedings;

(c) in identifiable cash proceeds in the form of checks and the like which are not deposited in a bank account prior to the insolvency proceedings; and

(d) in all cash and bank accounts of the debtor, if other cash proceeds have been commingled or deposited in a bank account, but the perfected security interest under this paragraph (d) is

(i) subject to any right of set-off; and

(ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings and commingled or deposited in a bank account prior to the insolvency

proceedings less the amount of cash proceeds received by the debtor and paid over to the secured party during the ten day period.

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under Section 9-308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

#### **Section 9-307. Protection of buyers of goods**

(1) A buyer in ordinary course of business (subsection (9) of Section 1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security

interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of \$2500 (other than fixtures, see Section 9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

#### **Section 9-308. Purchase of chattel paper and non-negotiable instruments**

A purchaser of chattel paper or a non-negotiable instrument who gives new value and takes possession of it in the ordinary course of his business and without knowledge that the specific paper or instrument is subject to a security interest has priority over a security interest which is perfected under Section 9-304 (permissive filing and temporary perfection). A purchaser of chattel paper who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in chattel paper which is claimed merely as proceeds of inventory subject to a security interest (Section 9-306), even though he knows that the specific paper is subject to the security interest.

#### **Section 9-309. Protection of purchasers of instruments and documents**

Nothing in this Article limits the rights of a holder in due course of a negotiable instrument (Section 3-302) or a holder to whom a negotiable document of title has been duly negotiated (Section 7-501) or a bona fide purchaser of a security (Section 8-301) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this Article does not constitute notice of the security interest to such holders or purchasers.

**Section 9-310. Priority of certain liens arising by operation of law**

When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

**Section 9-311. Alienability of debtor's rights: judicial process**

The debtor's rights in collateral may be voluntarily or involuntarily transferred (by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process) notwithstanding a provision in the security agreement prohibiting any transfer or making the transfer constitute a default.

**Section 9-312. Priorities among conflicting security interests in the same collateral**

(1) The rules of priority stated in the following sections shall govern where applicable: Section 4-208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9-301 on certain priorities; Section 9-304 on goods covered by documents; Section 9-306 on proceeds and repossessions; Section 9-307 on buyers of goods; Section 9-308 on possessory against non-possessory interests in chattel paper or non-negotiable instruments; Section 9-309 on security interests in negotiable instruments, documents or securities; Section 9-310 on priorities between perfected security interests and liens by operation of law; Section 9-313 on security interests in fixtures as against interests in real estate; Section 9-314 on security interests in accessions as against interest in goods; Section 9-315 on conflicting security interests where goods lose their identity or become part of a product; and Section 9-316 on contractual subordination.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the collateral; and

(b) any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and

(c) such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflict-

**Section 9-310. Priority of certain liens arising by operation of law**

When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

**Section 9-311. Alienability of debtor's rights: judicial process**

The debtor's rights in collateral may be voluntarily or involuntarily transferred (by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process) notwithstanding a provision in the security agreement prohibiting any transfer or making the transfer constitute a default.

**Section 9-312. Priorities among conflicting security interests in the same collateral**

(1) The rules of priority stated in the following sections shall govern where applicable: Section 4-208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9-301 on certain priorities; Section 9-304 on goods covered by documents; Section 9-306 on proceeds and repossessions; Section 9-307 on buyers of goods; Section 9-308 on possessory against non-possessory interests in chattel paper or non-negotiable instruments; Section 9-309 on security interests in negotiable instruments, documents or securities; Section 9-310 on priorities between perfected security interests and liens by operation of law; Section 9-313 on security interests in fixtures as against interests in real estate; Section 9-314 on security interests in accessions as against interest in goods; Section 9-315 on conflicting security interests where goods lose their identity or become part of a product; and Section 9-316 on contractual subordination.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the collateral; and

(b) any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and

(c) such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflict-



ing security interests in the same collateral shall be determined as follows:

(a) in the order of filing if both are perfected by filing, regardless of which security interest attached first under Section 9-204 (1) and whether it attached before or after filing;

(b) in the order of perfection unless both are perfected by filing, regardless of which security interest attached first under Section 9-204 (1) and, in the case of a filed security interest, whether it attached before or after filing; and

(c) in the order of attachment under Section 9-204 (1) so long as neither is perfected.

(6) For the purpose of the priority rules of the immediately preceding subsection, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.

### **Section 9-313. Priority of security interests in fixtures**

(1) The rules of this section do not apply to goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metal work and the like and no security interest in them exists under this Article unless the structure remains personal property under applicable law. The law of this state other than this Act determines whether and when other goods become fixtures. This Act does not prevent creation of an encumbrance upon fixtures or real estate pursuant to the law applicable to real estate.

(2) A security interest which attaches to goods before they become fixtures takes priority as to the goods over the claims of all persons who have an interest in the real estate except as stated in subsection (4).

(3) A security interest which attaches to goods after they become fixtures is valid against all persons subsequently acquiring interests in the real estate except as stated in sub-

section (4) but is invalid against any person with an interest in the real estate at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as fixtures.

(4) The security interests described in subsections (2) and (3) do not take priority over

(a) a subsequent purchaser for value of any interest in the real estate; or

(b) a creditor with a lien on the real estate subsequently obtained by judicial proceedings; or

(c) a creditor with a prior encumbrance of record on the real estate to the extent that he makes subsequent advances if the subsequent purchase is made, the lien by judicial proceedings is obtained, or the subsequent advance under the prior encumbrance is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the real estate at a foreclosure sale other than an encumbrancer purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(5) When under subsections (2) or (3) and (4) a secured party has priority over the claims of all persons who have interests in the real estate, he may, on default, subject to the provisions of Part 5, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

#### **Section 9-314. Accessions**

(1) A security interest in goods which attaches before they are installed in or affixed to other goods takes priority as

to the goods installed or affixed (called in this section "accessions") over the claims of all persons to the whole except as stated in subsection (3) and subject to Section 9-315 (1).

(2) A security interest which attaches to goods after they become part of a whole is valid against all persons subsequently acquiring interests in the whole except as stated in subsection (3) but is invalid against any person with an interest in the whole at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as part of the whole.

(3) The security interests described in subsections (1) and (2) do not take priority over

(a) a subsequent purchaser for value of any interest in the whole; or

(b) a creditor with a lien on the whole subsequently obtained by judicial proceedings; or

(c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances if the subsequent purchase is made, the lien by judicial proceedings obtained or the subsequent advance under the prior perfected security interest is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the whole at a foreclosure sale other than the holder of a perfected security interest purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(4) When under subsections (1) or (2) and (3) a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of Part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may

refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

**Section 9-315. Priority when goods are commingled or processed**

(1) If a security interest in goods was perfected and subsequently the goods or a part thereof have become part of a product or mass, the security interest continues in the product or mass if

(a) the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass; or

(b) a financing statement covering the original goods also covers the product into which the goods have been manufactured, processed or assembled.

In a case to which paragraph (b) applies, no separate security interest in that part of the original goods which has been manufactured, processed or assembled into the product may be claimed under Section 9-314.

(2) When under subsection (1) more than one security interest attaches to the product or mass, they rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass.

**Section 9-316. Priority subject to subordination**

Nothing in this Article prevents subordination by agreement by any person entitled to priority.

**Section 9-317. Secured party not obligated on contract of debtor**

The mere existence of a security interest or authority given to the debtor to dispose of or use collateral does not impose contract or tort liability upon the secured party for the debtor's acts or omissions.

**Section 9-318. Defenses against assignee; modification of contract after notification of assignment; term prohibiting assignment ineffective; identification and proof of assignment**

(1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in Section 9-206 the rights of an assignee are subject to

(a) all the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment under an assigned contract right has not already become an account, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the account has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor which prohibits assignment of an account or contract right to which they are parties is ineffective.

## PART 4

## FILING

**Section 9-401. Place of filing; erroneous filing; removal of collateral**

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;

(b) in all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper county continues effective for four months after a change to another county of the debtor's residence or place of business or the location of the collateral, whichever controlled the original filing. It becomes ineffective thereafter unless a copy of the financing statement signed by the secured party is filed in the new county within said period. The security interest may also be perfected in the new county after the expiration of the four-month period; in such case perfection dates from the time of perfection in the new county. A change in the use of the collateral does not impair the effectiveness of the original filing.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in Section 9-103 determine whether filing is necessary in this state.

**Section 9-402. Formal requisites of financing statement; amendments**

(1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

(2) A financing statement which otherwise complies with subsection (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state. Such a financing statement must state that the collateral was brought into this state under such circumstances.

(b) proceeds under Section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) .....

Address .....

Name of secured party (or assignee) .....

Address .....

1. This financing statement covers the following types (or items) of property:

(Describe) .....

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe Real Estate) .....

3. (If collateral is goods which are or are to become fixtures) The above described goods are affixed or to be affixed to:

(Describe Real Estate) .....

4. (If proceeds or products of collateral are claimed)  
Proceeds—Products of the collateral are also covered.

Signature of Debtor (or Assignor) .....

Signature of Secured Party (or Assignee) .....

(4) The term “financing statement” as used in this Article means the original financing statement and any amendments but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(5) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

**Section 9-403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer**

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a



period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be \$2.00.

#### **Section 9-404. Termination statement**

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or

otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be \$2.00. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) The uniform fee for filing and indexing a termination statement including sending or delivering the financing statement shall be \$2.00.

**Section 9-405. Assignment of security interest; duties of filing officer; fees**

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself of a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in Section 9-403 (4). The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be \$2.00.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be \$2.00.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

#### **Section 9-406. Release of collateral; duties of filing officer; fees**

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be \$2.00.

#### **Section 9-407. Information from filing officer**

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be \$2.00 plus \$1.00 for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of \$.50 per page.

## PART 5

### DEFAULT

#### **Section 9-501. Default; procedure when security agreement covers both real and personal property**

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this Part and except as limited by subsection (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in Section 9-207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this Part, those provided in the security agreement and those provided in Section 9-207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (1) of Section 9-505) and with respect to redemption of collateral (Section 9-506) but the parties may by agree-

ment determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) subsection (2) of Section 9-502 and subsection (2) of Section 9-504 insofar as they require accounting for surplus proceeds of collateral;

(b) subsection (3) of Section 9-504 and subsection (1) of Section 9-505 which deal with disposition of collateral;

(c) subsection (2) of Section 9-505 which deals with acceptance of collateral as discharge of obligation;

(d) Section 9-506 which deals with redemption of collateral; and

(e) subsection (1) of Section 9-507 which deals with the secured party's liability for failure to comply with this Part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this Part do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

#### **Section 9-502. Collection rights of secured party**

(1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the

assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under Section 9-306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

**Section 9-503. Secured party's right to take possession after default**

Unless otherwise agreed a secured party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under Section 9-504.

**Section 9-504. Secured party's right to dispose of collateral after default; effect of disposition**

(1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the Article on Sales (Article 2). The proceeds of disposition shall be applied in the order following to

(a) the reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorney's fees and legal expenses incurred by the secured party;

(b) the satisfaction of indebtedness secured by the security interest under which the disposition is made;

(c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor, and except in the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or who is known by the secured party to have a security interest in the collateral. The secured party may buy at any public sale and if the collateral is of a

type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he may buy at private sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the secured party fails to comply with the requirements of this Part or of any judicial proceedings

(a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this Article.

**Section 9-505. Compulsory disposition of collateral; acceptance of the collateral as discharge of obligation**

(1) If the debtor has paid sixty per cent of the cash price in the case of a purchase money security interest in consumer goods or sixty per cent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this Part a secured party who has taken possession of collateral must dispose of it under Section 9-504 and if he fails to do so within ninety days after he takes possession the debtor at his option may recover in conversion or under Section 9-507 (1) on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default,



propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor and except in the case of consumer goods to any other secured party who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or is known by the secured party in possession to have a security interest in it. If the debtor or other person entitled to receive notification objects in writing within thirty days from the receipt of the notification or if any other secured party objects in writing within thirty days after the secured party obtains possession the secured party must dispose of the collateral under Section 9-504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

#### **Section 9-506. Debtor's right to redeem collateral**

At any time before the secured party has disposed of collateral or entered into a contract for its disposition under Section 9-504 or before the obligation has been discharged under Section 9-505 (2) the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorney's fees and legal expenses.

#### **Section 9-507. Secured party's liability for failure to comply with this part**

(1) If it is established that the secured party is not proceeding in accordance with the provisions of this Part disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the debtor or any person entitled to notification or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss caused by a failure to comply with the provisions of this Part. If the collateral is consumer goods, the debtor has a right to recover

in any event an amount not less than the credit service charge plus ten per cent of the principal amount of the debt or the time price differential plus ten per cent of the cash price.

(2) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval must be obtained in any case nor does it indicate that any disposition not so approved is not commercially reasonable.

## **ARTICLE 10. EFFECTIVE DATE AND REPEALER**

### **Section 10-101. Effective date**

This Act shall become effective on June 30, 1967 at midnight. It applies to transactions entered into and events occurring after that date.

### **Section 10-102. Specific repealer; provision for transition**

(1) The following acts and all other acts and parts of acts inconsistent herewith are hereby repealed:

Uniform Negotiable Instruments Act, chapter 1, title 6, Delaware Code

Uniform Warehouse Receipts Act, chapter 5, title 6, Delaware Code

Uniform Sales Act, chapter 7, title 6, Delaware Code

Uniform Bills of Lading Act, chapter 3, title 6, Delaware Code

Uniform Stock Transfer Act, subchapter VI, chapter 1, title 8, Delaware Code

Uniform Conditional Sales Act, chapter 9, title 6, Delaware Code

Uniform Trust Receipts Act, chapter 11, title 6, Delaware Code

Bulk Sales Act, chapter 21, title 6, Delaware Code

Chattel Mortgages Act, chapter 23, title 25, Delaware Code

Factor's Lien Act, chapter 33, title 25, Delaware Code

Assignment of Accounts Receivable Act, chapter 18, title 6, Delaware Code

Section 925, title 5, Delaware Code

(2) Transactions validly entered into before the effective date specified in Section 10-101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this Act as though such repeal or amendment had not occurred.

#### **Section 10-103. General repealer**

Except as provided in the following section, all acts and parts of acts inconsistent with this Act are hereby repealed.

#### **Section 10-104. Laws not repealed**

(1) The Article on Documents of Title (Article 7) does not repeal or modify any laws prescribing the form or contents of documents of title or the services or facilities to be afforded by bailees, or otherwise regulating bailees' businesses in re-

spects not specifically dealt with herein; but the fact that such laws are violated does not affect the status of a document of title which otherwise complies with the definition of a document of title (Section 1-201).

(2) This Act does not repeal chapter 43, title 12, Delaware Code, cited as the Uniform Act for the Simplification of Fiduciary Security Transfers, and if in any respect there is any inconsistency between that Act and the Article of this Act on investment securities (Article 8) the provisions of the former Act shall control.

Approved June 2, 1966.

CHAPTER 350

**AN ACT TO AMEND § 907, TITLE 29, DELAWARE CODE,  
RELATING TO PRINTING AND DISTRIBUTION OF  
SESSION LAWS.**

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

Section 1. § 907, title 29, Delaware Code, is amended by adding the words "municipal charters filed with the Secretary of State pursuant to chapter 8, title 22, Delaware Code" after the word "orders" and before the words "and votes of a public nature" as they appear therein.

Section 2. The Secretary of State shall cause to have printed with the Session Laws for the 123rd General Assembly all municipal charters filed with him pursuant to chapter 8, title 22, Delaware Code, prior to December 31, 1966.

Approved June 2, 1966.

## CHAPTER 351

**AN ACT TO AMEND SECTION 921, TITLE 11, DELAWARE CODE, RELATING TO LOITERING.**

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

Section 1. Section 921, Title 11, Delaware Code, is amended by striking the period at the end thereof and inserting in lieu thereof the following: “; provided that nothing contained herein shall apply, or shall be construed to apply, to any act arising out of a labor dispute.”

Approved June 2, 1966.

Note: This section has been codified as §655, title 11, Delaware Code.

CHAPTER 352

**AN ACT TO AMEND SECTION 6516, TITLE 29, DELAWARE CODE, RELATING TO THE FILING OF CERTAIN FINANCIAL DATA.**

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

Section 1. Section 6516 (b), title 29, Delaware Code, is hereby amended by repealing and striking the first three sentences thereof and by enacting and inserting in lieu thereof the following:

"All checks shall be drawn in consecutive numerical order. The original bill or statement, voucher or warrant, shall be safely filed by the State Treasurer in the consecutive order of the numbers of the checks issued therefor. The duplicate of the bill or statement, voucher or warrant shall be retained by the Budget Director and filed in such manner as to provide ready access to the information contained thereon."

Approved June 2, 1966.

## CHAPTER 353

**AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO "WELFARE", BY LIMITING THE AMOUNT OF PUBLIC AID TO CERTAIN PERSONS.**

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

Section 1. § 503, title 31, Delaware Code, is amended by repealing and striking out subsection (f) thereof and by enacting and inserting in lieu thereof a new subsection to read as follows:

(f) Public Assistance recipients engaged in program activities or work and training projects, administered by the Department of Public Welfare under Section 1115 of the Social Security Act or under various titles of the Federal Economic Opportunity Act of 1964 shall be exempted from the ceilings on amount of assistance set forth by this section to the extent of the benefits provided under Section 1115 of the Social Security Act or under various titles of the Federal Economic Opportunity Act of 1964 for the period in which they are active in such programs and continue to be eligible for Public Assistance payments.

Approved June 2, 1966.



CHAPTER 354

**AN ACT TO AMEND CHAPTER 81, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$122,707,827.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1966", AND MAKING NO SUPPLEMENTAL APPROPRIATION FOR THE PROPOSED AMENDMENT.**

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

Section 1. Chapter 81, Volume 55, Laws of Delaware, is hereby amended by changing the words "Home Economics" as they appear in item 11 in sub-section "D. - Supervisors - with program (14)" under the heading "Wilmington Board of Education" to the words "Industrial Arts".

Approved June 2, 1966.

## CHAPTER 355

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE BOARD OF HEALTH.**

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

Section 1. The sum of \$9,930 is appropriated to the State Board of Health, Emily P. Bissell Hospital for the fiscal year ending June 30, 1966, to be expended for salaries and wages of employees.

Section 2. Not more than \$3,310 of this appropriation shall be expended in any calendar month.

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 2, 1966.

CHAPTER 356

**AN ACT RELATING TO THE INSURANCE STUDY AND REVISION COMMITTEE ESTABLISHED BY CHAPTER 306, VOLUME 55, LAWS OF DELAWARE.**

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

Setcion 1. The Insurance Study and Revision Committee established by Chapter 306, Volume 55, Laws of Delaware, shall continue and be comprised of Robert A. Short, Calvin R. McCullough, Harry S. Wilson, William F. Lynch, II, Robert G. Hackett, Harry S. Smith and Ralph Lord, until January 16, 1967. Any vacancy created by death or resignation shall be filled by appointment by the Governor.

Section 2. The time for submission of the report of The Insurance Study and Revision Committee shall be January 16, 1967.

Approved June 2, 1966.

## CHAPTER 357

**AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO EMPLOYMENT PRACTICES.**

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

Section 1. Chapter 7, Title 19, Delaware Code, is amended by adding at the end of Subchapter I a new § 705 to read as follows:

**§ 705. Polygraph, lie detector, or similar test or examination prohibited as condition of employment or continuation of employment; penalty; exclusion**

(a) No person or any agent or representative thereof, shall require, request, or suggest that any employee or prospective employee take, or shall cause, directly or indirectly, any employee or prospective employee to take, a polygraph, lie detector or similar test or examination as a condition of employment or continuation of employment. As used herein, "person" includes any individual, corporation, partnership, firm, association, and the state or any agency or political subdivision thereof.

(b) Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 90 days, or both. The Superior Court shall have exclusive jurisdiction of offenses under this section.

(c) The provisions of this section shall not apply to any polygraph, lie detector or similar test or examination administered by any law enforcement agency in the performance of its official duties.

Approved June 2, 1966.

## CHAPTER 358

**AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, ENTITLED "UNEMPLOYMENT COMPENSATION", BY CHANGING CERTAIN PROVISIONS RELATING TO BENEFITS.**

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

Section 1. § 3313 (b) (c) and (d), Title 19, Delaware Code, are amended to read:

(b) An individual's "weekly benefit amount" means an amount equal to one-twenty-fifth of his total wages for employment by employers paid during that quarter of his base period in which such total wages were highest, except that if such amount is more than \$55, the weekly benefit amount shall be \$55, or if less than \$10, it shall be \$10. If the weekly benefit amount is not an even dollar amount, it shall be raised to the next whole dollar.

(c) Each eligible individual who is unemployed in any week shall be paid with respect to such week a sum equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which exceeds \$7. Such sum, if not an even dollar shall be raised to the next whole dollar.

(d) Any eligible individual shall be entitled, during any benefit year, to a total amount of benefits equal to whichever is the lesser: (1) 26 times his weekly benefit amount or (2) 40% of his wages for employment by employers paid during his base period. If such amount is not a whole dollar, it shall be raised to the next whole dollar. In no event shall the maximum total amount of benefits be less than 11 times the weekly benefit amount.

Section 2. § 3314 (5) (A), Title 19, Delaware Code, is amended to read:

(5) (A) Has, during his base period, been paid wages for employment equal to not less than 36 times his weekly benefit amount, but if more than 75 per cent of a claimant's base period wages were paid for seasonal employment as defined in section 3316 of this title, such claimant shall be eligible to receive benefits in accordance with the provisions of such section 3316 if during his base period he has been paid wages for employment equal to not less than \$300, and as used in this subdivision "wages" means wages for employment by employers for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has satisfied the conditions of subdivision (8) of section 3302 of this title or section 3343 of this title with respect to becoming an employer.

Any other provision of this subdivision notwithstanding, any otherwise eligible individual (excluding claimants whose eligibility is based upon seasonal employment), the total amount of whose wages paid to him during his base period is less than the amount required to have been received under this subdivision, may be eligible to receive benefits if the difference between 36 times his weekly benefit amount and the total amount of his wages during his base period does not exceed \$180, but the amount of his weekly benefit shall be reduced by \$1 for each \$36 or major fraction thereof by which the total amount of his base period wages is less than 36 times his weekly benefit amount. In no event shall any such individual be eligible for benefits if the total amount of wages paid to him during his base period was less than \$360.

Section 3. Section 1 of this act shall be effective as to new claims filed on and after the thirtieth day after this act becomes law. Section 2 of this act shall be effective as to new claims filed after October 1, 1966.

Approved June 2, 1966.

## CHAPTER 359

**AN ACT AMENDING TITLE 11, CHAPTER 59 OF THE DELAWARE CODE, RELATING TO THE COLLECTION AND DISPOSITION OF FINES AND COSTS BY JUSTICES OF THE PEACE.**

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

Section 1. Section 5919, Title 11, of the Delaware Code, is amended by striking sub-section (a) thereof and substituting in lieu thereof a new sub-section (a) to read as follows:

(a) All fines, costs, penalties, charges and emoluments imposed or levied by justices of the peace, including those costs now levied for constables, shall be for such amounts as are provided by law, and all such amounts imposed or levied shall be collected by the justice imposing the same for which a proper receipt shall be given to the person paying the same. Every and all amounts so collected shall be entered daily in a ledger prescribed by the State Auditor, showing the purpose for which the amounts were collected, the name of the person paying the same, and such other information as the State Auditor may require. The ledger so maintained shall be open to the inspection of the State Treasurer and the State Auditor or their authorized agents at all times. All fines and penalties collected for each calendar month shall be paid over by the justices to the State Treasurer within 15 days after the first day of the succeeding calendar month, provided that any such fines or forfeitures which by the laws of this State are due and payable to municipalities thereof, shall be paid by each justice to the municipality entitled thereof.

Section 2. This Act shall become effective July 1, 1966.

Approved June 7, 1966.

## CHAPTER 360

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO AMOUNT OF BENEFITS PAYABLE UNDER STATE EMPLOYEES' PENSION PLAN.**

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

Section 1. Section 5523, Chapter 55, Title 29, Delaware Code, is amended by striking therefrom the figure "\$100" and inserting in lieu thereof the figure "\$150".

Section 2. Section 5523, Chapter 55, Title 29, Delaware Code, is amended by adding a sentence at the end thereof to read as follows: "Provided, however, that the amount of benefits provided under this section shall not exceed the monthly retiring base salary."

Section 3. This Act shall become effective July 1, 1966.

Approved June 7, 1966.



## CHAPTER 361

**AN ACT TO AMEND SUBCHAPTER I, CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO DRIVER'S LICENSE.**

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

Section 1. Subchapter I, Chapter 27, Title 21, Delaware Code, is amended by striking from subparagraph (4) of subsection (b), § 2706, the word "epileptic".

Section 2. Subchapter I, Chapter 27, Title 21, Delaware Code, is amended by adding to paragraph (b) of § 2706, a new subparagraph (7) to read as follows:

(7) Person who is subject to losses of consciousness due to disease of the central nervous system, unless such person furnishes the Department with the certificate of two physicians duly licensed to practice medicine and surgery in this State that such person's infirmity is under sufficient control to permit him or her to operate a motor vehicle with safety to person and property. Each person licensed to operate a motor vehicle on the basis of such certificate shall furnish the Department with a new certificate each year not later than the anniversary date of the issuance of the license and not earlier than 45 days before said date, which shall show that on the basis of an examination within said period a physician duly licensed to practice medicine and surgery in this State has determined that the infirmity remains under sufficient control to permit the person to operate a motor vehicle with safety to person and property. Except as provided below, if such certificate is not received by the Department within seven days after the anniversary date of the license, the Department shall revoke said license, and shall notify its holder.

The above provision notwithstanding, if two physicians duly licensed in this State furnish the Department with a certificate that the disease no longer requires treatment, and that the person can reasonably be expected to suffer no further loss-

es of consciousness on its account, the Department may find that the person need no longer submit annual certificates of his or her competence to operate a motor vehicle, and shall notify the person accordingly. The Department may, in its discretion retain medical consultants to advise it. No physician who examines a person and provides a certificate in good faith in accordance herewith shall be subject to any civil or criminal liability on account of having provided the certificate.

Approved June 7, 1966.

CHAPTER 362

**AN ACT TO AMEND TITLE 21, DELAWARE CODE § 4169  
(a) BY CHANGING THE MAXIMUM SPEEDS AT WHICH  
CERTAIN MOTOR TRUCKS AND MOTOR TRUCK TRAC-  
TORS MAY OPERATE ON THE HIGHWAYS.**

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

Section 1. Title 21, § 4169 (a) is amended by striking therefrom Subsection 3 and by renumbering Subsection 4 as Subsection 3.

Section 2. Title 21, § 4169 (a) is further amended by striking the words "and self-propelled passenger buses," from Subparagraph 2 thereof and by inserting in lieu thereof the following:

" , self-propelled passenger buses, and motor trucks and motor truck tractors,"

Approved June 7, 1966.

## CHAPTER 363

**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. § 1101, Title 30, Delaware Code, is amended by adding the following definitions to said section:

“Adjusted gross income” means the amount the taxable’s net income under this chapter would be if the exemptions allowed under § 1117 of this title and the deductions allowed under § 1118 of this title were not allowed.

“Gross income” means the total income from whatever sources derived, whether within Delaware or elsewhere, except income excluded by § 1116 of this title.

“Nonresident apportionment ratio” means the ratio that the adjusted gross income of a nonresident bears to his gross income.

Section 2. § 1101, Title 30, Delaware Code, is amended by striking the portion of the definition of “Taxable” that appears in subparagraph 7 of said definition and inserting in lieu thereof a new subparagraph 7 to read:

(7) every natural person who is a nonresident of the State of Delaware but only to the extent that such person received income during the taxable year:

(a) as compensation, as an employee in the conduct of the business of an employer, for personal services:

(i) rendered in the State of Delaware, or

(ii) attributable to employment in the State of Delaware and not required to be performed elsewhere or

(b) to the extent that such person derived net profits from a profession, vocation, business, trade or commerce conducted in the State of Delaware;

Section 3. § 1106, Title 30, Delaware Code, is amended to read:

**§ 1106. Members of armed forces stationed in state by federal government**

Members of the armed forces of the United States who are domiciled outside of this state but by reason of their assignment of duty are stationed in this state are exempt from payment of tax under this chapter.

Section 4. § 1117, Title 30, Delaware Code, is amended by adding a new subsection (c) as follows:

(c) In the case of a nonresident the credits allowed by this section shall be limited to a figure ascertained by multiplying the credits provided by this section and his nonresident apportionment ratio.

Section 5. § 1118, Title 30, Delaware Code, is amended by adding the following sentence to subparagraph (3):

In the case of a nonresident, the deduction for Federal income taxes paid shall be limited to a figure ascertained by multiplying the total Federal income taxes paid and his nonresident apportionment ratio, but only if such figure is lower than the deduction permitted for Federal income taxes paid as aforesaid.

Section 6. § 1118, Title 30, Delaware Code, is amended by striking paragraph (16) (A) in its entirety and inserting in lieu thereof a new paragraph (16) (A) to read as follows:

(16) (A) An individual may elect to use a standard deduction which shall be an amount equal to 10% of the adjusted gross income or \$500, whichever is the lesser; such standard deduction to be in lieu of all other deductions authorized by

this section except a deduction for Federal income taxes paid, not to exceed \$300, and deductions relating to the operation of a business or trade. A married couple filing a joint return under section 1163 of this title may elect to use a standard deduction which shall be equal to 10% of the adjusted gross income or \$1,000, whichever is the lesser; such standard deduction for a married couple filing jointly to be in lieu of all other deductions authorized by this section except for Federal income taxes paid, not to exceed \$600, and deductions relating to the operation of a business or trade. In the case of a nonresident electing to use a standard deduction, the deduction for Federal income taxes paid shall be limited as provided in section 1118 (3) of this title and deductions relating to the operation of a business or trade shall be limited to such operation in Delaware.

Section 7. § 1118, Title 30, Delaware Code, is amended by striking paragraph (16) (B) and renumbering paragraphs (16) (C), (16) (D), and (16) (E) accordingly.

Section 8. § 1118, Title 30, Delaware Code, is amended by adding a new paragraph (18) as follows:

(18) In the case of a nonresident, who does not elect to use the standard deduction, as provided in (16) (A) of this section, the deductions allowed by this section, except deductions relating to the operation of a business or trade, shall be limited to a figure ascertained by multiplying such deductions and his nonresident apportionment ratio, and deductions relating to the operation of a business or trade shall be limited to such operation in Delaware.

Section 9. § 1163, Title 30, Delaware Code, is amended by striking the period at the end of § 1163 and inserting in lieu thereof the following:

provided that each received income includable in net income under this chapter, or provided that the gross income of both is entirely attributable to one spouse.

Section 10. § 1164, Title 30, Delaware Code, is amended by striking said section in its entirety and inserting a new § 1164 in lieu thereof to read as follows:

**§ 1164. Members of armed forces, domiciled outside of Delaware**

Members of the armed forces of the United States who are domiciled outside of Delaware but by reason of their assignment of duty are stationed in Delaware need not make a return.

Section 11. § 1191, Title 30, Delaware Code, is amended by inserting a period after the word "dependent" appearing in the second sentence thereof and by striking the following: "and a credit equal to the estimated credits taxable is entitled to under section 1120 of this chapter."

Section 12. § 1192, Title 30, Delaware Code, is amended by striking said section in its entirety and inserting a new § 1192 in lieu thereof to read as follows:

**§ 1192. Use of withholding tables**

At the election of the withholding agent with respect to any taxable, the withholding agent shall deduct and withhold from the compensation paid to such taxable, in lieu of the taxes required to be paid and withhold under section 1191 of this title, a tax to be determined in accordance with withholding tables to be furnished by the State Tax Department.

Section 13. § 1120, Title 30, Delaware Code, is amended by striking said section in its entirety and inserting a new § 1120 in lieu thereof to read as follows:

**§ 1120. Credit to resident taxable for income taxes paid to other states**

Upon his presenting evidence satisfactory to the Commissioner of the fact of such payment, a resident taxable shall be allowed a credit against the tax paid under this chapter for income taxes paid to any state other than Delaware upon income both derived therefrom and subject to tax under this chapter. The credit allowed under this section shall not reduce the tax otherwise due under this chapter to an amount less than would have been due if the income subject to tax by such other state

was ignored. No credit shall be allowed under this section for taxes which the resident taxable has reported as a deduction under section 1118 of this chapter.

Section 14. The provisions of this act shall take effect on January 1, 1967.

Approved June 7, 1966.



## CHAPTER 364

**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 the Members elected to each House thereof concurring therein):*

Section 1. The sum of \$26,000 is 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 ending June 30, 1967, 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 Fund 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 June 7, 1966.

## CHAPTER 365

**AN ACT MAKING AN APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF CONSTRUCTING A SIDEWALK FROM MILLSBORO SCHOOL NO. 23 TO MILLSBORO SCHOOL NO. 204.**

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

Section 1. The sum of \$13,000 is hereby appropriated to the State Highway Department for the purpose of constructing a sidewalk from Millsboro School No. 23 to Millsboro School No. 204, a distance of approximately 3/4ths miles.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1967, shall revert to the General Fund of the State.

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

Approved June 7, 1966.

## CHAPTER 366

**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 \$14,000 is appropriated to the State Treasurer for the fiscal year ending June 30, 1966, to be expended as follows:

Salaries and wages of employees .....	\$ 7,500
Capital Outlay .....	3,500
Contractual Services .....	3,000
	<hr/>
	\$14,000

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.

Approved June 7, 1966.

## CHAPTER 367

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE", TO PROVIDE FOR THE FURNISHING OF MEDICAL CARE TO THE INDIGENT AND MEDICALLY INDIGENT.**

*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 definition of "Medical Care" and inserting in lieu thereof a new definition of "Medical Care" to read:

"Medical Care" means payment of part or all of the cost of (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services for individuals 21 years of age or older; (5) physician's services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere and (6) drugs and medicine as specified by the Department within the limitations of the funds appropriated by the State of Delaware and the United States Congress for this purpose for individuals who are needy or who are found eligible for Medical Assistance for the Medically Indigent. The Department of Public Welfare may initiate services and include categories for coverage on a progressive basis provided that the services enumerated above are available to all covered groups by July 1, 1967 and that at least all recipients of federally aided assistance programs be covered by December 31, 1969. Any such payments shall be made only to persons and institutions which meet standards, established by the State Board of Health, that promote safe and adequate treatment of individuals in the interest of public health and safety.

Section 2. § 502, title 31, Delaware Code, is amended by adding thereto a new definition to follow the definition of "Medical Care" to read:

"Medical Assistance for the Medically Indigent" means medical care furnished on behalf of individuals who would, if

needy, be eligible for assistance in any of the categories listed in subsections (1), (2), and (3) of section 504 of this chapter or for assistance to the needy blind, and on behalf of individuals who are under the age of 21 years, provided such individuals have insufficient income and resources to meet the costs of necessary medical or remedial care and services.

Section 3. § 503 (b), title 31, Delaware Code, is amended to read:

(b) Assistance may be granted to eligible persons who are 65 years of age or over and patients in an institution for tuberculosis or mental disease.

Section 4. § 503 (d), title 31, Delaware Code, is amended by adding to the last paragraph thereof a new sentence to read:

The limitations on the amount paid for aid and services to needy families with children may be exceeded, however, by the amount of any payments for Medical Care as defined in section 502 of this chapter.

Section 5. § 503 (e), title 31, Delaware Code, is amended by striking out the words "medical assistance for the aged" wherever they appear therein and substituting in lieu thereof in each instance the words "Medical Care".

Section 6. § 503 (e) is amended by striking out the last sentence thereof and adding the following in lieu thereof:

The policies and regulations determined by the Department for eligibility standards and level of payments shall be within the limitations of the funds appropriated therefor. No lien shall be imposed on the property of a recipient of Medical Care on account of such care correctly paid during his lifetime; nor shall any adjustment or recovery be made on account of Medical Care correctly paid except after his death and that of his surviving spouse and then only in the absence of any surviving child under 21 years or any surviving child over the age of 21 years who is blind or permanently or totally disabled.

Any adjustment or recovery with respect to such Medical Care correctly paid shall be made only from the estate of a recipient who was 65 years of age or over when he received Medical Care.

Section 7. § 504 (5), title 31, Delaware Code, is amended to read:

(5) Medical Care; assistance granted in the form of Medical Care to persons residing in this State including residents absent therefrom who—

(a) are recipients of assistance in any of the categories listed in subsections (1), (2) and (3) of this section or as aid to the needy blind or who would be eligible for any such assistance in one of such categories except that they do not meet the durational residence requirement prescribed therefor, or

(b) are eligible for Medical Assistance for the Medically Indigent.

Section 8. § 510, title 31, Delaware Code, is amended by adding thereto a new paragraph to read:

(b) Notwithstanding the provisions of this section or any other provision of law, the financial responsibility of an individual for any applicant or recipient of Medical Care shall be disregarded unless such applicant is such individual's spouse or child who is under the age of 21 years or is blind or permanently and totally disabled.

Section 9. § 513 (b), title 31, Delaware Code, is amended by inserting the words: “, excluding payments made for Medical Care,” between the words “grants” and “paid” in both instances in which said words appear in the fourth paragraph thereof.

Section 10. § 513, title 31, Delaware Code, is amended by adding thereto a new subsection to read:

(d) With respect to assistance provided as Medical Care as defined in section 502 of this chapter, to recipients of Aid

to the Blind or to medically indigent persons who would be eligible, except for need, to receive Aid to the Blind, applications for such Medical Care and supporting information relating thereto shall be certified to the Department by the Delaware Commission for the Blind, which Department shall base its determinations of eligibility on the rules and regulations promulgated by the Department. Persons certified by said Commission shall be eligible for Medical Care in all respects on the same basis as persons who apply to the Department.

Section 11. § 517, title 31, Delaware Code, is amended to read:

**§ 517. Hospital and medical treatment for recipients of aid under this chapter**

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 assistance in any of the categories listed in subsections (1), (2), (3) and (5) of section 504 of this chapter or receiving assistance as Aid to the Blind pursuant to the provisions of this title.

Section 12. No payment pursuant to this Act shall be made for assistance granted in the form of Medical Care, as defined in this Act, under the law in effect prior to the enactment of this Act for any period with respect to which federal aid is received under Title XIX of the Federal Social Security Act or for any period after December 31, 1969.

Section 13. The provisions of this Act shall become effective on October 1, 1966.

Approved June 7, 1966.

## CHAPTER 368

**AN ACT TO APPROPRIATE MONEYS TO CERTAIN HOSPITALS AND THE DEPARTMENT OF PUBLIC WELFARE FOR CERTAIN HEALTH SERVICES.**

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

Section 1. There is appropriated for the maintenance, equipment and operation of the Hospitals hereinafter mentioned, for the fiscal year ending June 30, 1967, 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
Kent General Hospital .....	130	71,500.00
Milford Memorial Hospital, Inc. ....	141	77,550.00
Nanticoke Memorial Hospital .....	75	41,250.00
Riverside Hospital .....	48	26,400.00
St. Francis Hospital, Inc. ....	180	99,000.00
Wilmington Medical Center		
Delaware Division .....	421	231,550.00
General Division .....	339	186,450.00
Memorial Division .....	371	204,050.00
 Total .....	 1,833	 \$1,008,150.00

Each of the appropriations shall be paid to the respective Hospitals in equal quarterly installments on the fifteenth day of July, October, January and April of the fiscal year ending June 30, 1967.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of the Wilmington Medical Center, Memorial Division, E. duPont Memorial Hospital in Wilmington for the above mentioned fiscal year, the sum of \$550 per bed not in excess of 11 beds, and the same sum per bed for the Delaware Division not in excess of 34 beds. The



said appropriations to be paid to the said hospitals, upon the completion of such additional capacity, in equal quarterly installments on the fifteenth day of July, October, January and April of the fiscal year ending June 30, 1967; provided, however, that no portion of said appropriations shall be paid to said hospitals unless such additional bed capacity shall have been completed and in operation prior to December 31, 1966; and provided further 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, 1966.

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. The State Auditor shall from time to time verify the bed capacity of said hospitals and report to the State Treasurer and the Budget Director.

Section 4. The provisions of Sections 1, 2 and 3 of this Act notwithstanding, the Budget Commission shall administer this Act and shall have the power to reduce the amounts to be paid to the individual hospitals to the extent that the funds withheld are allocated and transferred to the Department of Public Welfare as provided for in Section 5 of this Act, and the State Treasurer shall make no payment under this Act except upon the prior approval of the Budget Commission and of the Budget Director as elsewhere required by law. In reducing the amounts to be paid to the hospitals pursuant to this section, the Budget Commission shall make such reduction on as nearly a uniform basis as possible; provided, however, that the Commission shall endeavor to assure that each hospital will receive during the fiscal year payments from the Department of Public Welfare

for Medical benefits and grants pursuant to this Act which total not less than the amount specified for such hospital in Sections 1 and 2 of this Act.

Section 5. The Budget Commission shall have the power to allocate and transfer to the Department of Public Welfare from the sums herein appropriated to the hospitals amounts not to exceed \$600,000 for the fiscal year ending June 30, 1967 nor more than \$200,000 for any fiscal quarter therein, for the purpose of initiating a program of medical assistance within the requirements of Section 121 (a) of P. L. 89-97 enacted by the Congress of the United States and commonly known as Title XIX of the Social Security Act. The Budget Commission shall not allocate to the Department of Public Welfare any of the sums herein mentioned except upon the following conditions:

(A) The State Plan of Medical Care to be carried out by the Department of Public Welfare meets the requirements for federal financial participation under the aforementioned Title XIX, and

(B) The sums expended by the Department pursuant to this Act shall be limited to:

- (1) inpatient hospital services,
- (2) outpatient hospital services,
- (3) other laboratory and X-ray services,
- (4) skilled nursing home services for individuals 21 years of age or older, and
- (5) physicians services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

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

Approved June 7, 1966.

CHAPTER 369

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DELAWARE COMMISSION OF SHELL FISH-  
ERIES.**

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

Section 1. The sum of \$38,000 or so much thereof as is needed is appropriated to the Delaware Commission of Shell Fisheries to be used to match funds to be made available by the Bureau of Commercial Fisheries of the United States Department of the Interior.

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 until the federal matching funds are no longer available or until June 30, 1968 whichever first occurs.

Approved June 7, 1966.

## CHAPTER 370

**AN ACT REPEALING § 308, TITLE 18, DELAWARE CODE, RELATING TO THE LOCATION OF THE OFFICE OF THE INSURANCE COMMISSIONER, AND ENACTING A NEW SECTION IN LIEU THEREOF RELATING TO THE LOCATION OF THE OFFICE OF THE INSURANCE COMMISSIONER.**

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

Section 1. § 308, Title 18, Delaware Code, is hereby repealed and the following enacted in lieu thereof:

**§ 308. Principal office**

The principal office of the Commissioner shall be in Dover.

Approved June 7, 1966.

## CHAPTER 371

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$755,850.00 FOR THE PROPOSED AMENDMENTS OF SECTION I., AND BY AMENDING SECTION II., AND BY ADDING TO THE FIRST AND FOURTH SENTENCE OF SECTION 16.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Election Vote Tabulation" under the heading "State Election Commissioner" from \$4,000.00 to \$6,000.00 and changing the totals accordingly.

Section 2. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salaries and Wages of Employees" under the heading "Lieutenant Governor" from \$3,300.00 to \$5,100.00 and changing the totals accordingly.

Section 3. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Budget Director" under the heading "Budget Director" from \$14,600.00 to \$14,800.00 and changing the totals accordingly.

Section 4. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Social Security Officer" under the heading "State Tax Department" from \$7,200.00 to \$7,500.00; and by changing the amount opposite the words "Salaries and Wages of Employees" under the heading "State Tax Department" from \$659,000.00 \* \* See Contingency Fund to \$688,000.00: and

by changing the amount opposite the words "Other Personal Services" under the heading "State Tax Department" from \$900.00 to \$2,900.00; and by changing the amount opposite the words "Other Contractual Services" under the heading "State Tax Department" from \$127,150.00 to \$137,150.00; and by changing the amount opposite the words "Other Supplies and Materials" under the heading "State Tax Department" from \$20,120.00 to \$23,120.00 and changing the totals accordingly.

Section 5. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Director" under the heading "State Planning Office" from \$16,500.00 to \$16,800.00 and changing the totals accordingly.

Section 6. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Director" under the heading "Family Court for New Castle County" from \$10,500.00 to \$10,800.00 and changing the totals accordingly.

Section 7. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding a new line under the heading "State Fire Prevention Commission - Office of Fire Marshal" to read "Salary of Additional Deputy \$5,000.00; and by changing the amount opposite the word "Travel" under the heading "State Fire Prevention Commission - Office of State Fire Marshal" from \$800.00 to \$1,600.00 and changing the totals accordingly.

Section 8. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Executive Secretary" under the heading "Delaware Harness Racing Commission" from \$10,000.00 to \$12,000.00 and changing the totals accordingly.

Section 9. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salaries and Wages of Employees" under the heading "Public Archives Commission - John Dickinson Mansion" from \$14,300.00 to \$14,900.00 and changing the totals accordingly.

Section 10. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the line which reads "Salary of Assistant Librarian \$7,500.00" under the heading "Library Commission for the State of Delaware" to read: "Salary of Assistant Librarian (Total \$8,100.00 - State \$7,500.00 - Other \$600.00) \$7,500.00)

Section 11. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Superintendent - Holt's Landing" under the heading "State Park Commission - Administration" from \$4,500.00 to \$4,700.00 and changing the totals accordingly.

Section 12. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding a new line under the heading "State Board of Health Administration" to read: "Salary of Dental Director \$15,000.00"; and by adding a new line under the heading "State Board of Health - Administration" to read: "Salary of Medicare Nurses (3) \$15,000.00; and by changing the amount opposite the words "Other Supplies and Materials" under the heading "State Board of Health - Administration" from \$27,350.00 to \$28,250.00 and changing the totals accordingly.

Section 13. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the line "Salary of Director (Total \$14,000.00 - State \$8,600.00 - Other \$5,400.00) \$8,600.00" under the heading "Water Pollution Commission" to read "Salary of Director (Total \$14,300.00 - State \$8,600.00 - Other \$5,700.00) \$8,600.00".

Section 14. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the sub heading in Section 1. which reads "*Delaware Home and Hospital for Chronically Ill - Division of the Aging*" to read as follows: "*Delaware Commission for the Aging*".

Section 15. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the word "Travel" under the heading "Delaware Commission for the Blind" from \$4,000.00 to \$4,500.00 and changing the totals accordingly.

Section 16. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the line "Salary of Director (Total \$13,300.00 - State \$6,000.00 - Incl. G. A. Division - Other Sources \$7,300.00) \$6,000.00" under the heading "Department of Public Welfare Administration" to read: "Salary of Director (Total \$13,500.00 - State \$6,000.00 - Incl. G. A. Division - Other Sources \$7,500.00) \$6,000.00".

Section 17. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Secretary" under the heading "Board of Parole" from \$5,700.00 to \$5,850.00 and changing the totals accordingly.

Section 18. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by striking the line "Matching Fund - Oyster Disease Study \$9,500.00" under the heading "Delaware Commission of Shell Fisheries" and changing the totals accordingly.

Section 19. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by striking the line "State Tax Department - Additional Technical Employees \$50,000.00" under the heading "Contingency Fund (Administered by Budget Commission)" and changing the totals accordingly.

Section 20. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding four (4) new lines under the heading "Contingency Fund (Administered by Budget Commission)" to read as follows:

Delaware State College (In the event of a reduction of Federal Funds) .....	\$ 32,000.00
Department of Mental Health (Wages of Attendants and Aides) .....	100,000.00
Emily P. Bissell Hospital .....	99,000.00
Delaware Home and Hospital for the Chronically Ill .....	450,000.00

and changing the totals accordingly.

Section 21. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salaries and Wages of Employees" under the heading "Del-



aware State College" from \$546,000.00 to \$556,000.00; and by changing the amount opposite the words "Contractual Services" under the heading "Delaware State College" from \$109,000.00 to \$114,000.00 and changing the totals accordingly.

Section 22. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Superintendent (all Sources)" under the heading "State Board of Education" from \$18,500.00 to \$18,800.00 and changing the totals accordingly.

Section 23. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the words and amounts as they appear in item number "2" in subsection "H. Teachers" under the heading "State Board of Education" from "2. Driver Education (41) (10 months) \$260,000.00" to read: "2. Driver Education (45) (10 months) \$290,000.00" and changing the totals accordingly.

Section 24. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the words in item number "I" in subsection "H. Teachers" under the heading "Wilmington Board of Education" from "I. Vocational Education 657 \$4,431,320.00" to read: "I. General Education 657 \$4,431,320.00."

Section 25. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by striking subsection "E" under the heading "Educational Contingency Fund" and inserting in lieu thereof a new subsection "E" under the heading "Educational Contingency Fund" to read:

"E. a. All Federal funds received from the Federal Elementary and Secondary Education Act of 1965 or its successor not otherwise appropriated in other Sections of this Act. (Administered by Budget Commission) (Pursuant to Section 11).

b. All Federal Funds received from and for Neighborhood Youth Corp. (OEO), Pre-Kindergarten (Headstart) (OEO), Manpower Development Training, and Adult Education or their respective successors not otherwise appropriated in other Sections of this Act. (Administered by Budget Director) (Pursuant to Section 11)."

Section 26. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by striking "Section 11" and inserting in lieu thereof a new "Section 11" to read:

"Section 11. a. The State Board of Education and the State Board for Vocational Education may employ such additional personnel who are paid entirely from Federal Funds provided the titles of such personnel are specified by line-item in this Act, and provided further such personnel shall not be covered by the provisions of Chapter 14, Title 14, Delaware Code, All personnel employed pursuant to this Section shall be paid in accordance with the salary schedule set forth in Chapter 13, Title 14, Delaware Code, for the classification heading under which said line-item position appears.

b. The Board of Public Education in Wilmington, the Boards of Education in Special School Districts and the Boards of School Trustees of School Districts may employ such additional personnel who are paid entirely from Federal Funds provided that such personnel shall not be covered by the provisions of Chapter 14, Title 14, Delaware Code, and that all such personnel shall be paid in accordance with the provisions of Chapter 13, Title 14, Delaware Code."

Section 27. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding seventy-five (75) words at the end of the first sentence in "Section 16" to read as follows:

", provided, however, that this shall not prevent such employee who has the approval of the principle State Agency (exclusive of the State Board of Education) for which he may be employed from being employed by another State Agency (exclusive of the State Board of Education) for services and receiving compensation for such services if the services so rendered are not the responsibility of the principle agency under which such employee's title is a line item.

Section 82. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding twenty-one (21) words at the end of the fourth sentence in "Section 16" to read as follows:

“, provided, however, that this shall not apply when such housing is located on the site of the principle location of employment.”

Approved June 7, 1966.

## CHAPTER 372

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$19,254.00 FOR THE PROPOSED AMENDMENTS TO SECTION 1.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Budget Director" under the heading "Budget Director" from \$14,800.00 to \$16,000.00 and changing the totals accordingly.

Section 2. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Director" under the heading "State Planning Office" from \$16,800.00 to \$17,500.00 and changing the totals accordingly.

Section 3. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Executive Secretary" under the heading "State Department of Labor and Industrial Relations" from \$8,500.00 to \$9,500.00 and changing the totals accordingly.

Section 4. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding (1) one new line under the heading "Contingency (Administered by Budget Commission)" to read as follows:

Department of Corrections .....	\$15,154.00
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and changing the totals accordingly.

Section 5. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Superintendent (All Sources)" under the heading "State Board of Education" from \$18,800.00 to \$20,000.00 and changing the totals accordingly.

Approved June 8, 1966.

## CHAPTER 373

## AN ACT TO ADOPT THE COMPACT FOR EDUCATION.

*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 82. COMPACT FOR EDUCATION

## SUBCHAPTER I. COMPACT FOR EDUCATION

## § 8201. Compact for education

The Compact for Education is entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

## COMPACT FOR EDUCATION

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the States to preserve a free and open society in the United States; and

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and

WHEREAS, there is a vital need for strengthening the voices of the States in the formulation of alternative nationwide educational policies,

THE STATES AFFIRM the need for close and continuing consultation among our several States on all matters of education, and do hereby establish this Compact for Education.

## ARTICLE I. PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

## ARTICLE II. STATE DEFINED

As used in this Compact, "State" means a State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

## ARTICLE III. THE COMMISSION

A. The Educational Commission of the States, hereinafter called "the Commission", is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the Commission 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 are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (j).

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. 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, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. 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.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws 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.

J. 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. The Commission may make such additional reports as it may deem desirable.

#### ARTICLE IV. POWERS

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of in-

struction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

#### ARTICLE V. COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission but not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educa-

tional policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

## ARTICLE VI. COMMITTEES

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-third of the voting membership of the steering committee shall consist of Governors, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: fifteen for one year and fifteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

C. The Commission may establish such additional committees as its bylaws may provide.

## ARTICLE VII. FINANCE

A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. 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.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

C. The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (g) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III (g) thereof, 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 by its bylaws. 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 VIII. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any State or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a State is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, 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 Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors 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 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 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 therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

**SUBCHAPTER II. DELAWARE EDUCATIONAL COUNCIL****§ 8211. Delaware Educational Council**

(a) There shall be a Delaware Educational Council to consist of:

- (1) The Governor or his designated alternate;
  - (2) The Chairman of the Senate Committee on Education;
  - (3) The Chairman of the House Representatives Committee on Education; and
  - (4) Four members to be appointed by the Governor and to serve at his pleasure.
- (b) The members of the Delaware Educational Council shall also be the Delaware members of the Educational Commission of the States as provided for in Article III of the Compact for Education.

(c) Pursuant to Article III (i) of the Compact, the Commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State.

Section 2. The sum of \$4,000 is appropriated to the Delaware Educational Council, created herein, for the fiscal year ending June 30, 1966 to be used to pay this States membership in the Educational Commission of the States.

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 9, 1966.



## CHAPTER 374

**AN ACT TO CREATE THE BOARD OF TRUSTEES OF THE  
DELAWARE INSTITUTE OF TECHNOLOGY, TO EM-  
POWER THE BOARD TO OPERATE LEARNING INSTI-  
TUTIONS AND TO MAKE A SUPPLEMENTARY APPRO-  
PRIATION THEREFOR.**

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

Section 1. Title 14, Delaware Code, is amended by add-  
ing thereto a new Part to read:

**PART VI. DELAWARE INSTITUTE OF TECHNOLOGY  
CHAPTER 91. DELAWARE INSTITUTE OF TECHNOLOGY**

**§ 9101. Definitions**

As used in this chapter—

“Board” means the Board of Trustees of the Delaware  
Institute of Technology.

“The Institute” means the Delaware Institute of Tech-  
nology.

“Institution” means such institutions of higher learning  
as may be from time to time established by the Board.

**§ 9102. Creation of Board**

There shall be a Board of Trustees of the Delaware Insti-  
tute of Technology which shall be a state agency.

**§ 9103. Composition; qualifications; chairman; appointment;  
term; compensation; vacancy; quorum**

(a) The Board of Trustees shall consist of 7 Trustees.  
by and with the consent of a majority of the members elected  
to the Senate.

(b) The Trustees shall be appointed by the Governor

(c) Six Trustees shall be appointed for terms of 3 years each, commencing, in each case, from the date of appointment. The 6 Trustees appointed for a term of 3 years shall reside: 1 in the City of Wilmington, 1 in the remainder of New Castle County, 1 in Kent County and 1 in Sussex County. The other 2 members may reside anywhere in the state. The seventh member may reside anywhere in the state; shall serve at the pleasure of the Governor and shall be Chairman of the Board. He may be removed at any time by the Governor and shall serve until he is removed by the Governor.

(d) No more than 4 Trustees shall be members of the same political party.

(e) Each Trustee shall be a citizen of the United States, a qualified voter of this state and a resident of this state for at least 3 years preceding his appointment.

(f) A Trustee shall continue to reside in the political subdivision of which he was a resident at the time of his appointment.

(g) In case of a vacancy on the Board for any reason other than expiration of the term of office, the Governor shall fill such vacancy for the unexpired term by and with the consent of a majority of the members elected to the Senate.

(h) No member of the Board shall receive any compensation for his duties except that he may receive his actual travel expenses.

(i) Four members of the Board shall constitute a quorum. A majority of the members present at any meeting and constituting a quorum shall be sufficient for any action by the Board.

#### **§ 9104. Purpose and object**

The purpose of The Institute shall be to operate public institutions of learning for persons who have graduated from high school or who are unable to attend public high schools.

**§ 9105. Powers and duties of Board**

(a) The Board may establish such institutions of learning throughout the State as may be necessary to effectuate the purposes of this chapter.

(b) The Board shall have custody of and be responsible for the property of the Institutions and shall be responsible for the management and control of said Institutions.

(c) For the effectuation of the purposes of this chapter, the Board, in addition to such other powers expressly granted to it by this chapter, shall have the following powers:

(1) To select such officers, except the Chairman, as it may deem desirable, from among its own membership;

(2) To adopt or change the name of the Institutions established by it;

(3) To adopt and use a seal;

(4) To sue and be sued;

(5) To determine the educational program of the Institutions;

(6) To appoint members of the administrative and teaching staffs of the Institutions and to fix their compensation and terms of employment;

(7) To appoint or employ such other officers of the Institutions, agents and employees as may be required to carry out the provisions of this chapter and to fix and determine their qualifications, duties, compensation, terms of office or employment and all other terms and conditions of employment;

(8) To fix schedules of tuition rates and fees for educational services at the Institutions;

(9) To grant diplomas, certificates or degrees;

(10) To enter into contracts;

(11) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property (conditional or otherwise) which the Board may use for or in aid of any of its purposes;

(12) To acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for educational purposes;

(13) To determine that any property owned by the Institute is no longer necessary for educational purposes and to dispose of the same in such manner and upon such terms and conditions as shall be established by it;

(14) To make and promulgate such rules and regulations, not inconsistent with the provisions of this chapter, that are necessary and proper for the administration and operation of The Institutions and for the conduct of the business of the Board;

(15) To exercise all other powers not inconsistent with the provisions of this chapter, which may be reasonably necessary or incidental to the establishment, maintenance and operation of higher learning institutions;

(16) To employ such persons as deemed desirable.

#### **§ 9106. Transfer of property**

Within applicable provisions of law, any department or agency of the state government, and any subdivision of the state may sell, give, lease, or otherwise make available any of its property to, or for use by, the Board.

#### **§ 1907. Donations; misnomer**

Devises, bequests, grants and gifts to The Institute or any of its Institutions shall not be avoided by any misnomer, if the description can be understood with reasonable certainty.

### § 1908. Treasurer's bond

The Treasurer of the Board shall give bond with good and sufficient security to the State in the sum of \$10,000, conditioned for the faithful application of all the monies received. The bond shall be approved by the Trustees and shall be deposited in the office of the Secretary of State.

Section 2. The original appointments of the members of the Board authorized to be appointed by this act for a fixed term shall be staggered so that 2 Trustees shall be appointed for a term of 1 year, 2 Trustees shall be appointed for a term of 2 years and 2 Trustees shall be appointed for a term of 3 years as provided in this act.

Section 3. The Board appointed pursuant to this act shall report to the Governor and to the General Assembly before January 3, 1967 of its progress and of its recommendations for the establishment of institutions of higher education.

Section 4. The sum of \$50,000 is appropriated to the Board of Trustees of the Delaware Institute of Technology for the fiscal year ending June 30, 1967, for effectuating the purposes of this act.

Section 5. 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 9, 1966.

## CHAPTER 375

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS IN THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$59,600.00 FOR THE PROPOSED AMENDMENT.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Increase Enrollment - Youth Service Commission" under the heading "Contingency Fund (Administered by Budget Commission)" from \$20,000.00 to \$67,600.00 and changing the totals accordingly.

Section 2. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding one (1) new line under the heading "Contingency Fund (Administered by Budget Commission)" to read as follows:

State Tax Department ..... \$12,000.00  
and changing the totals accordingly.

Approved June 10, 1966.

## CHAPTER 376

**AN ACT TO AMEND TITLE 11, DELAWARE CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE" BY PROHIBITING FUME SNIFFING.**

*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. Title 11, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER LVIII. FUME SNIFFING****§ 922. Definitions**

As used in this subchapter:

"substance having the property of releasing toxic vapors or fumes" means any material, product, or article of commerce containing one or more of the following chemical compounds: acetone, amyl acetate, benzene, butanol-2, butyl acetate, butyl alcohol, chloroform, cyclohexanone, ethyl acetate, ethyl alcohol, methyl ethyl ketone, petroleum ether, toluene, trichloroethylene and 1,1,1-trichloroethane.

**§ 923. Prohibited acts**

No person shall:

(a) intentionally smell or inhale the vapors or fumes from any substance having the property of releasing toxic vapors or fumes for the purpose of producing in himself a condition of intoxication, inebriation, exhilaration, stupefaction, or lethargy or for the purpose of dulling his brain or nervous system; provided, that nothing in this section shall prohibit the inhalation of the vapors or fumes of any anesthesia for medical or dental purposes;

(b) sell or offer to sell to any other person any material, product, or article of commerce containing any substance having a property of releasing toxic vapors or fumes, if he has knowledge or is in the possession of such facts that he should have knowledge, that the material, product or article of commerce sold or offered for sale will be used for the purpose of committing any of the acts proscribed in subsection (a) of this section;

(c) purchase or offer to purchase for himself or any other person, any material, product, or article of commerce containing any substance having the property of releasing toxic vapors and fumes if such purchase or offer to purchase is made for the purpose of committing any of the acts proscribed in subsection (a) of this section; or

(d) possess any material, product, or article of commerce containing a substance having the property of releasing toxic vapors and fumes if such possession is for the purpose of committing any of the acts proscribed in subsection (a) of this section.

#### § 924. Penalties; jurisdiction

(a) Any person who violates any of the provisions of this subchapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$100, or imprisonment for not more than 60 days, or both.

(b) Justices of the Peace shall have jurisdiction over offenses committed pursuant to this subchapter.

Approved June 16, 1966.

Note: This act was codified as §....., title 11, Delaware Code.



CHAPTER 377

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DELAWARE COMMISSION OF SHELL FISHERIES.**

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

Section 1. The sum of \$1,039.90 is appropriated to the Delaware Commission of Shell Fisheries to be expended to pay invoices for fuel delivered prior to June 30, 1965.

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. This appropriation is for the fiscal year during which this act becomes law.

Approved June 16, 1966.

## CHAPTER 378

**AN ACT TO AMEND CHAPTER 87, TITLE 10, OF THE DELAWARE CODE, RELATING TO MILEAGE FEES FOR SHERIFF.**

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

Section 1. § 8702, Chapter 87, Title 10, of the Delaware Code, is hereby amended by striking the words and numbers "8 cents per mile" in the first sentence of the last paragraph under the subsection titled "Other Services" and inserting and enacting in lieu thereof the following words and numbers:

"10 cents per mile".

Approved June 16, 1966.

## CHAPTER 379

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$11,440.00 FOR THE PROPOSED AMENDMENTS TO SECTION 1.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing subsection "D. b. Assistant Supervisors (14)" under the heading "State Board of Education" to subsection "D. b. Assistant Supervisors (15)" and adding at the end of said subsection the following:

15. Special Classes ..... \$11,440.00  
and changing the totals accordingly.

Approved June 16, 1966.

## CHAPTER 380

**AN ACT APPROPRIATING MONEYS FOR THE INSTALLATION OF A STATE FIRE MARSHAL APPROVED FIRE ALARM SYSTEM AT DELAWARE STATE COLLEGE.**

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

Section 1. The sum of \$65,000 is appropriated to Delaware State College for the installation of a State Fire Marshal approved fire alarm system at Delaware State College.

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

Section 3. Any funds unexpended for the purpose of this Act by June 30, 1966 shall revert to the General Fund of the State of Delaware.

Approved June 16, 1966.

CHAPTER 381

**A SUPPLEMENTARY APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1966, FOR THE REPLACEMENT OF AN ELEVATED WATER STORAGE TANK, DRILLING OF AN ADDITIONAL WELL, AND THE INSTALLATION OF A NEW PUMP AT THE SUSSEX CORRECTIONAL INSTITUTION, GEORGETOWN, DELAWARE.**

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

Section 1. The sum of \$30,000.00 is hereby appropriated to the Department of Correction for the purpose of replacing the elevated water storage tank, drilling of an additional well, and installation of a new pump at the Sussex Correctional Institution.

Section 2. This is a supplementary appropriation act for the fiscal year ending June 30, 1966, and the monies appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware.

Approved June 16, 1966.

## CHAPTER 382

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DELAWARE STATE DEVELOPMENT DEPART-  
MENT.**

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

Section 1. The sum of \$4,500 is appropriated to the Delaware State Development Department for the fiscal year ending June 30, 1966, to be expended to aid the Delaware Advisory Council.

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 16, 1966.

## CHAPTER 383

**AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE CODE, RELATING TO NOTARIES PUBLIC.**

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

Section 1. Chapter 43, Title 29, Delaware Code, is amended by adding thereto a new section to read:

**§ 4303A. Appointment of court reporters as notaries public**

The Governor may, upon the request of the Chief Justice of the Supreme Court, appoint any of the official Court reporters as a notary public. Such Court reporter need not be a legal resident of this State for one year at the time of his appointment, if he is a resident of this State at the time of his appointment as a notary public.

Approved June 16, 1966.

## CHAPTER 384

**AN ACT RELATING TO PRINTING AND DISTRIBUTION OF  
SESSION LAWS AND LAW BOOKS.**

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

Section 1. Title 29, § 907 (a), Delaware Code, is amended to read:

(a) The Secretary of State shall, as soon as practicable after the adjournment of the General Assembly, have printed copies of all bills, resolutions, proclamations of the Governor which are deemed to be of permanent interest, orders, votes of a public nature, and municipal charters filed with the Secretary of State pursuant to chapter 8, Title 22, Delaware Code, accurately printed in volume form, and arranged in the discretion of such official, with an index thereto, to be prepared by him, and shall carefully preserve the originals in the State Archives. The printing of Session Laws shall be done under contract made by the Secretary of State, and in accordance with specifications furnished by him. In the preparation of the Session laws for printing, the Secretary of State may correct obvious typographical errors but if there is any doubt as to whether a typographical error exists, the Secretary of State shall print the laws as enacted without correction.

Section 2. § 907 (b), Title 29, Delaware Code, is amended to read:

(b) The Secretary of State shall distribute the Session Laws as follows: 50 copies to the Prothonotary of New Castle County, 20 copies to the Prothonotary of Kent County and 20 copies to the Prothonotary of Sussex County; one copy to the Governor; one copy to each State officer; one copy to each county officer of the respective counties; two copies to the Library of Congress and, with the consent of the Director of the Legislative Reference Bureau, one copy to the State Library of each of the United States which exchanges books with this State; and the residue to the Legislative Reference Bureau of this State for it to distribute in accordance with law.



Section 3. § 1309, Title 29, Delaware Code, is amended to read:

**§ 1309. Sale of Law Books**

The Director of the Legislative Reference Bureau shall make available for sale all inventories of law books in the State, except the Delaware Code, which in his judgment are not needed by the State or any agency thereof, for such sum, as he deems just and fair. All sums received from the sale of books shall become a part of the General Fund of the State. Sale of the Delaware Code shall be in accordance with Section 108, of Title 1.

Section 4. § 1310, Title 29, Delaware Code, is amended to read:

**§ 1310. Distribution of law books to State agencies and legislators**

(a) The Director of the Legislative Reference Bureau shall distribute gratis law books in the inventory to such agencies and public officials of the State as show a need for them.

(b) As soon as possible after publication, the Director shall distribute gratis, to each person who was a member of the General Assembly to which the books relate, a copy of the Session Laws enacted by that General Assembly and a copy of the Journals of that session.

Section 5. § 905 (h), Title 29, Delaware Code, is amended to read:

(h) The printing shall be done in accordance with contract made by the Secretary of State, and under the superintendence of the clerks of the respective Houses. The Secretary of the Senate and the Clerk of the House, as soon as their respective Journals shall have been printed and published, shall deliver the originals, together with all communications, petitions, and other related papers not otherwise provided for, to the Public Archives Commission for proper disposition by the State Archivist.

Section 6. § 1961, Title 10, Delaware Code, is amended to read:

**§ 1961. Law reports; preparation**

The Associate Judge resident in Kent County shall report such opinions of the Supreme Court (except opinions of the Supreme Court on appeals from the Court of Chancery), the Superior Court and the Orphans' Court, as he is requested to report by the judges writing such opinions; and shall print and publish such reports, including an index. He shall deposit such number of copies as are deemed needed for public use with the Secretary of State to be distributed in accordance with law.

Section 7. § 1962, Title 10 Delaware Code, is amended to read:

**§ 1962. Chancery reports; preparation**

The Chancellor shall collect and publish such opinions of the Court of Chancery, in the respective counties, and appeals in the Supreme Court from the Court of Chancery, as in his judgment are proper to be reported, and shall print and publish the same in volumes, including an index. He shall deposit such number of copies as are deemed needed for public use with the Secretary of State to be distributed in accordance with law.

Section 8. § 906, Title 29, Delaware Code, is repealed.

Approved June 16, 1966.

CHAPTER 385

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE BOARD OF REGISTRATION FOR PRO-  
FESSIONAL ENGINEERS AND LAND SURVEYORS FOR  
TRAVEL BILLS INCURRED IN FISCAL 1964 IN EX-  
CESS OF THE FUNDS APPROPRIATED THEREFOR.**

WHEREAS, the State Board of Registration for Profes-  
sional Engineers and Land Surveyors did incur travel expen-  
ses of \$379.32 in the fiscal year ending June 30, 1964 which  
were not submitted for payment until the following fiscal year;  
and

WHEREAS, these bills did exceed the Board's travel ap-  
propriation for fiscal 1964 by the amount of \$349.07; and

WHEREAS, obligations from a prior fiscal year cannot  
be properly charged against a current fiscal year's (fiscal  
1965) appropriation;

NOW, THEREFORE,

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

Section 1. The sum of \$349.07 is hereby appropriated to  
the State Board of Registration for Professional Engineers  
and Land Surveyors for the purpose of paying travel expenses  
incurred in 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 funds in the General Fund of the State of Delaware, not  
otherwise appropriated.

Approved June 16, 1966.

## CHAPTER 386

**AN ACT TO AMEND § 4133, TITLE 9, DELAWARE CODE,  
RELATING TO APPROPRIATIONS FOR AMBULANCE  
SERVICE IN KENT COUNTY.**

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

Section 1. § 4133 (a), Title 9, Delaware Code, is amended by adding the following words at the end of said subsection:

Camden-Wyoming Fire Company

Approved June 16, 1966.

## CHAPTER 387

**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 for fiscal year ending June 30, 1967, 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 planning, 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 for the fiscal year ending June 30, 1967, for the purpose of paying for or contributing to the costs of all works of improvement required for the planning, 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 Section 1 and 2 of this Act may be used by the State Soil Conservation Commission to pay or help pay all costs, including personnel, required for the planning, 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 State Soil Conservation Commission, or 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 ending June 30, 1967, 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 8 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 ending June 30, 1967, 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 8 of this Act.

Section 6. There is hereby appropriated to the State Soil Conservation Commission the sum of \$22,500 for the fiscal year ending June 30, 1967, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, in-

stalling 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 ending June 30, 1967, 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 Districts 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 sum of money so paid from time to time to said Board of Soil District Supervisors of 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 to 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 purpose 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 June 16, 1966.

## CHAPTER 388

**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 thereof concurring therein):*

Section 1. The sum of \$6,000 is appropriated to the American Legion, Department of Delaware, for the fiscal year ending June 30, 1967.

Section 2. The sum of \$6,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for the fiscal year ending June 30, 1967.

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.

Section 4. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operations expenses for the fiscal year ending June 30, 1967.

Section 5. The sum of \$2,000 is appropriated to the American Legion, Department of Delaware, for operation expenses for the fiscal year ending June 30, 1967.

Section 6. The sum of \$1,000 is appropriated to the Disabled American Veterans of Delaware for operation expenses for the fiscal year ending June 30, 1967.

Section 7. 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 ending June 30, 1967.

Section 8. The sum of \$1,000 is appropriated to the Delaware Veterans of World War I for operational expenses for the fiscal year ending June 30 ,1967.

Section 9. 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 appropriation hereby made.

Section 10. The sums appropriated by herein shall be paid to the 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 June 16, 1966.

## CHAPTER 389

**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 thereof 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 1966 Boys' State to be paid during the fiscal year ending June 30, 1967 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 1966 Girls' State to be paid during the fiscal year ending June 30, 1967.

Section 2. The said sums shall be paid to said organizations by the State Treasurer upon receipt of drafts properly drawn and signed by the Department Finance Officer of said organizations.

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 June 16, 1966.

## CHAPTER 390

**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 House, 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 ending June 30, 1967.

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 ending June 30, 1967.

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 June 16, 1966.

## CHAPTER 391

**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 thereof concurring therein):*

Section 1. The sum of \$20,000 is appropriated to the "Delaware State Fair, Inc.", a corporation of the State of Delaware. Said appropriation shall be used and expended only for prizes for meritorious achievements in agriculture, stock and poultry raising and in works of manual training and the domestic arts awarded at the annual fair to be held in July of 1966.

Section 2. The corporation shall on or before the first day of December following the fair file with the Budget Director 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.

Section 3. When said statement shall have been audited by the Budget Director 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 4. This Act is a supplementary appropriation for the fiscal year ending June 30, 1967 and the moneys appropriated shall be paid by the State Treasurer out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 16, 1966.

CHAPTER 392

**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 the 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 ending June 30, 1967 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, 1967, 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 16, 1966.

## CHAPTER 393

**AN ACT TO AID CERTAIN ORGANIZATIONS WHICH MAINTAIN FIRE EXTINGUISHING VEHICLES, AMBULANCES, OR RESCUE TRUCKS FOR USE IN EMERGENCIES BY MAKING APPROPRIATIONS TO THEM.**

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

Section 1. There is appropriated to the listed fire companies, for the fiscal year ending June 30, 1967, the following sums to be used for the prevention and extinguishing 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 Company, 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

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Total .....\$101,500

Section 2. There is appropriated to the following listed fire companies, for the fiscal year ending June 30, 1967, 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 ending June 30, 1967, 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
Camden-Wyoming Fire Company, Camden .....	750
Claymont Fire Company, Claymont .....	750
Cranston Heights Fire Company, Cranston Heights .....	750
Elsmere Fire Company, Elsmere .....	750
Felton Community Fire Company, Felton .....	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., Carlisle .....	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 .....\$25,500

Section 4. There is appropriated to the following listed fire companies, for the fiscal year ending June 30, 1967, 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 Company, 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
Roxana Volunteer Fire Company, Roxana .....	750
Total .....	<u>\$25,500</u>

Section 5. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year ending June 30, 1967, 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

Section 6. There is appropriated to the listed organizations, for the fiscal year ending June 30, 1967, 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
Total .....	<u>\$ 3,000</u>

GRAND TOTAL .....\$180,000

Section 7. The above said sums shall be paid by the State Treasurer to said organizations within 3 months after the beginning of the fiscal year for which appropriated.

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 June 16, 1966.

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
<b>Total .....</b>	<b>\$25,500</b>

Section 4. There is appropriated to the following listed fire companies, for the fiscal year ending June 30, 1967, 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 Company, 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
Roxana Volunteer Fire Company, Roxana .....	750

Total .....\$25,500

Section 5. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year ending June 30, 1967, 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

Section 6. There is appropriated to the listed organizations, for the fiscal year ending June 30, 1967, 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

Total .....\$ 3,000

GRAND TOTAL .....\$180,000

Section 7. The above said sums shall be paid by the State Treasurer to said organizations within 3 months after the beginning of the fiscal year for which appropriated.

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 June 16, 1966.

## CHAPTER 394

**A SUPPLEMENTARY APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1966, TO THE DEPARTMENT OF CORRECTION OF \$406.00 FOR THE PURPOSE OF REIMBURSING JOHN O. ELLINGSWORTH, WARDEN OF THE SUSSEX CORRECTIONAL INSTITUTION, FOR DAMAGE TO HIS PERSONAL AUTOMOBILE.**

WHEREAS, John O. Ellingsworth did use his own automobile during an emergency during the severe snow storm of January 30, 1966, because the state owned vehicle assigned to him was stuck and blocked from use by snow and he was engaged in the line of duty for the State of Delaware; and

WHEREAS, his private automobile was damaged in an accident classified as unavoidable by the Delaware State Police; and

WHEREAS, he had no personal insurance to cover the damage to his car and because the accident was classified as unavoidable, the insurance company of the owner of the other vehicle involved was not required to pay this loss;

NOW, THEREFORE,

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

Section 1. The sum of \$406.00 is hereby appropriated to the Department of Correction for the purpose of reimbursing John O. Ellingsworth, warden of the Sussex Correctional Institution, for damage to his personal automobile resulting from an unavoidable accident while engaged in the line of duty for the State of Delaware during an emergency during the severe snow storm of January 30, 1966.

Section 2. This is a supplementary appropriation act for the fiscal year ending June 30, 1966, and the monies appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from monies not otherwise appropriated.

Approved June 16, 1966.

## CHAPTER 395

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE SALARY ACCOUNT OF THE MOTOR VEHICLE  
DEPARTMENT FOR THE PURPOSE OF OBTAINING  
ADDITIONAL EMPLOYEES.**

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

Section 1. The sum of \$32,670 is appropriated to the Salary account of the Motor Vehicle Department for the fiscal year beginning July 1, 1966 and ending June 30, 1967, for the purpose of hiring the following additional employees:

**FOR GEORGETOWN INSPECTION LANE**

1 Inspector - Examiner .....	\$ 4,620.00
1 Typist .....	3,300.00

**FOR DOVER INSPECTION LANE**

1 Inspector (part - time) .....	2,310.00
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**FOR MAIN OFFICE OF MOTOR VEHICLE  
DEPARTMENT AT DOVER**

4 Typist @ \$3,300.00 .....	\$13,200.00
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**FOR NEW CASTLE INSPECTION LANE**

2 Inspectors (part - time) .....	4,620.00
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**FOR WILMINGTON INSPECTION LANE**

2 Inspectors (part - time) .....	4,620.00
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Total .....	<u>\$32,670.00</u>
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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 16, 1966.



CHAPTER 396

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE GOVERNOR FOR THE STUDY OF THE STATE  
OF DELAWARE PUBLIC SCHOOL SYSTEM.**

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

Section 1. The sum of \$20,000, or so much as is necessary, is appropriated to the Governor to be expended for the study of the State of Delaware Public School System for the fiscal year ending June 30, 1967.

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 16, 1966.

## CHAPTER 397

**AN ACT TO AMEND CHAPTER 35, TITLE 12, DELAWARE CODE, BY THE ADDITION THERETO OF A NEW SECTION REQUIRING AND REGULATING PERMANENT LOT CARE FUNDS OF ANY PERSON, PARTNERSHIP OR CORPORATION ENGAGED IN THE BUSINESS OF SELLING BURIAL LOTS WITH PERPETUAL CARE.**

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

Section 1. Chapter 35, Title 12, Delaware Code, is hereby amended by adding thereto a new section 3554 to read as follows:

**§ 3554. Perpetual care burial lots**

(a) Whenever a person, partnership, or corporation engaged in the business of selling burial lots with perpetual care for profit shall sell any burial lot with perpetual care, it shall deposit in a bank and trust company, trust company or national banking association having fiduciary powers, a sum equal to at least one-tenth of the gross sales price of such lot as a permanent lot care fund for the maintenance of burial lots sold with perpetual care and shall designate such banking institution as trustee of such fund. The permanent lot care fund so established shall be invested in compliance with Chapter 33, Title 12 of this Code, and the trustee shall pay semi-annually the net income from the fund to the person, partnership or corporation for the perpetual care and preservation of the burial lots sold with perpetual care.

(b) Any person, partnership or corporation engaged in the business of selling burial lots shall keep a record of all sales of burial lots showing the name of the purchaser or lessee, whether such lot was sold with perpetual care, and the gross sales price. Such records shall be made available to the Attorney General of the State of Delaware for inspection.

Approved June 16, 1966.

## CHAPTER 398

**AN ACT TO AMEND TITLE 21, CHAPTER 21 AND CHAPTER 41, DELAWARE CODE, BY PROVIDING FOR THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN HANDICAPPED PERSONS AND FURTHER PROVIDING CERTAIN PARKING PRIVILEGES TO THE HOLDER OF SUCH PLATES.**

*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 21, Title 21, Delaware Code, is amended by adding thereto a new section 2134 to read as follows:

**§ 2134. Special plates for handicapped persons; penalties**

(a) On the application of any person who has lost the use of a leg or both legs, or arm or both arms, or any combination thereof, the Department shall issue such handicapped person special registration plates designating the vehicle so licensed as belonging to a handicapped person. The registration plates so issued shall, reading from left to right, bear a handicapped insignia approved by the Department and shall be followed by such numbers or letters as the Department finds expedient. The Department shall not charge any fee, other than the regular fee for annual registration, for the issuance of such registration plates.

(b) Any person who is not a handicapped person, as prescribed in this section and who wilfully and falsely represents himself as having the qualification to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by this section, shall, upon conviction be sentenced to pay a fine of fifty dollars (\$50.00) and costs of prosecution and in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days. Justices of the Peace shall have jurisdiction of offenses under this section.

Section 2. Chapter 41, Title 21, Delaware Code, is amended by adding a new section 4180 to read as follows:

**§ 4180. Parking by handicapped persons having license plates issued pursuant to § 2134.**

When a handicapped person operates a vehicle for which he has obtained a license plate issued pursuant to § 2134 or which vehicle shall be operated for the benefit of such handicapped person then the person operating such vehicle shall be relieved of any liabilities with respect to parking for a period of ninety minutes in excess of the legal parking period permitted by local authorities except (1) where local ordinances or police regulations prohibit parking on any highway for the purpose of creating a fire lane, or (2) where said ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours, or (3) where such vehicle is parked in such a manner as to clearly be a traffic hazard.

Approved June 17, 1966.

CHAPTER 399

**AN ACT TO APPROPRIATE MONEY TO WHYY, INC.**

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

Section 1. The sum of \$75,000 is appropriated to WHYY, Inc., to be used to aid and support the operation of WHYY-TV as an educational, non-profit, non-commercial, instructional and cultural television station serving the State, for the fiscal year ending June 30, 1967.

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 17, 1966.

## CHAPTER 400

**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 repealed.

Became law on June 18, 1966, without the approval of the Governor, and in accordance with Section 18, Article 3, as amended, of the Constitution of Delaware.

CHAPTER 399

**AN ACT TO APPROPRIATE MONEY TO WHYY, INC.**

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

Section 1. The sum of \$75,000 is appropriated to WHYY, Inc., to be used to aid and support the operation of WHYY-TV as an educational, non-profit, non-commercial, instructional and cultural television station serving the State, for the fiscal year ending June 30, 1967.

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 17, 1966.

## CHAPTER 400

**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 repealed.

Became law on June 18, 1966, without the approval of the Governor, and in accordance with Section 18, Article 3, as amended, of the Constitution of Delaware.



## CHAPTER 401

**AN ACT APPROPRIATING MONEYS FOR EDUCATION AND  
TRAINING OF CHILDREN OF MILITARY VETERANS  
WHO DIED WHILE IN THE ARMED SERVICES 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 thereof concurring therein):*

Section 1. The sum of \$15,000 is appropriated for the fiscal year ending June 30, 1967 for the benefit of the children of members of any branch of the armed forces of the United States of America who were killed while in such service or who may have died from disease, wounds or disabilities arising or resulting from service in the Viet Nam conflict or any other armed conflict of the United States.

Section 2. The word "Children" as used in Section 1 of this Act means those children who are not under 16 years of over 25 years of age, 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 their training cannot be secured in any institution or agency within the State of Delaware, the Director of the State Board of 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 25 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 moneys appropriated by this Act shall be used for any expenses in connection with the education and

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 thereof of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon vouchers signed by the State Auditor, but said expenses shall not exceed the sum of \$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 June 23, 1966.

CHAPTER 402

**AN ACT TO AMEND § 513, TITLE 19, DELAWARE CODE,  
RELATING TO EMPLOYMENT IN LIQUOR SELLING  
ESTABLISHMENTS.**

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

Section 1. § 513, Title 19, Delaware Code, is amended by striking the figure "21" as it appears therein and inserting in lieu thereof the figure "18".

Approved June 23, 1966.

## CHAPTER 403

**AN ACT TO RAISE CERTAIN JUDICIAL SALARIES.**

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

Section 1. § 103, Title 10, Delaware Code, is amended to read:

**§ 103. Salaries of Justices**

(a) The Chief Justice shall receive annually the sum of \$25,000 as compensation for his services.

(b) The Justices of the Supreme Court shall each receive annually the sum of \$24,500 as compensation for their services.

Section 2. § 304, Title 10, Delaware Code, is amended to read:

**§ 304. Salaries of Chancellor and Vice Chancellors; additional compensation**

(a) The Chancellor shall receive annually as compensation for his services the sum of \$24,000.

(b) Each Vice Chancellor shall receive annually as compensation for his services the sum of \$23,500.

(c) The Chancellor shall receive as a compensation for reporting the decisions of the Court of Chancery, and appeals in the Supreme Court from the Court of Chancery, the additional sum of \$200 per annum.

Section 3. § 503, Title 10, Delaware Code, is amended to read:

**§ 503. Salaries of Judges; additional compensation for Kent County Judge**

(a) The President Judge of the Superior Court and of the Orphans' Court shall receive annually as compensation for his services the sum of \$24,000.

(b) Each Associate Judge shall receive annually as compensation for his services the sum of \$23,500.

(c) The Associate Judge resident in Kent County shall receive as additional compensation for reporting all decisions of the Superior Court and the Orphan's Court in the respective Counties and appeals in the Supreme Court from the Superior Court and the Orphans' Court, the additional sum of \$200 per annum.

Section 4. § 908, Title 10, Delaware Code, is amended to read:

**§ 908. Salary of Judges**

The salary of each of the Judges shall be \$21,000 per year, payable by the state.

Section 5. § 1106, Title 10, Delaware Code, is amended to read:

**§ 1106. Salary of Judges**

The salary of each of the Judges shall be \$21,000 per year, payable by the State.

Section 6. § 1502 (c), Title 10, Delaware Code, is amended to read:

(c) The salary of the Judge shall be \$21,000 per year, payable by the State.

Section 7. § 1602 (c), Title 10, Delaware Code, is amended to read:

(c) The salary of the Judge shall be \$21,000 per year, payable by the State.

Approved June 27, 1966.

## CHAPTER 404

**AN ACT RELATING TO SALARIES OF CERTAIN PUBLIC OFFICIALS BY RAISING CERTAIN SALARIES AND MAKING APPROPRIATIONS 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 "11,000.00" and inserting in lieu thereof the figures "\$15,000.00."

Section 2. Title 29, Section 2701, Delaware Code, is amended by deleting the figures "\$9,000.00" and inserting in lieu thereof the figures "\$12,000.00."

Section 3. Title 29, Section 2704, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$11,000.00."

Section 4. Title 29, Section 2902, Delaware Code, is amended by deleting the figures "\$9,000.00" and inserting in lieu thereof the figures "\$12,000.00."

Section 5. Title 29, Section 2904, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$11,000.00."

Section 6. Title 29, Section 2501 (a), Delaware Code, is amended by deleting the figures "\$11,000.00" and inserting in lieu thereof the figures "\$15,000.00."

Section 7. Title 18, Section 307, Delaware Code, is amended by deleting the figures "\$9,000.00" and inserting in lieu thereof the figures "\$12,000.00."

Section 8. Title 18, Section 309, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$11,000.00."

Section 9. Title 30, Section 342, Delaware Code, is amended by deleting the figures "\$11,000.00" and inserting in lieu thereof the figures "\$15,000.00."

Section 10. Title 30, Section 325, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$12,000.00."

Section 11. Title 29, Section 4102, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$9,000.00".

Section 12. Title 29, Section 4504, Delaware Code, is amended by deleting the figures "\$9,000.00" and inserting in lieu thereof the figures "\$12,000.00".

Section 13. Title 20, Section 122 (f), Delaware Code, is amended by deleting the figures "\$11,000.00" and inserting in lieu thereof the figures "\$15,000.00".

Section 14. This Act shall become effective January 1, 1967.

Section 15. There is hereby appropriated the sum of \$21,000.00 to the various agencies involved to carry out the provisions of this Act for the fiscal year ending June 30, 1967.

Section 16. 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 27, 1966.

## CHAPTER 405

**AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE, BY INCREASING THE NUMBER OF ASSISTANT DEPUTY ATTORNEYS GENERAL TO SERVE AT LARGE, BY CREATING THE POSITION OF SUPERVISOR OF RECORDS AND PERSONNEL, AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR.**

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

Section 1. Sub-paragraph 8, Section 2502 (a), Title 29, Delaware Code, is hereby amended by striking the word "Two" from the beginning thereof and inserting in lieu thereof the word "Three".

Section 2. Chapter 25, Title 29, Delaware Code, is hereby amended by adding a new Section 2508 after Section 2507 to read as follows:

**§ 2508. Supervisors of records and personnel**

The Attorney General may appoint a Supervisor of Records and Personnel to serve full time, who shall serve at the pleasure of the Attorney General, have such powers and perform such duties as the Attorney General may assign and who shall receive a salary of \$7,000 per year.

Section 3. The sum of \$14,000 is appropriated to the Attorney General for salaries and wages for the fiscal year beginning July 1, 1966 and ending June 30, 1967.

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 June 27, 1966.



## CHAPTER 406

**AN ACT TO AMEND SECTION 2942, TITLE 21, DELAWARE CODE, RELATING TO SUSPENSION OF LICENSE FOR NON-PAYMENT OF JUDGEMENTS BY ALLOWING AN OCCUPATIONAL LICENSE UNDER CERTAIN CONDITIONS.**

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

Section 1. Section 2942, Title 21, Delaware Code, is amended by adding a new subsection after subsection (c) to be known as subsection (d) to read as follows:

(d) In the event that a person has had his license and registration suspended for non-payment of a judgment under this section, the Department after the lapse of 1 year from the entry of the judgment may issue an occupational license during the period of suspension pursuant to section 2733 of this title, provided that no prior occupational license has been issued pursuant to this section and provided further that such persons shall have produced proof of liability insurance coverage or other evidence of financial responsibility in an amount and of such character as shall be satisfactory to the Commissioner.

Approved June 27, 1966.

## CHAPTER 407

**AN ACT TO AMEND SECTION 1108, SUBCHAPTER I, CHAPTER 11, TITLE 17, OF THE DELAWARE CODE, RELATING TO SCHOOL BUS WAITING SHELTERS DISPLAYING OUTDOOR ADVERTISING SIGNS.**

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

Section 1. § 1108, Subchapter I, Chapter 11, Title 17, is amended by enacting a subsection (e) thereto as follows:

(e) Any school bus waiting shelter displaying outdoor advertising signs which were erected prior to September 1, 1965, and which otherwise complies with all the provisions of this subchapter except § 1108 (a) (2) may be maintained at its present location until July 1, 1970.

Approved June 27, 1966.

CHAPTER 408

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE MILLSBORO SCHOOL 204 FOR THE PURPOSE  
TO MEET THE EXTRAORDINARY EXPENSES OF FUEL  
OIL.**

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

Section 1. The sum of \$500.00 is hereby appropriated to the Millsboro School 204 for the purpose to meet the extraordinary expense of fuel oil.

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 on June 30, 1966.

Approved June 27, 1966.

## CHAPTER 409

**AN ACT TO AMEND SECTIONS 1305 (a), 1308 (a) (b), 1309 (a), 1310 (a), 1311 (a), 1314 (a) (b) (c) AND 1322 (a), 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. § 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:

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

Section 2. § 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

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

(b) Senior Secretaries

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

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

Section 3. § 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	\$3,600
1	3,800
2	4,000
3	4,200
4	4,400
5	4,600
6	4,800

Section 4. § 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 Degree	Certified Nurse with Master's Degree or Bachelor's Degrees plus 30 Graduate credits
0	\$3,800	\$4,000	\$4,400	\$5,000
1	4,000	4,200	4,600	5,200
2	4,200	4,400	4,800	5,400
3	4,400	4,600	5,000	5,600
4	4,600	4,800	5,200	5,800
5	4,800	5,000	5,400	6,000
6	5,000	5,200	5,600	6,200
7	5,200	5,400	5,800	6,400
8	5,400	5,600	6,000	6,600
9	5,600	5,800	6,200	6,800
10	5,800	6,000	6,400	7,000

Section 5. § 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	Bldgs. and Grounds Supervisor
0	\$3,800	\$4,000	\$4,100	\$4,500	\$5,200
1	3,950	4,150	4,250	4,650	5,400
2	4,100	4,300	4,400	4,800	5,600
3	4,250	4,450	4,550	4,950	5,800
4	4,400	4,600	4,700	5,100	6,000

Section 6. § 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, 1966 in any position covered by this Chapter shall not be increased by more than \$200 during the school year 1966-67 by reason of the application of any salary schedule contained in this act. Further provided that any person receiving an annual increment for the school year 1966-67 or any other increase as previously provided for the school year 1966-67 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, 1966, shall not also receive an increase because of the passage of this Act.

For the school year 1967-68 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 Director 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, 1966, 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, 1966, shall not be greater than that which he would receive had he been employed on June 30, 1966.

Section 7. § 1322 (a), Title 14, Delaware Code, is amended to read as follows:

**§ 1322. Salary schedule for school lunch employees**

(a) School lunch managers who have the qualification required by the certifying board and 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 Exper.	Manager	Manager with one Yr. College	Manager with two Yrs. College	Manager with Bachelor's Degree	Certified Supervisory Manager with Bachelor's Degree
0	\$2,900	\$3,200	\$3,500	\$4,400	\$4,800
1	3,050	3,350	3,650	4,550	5,000
2	3,200	3,500	3,800	4,700	5,200
3	3,350	3,650	3,950	4,850	5,400
4	3,500	3,800	4,100	5,000	5,600
5	3,650	3,950	4,250	5,150	5,800
6	3,800	4,100	4,400	5,300	6,000
7	3,950	4,250	4,550	5,450	6,200
8	4,100	4,400	4,700	5,600	6,400
9	—	—	—	5,750	6,600
10	—	—	—	5,900	6,800



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 except in the case of the certified Supervisory Manager who shall have four or more units.

Section 8. To carry out the provisions of this Act, there is hereby appropriated to the State Board of Education the sum of \$640,000 for the fiscal year beginning July 1, 1966 and ending June 30, 1967.

Section 9. 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 10. This Act shall become effective July 1, 1966.

Approved June 27, 1966.

## CHAPTER 410

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE ENTITLED "AN ACT MAKING APPROPRIATIONS IN THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$25,000.00 FOR THE PROPOSED AMENDMENT.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by adding one (1) new line under the heading "Contingency Fund (Administered by Budget Commission)" to read as follows:

Study of State Pension Systems .....	\$25,000.00
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and changing the totals accordingly.

Approved June 27, 1966.

## CHAPTER 411

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CONSTRUCTION OF SANITARY SEWAGE DISPOSAL SYSTEM AND EMPOWERING THE STATE BOARD OF HEALTH TO ADMINISTER, REGULATE AND DISTRIBUTE SUCH FUNDS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE BOARD OF HEALTH" BEING CHAPTER 122, VOLUME 55, LAWS OF DELAWARE, PERMITTING FURTHER APPROPRIATIONS FOR ADDITIONAL CONSTRUCTION OF SANITARY SEWAGE DISPOSAL SYSTEMS INCLUDING SEWAGE TREATMENT SYSTEMS.

*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. Amend Chapter 122, Volume 55, Laws of Delaware, by striking Subsection (d) of Section 1 thereof and adding a new subsection (d) to read as follows:

(d) Eligible project shall mean the construction of collection and interceptor sewers, pumping stations, treatment plants, engineering services, contingencies and the improvement of existing sewage treatment systems which may be required by the Water Pollution Commission or State Board of Health. Not included are land acquisition costs, lateral sewers and the extensions of collection lines to serve single domestic or business establishments.

Section 2. Amend Chapter 122, Volume 55, Laws of Delaware, by striking the words "original construction" as they appear in Section 3 and by inserting in lieu thereof "eligible project".

Section 3. Amend Chapter 122, Volume 55, Laws of Delaware, by striking the words "original construction" as they appear in Section 4 and by inserting in lieu thereof "eligible project".

Approved June 27, 1966.

## CHAPTER 412

**AN ACT TO APPROPRIATE MONEY TO EDWARD GERRES, JR., A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE OF DELAWARE PURSUANT TO THE VETERAN'S MILITARY PAY ACT AND THE VETERAN'S PAY ACT NO. II, BUT WHO DID NOT RECEIVE HIS BONUSES.**

WHEREAS, Edward Jerres, Jr., now of 2809 Jefferson Street, Wilmington, Delaware, was a lifetime legal resident of the State of Delaware prior to his entry into the United States Navy on September 23, 1944; and

WHEREAS, Edward Gerres, Jr., served in the United States Navy from September 23, 1944 to April 4, 1946 and was honorably discharged; served in the United States Army March 5, 1948 to March 6, 1952 including service in Korea, and was honorably discharged, served in the United States Air Force from May 8, 1953 to September 10, 1953, and was honorably discharged, served in the United States Army from July 16, 1954 to February 23, 1956 and was honorably discharged; and

WHEREAS, because of such service Edward Gerres, Jr., would have been entitled to a bonus under Chapter I, Volume 47, p. 1047, Laws of Delaware, "Veterans' Military Pay Act" of \$300.00 and is entitled to a bonus under Chapter 449, Volume 50, Laws of Delaware, "Veterans Military Pay Act No. II" of \$300.00 but has not received them.

NOW, THEREFORE,

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

Section 1. The sum of \$600.00 is appropriated to Edward Gerres, 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 June 27, 1966.

## CHAPTER 413

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO REALTY TRANSFER TAX BY CHANGING THE PROVISIONS ON DEFINITIONS AND BY PROVIDING FOR REFUNDS OF TAXES IMPROPERLY COLLECTED.**

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

Section 1. Chapter 54, Title 30, Delaware Code, is hereby amended by striking section 5401 thereof, and substituting a new section 5401 as follows:

**§ 5401. Definitions**

As used in this chapter, except where the context clearly indicated a different meaning—

(a) "Document" means any deed, instrument, or writing whereby any real estate within this State, or any interest therein, shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to the grantee, but shall not include the following:

- (1) Any will;
- (2) Any lease;
- (3) Any mortgage;
- (4) Any conveyance between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof;
- (5) Any conveyance between non-profit industrial development agencies and industrial corporations purchasing from them;
- (6) Any conveyance to non-profit industrial development agencies;
- (7) Any conveyance between husband and wife;

(8) Any conveyance between persons who were previously husband and wife, but who have since been divorced, provided such conveyance is made after the granting of the final decree in divorce and the real estate or interest therein subject to such conveyance was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce;

(9) Any conveyance between parent and child or the spouse of such a child;

(10) Any conveyance (a) to a trustee, nominee or straw party for the grantor as beneficial owner, (b) for the beneficial ownership of a person other than the grantor where, if such person were the grantee, no tax would be imposed upon the conveyance pursuant to this chapter, or (c) from a trustee, nominee or straw party to the beneficial owner;

(11) Any conveyance between a parent corporation and a wholly-owned subsidiary corporation, provided such conveyance is without actual consideration;

(12) Correctional deeds without actual consideration;

(13) Any conveyance to or from the United States, this State, or to any of their instrumentalities, agencies, or political subdivisions;

(14) Any conveyance to or from a corporation, or a partnership, where the grantor or grantee owns stock of the corporation, or an interest in the partnership in the same proportion as his interest in, or ownership of, the real estate being conveyed;

(15) Any conveyance by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises are taken in trade by such builder as a part of the consideration from the purchaser of a new, previously unoccupied premises;

(16) Any conveyance from a purchase money mortgagor to the lender holding the purchase money mortgage, whether pursuant to a foreclosure or in lieu thereof;

(17) Any conveyance to a religious organization or other body or person holding title to real estate for a religious organization, if such real estate will not be used following such transfer by the grantee, or by any privy of the grantee, for any commercial purpose.

(b) "Transaction" means the making, executing, delivering, accepting or presenting for recording, of a document.

(c) "Value" means, in the case of any document granting, bargaining, selling or otherwise conveying any real estate or interest therein, the amount of the actual consideration thereof, including liens or other encumbrances thereon and ground rents, or a commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments: Provided, that where such documents shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in, or actual consideration for, the contract of sale, or, in the case of a gift, or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold or otherwise conveyed, which, in either event, shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

Section 2. Chapter 54, Title 30, Delaware Code, is amended by adding thereto a new section.

**§ 5413. Refund, interest, payment**

Upon determining that any moneys collected with respect to this chapter have been collected improperly, the Department shall certify to the State Treasurer that such Tax has been improperly collected. Upon receipt of such certification the State Treasurer shall refund the sums so paid to the taxpayer with interest from the date of payment.

Section 3. This amendment shall be effective retroactively to the effective date of this chapter. Any tax paid on a transfer exempted from the application of this chapter by this amendment shall be refunded to the payor upon application to the State Tax Department.

Approved June 27, 1966.



CHAPTER 414

**AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICTS BY PROVIDING FOR ANNUAL STATE AND COUNTY APPROPRIATIONS TO THE DELAWARE SOIL AND WATER CONSERVATION COMMISSION.**

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

Section 1. Sections 3901 through 3910, Chapter 39, Title 7, Delaware Code, are designated as Sub-Chapter 1, Chapter 39 with the following caption:

**SUBCHAPTER I. SOIL AND WATER CONSERVATION COMMISSION AND DISTRICTS**

Section 2. Chapter 39, Title 7, Delaware Code, is amended by adding thereto a new sub-chapter to read:

**SUBCHAPTER II. STATE AND COUNTY APPROPRIATIONS TO DISTRICTS**

**§ 3921. Annual appropriations to Delaware Soil and Water Conservation Commission**

The General Assembly shall annually appropriate:

(a) to the Delaware Soil and Water Conservation Commission for use in New Castle County, a sum not in excess of \$30,000;

(b) to the Delaware Soil and Water Conservation Commission, for use in Kent County, a sum not in excess of \$10,000;

(c) to the Delaware Soil and Water Conservation Commission, for use in Sussex County, a sum not in excess of \$22,500.

**§ 3922. Appropriations by the several Levy Courts**

The Levy Courts of the 3 counties shall annually appropriate to the Delaware Soil and Water Conservation Commission

a sum equal to the annual appropriation to the Commission by the General Assembly, for use in the respective counties, pursuant to the Section 3921 of this sub-chapter.

**§ 3923. Use of appropriated moneys in New Castle County**

The moneys appropriated pursuant to this sub-chapter shall be used by the Delaware Soil and Water Conservation Commission to pay or help pay all costs, including personnel, required for the planning, 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 water management and 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 Delaware Soil and Water Conservation Commission, or to the New Castle Soil and Water Conservation Districts, 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.

**§ 3924. Use of appropriated moneys in Kent and Sussex Counties; priorities**

(a) The appropriations made pursuant to this sub-chapter shall be used by the Delaware Soil and Water Conservation Commission each fiscal year in Kent or Sussex County (as the

case may be): first, as required for those legal tax ditches of Kent or Sussex County (as the case may be) when landowners or other non-Federal sources contribute specified sums of money for use on said tax ditches in accordance with subsections (b), (c) and (d) of this section; and second, when Federal funds are available in lieu of landowner funds to help pay the cost of construction and maintenance of tax ditches of Kent or Sussex County (as the case may be) within the limits of watershed areas which are now, or may be established in this 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) with subsequent amendments thereto.

(b) For work on the tax ditches of Kent or Sussex County (as the case may be) when landowners or other non-Federal sources contribute specified sums of money for use on said tax ditches, the Board of Supervisors of the Kent or Sussex County Soil and Water Conservation Districts (as the case may be) shall make certification to the Delaware Soil and Water Conservation Commission that the Board of Supervisors has on hand from landowners, or from any other sources, a specified sum of money for use on said tax ditches. Upon approval of the certification, the Commission shall pay, from the State funds appropriated for this purpose, to the Kent or Sussex Soil and Water Conservation District, (as the case may be) the sum of fifty cents for every dollar so certified.

(c) After approval of the certification from the Board of Supervisors the Commission shall notify the Levy Court of Kent or Sussex County (as the case may be) of such action, and the appropriate Levy Court shall then pay to the Kent or Sussex Soil and Water Conservation Districts (as the case may be) the sum of fifty cents for every dollar so certified under (b) above.

(d) The sums of money paid from time to time to the Board of Supervisors of the Kent or Sussex Soil and Water Conservation District (as the case may be) by the Commission and by the Levy Court of Kent or Sussex County (as the case may be) shall be used by the Board of Supervisors for construction

and maintenance of only those tax ditches for which appropriate matching funds from other sources have been made available.

(e) Any of the money appropriated pursuant to this subchapter which is not needed for work on the tax ditches for which landowners or other non-Federal sources have contributed specified sums of money, may be used by the 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 maintenance 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 the Act; and such moneys may also be used by the Delaware Soil and Water 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 in the water sheds.

#### **§ 3925. Transfer of funds prohibited**

Funds appropriated for use by a particular District in a particular county shall only be used by that District in that County.

Section 3. The provisions of this Act shall become effective on July 1, 1966.

Approved June 27, 1966.

## CHAPTER 415

**AN ACT TRANSFERRING MONEY FROM THE CAPITAL INVESTMENT FUND FOR THE PURPOSE OF ENABLING THE PUBLIC ARCHIVES COMMISSION TO OBTAIN OR MOVE AND RESTORE CERTAIN HISTORICAL PROPERTIES.**

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

Section 1. The Public Archives Commission is requested and directed to purchase on behalf of the State the properties at the junction of Naaman's Road and the Philadelphia Pike known as the old Robinson House (constructed in 1725) and the Swedish Block House (constructed in 1654).

Section 2. There is hereby transferred and appropriated out of the Capital Investment Fund, existing pursuant to chapter 62, title 29, Delaware Code, to the Public Archives Commission \$55,000 for the following purposes:

(a) For the purchase of the properties at the junction of Naaman's Road and the Philadelphia Pike known as the old Robinson House and the Swedish Block House or

(b) For the removal of the Swedish Block House and its restoration at another site.

Section 3. Upon the State receiving title to the said old Robinson House and the Swedish Block House, the properties shall be under the custody and control of the Public Archives Commission.

Section 4. In the event that the transactions or moving and restoration shall not be completed, there shall be no reversion of the funds herein appropriated at the end of fiscal 1967.

Approved June 27, 1966.

## CHAPTER 416

**AN ACT TO AMEND § 555, TITLE 4, DELAWARE CODE, RELATING TO LICENSE FEES TO SELL ALCOHOLIC LIQUORS.**

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

Section 1. § 555, Title 4, Delaware Code, is amended by striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) For a license to sell alcoholic liquor in the dining room of a hotel or restaurant or in the bedroom of a traveller in a hotel, the license fee shall be \$225.”

Section 2. § 555, Title 4, Delaware Code, is amended by striking subsection (g) and inserting in lieu thereof a new subsection (g) to read as follows:

“(g) For a license to sell alcoholic liquors in a tap room, the license fee shall be \$225.”

Section 3. § 555, Title 4, Delaware Code, is amended by striking the following: “, except as provided in subsection (a) of this section.” in subsection (h) and inserting a period after the figures “\$225”.

Approved June 27, 1966.

CHAPTER 417

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE GOVERNOR FOR THE GOVERNOR'S COMMIT-  
TEE FOR REVISION OF CRIMINAL LAW.**

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

Section 1. The sum of \$7,500, or so much thereof as is necessary, is appropriated to the Governor to be expended for the study of the criminal law of this state by the Governor's Committee for Revision of Criminal Law for the fiscal year ending June 30, 1967.

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 27, 1966.

## CHAPTER 418

**AN ACT TO AMEND § 2822, CHAPTER 28, TITLE 31, DELAWARE CODE, RELATING TO QUALIFICATIONS FOR ADMISSION TO DELAWARE HOME AND HOSPITAL FOR CHRONICALLY ILL AT SMYRNA.**

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

Section 1. § 2822, Chapter 28, Title 31, Delaware Code, is amended by striking from the first sentence the words "any person having a legal residence in the State" and inserting the words "any person having been a resident in the State for a continuous period of one year" in lieu thereof.

Approved June 27, 1966.



## CHAPTER 419

**AN ACT APPROPRIATING MONEY TO BOYS HOME OF DELAWARE, INC.**

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

Section 1. The sum of Five Thousand Dollars (\$5,000.00) is appropriated to Boys Home of Delaware, Inc., A Delaware corporation, for the year beginning July 1, 1966 and ending June 30, 1967. The said sum shall be paid by the State Treasurer upon a warrant signed by the Treasurer of the said corporation.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from funds not otherwise appropriated.

Approved June 27, 1966.

## CHAPTER 420

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, BY ADDING A SECTION 761 DEFINING THE CRIME OF WILLFULLY FURNISHING FALSE INFORMATION CONCERNING BOMBS.**

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding thereto a new Section 761 to read as follows:

**Section 761. Willfully furnishing false information concerning bombs**

Any person who furnishes any false information to another person concerning the placement or setting of a bomb or other explosive in any public, private or parochial school, railroad or railroad depot or station, airport, theatre or other place of assembly, knowing the same to be false, shall, upon conviction thereof, be sentenced to pay a fine not to exceed five thousand dollars (\$5000) or undergo imprisonment not to exceed five years, or both.

Approved June 27, 1966.

Note: This act has been codified as §525, title 11, Delaware Code.

## CHAPTER 421

**AN ACT TO AMEND CHAPTER 23, TITLE 5, DELAWARE CODE, BY PROVIDING FURTHER REGULATION OF THE BUSINESS OF FORWARDING OR TRANSMITTING MONEY OR OTHER VALUABLE INSTRUMENTS BY PROVIDING FOR THE SUBMISSION OF PROOF OF FINANCIAL RESPONSIBILITY AND PROOF OF THE POSSESSION OF INSURANCE.**

WHEREAS, it has come to the attention of the General Assembly that the general public welfare requires regulation of the business of transporting money beyond that presently provided by the statutes of this State; and

WHEREAS, the General Assembly finds that the general public welfare requires that such additional regulation be imposed at this time;

NOW, THEREFORE,

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

Section 1. Title 5, Section 2304, is amended by striking the present provision and by inserting in lieu thereof the following:

(a) Each money forwarder shall, before engaging in such as business, file with the said State Bank Commissioner a good and sufficient bond in the penal sum of not less than \$10,000, with a surety company authorized to transact business in the State of Delaware as surety thereon, conditioned that (1) said licensee shall pay to the State of Delaware all fees or other charges due the said State, and (2) that said licensee shall well and truly keep, do and perform each and every, all and singular the matters and things contained in all contracts, either oral or written, that said licensee may at any time enter into with respect to business described in Section 2301 (a), and (3) that the said licensee shall pay over, make good and reimburse all loss or damage which any person, firm or corpora-

tion may sustain by reason of failure or default on the part of said licensee. Said bond shall run in favor of the State of Delaware and/or any other persons doing business with, or having a claim against said licensee, and any such person shall be permitted to maintain an action upon said bond with the same force and effect as though the State of Delaware instituted such action. The said bond shall be approved by the State Bank Commissioner prior to the issuance of the license required by § 2301 (a). A certificate showing such bond to be still in effect shall be furnished the said State Bank Commissioner annually prior to the renewal of the license.

(b) In addition to the bond above provided for, each person, firm or corporation desiring such license shall furnish certificates or other acceptable evidence to the said State Bank Commissioner establishing that it has in force and effect a contract of insurance with good and reputable insurance companies, licensed to do business in the State of Delaware, an underlying all risk (except for customary war risk exclusions) policy in an amount not less than \$3,000,000 insuring licensee and/or any persons doing business with, or having a claim against said licensee arising from any loss through any risk assumed by the licensee in any contract for the transportation, handling or storage of moneys, including lawful currency and coin, negotiable and non-negotiable securities, stocks, bonds, coupons and things of unusual value. Such certificates shall be furnished annually prior to renewal of the license.

(c) In the event that the security provided by such bond shall be impaired, encumbered or reduced during the term of the license or, in the event that the insurance contracts required by Subsection (b) shall lapse or be cancelled, then the State Bank Commissioner, in his discretion, may, upon ten days' notice to licensee, cancel the license herein provided for until such time as a new and sufficient bond has been furnished or the required insurance contracts have gone into effect. Surety and insurance companies issuing bonds or insurance contracts pursuant to this Section shall within three days of notice to the licensee that the effect of the said bond has been altered or that the said insurance contracts are no longer in effect, shall give similar notice to the State Bank Commissioner of such notice to the licensee shall be of no force and effect.

(d) The State Bank Commissioner is authorized to make such investigations and promulgate such regulations as are necessary to implement this Section.

(e) The failure of any licensee to give prompt or correct information to the State Bank Commissioner concerning compliance with this Section shall be, following notice and hearing, ground for cancellation of this license. The intentional submission of false information to the State Bank Commissioner concerning compliance with this Section shall be a misdemeanor and upon conviction shall be punishable by a fine of not less than \$500 nor more than \$10,000 or by imprisonment for no more than 5 years or both.

(f) The cancellation or non-cancellation of the license required hereunder shall not prejudice, hamper, restrict, encumber or destroy the right of any person to maintain a claim against both said licensee and surety on said bond for any loss or claim arising by reason of default of licensee under its contract for carriage or handling of property, and regardless of licensee's compliance with the terms and provisions of this Section, his liability to such persons shall continue and not be affected by said licensee's failure to obtain a license or by the cancellation of such license.

Approved June 27, 1966.

## CHAPTER 422

**AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE, RELATING TO THE BOARD OF GAME AND FISH COMMISSIONERS.**

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

Section 1. Section 102, Chapter 1, Title 7, Delaware Code, is amended to read as follows:

**§ 102. Continuation; appointment; qualifications; term; vacancies**

(a) The Board of Game and Fish Commissioners of the State of Delaware is continued and shall be known and termed as such.

(b) The Board shall be appointed by the Governor and consist of nine Commissioners, two from the City of Wilmington, two from New Castle County outside of Wilmington, two from Kent County, two from Sussex County and one at large, not more than six of whom, serving at the same time, shall be from one political party.

(c) The Commissioners shall be appointed for terms of six years, beginning on the 19th day of September in the year of appointment. Three Commissioners shall be appointed in each odd-numbered year.

(d) Any vacancy on the Board shall be filled by the Governor by appointment, and commissioned for the unexpired term in which the vacancy occurs.

Section 2. The provisions of this act shall not affect the terms of the present Commissioners. The six additional Commissioners provided for by this act shall be appointed for staggered terms so that two Commissioners shall be appointed for terms expiring September 19, 1967, two Commissioners shall be appointed for terms expiring September 19, 1969, two com-

missioners shall be appointed for terms expiring September 19, 1971, subsequent appointments shall be for full six year terms.

Approved June 27, 1966.

## CHAPTER 423

**AN ACT TO AMEND TITLE 24, DELAWARE CODE, BY PROVIDING FOR THE CREATION OF A BOARD OF ELECTRICAL EXAMINERS PRESCRIBING REGULATIONS FOR REDUCTION OF FIRE HAZARDS AND PROTECTION OF LIFE AND PROPERTY, PENALTIES FOR VIOLATIONS AND MAKING A SUPPLEMENTARY APPROPRIATION TO CARRY OUT THESE PROVISIONS.**

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

Section 1. Title 24 of the Delaware Code, is amended by adding thereto a new chapter to read as follows:

**CHAPTER 14. ELECTRICAL CONTRACTORS  
SUBCHAPTER I. BOARD OF ELECTRICAL EXAMINERS**

**§ 1401. Definitions**

As used in this chapter—

“Board” means State Board of Electrical Examiners.

“Person” means corporations, companies and partnerships, as well as individuals.

“Master electrician, general”, means a person engaged in the business of or holding himself out to the public as engaged in the business of installing, erecting and repairing or contracting to install, erect or repair electric wire or conductors to be used for the transmission of electric current for electric light, heat or power purposes, or mouldings, ducts, raceways or conduits for the reception or protection of such wires or conductors or to electrical machinery, apparatus, devices or fixtures to be used for electric light, heat or power purposes, or planning estimating, laying out and supervising such electrical work.

“Master electrician, limited,” means any person engaged in house wiring, limited to not over four family dwelling.



**§ 1402. Board of Electrical Examiners; appointment; qualifications; term of office; vacancies; oath**

(a) There is created a State Board of Electrical Examiners who shall administer the provisions of this Chapter.

(b) The Board shall consist of seven (7) members, residents of this State and citizens of the United States. Appointed by the Governor, two (2) of whom shall not be engaged in the electrical industry, one (1) shall be an Electrical Inspector or an Electrical Code consultant, four (4) shall be engaged in the Electrical contracting business for a period in excess of ten (10) years. No more than two (2) members shall be appointed from any political subdivision, nor more than four (4) members shall be of the same political affiliations.

(c) Persons appointed to the Board initially shall be appointed for the following terms: 3 members for two years and 4 members for three years. Thereafter members shall be appointed for a term of three years. No member shall be eligible for successive appointment to the Board.

(d) Appointments to fill a vacancy occurring otherwise than through the expiration of a term, shall be for the unexpired term.

(e) Every member of the Board shall receive a commission of his appointment from the Governor and before beginning his term of office, shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty.

**§ 1403. Removal of members**

The Governor may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other sufficient cause.

**§ 1404. Compensation and expenses**

Each member of the Board shall receive the sum of \$180.00 per year, and the member chosen to be Secretary-Treasurer

shall receive an additional \$300.00 per year, all such compensation to be paid quarterly. The members shall be reimbursed for all actual and necessary traveling expenses incurred in carrying out the provisions of this chapter.

**§ 1405. Organization; meetings; officers; quorum**

(a) The Board shall hold regular meetings at least once each month, three to be held in Georgetown, three in Dover and six in Wilmington. Special area meetings at such times as the Board or the President shall determine.

(b) The Board shall elect annually a President, Vice-President and Secretary-Treasurer. Five members of the Board shall constitute a quorum for purposes of doing business.

**§ 1406. Powers**

(a) The Board may adopt and amend all rules and regulations not inconsistent with the Constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it.

(b) The Board shall adopt and have an official seal.

(c) In carrying into effect the provisions of this chapter, the Board, under the hand of its President and the seal of the Board, may subpoena witnesses and compel their attendance and also may require the production of papers or documents in any case involving the revocation of registration or practicing or offering to practice without registration.

(d) Any member of Board may administer oaths or affirmations to witnesses appearing before the Board.

(e) If any person refuses to obey any subpoena so issued or refuses to testify or produce any books, papers or documents, the Board may present its petition to the Superior Court of the county of the residence of such person setting forth the facts. Thereupon the Court shall, in a proper case, issue its

subpoena to such person requiring his attendance before such Court and there to testify or produce such papers and documents as may be deemed necessary and pertinent by the Board.

(f) Any person failing or refusing to obey the subpoena or order of the Court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Superior Court.

#### **§ 1407. Receipts and disbursements; employees**

(a) All money received by the Board shall be paid monthly to the State Treasurer and shall be credited to the General Fund of the State, in accordance with Chapter 61 of Title 29.

(b) All disbursements made by the Board for salaries, expenses or other authorized expenditures shall be paid by the State Treasurer, out of funds appropriated by the General Assembly for such purpose, on vouchers signed by the President and attested by the Secretary-Treasurer of the Board.

The Secretary-Treasurer of the Board shall give surety bond to the State in such sum as the Board may determine. The premium on such bond shall be regarded as a proper and necessary expense of the Board.

The Board may employ such clerical or other assistants as are necessary for the proper performance of its work and may make expenditures of this fund for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under this chapter.

Under no circumstances shall the total amount of warrants issued by the State Treasurer in payment of the expenses and compensation provided for in this chapter exceed the amount of the examination and registration fees collected as provided in this chapter.

#### **§ 1408. Records and reports**

(a) The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show:

- (1) The name, age and residence of each applicant;
- (2) The date of the application;
- (3) The place of business of such applicant;
- (4) The qualifications of the applicant;
- (5) Whether or not an examination was required;
- (6) Whether the applicant was rejected;
- (7) Whether a certificate of registration was granted;
- (8) The date of the action of the Board; and
- (9) Such other information as may be deemed necessary by the Board.

(b) The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein. A transcript thereof, duly certified by the Secretary-Treasurer of the Board, under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(c) Annually, prior to December 1, The Board shall submit to the Governor, a report of its transactions for the fiscal year ending June 30, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its President and its Secretary-Treasurer.

#### **§ 1409. Legal advisers**

The Attorney General or any Deputy Attorney General of this State shall act as legal adviser of the Board, and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

### **SUBCHAPTER II. REGISTRATION OF MASTER ELECTRICIANS AND INSPECTIONS**

#### **§ 1421. Requirements for registration**

In order to safeguard life and property, any person holding himself out to the general public as a master electrician,

general or limited, in this State, shall submit evidence that he is qualified as such an electrician and shall be registered as provided in this subchapter. No person shall hold himself out to the public in this State as being a qualified master electrician, general or limited, as defined in § 1401 of this title, or use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a master electrician, general or limited, unless such person has been duly registered under the provisions of this subchapter.

#### **§ 1422. General requirements for registration**

The following shall be considered as the minimum evidence satisfactory to the Board that the applicant is qualified for registration as master electrician, general or limited, respectively, to-wit:

(1) As a master electrician, general:

A reasonable knowledge of electricity and the natural laws and functions of electric wires, appliances and devices for electric light, heat and power purposes, and skill and knowledge in all matters relating to the work or business of master electrician, general, as defined in § 1401 of this title.

(2) As a master electrician, limited:

A reasonable knowledge of electricity insofar as it relates to the particular type or types of equipment pertaining to the business of master electrician, limited, as defined in § 1401 of this title.

Any person having the necessary qualifications described in this chapter to entitle him to registration, shall not be eligible for such registration unless he is at least twenty-one years of age.

#### **§ 1423. Applications and references**

Application for registration shall:

- (1) be on forms prescribed and furnished by the Board;
- (2) contain a statement made under oath showing the applicant's education and detailed summary of his work experience.

**§ 1424. Fee and bond**

(a) The registration fee for a master electrician, general, shall be \$75.00 and for master electrician, limited, shall be \$40.00. Ten Dollars of the required fee shall accompany the application, the remainder to be paid upon notification that the application has been approved. Subject to final payment a registration certificate shall be issued by the Board to the approved applicant. Should the Board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

(b) Before any registration certificate will be issued, the applicant must furnish a good and sufficient bond meeting with the approval of the Board, in the name of the State of Delaware, in the sum of \$1,000.00 conditioned upon the faithful performance of any or all work entered upon or contracted for, and to save harmless the owner or real party in interest in the property for which any material is furnished or services performed by the applicant, against loss, damage, and injury resulting through want of skill or negligence on the part of the applicant, his agents or employees, provided action is maintained thereon by such owner or real party in interest within one year from the date of installation of materials furnished or performance of such work or service; provided, however, that the aggregate liability of the surety for all such loss, damage or injury shall in no event exceed the sum of such bond.

**§ 1425. Certificates; significance; notice**

(a) The Board shall issue a certificate of registration to any applicant who has complied with the requirements of sections 1421, 1422, 1423 and 1424 of this title and who, in the opinion of the Board, has satisfactorily met all requirements of this chapter. The certificate shall indicate which classifica-

tion of master electrician the registrant has qualified for, and shall

- (1) Show the full name of the registrant;
- (2) have a serial number; and
- (3) be signed by the President and the Secretary-Treasurer of the Board under seal of the Board.

(b) The issuance of a certificate of registration by the Board shall be prima facie evidence that the registrant is entitled to all the rights and privileges of the classification of master electrician named therein, while the certificate remains unrevoked or unexpired.

(c) The Board shall promptly notify in writing the local electrical inspection authorities of all certificates of registration approved, suspended or revoked.

#### § 1426. Reciprocity

The Board may, upon application therefor and the payment of the regular fee and without examination, issue a certificate of registration as an electrical contractor, general or limited, to any person who holds a certificate of qualification or registration issued to him by the proper authorities of any state or territory or district of the United States, or of any country, provided that the requirements for the registration of electrical contractors, general or limited, under which such certificate of qualification or registration was issued, do not conflict with the provisions of this chapter and are of a standard not lower than that specified in this chapter and further provided that the same rights are given to electrical contractors of this State.

#### § 1427. Expiration and renewals

(a) Certificates of registration shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that day unless renewed.

(b) Renewal may be effected at any time during the month of June by payment of the annual fee, which shall be the same

as provided by § 1424 of this chapter for registration. The failure on the part of any registrant to renew his certificate annually in the month of June as required by this section, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased fifty cents for each month or fraction of a month that payment of renewal fee is delayed.

**§ 1428. Revocation of certificate**

(a) The Board may revoke the certificate or registration of any registrant that is found guilty of

(1) The practice of any fraud or deceit in obtaining a certificate of registration;

(2) Any gross negligence, incompetency or misconduct in supplying material or performing services as an electrical contractor;

(3) Permitting or causing defective electrical work, if done deliberately or if not corrected within 15 days or longer, if necessary, at the discretion of the Board, following notice thereof.

(b) Any person may prefer charges of fraud, deceit, gross negligence or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary-Treasurer of the Board.

(c) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

(d) The time and place for the hearing shall be fixed by the Board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of the registrant, at least 30 days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and



by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. If, after such hearing, four or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registrant.

**§ 1429. Reissuance of revoked certificate; replacement of other certificates**

(a) An applicant whose certificate of registration has been revoked may become eligible for a new certificate upon meeting all of the requirements of this chapter and upon the satisfactory completion of any examination as hereinafter provided.

(b) A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the Board. A charge of \$1.00 shall be made for such issuance.

**§ 1430. Examination for license or reissue of revoked license**

(a) The scope of the examinations, if required, whether oral or written, or both, shall be from the National Electric Code and 75 per cent shall be deemed a passing mark. Special reference will be given by the Board to the applicant's ability to place, install and operate electrical wires, appliances and apparatus. No person having a state license as an electrical contractor one year or more prior to the enactment of this Act shall be required to take an examination.

(b) An applicant failing an examination, may upon request, be permitted to examine his corrected examination papers in the presence of another person selected by the applicant and may apply for re-examination, and such re-examination must be given within 90 days of application and without the necessity of an additional fee. Subsequent examinations will be granted upon payment of a fee to be determined by the Board, except that no such fee shall be more than \$10.00.

**§ 1431. Appeals**

Any person who feels aggrieved by any action of the Board in denying, revoking, or failing to reissue his certificate of reg-

istration may appeal therefrom to the Superior Court of the county in which such person resides. The decision of the Board shall be *prima facie* correct and the burden of proof shall be on the appellant to show that the Board acted contrary to law, fraudulently, arbitrarily or capriciously. The appellant shall be heard on the records and proceedings of the Board, which shall be certified to the Court by the Board within 15 days after service on the Board of a notice of appeal. The Court shall permit the appellant or the Board to present any new or different evidence pertinent to the matter. The Court may affirm, reverse or modify the decision of the Board and the decision of the Court shall be final.

**§ 1432. Limitation on scope of chapter**

The provisions of this chapter shall not apply to, and no certificate of registration shall be required of or by:

(1) Any electric light or power company, electric railway company, steam railway company, diesel railway company or telegraph or telephone company, nor to any person performing the electrical work of any such company, when such work is a part of the plant or services used by the company in rendering its authorized service to the public.

(2) Any person employed by any other person to repair and maintain or to supervise the repair and maintenance of any electrical equipment on the premises and buildings of the employer, except that such employers are not relieved of the duty prescribed by § 1433 (c) of this title.

(3) Any person who installs his own electrical work, service or equipment in or about his own home and not for sale, except that such person shall be required to file application for inspection with the proper electrical inspection authority.

(4) Any employee of any person engaged in the performance of electrical work while under the supervision of any master electrician, general master electrician limited.

(5) Property used exclusively for agricultural purposes is excluded from all provisions of this Act, except for the neces-

sity to file an application for an inspection certificate with the authorized inspection authority where new installations are involved.

(6) Any manufacturing or industrial establishment retaining in its own employment a professional Electrical Engineer with at least 10 years' experience in planning and design; such Engineer may inspect the plant's additional electrical installations if the said industrial plants file with the State Board of Electrical Examiners the name of the Electrical Engineer that would be responsible for such electrical inspection and to file with the Board of Electrical Examiners a letter stating that all additional electrical installations meet the minimum standard of the National Electrical Code or any revisions thereof once each year. The Provision of § 1433 (c) shall apply to this subsection.

(7) Nothing in this act shall be so construed as to forbid insertion in electrical circuits by unlicensed persons of devices or appliances which are properly designed for such insertion and for which proper wiring and insertion devices are installed.

(8) Nothing in this Chapter shall be so construed as to restrict anyone from servicing equipment in the fields of heating, air conditioning, refrigeration or appliances.

**§ 1433. Certificate of inspection; standards of installations; inspection authorities**

(a) No person holding a certificate of registration as a master electrician, general or limited, shall install any new or used electrical wires, conduits, machinery, apparatus or any kind of electrical equipment, fixtures, appliances or devices without the prescribed inspections and approval of the electrical inspection authority, except in case of emergency, when such inspections and approval will follow the actual work required within a reasonable time.

(b) A person permitted to install electrical work under § 1432 (3) of this title must first secure a permit to do so from

any Board member before starting any such work. Charge for said permit is \$1.00.

(c) Persons who are permitted to do work only without a certificate of registration as provided for in § 1432 (2) and § 1432 (6) of this title, must secure such certificate of inspection at least once annually.

(d) The now recognized Inspection Association shall be the Inspection Authorities. The said Authorities shall be under the jurisdiction of the Public Service Commission in regards to fee charged. The said inspection authorities shall make all inspections within five working days of the receipt of applications for inspection. No light or power company, whether public or private shall connect any current, light or power to any property without first obtaining a permanent or temporary "cut-in-card" from inspection authorities having jurisdiction thereof except in case of an emergency when service may be restored by a licensed contractor prior to obtaining such "cut-in-cards". No permanent or temporary "cut-in-cards" shall be issued unless the work is being done or has been done by a person to whom a registration certificate has been issued under the provisions of this chapter, except for work being done or which has been done by persons who are not required to obtain registration certificates under the provisions of this chapter.

(e) The Board shall adopt as standards for the installation of electrical work, apparatus and devices of all kinds, those required from time to time by the National Electrical Code, County and City Codes; all material and equipment must be approved by the Underwriter's Laboratory or other accredited authoritative agency and testing organizations.

### SUBCHAPTER III. ENFORCEMENT

#### § 1440. Violations and penalty

Whoever violates the provisions of this chapter shall be fined not more than \$100.00 or be imprisoned for not more

than 30 days, or both. Each day a violation continues shall constitute a separate offense.

Section 2. There is appropriated the sum of \$11,000.00 for the fiscal year beginning July 1, 1966 for the purpose of carrying out the provisions of this Act.

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

Approved June 27, 1966.

## CHAPTER 424

AN ACT TO AMEND CHAPTER 27, TITLE 18, DELAWARE CODE, BY PROVIDING FOR A SPECIAL TAX ON CERTAIN GROSS PREMIUMS OF INSURANCE COMPANIES, THE DISTRIBUTION THEREOF, AND REQUIRING CERTAIN POLICE DEPARTMENTS OR BUREAUS TO MAKE CERTAIN REGISTRATIONS WITH THE STATE TREASURER.

WHEREAS, it is imperative for the public safety that State, County and Municipal police forces be maintained with proper and efficient personnel and such personnel can only be attracted to employment in State, County, Municipal police work by the assurance of an adequate pension system; and

WHEREAS, it is necessary to provide the means of assisting the financing of State, County and Municipal police pension funds;

NOW, THEREFORE,

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

Section 1. Chapter 27, Title 18, Delaware Code, is amended by adding at the end thereof the following four new sections:

Section 1. § 2710, Title 18, Delaware Code, is amended to read:

**§ 2710. Definitions**

As used in sections 2711, 2712 and 2713 of this title "State Police" means that police agency of the State acting under the direction of the State Highway Department;

"County Police" means any police under the control and direction of the Levy Court of the three counties of this State which are separate and apart from any State or Municipal Police;

"Municipal Police" means police in any incorporated city or town;

"Municipal" means any incorporated city or town; and

"Police pension fund" means any pension or retirement fund established by law for and on behalf of any state, county or municipal police.

Section 2. Title 18, Delaware Code, is amended by enacting a new Section to read:

**§ 2711. Special tax on gross premiums and deductions**

Each insurance company doing an insurance business of any kind within this State, excepting that of workmen's compensation insurance, shall, in addition to other taxes, fees and charges required by law, on the first day of March, of each year, pay to the Insurance Commissioner, for the use of the State,  $1\frac{1}{4}\%$  upon the gross premiums received and assessments collected from insurance of every kind upon persons or on the lives of persons resident in, or upon real and personal property located within this State, or upon any other risks insured within this State, by any such insurance company or the authorized agent thereof, for the calendar year immediately preceding the date herein provided for such payments.

The words "gross premiums" whenever used herein in reference to premiums received by insurance companies on policies covering risks located in this State, shall mean all moneys collected, together with all notes, or credits allowed, as premiums on such policies including reinsurance premiums received. In computing taxable premiums there may be deducted from gross premiums dividends paid to policy-holders, return premiums paid therefrom by reason of cancellation of policies, and reinsurance premiums received from other companies.

No insurance company affected by provisions of this section shall increase the rate of insurance premiums upon any insurable risk affected by this section because of the tax provided for in this section, unless the Insurance Commissioner after

hearing on the matter shall be satisfied that an increase is necessary, and in the event that the Insurance Commissioner shall be satisfied after such hearing that an increase in the premium rate is necessary, he shall authorize such reasonable increase as he deems fair and equitable.

Section 3. Section 2712, Title 18, Delaware Code, is amended to read:

**§ 2712. Distribution of the proceeds of the special tax on gross premiums of insurance companies**

Each insurance company, firm or corporation covered by the provisions of section 2711 of this title, shall at the time of making tax payments, deliver to the Insurance Commissioner a full and detailed statement showing the gross amount of premiums received and assessments collected and dividends paid to policyholders by such insurance company, firm or corporation, or the authorized agent thereof, for the calendar year immediately preceding the date provided for in section 2711 of this title for tax payments, and such statement shall be verified by the oath or affirmation of the president or secretary or other responsible officer of said company, duly administered by some person authorized to administer oaths. Said statement shall be on the blanks prepared and furnished by the Insurance Commissioner for the purpose of carrying out the provisions of this section and section 2711 of this chapter. The money received by the Insurance Commissioner in accordance with the provisions of sections 2711 and 2712 of this chapter shall be paid to the State Treasurer and shall be set aside as a special fund and shall be paid out by the State Treasurer to the proper officers in charge of any State, County or Municipal police department or bureau having a pension fund, or which shall hereafter by law have a police pension fund. The State Treasurer shall determine the total number of State, County and Municipal police entitled to benefits under the provisions of sections 2711 and 2712 of this chapter from an annual registry in accordance with section 2713 of this chapter and shall make distribution proportionately and on a per capita basis to the proper officers of any State, County or Municipal police department or bureau complying with the provisions of sections 2711 and 2712 of this chapter.



Section 4. Section 2713, Title 18, Delaware Code, is amended to read:

**§ 2713. Registering information**

It shall be the duty of the officer in charge of any State, County or Municipal police department or bureau participating in the provisions of sections 2711 and 2712 of this title to register with the State Treasurer on or before the first day of April in each year, and to provide the State Treasurer with the following information: The location, jurisdiction and average number of paid, full time, sworn policemen employed for the year ending on the previous 31st day of December.

Approved June 27, 1966.

## CHAPTER 425

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 3 OF  
THE CONSTITUTION OF THE STATE OF DELAWARE  
RELATING TO THE CLERK OF THE ORPHANS' COURT.**

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

Section 1. Article 3 of the Constitution of the State of Delaware, is amended by adding the following section thereto:

Section 24. The General Assembly shall have power to transfer all or any part of the powers, functions and records of the Clerk of the Orphans' Court for any county to such other office or offices as it deems appropriate, and to abolish the office of Clerk of the Orphans' Court for any county.

Proposed: June 6, 1966.

CHAPTER 426

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 4 OF  
THE CONSTITUTION OF THE STATE OF DELAWARE  
RELATING TO THE ORPHANS' COURT.**

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

Section 1. Article 4 of the Constitution of the State of Delaware, is amended by adding the following section thereto:

Section 36. The General Assembly shall have power to transfer to such court or courts as it deems appropriate all or any part of the jurisdiction, powers and functions of the Orphans' Court and all or any part of the matters pending before the Orphans' Court, and to abolish the Orphans' Court.

Proposed: June 6, 1966.

## CHAPTER 427

**AN ACT TO AMEND SECTION 1306, TITLE 14, DELAWARE CODE, BY PROVIDING FOR ADDITIONAL ADMINISTRATIVE STAFF FOR THE PUBLIC SCHOOLS AND REVISING CERTAIN SALARY SCHEDULE REQUIREMENTS, AND MAKING APPROPRIATIONS THEREFOR.**

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

Section 1. Section 1306, title 14, Delaware Code, is hereby amended by striking out all that portion of subsection (b) preceding the salary schedule set forth therein, and by inserting in lieu thereof a new paragraph to read as follows:

Administrative assistants with the titles hereinafter listed may be employed as follows:

(i) For more than 74 and less than 150 regular state units of elementary and secondary pupils, an Administrative Assistant for Business Services.

(ii) For more than 149 and less than 300 regular state units of elementary and secondary pupils, an Administrative Assistant for Business Services and an Administrative Assistant to the Chief School Officer.

(iii) For more than 299 and less than 450 regular state units of elementary and secondary pupils, an Administrative Assistant for Business Services, and an Administrative Assistant for Instructional Services and an Administrative Assistant for the Chief School Officer.

(iv) For more than 449 regular state units of elementary and secondary pupils, an Administrative Assistant for Business Services, an Administrative Assistant for Instructional Services, an Administrative Assistant to the Chief School Officer, and a Deputy Chief School Officer.

The State Board of Education shall establish the requirements for certification of persons employed as Administrative

Assistants and no person shall be paid a salary for a position listed in this subsection who does not meet the full requirements for such certification. An Administrative Assistant shall receive the salary for which he qualifies under the schedule set forth in Section 1305 (a) and (b) of this title, except that years of service in a comparable job may be substituted for years of experience teaching, subject to the approval of the State Board of Education, for the Administrative Assistant for Business Services, and an additional amount of salary shall be added for administrative responsibility to be determined in accordance with the following schedule.

Section 2. Section 1306, title 14, Delaware Code, is hereby amended by adding a new subsection thereto to read as follows:

(c) In the event any school district is appropriated State funds for salaries of a number of administrative or supervisory personnel in excess of that specifically required by Sections 1306 and 1307 of this Chapter, the number of Administrative Assistants provided under subsection (b) of this section for such district shall be reduced by a like number, but not to less than two.

Section 3. There is hereby appropriated to the State Board of Education for the fiscal year ending June 30, 1967 the sum of \$88,000.00 for the purpose of carrying out the provisions of this Act.

Section 4. This Act is a supplementary appropriation and the State Treasurer shall pay the sum appropriated out of the General Fund of the State.

Section 5. This Act shall become effective July 1, 1966.

Approved June 28, 1966.

## CHAPTER 428

**AN ACT TO AMEND CHAPTER 56, TITLE 29, DELAWARE CODE, RELATING TO PENSIONS FOR MEMBERS OF THE STATE JUDICIARY.**

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

Section 1. § 5603, Chapter 56, Title 29, Delaware Code, is amended by adding at the end thereof a new subsection (f) to read as follows:

(f) Notwithstanding the provisions of section 5608 or any other provisions of this chapter, if a member of the State Judiciary who is or has been entitled to benefits under this chapter has served at least one 12 year term and before reaching age 65 either voluntarily retires or resigns and accepts an appointment to the federal judiciary, he may, within 90 days after such retirement or such resignation and acceptance, as the case may be, or 90 days after this act becomes law, whichever is later, elect in a writing filed with the Secretary of State that his wife shall become eligible for the benefits provided under this chapter. Said member shall, until the expiration of 24 years from the date he first became a member of the State Judiciary or until his death, whichever is sooner, be required to pay monthly to the State Treasurer the amount said member would have been required to pay as a covered member of the State Judiciary in the position then held. Such an election shall constitute a waiver of any rights in said member to a refund of contributions. Upon the death of said member, the surviving widow shall be entitled to an annual pension as long as she lives and remains unmarried, and the amount of the annual pension paid shall be the same amount paid to a widow of a deceased member of the State Judiciary who died after having retired on pension.

Section 2. § 5608, Chapter 56, Title 29, Delaware Code, is amended by striking in line 1 thereof the word "Any" and inserting in lieu thereof the following: "Except as provided under section 5603 (f) of this chapter, any".

Approved June 28, 1966.

## CHAPTER 429

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USE FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING \$42,639,992.00 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 thereof concurring therein):*

Section 1. There is appropriated to the agencies of this State set forth in Section 7 hereof the sum of \$42,639,992.00, 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 Section 7, Section 8 and Section 11 of this Act.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in Section 7, Section 8 and Section 11 of this Act and are to include but not to be limited to design, planning, land acquisition, acquisition of utility and service areas, construction, repairing, remodeling, equipping, landscaping and inspection costs but are not to be used for ordinary or normal maintenance expense of highways, bridges, or other properties.

Section 3. Any of the funds appropriated herein 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 \$42,639,992.00 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 purposes of identification, the bonds issued pursuant to this authorization

act may be known, styled or referred to as "Capital Improvement Bonds of 1967".

Section 5. There is 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 monies 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 moneys appropriated herein, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the following state agencies in the following amounts:

(a) Department of Civil Defense .....	\$ 346,000
(b) Department of Corrections .....	81,000
(c) State Fire Prevention Commission .....	222,000
(d) Board of Game and Fish Commissioners....	35,000
(e) Department of Mental Health .....	1,827,000



(f) Delaware National Guard .....	133,000
(g) State Park Commission .....	303,000
(h) Budget Commission, for acquisition and remodeling of State Office Buildings .....	500,000
(i) State Department of Public Welfare .....	44,000
(j) State Highway Department, for construction of a State Police Training Academy .....	383,000
(k) Delaware Home and Hospital for the Chronically Ill at Smyrna .....	240,000
(l) Delaware State College .....	1,530,000
(m) University of Delaware .....	2,881,000
(n) State Board of Education, for construction or improvement of school facilities as more particularly set forth in Section 8 of this Act .....	18,303,992
(o) State Highway Department, for construction or improvement of highways and highway related facilities as more particularly set forth in Section 11 of this Act .....	15,811,000
<b>Total .....</b>	<b>\$42,639,992</b>

Section 8. The sum of \$18,303,992.00 appropriated by Section 7 of this 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
(a) Alexis I. duPont Special .....	\$ 498,000	\$ 299,000	\$ 199,000
(b) Alfred I. duPont....	7,149,000	4,290,000	2,859,000
(c) De La Warr #47....	324,000	324,000	—0—
(d) Delmar #163 .....	18,000	11,000	7,000
(e) Ellendale #125 ....	275,000	165,000	110,000
(f) Felton #54 .....	765,000	459,000	306,000
(g) Georgetown Special	708,000	425,000	283,000
(h) Greenwood #91 ....	220,000	132,000	88,000
(i) Kenton #9 .....	300,000	180,000	120,000

(j)	Magnolia #50 .....	340,000	204,000	136,000
(k)	Milford Special .....	150,000	90,000	60,000
(l)	New Castle Special .....	90,000	54,000	36,000
(m)	Newark Special .....	2,051,000	1,231,000	820,000
(n)	Newport #21 .....	105,000	63,000	42,000
(o)	Stanton #38 .....	2,233,000	1,445,000	788,000
(p)	Wilmington .....	318,000	191,000	127,000
(q)	New Castle County Vocational High School .....	1,975,000	1,975,000	—0—
(r)	State Board of Ed- ucation for Deaf & Aphasiac Cen- ter .....	377,000	377,000	—0—
(s)	Alfred I. duPont....	1,592,700	995,020	637,680
(t)	Felton .....	2,349,590	1,884,442	465,148
(u)	Laurel .....	1,880,000	1,128,000	752,000
(v)	Milford .....	2,850,000	1,710,000	1,140,000
(w)	New Castle .....	400,000	240,000	160,000
(x)	Newark .....	36,000	21,200	14,800
(y)	Millsboro .....	750,550	450,330	300,220
Total .....		\$27,754,840	\$18,303,992	\$ 9,450,848

Section 9. The sums of money allocated and appropriated for school construction purposes pursuant to Section 7 and Section 8 of this Act shall be expended in accordance with the provisions of Chapter 75, Title 29, Delaware Code.

Section 10. No money allocated and appropriated by this Act for school construction purposes pursuant to Section 8 of this Act shall be expended for educational supplies. 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 11. The sum of \$15,811,000, appropriated by Section 7 of this Act to the State Highway Department for highway construction and related construction purposes, shall be allocated by the State Highway Department to the following Capital Improvements Programs:

(a) General Highway Construction Program..	\$ 6,919,000
(b) Construction of buildings .....	992,000
(c) Widening, resurfacing, reconstruction and construction of other than major corridor roads pro- gram .....	4,500,000
(d) Dirt road program .....	750,000
(e) Suburban development street improvement program .....	750,000
(f) Advanced engineering and planning pro- gram .....	400,000
(g) Advance right-of-way acquisition program .....	300,000
(h) Contingencies .....	1,200,000
Total .....	<hr/> \$15,811,000

Section 12. The moneys allocated in Section 11 of this Act shall be expended for highway construction or related purposes, notwithstanding they shall not be used for office supplies and materials or office equipment and furnishings.

Section 13. All moneys appropriated by this Act shall be expended in accordance with the 1967 Annual Capital Projects Schedule as prepared by the State Planning Office on April 28, 1966 and approved by the Governor on April 29, 1966. If, however, because of altered or unforeseen conditions, it becomes desirable and in the best interest of the State to change the amount of funds allocated to a specific project in the aforesaid Schedule, the head of any State agency, board, or commission shall report the facts and justification of the change to the State Planning Office. The State Planning Office shall make a recommendation to the Budget Commission which shall then have the sole right to approve or disapprove such changes.

Section 14. Any funds appropriated by this Act remaining unexpended after the completion of the programs authorized by this Act and any funds appropriated by this Act remaining unexpended because a project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements. Any Federal funds received as reimbursement for funds appropriated by this Act other than the funds allocated and

appropriated for highway construction purposes pursuant to Section 7 and Section 11 of this Act, shall be deposited in a special account and applied against future capital improvement bond requirements.

Section 15. None of the moneys appropriated by this Act shall be expended before July 1, 1966. None of the moneys appropriated by this Act shall be expended unless a contract for the expenditure of such moneys is entered into before July 1, 1969 and the actual work on the construction contract for any construction authorized by this Act is commenced prior to July 1, 1969.

Section 16. No bonds or notes shall be issued or moneys borrowed on behalf of this state, pursuant to this Act, after July 1, 1972.

Section 17. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1967".

Section 18. Notwithstanding the provisions of Section 13 of this Act, the appropriations for projects authorized by this Act which are not included in the 1967 Annual Capital Projects Schedule may be expended, except that in the case of appropriations for project authorized in Section 8 of this Act such appropriations may be expended provided such projects were approved by the State Board of Education and submitted to the State Planner prior to April 28, 1966.

Section 19. No funds appropriated to the State Highway Department in Section 11 of this Act for "Contingencies" shall be obligated or expended without the prior approval of the Budget Commission.

Approved June 28, 1966.

## CHAPTER 430

**AN ACT TO AMEND CHAPTER 49, TITLE 29, DELAWARE CODE, RELATING TO PLANNING BY PROVIDING FOR ADVANCE PLANNING FOR CAPITAL IMPROVEMENTS AND MAKING AN APPROPRIATION THEREFOR FROM THE CAPITAL INVESTMENT FUND.**

WHEREAS, there is a need for advanced planning funds to assist agencies in the submission of their Capital project request; to assist the administration in its Capital project recommendations; and to assist the General Assembly in its deliberations;

WHEREAS, such funds encourage earlier initiation of authorized Capital projects; and

WHEREAS, such funds would provide a more accurate data upon which to consider authorizations;

NOW, THEREFORE,

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

Section 1. Section 4901 through 4913, title 29, Delaware Code, are designated as subchapter I, chapter 49, title 29, Delaware Code, with the designation: "Delaware Planning Act".

Section 2. Chapter 49, title 29, Delaware Code, is amended by adding thereto a new subchapter to read:

**SUBCHAPTER II. ADVANCED PLANNING FUND**

**§ 4921. Advanced Planning Fund**

(a) A special fund is created in the State Treasury to be known as the "Advanced Planning Fund", hereafter referred to in this subchapter as "Fund".

(b) The Fund shall initially consist of One Million Dollars.

(c) The Fund is to be expended for the advanced planning of proposed state buildings, including the costs of architectural sketches, general site plans, preliminary engineering and general design services.

**§ 4922. Withdrawals from the Fund**

(a) Before any sum is withdrawn from the Fund for advanced planning a request shall be made by the agency desiring to erect a state building to the State Planning Office and that office shall report to the Budget Commission whether the request is consistent with the Capital Program provided for by section 4910 of this title.

(b) If the State Planning Office determines that the proposed building is consistent with the Capital Program and is likely to be authorized to be constructed in the foreseeable future, the Budget Commission may authorize an expenditure from the Fund to cover the cost of advance planning for the proposed building.

**§ 4923. Reversion of unused funds**

(a) Any monies for advanced planning provided by the Budget Commission to a State Agency which shall not be used by the Agency within 12 months shall be reverted to the Budget Commission to be redeposited in the Fund.

**§ 4924. Reimbursement of the fund**

(a) Upon the funding of a Capital project for which advance planning funds have been provided from the Fund, a refund shall be made to the Fund from such funding, by the State Treasurer from the appropriation made for the building.

Section 3. There is hereby appropriated and transferred from the Capital Investment Fund, existing pursuant to the chapter 62, title 29, Delaware Code, to the Advanced Planning Fund created by this Act and the sum of One Million Dollars, or so much as from time to time may be necessary to fulfill the purposes of this Act.

Approved June 28, 1966.

## CHAPTER 431

AN ACT TO AMEND CHAPTER 384, VOLUME 54, LAWS OF DELAWARE, ENTITLED "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" BY ENLARGING THE PURPOSES FOR WHICH THE APPROPRIATIONS TO THE YOUTH SERVICES COMMISSION MAY BE USED AND EXTENDING THE TIME IN WHICH TO COMMENCE CONSTRUCTION.

*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. Chapter 246, Volume 55, Laws of Delaware, is repealed.

Section 2. Subsection 6 (k) of Chapter 384, Volume 54, Laws of Delaware, is amended by adding the following words at the end of said subsection:

and residential cottages, improvements, alterations, additions, replacements to present facilities at Woods Haven-Kruse School for Girls and Ferris School for Boys, and boiler replacement.

Section 3. Section 10, Chapter 384, Volume 54, Laws of Delaware, is amended by adding the following sentence at the end of Section 10:

Except that the construction authorized for the Youth Services Commission, State Board of Corrections and University of Delaware (Hullihen Hall improvements only), by this Act may be started or moneys borrowed for such construction within 4 years after the effective date of this Act and that the

construction authorized for Richardson Park #20 by Chapter 384, Volume 54, Laws of Delaware, may be started or moneys borrowed for such construction within 2 years after the effective date of this Act.

Approved June 28, 1966.



CHAPTER 432

**AN ACT TO AMEND CHAPTER 75, TITLE 29, DELAWARE CODE, ENTITLED "SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS" RELATING TO CAPITAL IMPROVEMENTS FOR SCHOOLS OF THE STATE AND TO ISSUE BONDS AND NOTES THEREFOR.**

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

Section 1. Chapter 75, title 29, Delaware Code, is amended by adding thereto a new section to read:

**§ 7506A. Referendum; notice**

(a) Any local referendum held to authorize the sale of local school bonds or notes to pay for any School Construction may be held, after approval by the State Board of Education, either before or after the enactment of the School Construction Bond Authorization Act authorizing a state appropriation for that School Construction.

(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.

Section 2. § 7506 (b), title 29, Delaware Code, is repealed.

Section 3. § 7506 (c), title 29, Delaware Code, is designated as § 7506 (b), title 29, Delaware Code.

Section 4. The words "referendum; notice" are stricken from the caption of § 7506, title 29, Delaware Code.

Section 5. The provisions of this Act shall become effective on August 1, 1966.

Approved June 28, 1966.

## CHAPTER 433

**AN ACT TO INCREASE THE NUMBER OF JUSTICES OF  
THE PEACE AND MAKING A SUPPLEMENTAL AP-  
PROPRIATION THEREFOR.**

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

Section 1. § 9203, title 10, Delaware Code, is amended  
to read:

**§ 9203. Number of Justices of the Peace in each county**

In the counties of this state there shall be no more than  
the following number of Justices:

Justices	County
New Castle .....	24
Kent .....	12
Sussex .....	17

Section 2. In addition to sums otherwise appropriated,  
the sum of \$56,000 is appropriated to the Chief Justice - Super-  
vision of Justice of the Peace for the fiscal year ending June  
30, 1967, to be expended for salaries of Justice of Peace.

Section 3. This Act is a supplementary appropriation  
and the money appropriated shall be paid by the State Treasur-  
er out of funds in the General Fund of the State of Delaware,  
not otherwise appropriated.

Approved June 28, 1966.

CHAPTER 434

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE CHIEF JUSTICE - SUPERVISION OF JUSTICE  
OF THE PEACE FOR SALARIES OF DEPUTY CLERKS.**

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

Section 1. The sum of \$20,000 is appropriated to the Chief Justice - Supervision of Justice of Peace for the fiscal year ending June 30, 1967, to be expended for salaries of Deputy Clerks.

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 28, 1966.

## CHAPTER 435

**AN ACT TO AMEND § 1739, CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO THE AUTHORITY OF THE MEDICAL COUNCIL TO ISSUE LICENSES.**

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

Section 1. § 1739, Chapter 17, Title 24, Delaware Code, is hereby amended by adding the following thereto:

The Medical Council shall also have authority to issue a license to practice medicine or osteopathy to any physician licensed by competent authority in any State territorially contiguous to this State, which shall offer reciprocal licenses to physicians licensed by this State, subject to such limitations as shall be deemed proper by the Medical Council.

Approved June 28, 1966.

CHAPTER 436

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

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

Section 1. Section 3314, Chapter 33, Title 19, Delaware Code, subparagraph (3) is amended by adding after the words "45 calendar days following the last day he worked" the words:

"except that the period for those employees of employers who close down for annual model changes or retooling shall be 63 calendar days,"

Approved June 28, 1966.

## CHAPTER 437

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$2,000. FOR THE PROPOSED AMENDMENT TO SECTION 1.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Bank Commissioner" under the heading "State Bank Commissioner" from \$13,000.00 to \$15,000.00, and changing the totals accordingly.

Approved June 28, 1966.

CHAPTER 438

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$2,640.00 FOR THE PROPOSED AMENDMENT TO SECTION 1.**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the words and amounts as they appear in line 4 in subsection "H. Teachers" under the heading "State Board of Education" from "4. Attendance Officers (4) (10 months) \$26,400.00" to read:

"4. Attendance Officers (4) (11 months) ..... \$29,040.00" and by changing the totals accordingly.

Approved June 28, 1966.

## CHAPTER 439

**AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967".**

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the line "Salary of Director (Total \$13,500.00 - State \$6,000.00 - Incl. G.A. Division - Other Sources \$7,500.00) \$6,000.00" under the heading "Department of Public Welfare Administration" to read: "Salary of Director (Total \$14,000.00 - State \$6,000.00 - Incl. G.A. Division - Other Sources \$8,000.00) \$6,000.00".

Approved June 28, 1966.



## CHAPTER 440

**AN ACT MAKING AN APPROPRIATION IN THE AMOUNT OF \$487,525.00 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 and facilities for Felton #54 and Ellendale #125. 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 provision 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 decisions 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 \$487,525.00 or so much thereof as may be necessary to be expended by the State Board for the purpose set forth in Section 1 of this Act.

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:

Maximum Amount	Name of District
Milford District .....	\$ 41,500.00
Bridgeville #90 .....	20,000.00
Newark Special .....	24,500.00
Wilmington .....	70,000.00
Lord Baltimore #28 .....	39,000.00
Felton #54 .....	73,000.00
Ellendale #125 .....	32,000.00
H. C. Conrad .....	4,800.00
John Dickinson .....	8,000.00
Krebs (Newport) .....	25,000.00
Oak Grove .....	16,650.00

Richardson Park .....	18,075.00
De La Warr .....	13,000.00
Alfred I. duPont #7 .....	80,000.00
Smyrna Special .....	22,000.00
<hr/>	
Total .....	\$487,525.00

Section 5. This is a supplementary appropriation, and the monies so appropriated shall come from the General Fund of the State. Any monies which remain unexpended on June 30, 1967, shall revert to the State and be deposited to the General Fund of the State.

Approved July 1, 1966.

## CHAPTER 441

AN ACT TO AMEND CHAPTER 336, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$136,838,199.00 FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1967", AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$3,500.00 FOR THE PROPOSED AMENDMENTS TO SECTION 1.

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

Section 1. Chapter 336, Volume 55, Laws of Delaware, is hereby amended by changing the amount opposite the words "Salary of Commissioner" under the heading "State Highway Department Motor Vehicle Division" from \$11,500.00 to \$15,000.00 and changing the totals accordingly.

Approved July 1, 1966.

## CHAPTER 442

AN ACT RELATING TO WATER, UNDERWATER LANDS AND AIR USE AND CONSERVATION; PROVIDING FOR A COMPREHENSIVE COMMISSION TO REGULATE THE USE OF WATER, UNDERWATER LANDS AND AIR; REVISING AND CONSOLIDATING THE LAWS RELATING TO WATER, UNDERWATER LANDS AND AIR; PROVIDING FOR THE EXPLORATION IN, AND GRANTING OF RIGHTS IN SUBMERGED AND SUBAQUEOUS LAND; ABOLISHING THE WATER POLLUTION, AIR POLLUTION AND GEOLOGICAL COMMISSIONS AND CREATING A WATER AND AIR RESOURCES COMMISSION.

WHEREAS, the health and welfare of the people of this State require that water and air, two of our most vital natural resources, be always available in a sufficiently pure state to assure the health of the people of Delaware and the economic growth of the State; and

WHEREAS, there is now insufficient regulation and development of the use of water, underwater lands and air to protect and promote the public interest; and

WHEREAS, the regulation and development of the use of water, underwater lands and air is now under the jurisdiction of several State agencies; and

WHEREAS, there is an interrelation between the use of water, underwater lands and air; and

WHEREAS, the most efficient regulation and development of the use of water, underwater lands and air can best be accomplished by granting the primary authority for such use and development to a single State agency;

NOW, THEREFORE,

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

Section 1. Title 7, Delaware Code, is amended by adding thereto a new part to read:

## **PART VII. WATER AND AIR RESOURCES**

### **CHAPTER 60. WATER AND AIR RESOURCES DEPARTMENT**

#### **SUBCHAPTER I. GENERALLY**

##### **§ 6001. Declaration of policy**

(a) In view of the rapid growth of population, agriculture, industry, and other economic activities, the water and air resources of the State must be protected, conserved, and controlled to assure their reasonable and beneficial use in the interest of the people of the State. Therefore, it is declared to be the policy of this State that:

(1) the development, utilization, and control of all water, underwater and air resources shall be directed to make the maximum contribution to the public benefit, and

(2) the State, in the exercise of its sovereign power, acting through the Water and Air Resources Commission established under this Part, should control the development and use of the water, underwater and air resources of the State so as to effectuate full utilization, conservation, and protection of the water and air resources of the State.

(b) The General Assembly hereby makes the following findings concerning the development, utilization, and control of the water, underwater and air resources of the State:

(1) The development, utilization, and control of the water, underwater and air resources of the State are vital to the people in order to assure adequate supplies for domestic, industrial, power, agricultural, recreational and other beneficial uses.

(2) The development and utilization of water, underwater and air resources must be regulated to assure that the

water, underwater and air resources of the State are employed for beneficial uses and not wasted.

(3) The regulation of the development and utilization of the water, underwater and air resources of the State is essential to protect beneficial uses and to assure adequate supplies for beneficial users.

(4) The water, underwater and air resources of the State must be protected and conserved to assure adequate supplies for public recreational purposes and for the conservation of wildlife and aquatic life.

(5) The water, underwater and air resources of the State must be protected from pollution in the interest of the health and safety of the public.

(6) The water, underwater and air resources of the State can best be utilized, conserved, and protected if utilization thereof is restricted to beneficial uses and controlled by a state agency responsible for proper development and utilization of the water, underwater and air resources of the State.

(7) Planning for the development and utilization of water, underwater and air resources is essential in view of population growth and the expanding economic activity within the State.

(c) It is the purpose of this Part to effectuate these policies by providing for:

(1) A program for the control of the utilization of the water, underwater and air resources of the State so directed as to make the maximum contribution to the interests of the people of this State;

(2) A program for the control of pollution of the water, underwater and air resources of the State to protect the public health, safety, and welfare;

(3) A program for the protection and conservation of the water, underwater and air resources of the State, for pub-

lic recreational purposes, and for the conservation of wildlife and aquatic life;

(4) A program of conducting and fostering research and development in order to encourage maximum utilization of the water, underwater and air resources of the State; and

(5) A program for cooperating with federal, interstate, state, local governmental agencies and utilities in the development and utilization of water, underwater and air resources.

## **SUBCHAPTER II. DELAWARE WATER AND AIR RESOURCES COMMISSION**

### **§ 6002. Delaware Water and Air Resources Commission**

(a) The Delaware Air and Water Resources Commission shall consist of 7 commissioners to be appointed by the Governor. The Water Commissioner of the City of Wilmington shall be one of the Commissioners. Of the other 6 commissioners, at least 1 commissioner shall be a resident of each of the following area: (1) City of Wilmington; (2) the remainder of New Castle County; (3) Kent County; and (4) Sussex County. Registered members of either major political party shall not exceed registered members of the other major political party by more than 1. Each of the Commissioners except the Chairman shall hold office for a term of 2 years. The Chairman shall serve at the pleasure of the Governor. Initially one-half of the Commissioners shall be appointed for a 1-year term. Any vacancy, however created, shall be filled for the unexpired term only.

(b) The Governor's Alternate on the Delaware River Basin Commission and the State Geologist shall be ex-officio members of the Commission without vote.

(c) Commissioners shall be entitled to reimbursement of necessary expenses in the performance of their duties but shall receive no salary.



**§ 6003. Executive officer and employees**

(a) The Commission shall appoint an Executive Director who shall be a person with experience and professional training in the field of water or air resources management. The Executive Director shall recommend to the Commission for appointment such other employees, agents, attorneys, engineers and consultants as may be necessary for the proper functioning of the Commission.

(b) The Executive Director, subject to the Commission's control, shall be in charge of the day to day operations of the Commission, shall keep a record of all proceedings of the Commission and shall preserve all books, maps, documents and papers of the Commission. All other employees shall perform such duties as prescribed by the Executive Director.

**§ 6004. Meetings, office quorum**

The Commission shall meet at such time and places as it determines. A majority of the Commissioners shall constitute a quorum for the transaction of business, for the performance of any duty or for the exercise of any power of the Commission.

**§ 6005. Reports**

The Commission shall make an annual report to the Governor and General Assembly. The Governor, or the General Assembly, by resolution, may require reports or recommendations from the Commission at any time.

**§ 6006. Compliance; orders; notice**

Whenever the Commission determines that a person has violated any of the provisions of this Part, or any rule or regulation duly promulgated thereunder, or any order of the Commission, it shall endeavor by conference, conciliation or persuasion to obtain compliance with all requirements. If such compliance cannot be obtained, it shall give written notice to such person specifying the complaint. Such notice shall re-

quire that the matters of complaint be corrected within a reasonable period of time specified therein or that the person complained against appear before the Commission at a time and place specified in the notice and answer the charges. The notice shall be served on such person as summonses are served or by registered mail not less than 20 days before the time set for the hearing.

**§ 6007. Public hearings; notice; waiver**

The Commission shall hold a public hearing with respect to any permit lease, variance or grant for which application is made under this Part. Notice shall be served upon the applicant as summonses are served or by registered or certified mail not less than 20 days before the time set for the hearing. 20 days' notice shall also be published in a newspaper of general circulation throughout the State and, in addition, in a newspaper of general circulation in the county to which the application applies. If the applicant wishes to waive the right to public hearing, the published notice shall advise interested persons to file any written protests to the application within 10 days. In the absence of such protests, the Commission may in its discretion act without a public hearing.

**§ 6008. Conduct of hearings; oaths; compelling attendance**

The applicant or person complained against, or any affected party, may appear personally or by counsel at the hearing and present any competent evidence in his behalf. In any hearing, any member or a representative designated by the Commission shall be authorized to administer oaths, examine witnesses, and issue, in the name of the Commission, notices of hearings or subpoenas requiring the testimony of witnesses and the production of books, records or other documents relevant to any matter involved in such hearing; and subpoenas shall also be issued at the request of the applicant or person complained against. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Superior Court in the county involved shall have jurisdiction, upon application of the Commission or its representative, to issue an order requiring such person to appear and testify or produce evidence, as the case may require.

**§ 6009. Record; findings; orders; notice of order**

A record of the proceedings of all hearings so conducted shall be taken and filed with the Commission, together with findings and conclusions. On the basis of the evidence presented, the Commission shall enter such order as, in its opinion, will best further the purposes of this Part and shall promptly give written notice to the persons affected by such order. If the hearing is held before any officer designated by the Commission, such officer shall transmit the record of the hearing, together with his findings and conclusion, to the Commission, which shall thereupon review the record and enter its order. Any affected party shall, upon request, be permitted to appear before the Commission and present its views prior to issuance of such order, where the initial hearing was conducted by a representative of the Commission.

**§ 6010. Fees**

The Commission may establish a fee schedule for filing applications for permits, leases or grants, and may collect from the applicant the necessary expenses of the Commission for processing the application and conducting a hearing.

**§ 6011. Rules and regulations**

The Commission shall be empowered to adopt reasonable rules and regulations and issue general and special orders, after 20 days' notice by publication in at least one newspaper of general circulation in the State and in each county of the State, and after public hearing conducted as set forth in Section 6007 of this title. No rule, regulation, general or special order shall take effect unless approved in writing by at least 5 members of the Commission.

**§ 6012. Appeals; notice of appeal; stay; transcript**

(a) Any person whose interest is substantially affected by any action of the Commission may appeal from any order or decision by filing with the secretary of the Commission a notice of appeal. The notice shall be filed within 20 days from

the date of mailing of the notice of the order or decision of the Commission and shall be signed by the appellant or his attorney. Except when immediate action is required to protect the public health, the order or decision of the Commission shall be stayed pending disposition of the appeal.

(b) Within 20 days from the receipt of the notice of appeal the Executive Director of the Commission shall prepare and forward to the appellant or his attorney a transcript of the proceedings together with a copy of the order or decision of the Commission and a copy of the notice of appeal. All documents shall be certified by the Executive Director of the Commission.

(c) Within 30 days from the filing of the notice of appeal with the Executive Director of the Commission, the appellant shall file the transcript of the proceedings and the other documents enumerated in subsection (b) of this section with the Superior Court. The Court shall thereafter have complete jurisdiction of the matter.

(d) All appeals shall be taken to the Superior Court of the county in which the circumstances causing the appeal originated.

(e) The Superior Court in which the appeal is perfected shall hear and determine the matter as a suit in law and equity.

(f) The provisions of this section shall not apply to proceedings pursuant to Chapter 64 of this title.

#### **§ 6013. Violation and penalties; jurisdiction**

(a) Whoever violates any of the provisions of this Part or neglects or fails to obey any rule or regulation or general or special order of the Commission lawfully issued shall be fined not more than \$500 for each violation, failure or refusal. After notice is given that a person is in violation of the provisions of this Part, each day of continued violation shall be a separate offense. Fines collected under this section shall be paid into the General Fund of the State.

(b) The Superior Court shall have jurisdiction of offenses under this Part.

**§ 6014. Unlawful disclosure of information**

It shall be a misdemeanor for any member of the Commission, any officer or employee thereof, or any person performing any function or work assigned to him by the Commission, to disclose any confidential information obtained pursuant to this Part or to use any information obtained pursuant to this Part for the purposes other than the administration of the functions, responsibilities, and duties vested in the Commission by law.

**§ 6015. Liberal construction**

This Part, being necessary for the welfare of the State and its inhabitants, shall be liberally construed in order to effect the purpose thereof.

**§ 6016. Federal aid; other funds**

The Commission may cooperate with and receive moneys from the Federal Government or any industry or other source. Such moneys received are appropriated and made available for the study of water and air resources and pollution.

**CHAPTER 61. REGULATION OF WATER RESOURCES**

**§ 6101. Purpose**

It is the purpose of this chapter to plan for and regulate the water resources of the state to assure their optimum beneficial use.

**§ 6102. Definitions**

As used in this chapter unless the context otherwise requires—

“Domestic and agricultural use” means the use of water for ordinary household purposes, the watering of farm lands,

livestock, poultry and domestic animals, home gardens and lawns. It does not include the use of water by a municipality, water company or any other organization which supplies water, for whatever purpose, to more than 3 families, houses or farms.

"Established average minimum flow" means the average minimum daily flow occurring for 7 consecutive days within the lowest flow year of record.

"Municipal use" means the use of water by a municipality, corporation, company, institution and individual authorized to supply water, serving or authorized to serve the public primarily to promote life, safety, health, comfort and business pursuits of the inhabitants of the State.

"Surface water" means water occurring generally on the surface of the earth.

"Underground water" means any supply of water which may be developed by any type of well or spring from beneath the surface of the ground whether the water flows therefrom by natural force or is withdrawn by pumping or other mechanical devices or artificial process.

"Water facilities" means any reservoir, dam, waterway obstruction or well, except such structures as are used exclusively for the storage or distribution of treated or potable water, and mains and conduits leading to storage or treatment plants.

"Watercourse" means any lake, river, creek, cut or other natural body of water or channel.

#### **§ 6103. Limitations on scope of chapter**

The provisions of this chapter shall not apply to or change the existing law in respect to:

(1) Use of water for domestic and agricultural purposes unless such use contributes to a water emergency, proclaimed as such by the Governor.

(2) The landowner's right to place a dam across a gully on his property or across a stream that originates on his property where provision is made for continued established average minimum flow of water.

(3) The right to build and maintain a dam or construct a pond and divert water from any stream on any stream having a minimum flow of not more than one-half million gallons of water per day, and utilize up to 360 acre inches of the impounded water per year so long as such action does not affect the established average minimum flow in the stream below the dam at any time.

(4) Ponds not larger than 60,000 square feet constructed for purposes of conservation, recreation, propagation and protection of fish or wildlife, watering of stock, or fire protection.

#### § 6104. Duties and powers in regulation of water resources

(a) The Commission:

(1) Shall formulate and adopt a statewide comprehensive master water plan for the immediate and long-range development and uses of the water resources of the State, after holding public hearings with respect thereto and after consulting with water users and interested public bodies;

(2) Shall advise the Delaware member of the Delaware River Basin Commission and his alternate as to the best interests of the State in the overall development of water resources of the Basin and to coordinate the plans of the Commission with those of the Delaware River Basin Commission in such a manner as to insure the best interests of the people of the state; and

(3) Shall study and investigate matters connected with water uses within the State, cooperate with the State Geologist in the study and investigation of water resources, and make recommendations thereon.

(4) Shall approve the allocation and use of water in the State on the basis of equitable apportionment;

(5) Shall approve all new plans and designs of all impounding and water facilities of all water resources by any state, county, municipal, public or private water user within the State;

(6) May require reports from all Delaware water users as to their water facilities and past and present records of water use;

(7) Shall adopt reasonable rules and regulations for surface and underground water resources and uses in the State, issue general and special orders and do all other things necessary and convenient to carry out the foregoing powers and duties; and

(8) Shall make its rules and regulations conform to the rules and regulations promulgated under the Delaware River Basin Compact within any area of this State which is subject to regulation under the Compact, notwithstanding any other provision of this chapter.

#### § 6105. Approval of water use

(a) After the effective date of this chapter, no increase in the amount of water used shall be made by a Delaware user without prior approval of the Commission.

(b) This section shall not prevent a municipal user from serving additional non-industrial subscribers, supplying the increased demands of its existing non-industrial subscribers, supplying water for emergency purposes or extending its mains or water services from which water will be supplied from existing wells, reservoirs and storage tanks.

(c) The Commission shall designate by regulation those increases which will be approved upon simple notice to the Commission, and those which will require an application followed by a public hearing as provided in Section 6007.



## CHAPTER 62. AIR POLLUTION

### SUBCHAPTER I. AIR POLLUTION AUTHORITY

#### § 6201. Declaration of policy

It is declared to be the public policy of the State to maintain within its jurisdiction a reasonable quality of air consistent with protecting the safety, welfare, and comfort of the people of this State and to prevent the pollution of air with impurities which menace the health and welfare of the people of the State, to the end that the least possible injury shall be done to human, plant and animal life or to property.

#### § 6202. Definitions

(a) As used in this chapter; "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property within the jurisdiction of the State of Delaware, excluding all aspects of employer-employee relationships as to health and safety hazards.

(b) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof.

(c) "Air contaminant source" means any source from which there is emitted into the atmosphere any air contaminant regardless of who owns the property or facility from which the emission comes. Without limiting the generality of the foregoing, this term includes all types of commercial and industrial plants and works, heating and power plants and stations, shops and stores; buildings and other structures of all types, including single and multiple family residences, apartment houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings; automobiles, trucks, tractors, buses and other motor vehicles (hereinafter called "motor vehicles"); garages; vending and service locations and stations; railroad locomotives; ships, boats

and other waterborne craft; portable fuel-burning equipment; incinerators of all types, indoor and outdoor; and refuse dumps and piles.

### § 6203. Powers

The Commission in regulating air pollution pursuant to this Chapter:

- (1) Shall develop a comprehensive program for the prevention and control of all sources of pollution of the air of the State;
- (2) Shall advise, consult and cooperate with other agencies of the State, political subdivision, industries, other states, the Federal government and with affected groups in furtherance of the purposes of this Chapter;
- (3) Shall encourage and conduct studies, investigations and research relating to air pollution and its causes, prevention, control and abatement, as it may deem advisable and necessary;
- (4) May collect and disseminate information relating to air pollution, its prevention and control;
- (5) Shall promulgate rules and regulations and issue orders consistent with the purposes of this Chapter and in accordance with Section 6007 of this Part, including regulation of the installation of new equipment which will emit air contaminants.
- (6) Shall consider complaints, make investigations and hold hearings;
- (7) May require any person to submit plans for the removal of air contaminants;
- (8) Shall encourage voluntary cooperation by the people, municipalities, counties, industries and others in restoring and preserving the purity of air within the State.

(9) May employ personnel, including specialists and consultants, purchase materials and supplies, and enter into contracts necessary to carry out the purposes of this chapter;

(10) May enter at reasonable times upon any private or public property for the purpose of investigating conditions relating to air pollution;

(11) Shall enforce compliance with the laws of this State relating to pollution of the air;

(12) May represent this State in any and all matters pertaining to plans, procedures or negotiations for interstate compacts in relation to air pollution control; and

(13) May select an advisory committee to study and advise upon specific problems which may arise from time to time.

In exercising the powers conferred by this section, the Commission shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the State, may cause less air pollution or not cause any air pollution in another area of the State and the Commission shall take into consideration in this connection such factors, among others found by it to be proper and just, as existing physical conditions, zoning classifications, topography and prevailing wind direction and speeds, and also the fact that a rule or regulation and the degree of conformance therewith which may be proper as to an essentially residential area of the State may not be proper as to a highly developed industrial area of the State.

#### § 6204. Administrative proceedings

If the Commission has reason to believe that a condition of air pollution exists, or that conduct in violation of the Commission's rules and regulations is occurring, it shall proceed as set forth in Section 6006 of this Part.

**§ 6205. Injunctive relief**

If measures to prevent or correct air pollution or conduct in violation of any rule or regulation of the Commission are not taken in accordance with the final order of the Commission, then the Commission may, in addition to seeking fines under § 6009 hereof, bring in the name of the State an action for an injunction to prevent further or continued violations.

**§ 6206. Summary proceedings**

Whenever conditions are such as to require immediate action to protect the public health, the Commission may issue a written order to the person responsible, directing that he discontinue immediately the discharge of the harmful contaminants in the atmosphere. As promptly as possible thereafter, said person shall be given an opportunity to be heard and to present evidence concerning the effect of such discharge on the public health.

**§ 6207. Local regulations**

Nothing in this chapter shall preclude the right of any governing body of a city or town to adopt local laws, ordinances or regulations which are consistent with this chapter and with the rules and regulations adopted hereunder and do not call for a lesser degree of control.

**SUBCHAPTER II. FORBIDDEN PRACTICES****§ 6205. Nuisances prohibited**

(a) No person shall discharge into the air, solids, liquids, or gases causing such injury to human, plant or animal life, or to property, as constitutes a public nuisance.

(b) No person shall cause, erect or continue any nuisance contrary to the provisions of this chapter.

**§ 6206. Proceedings to abate public nuisances created by pollution of air**

Proceedings to abate public nuisances created by pollution of air may be instituted at law or in equity in the name of the State on behalf of the Commission.

**§ 6207. Administrative hearings; notice; procedure; order; summary action**

(a) Whenever the Commission determines that a person has violated any of the provisions of this chapter, or any order of the Commission, it shall give written notice to such person specifying the complaint. Such notice shall require that the matters of complaint be corrected within a reasonable period of time specified therein or that the person complained against appear before the Commission at a time and place specified in the notice and answer the charges. The notice shall be served on such person as summonses are served or by registered mail not less than 20 days before the time set for the hearing.

(b) The person complained against may appear personally or by counsel at the hearing and produce any competent evidence in his behalf in answer to the alleged violation. On the basis of the evidence produced at the hearing, the Commission shall enter such order as in its opinion will best further the purposes of this chapter and shall promptly give written notice, either by service as summonses are served or by registered mail, to the persons affected by such order. If the hearing is held before any officer designated by the Commission, such officer shall transmit the record of the hearing, together with his findings and conclusion, to the Commission, which thereupon shall review the record and enter its order on the basis thereof. The order of the Commission shall become final and conclusive on all parties unless an appeal is taken therefrom as provided in this Part.

(c) Whenever conditions are such as to require immediate action to protect the public health or welfare, the Commission may take such action as it may deem advisable for summary abatement of the nuisance.

**CHAPTER 63. WATER POLLUTION**

**§ 6301. Declaration of policy; purpose**

(a) It is declared to be the public policy of the State to maintain within its jurisdiction a reasonable quality of water consistent with public health and public enjoyment thereof, the

propagation and protection of fish and wild life, including birds, mammals, and other terrestrial and aquatic life, and the industrial development of the State.

(b) It is the purpose of this chapter to safeguard the quality of state waters against pollution by (1) preventing new pollution in such waters and (2) controlling any existing pollution.

### § 6302. Definitions

As used in this chapter unless the context otherwise requires—

“Industrial waste” means any water-borne liquid, gaseous, solid, or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business, or from the development of any agricultural or natural resource.

“Other wastes” means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye-stuffs, acids, chemicals, and all discarded substances other than sewage or industrial waste as defined in this section, but shall not include chemicals used as necessary additives in the treatment of drinking water;

“Pollution” means noxious and deleterious substances rendering unclean the waters of the State to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses;

“Sewage” means the water-carried human or animal wastes from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such ground water infiltration, surface water, admixtures of industrial waste, or other wastes as may be present.

“Waters” means public waters including lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers,

streams, creeks, estuaries, marshes, inlets, canals, the ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, inland or coastal, fresh or salt, within the jurisdiction of this State.

### § 6303. Duties and powers

The Commission, in regulating water pollution pursuant to this chapter, may—

(1) exercise general supervision over the administration and enforcement of all laws relating to the pollution of the waters of the State;

(2) study and investigate all problems connected with the pollution of the waters of the State and its control and to make reports and recommendations thereon;

(3) conduct scientific experiments, investigations, and research to discover economical and practicable methods for the elimination, disposal, or treatment of sewage, industrial wastes, and other wastes to control pollution of the waters of the State. To this end the Commission may cooperate with any public or private agency in the conduct of such experiments, investigations, and research and may receive on behalf of the State any moneys which any such agency may contribute as its share of the cost under such cooperative arrangements;

(4) issue general orders, and adopt rules and regulations applicable throughout the State for the installation, use and operation of systems, methods, and means for controlling the pollution of the waters of the State by sewage, industrial wastes, refuse, and other wastes, after notice and hearing as provided by section 6006 of this title;

(5) issue special orders after appropriate notice and hearing, directing particular owners, municipalities, and other political entities, to secure, within a specific time, such operating results toward the control of pollution of the waters as may be reasonable and practicable of attainment;

(6) make investigations and inspections to insure compliance with any general or special orders, rules and regulations which the Commission may issue. In the exercise of this power the Commission may require the submission and approval of plans for the installation of systems and devices for handling, treating, or disposing of sewage, industrial, and other wastes; and

(7) enter into arrangements with the responsible authorities of other States, or of the Federal government, subject to approval by the Governor, relative to methods, means, and measures to be employed to control pollution of any interstate streams and other waters and to carry out such agreement by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other State concluded by direct legislative act, but, unless otherwise expressly provided, this Commission shall be the agency for the enforcement for any such legislative agreement.

#### **§ 6304. Inspection and investigations**

(a) Every municipality, other political entity, and owner of an industrial establishment shall, on request of the Commission, furnish such information reasonably necessary and pertinent required by it in the discharge of its duties under this chapter. Any member of the Commission, or any agent of the Commission duly authorized by it, may at reasonable times enter any industrial or municipal establishment for the purpose of inspecting and investigating conditions relating to the pollution of any waters of the State.

#### **§ 6305. Injunctive relief**

If measures to prevent or correct water pollution or conduct in violation of any rule or regulation of the Commission are not taken in accordance with the final order of the Commission, then the Commission may, in addition to seeking fines under § 6009 hereof, bring in the name of the State an action for an injunction to prevent further or continued violations.

#### **§ 6306. Summary proceedings**

Whenever conditions are such as to require immediate action to protect the public health, the Commission may issue a



written order to the person responsible directing that he discontinue immediately the discharge of the harmful pollutants to the waters. As promptly as possible thereafter said person shall be given an opportunity to be heard and to present evidence concerning the effect of his discharge on the public health.

## **CHAPTER 64. UNDERWATER LANDS**

### **SUBCHAPTER I. MINERALS IN SUBMERGED LANDS**

#### **§ 6401. Definitions**

As used in this subchapter unless the context requires otherwise:

"Commission" means the Delaware Water and Air Resources Commission or, if so designated pursuant to section 6440 of this title, the State geologist.

"Filled lands" includes tide and submerged lands reclaimed artificially through raising such lands above the highest probable elevation of the tides to form dry land, by placement of a fill or deposit of earth, rock, sand or other solid imperishable material.

"Lease" means a mineral lease issued pursuant to the provisions of this subchapter.

"Person" in addition to the meanings set forth in section 302, title 1, includes quasi-public corporations, political subdivisions and governmental agencies and instrumentalities.

"Submerged lands" means lands lying below the line of mean low tide in the beds of all tidal waters within the boundaries of this State as heretofore or hereafter established.

"Structure" means any construction works, including but not limited to derricks, pipelines, lines for the transmission and distribution of electricity, telephone lines, wharves, piers, slips, warehouses and units designed to act as groins, jetties, seawalls, breakwaters or bulkheads.

"Tide lands" means lands lying between the line of mean high water and the line of mean low water.

"Gas" means all natural gas and all other fluid hydrocarbons not defined as oil in subsection (i) of this section, including condensate originally in the gaseous phase in the reservoir.

"Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

"Mineral" means any natural inorganic substance with definite chemical and physical properties which is present in, or at the bottom of a body of water, or anywhere within the earth's crust.

#### § 6402. Jurisdiction

(a) The Commission and the Governor have exclusive jurisdiction to lease for mineral exploration and exploitation all ungranted submerged tide lands owned by this State, whether within or beyond the boundaries of this State, heretofore or hereafter acquired by this State (1) by quitclaim, cession, grant, contract or otherwise, (2) by any other means.

(b) All jurisdiction and authority to lease for mineral exploration or exploitation remaining in the State over submerged lands as to which grants have been or may be made is vested in the Commission and the Governor.

(c) The Commission shall administer and control all lands described in subsection (a) of this section, and may lease such lands and tide lands and dispose of oil, gas, sulphur and other minerals under such lands and tide lands in the manner prescribed by this subchapter.

(d) Notwithstanding any other provisions of this subchapter, the Commission may not permit any interference, other

than temporary interference, with the surface of the Atlantic shore. It may, however, grant easements for mineral exploration and exploitation underlying that part of the surface of the Atlantic shore owned by the state at such times and at such places as the Commission finds necessary to permit the extraction and transportation of oil, gas, sulphur or other minerals from state, federal or private lands; and in addition the Commission may issue oil and gas leases underlying the Atlantic shore under the same terms and conditions as provided in this subchapter.

(e) The Commission shall have no authority to lease lands administered by the Board of Game and Fish Commissioners.

### § 6403. Surveys

(a) The Commission, upon application by any person, may permit geological, geophysical and seismic surveys, including the taking of cores and other samples, on the tide and submerged lands of this state. However:

(1) Such permits shall be non-exclusive and shall not give any preferential rights to any oil, gas and sulphur or other mineral lease.

(2) The Commission may grant permission for the taking of cores and other samples.

(3) After consultation with those agencies of the state having an interest in the possible effects of the leasing, the Commission shall include such rules and regulations in the permit as it deems necessary to protect the fish, game, wildlife and natural resources of the state.

(b) Each application under this section shall contain the following information:

(1) A description of the areas where the applicant proposes to conduct a survey.

(2) The name and address of the applicant.

(3) Such other relevant information as the Commission requires.

**§ 6404. Permits for surveys**

(a) Upon compliance of an applicant with section 6403 of this title, the Commission may issue to the applicant a permit to conduct a geological, geophysical and seismic survey, including the taking of cores and other samples, in areas of the tide and submerged lands of this state described on the permit. The Commission may prohibit such surveys on any area if it determines that a lease, if applied for, should not be granted as to such areas. The commission shall include in a permit conditions and payment proper to safeguard the interests of the state.

(b) Permits issued under this section shall not exceed 2 years, and may be renewed for like periods upon application to the commission and upon showing due compliance with applicable laws and regulations.

(c) The Commission shall require the permittee to provide the Board of Game and Fish Commissions and the Delaware Commission of Shell Fisheries with complete information with respect to the area or areas of proposed operations, type of exploration and a schedule showing the period or periods during which such explorations will be conducted. Such information shall be treated as confidential unless released by the permittee.

**§ 6405. Filing of records of drilling; confidential nature of records**

(a) Records of drilling conducted by a permittee under section 6404 of this title shall be retained by the permittee and be made available to the Commission and the State Geologist upon their request. Any such records which the permittee is required to make available to the Commission or the State Geologist shall be for the confidential use of the Commission and the State Geologist and shall not be open to inspection by any other person or agency without the written consent of the permittee.

(b) The Commission may require, as a condition to the issuance of any lease under this subchapter, that the lessee make available to the Commission or the State Geologist upon request, all factual and physical exploration results, logs and records resulting from the operations under the lease. Any such factual or physical exploration results, logs or records which the lessee is required to make available to the Commission or the State Geologist shall not be open to inspection by any other person or agency without the written consent of the lessee.

**§ 6406. Unlawful disclosure of information; jurisdiction of court penalties**

(a) It shall be a misdemeanor for any member of the Commission, any officer or employee thereof, or any person performing any function or work assigned to him by the Commission, to disclose to any person who is not a member, officer, employee of the Commission or to any person who is not performing any function or work assigned to him by the Commission, any information obtained from the inspection of such factual or physical exploration results, logs or records, or to use such information for purposes other than the administration of the functions, responsibilities, and duties vested in the Commission by law, except upon the written consent of the permittee or lessee making such information available to the Commission.

(b) Upon conviction the court shall impose such penalty as the Court deems advisable.

(c) The Superior Court shall have jurisdiction over offenses under this section.

**§ 6407. Public hearings; adjustments**

(a) Before offering tide and submerged lands for leasing under this subchapter, or whenever any person files a written application with the Commission requesting that lands be offered for leasing under this subchapter, accompanying the same with the required fee, the Commission shall hold a public hearing as provided in this section.

(b) Before granting a lease or inviting bids on any tide and submerged lands, the Commission shall cause written notice describing the area under consideration and other pertinent information to be transmitted to:

- (1) State Highway Department
- (2) State Planning Office
- (3) Board of Game and Fish Commission
- (4) Delaware Commission of Shell Fisheries
- (5) State Board of Health
- (6) State Park Commission
- (7) State Geologist
- (8) The applicant, if any, requesting the hearing

(9) Prospective applicants or bidders, by publication thereof in two or more publications of general circulation in the oil and gas industry; and

(10) The public, by publication thereof once each week for not less than two weeks in a newspaper of general circulation throughout the State and in addition in a newspaper of general circulation in the county in which the lands lie or the county or counties contiguous to the area under consideration for bidding.

(c) The notice shall set forth the place of hearing and shall set its time at not less than 20 days following date of the last newspaper publication.

(d) The Commission may appoint one of its officers or employees to conduct hearings authorized under this section. An officer or employee of each interested state agency, board or commission named in subsection (b) of this section may question any witnesses appearing before the Commission or

its representative, and any interested person may offer evidence and otherwise be heard.

**§ 6408. Determination of feasibility of lease**

After the public hearing the Commission shall determine whether an invitation for bidding to lease the area under consideration would be in the public interest. In such determination the Commission shall consider whether a lease or leases of the area under consideration would:

(1) be detrimental to the health, safety, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(2) interfere with the residential or recreation areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes;

(3) destroy, impair or interfere with the esthetic and scenic values of the Delaware coast, or other affected area;

(4) create any air, water or other pollution;

(5) substantially endanger marine life or wildlife;

(6) substantially interfere with commerce or navigation;  
and

(7) protect state lands from drainage of oil, gas or other minerals or objectionable substances.

**§ 6409. Maximum area**

The maximum area which shall be included in any single lease to any person shall be 6 square miles or 3,840 acres.

**§ 6410. Form of lease**

(a) The form of lease shall contain, in addition to other provisions deemed necessary and desirable by the Commission

after consultation with interested agencies, boards and commissions, the provisions of sections 6411 to 6417 of this title.

(b) The form of a permit shall contain, in addition to other provisions deemed necessary and desirable by the Commission after consultation with interested agencies, boards and commissions, the provisions of section 6423 of this title.

**§ 6411. Exclusive right to drill and remove minerals**

The lease shall grant the exclusive right to drill for and produce all oil, gas, sulphur and other mineral deposits in the leased land and be for a primary term of 10 years and for so long thereafter as oil, gas, sulphur or other minerals are produced in paying quantities from the leased land, or lessee is diligently conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land, or is excused from conducting such operations under the terms of the lease.

**§ 6412. Royalty**

The Commission shall specify in the notice described by section 6407 of this title and in the lease the rate of royalty paid under such lease which royalty shall not be less than 12½ percent of gross production, or the value thereof, produced and saved from the leased lands and not used by lessee for operations thereon or for injection therein. Such royalty shall, at the Commission's option, be paid in kind or in value, and be computed after an allowance for the actual cost of oil treatment or dehydration of not to exceed 5 cents per barrel or royalty oil so treated or dehydrated.

**§ 6413. Lien on production**

The State shall have a lien upon all production for unpaid royalties.

**§ 6414. Rental for leased land**

The Commission shall specify a rental payable annually in advance of not less than 25 cents for each acre of land subject



to the lease at the rental date. After production has been established, rent paid shall be deducted from any royalty due under the terms of a lease during the year for which such rent has been paid.

#### **§ 6415. Bonds**

Sufficient bonding or insurance requirements, as determined by the Commission shall be specified to secure to the State performance and the faithful compliance by the lessee with the terms of the lease, and further to secure adjacent landowners and the public generally as to all proper claims for damages arising from operations thereunder.

#### **§ 6416. Ceasing of production**

In the event production on the leasehold shall cease at any time or from time to time, after the expiration of the primary term of the lease, the lease shall nevertheless continue in full force and effect if the lessee shall, within 6 months after the cessation of production or within such longer period of time as the Commission may authorize, commence and thereafter prosecute with reasonable diligence drilling, deepening, repairing, redrilling or other operations for the restoration of production of oil, gas, sulphur or other minerals from the leased lands.

#### **§ 6417. Slant and adjacent drilling**

Unless otherwise determined by the Commission, each well drilled pursuant to the terms of the lease may be drilled or slant drilled to and into the subsurface of the tide or submerged lands covered by the lease from upland or littoral drill sites owned or controlled by the state or owned by or available to the lessee, or from drill sites located upon any filled lands heretofore or hereafter filled, whether contiguous or noncontiguous to the littoral lands or uplands, or from any pier heretofore or hereafter constructed, owned by or available to the lessee and available for such purpose, or from platforms or other fixed or floating fixtures in, on or over the submerged lands covered by the lease or otherwise available to the lessee.

**§ 6418. Restoration of visible lands to original condition**

Upon any partial or total termination, surrender or forfeiture of its permit or lease, the Commission may require that the permittee or lessee, within a reasonable time, restore that portion of the premises that is visible at extreme low tide, to substantially its original condition.

**§ 6419. Pollution and contamination prohibited**

(a) Avoidable pollution or avoidable contamination of the ocean and of the waters covering submerged lands, avoidable pollution or avoidable contamination of the beaches or land underlying the ocean or waters covering submerged lands, or any substantial impairment of and interference with the enjoyment and use thereof, including but not limited to bathing, boating, fishing, fish and wildlife production, and navigation, shall be prohibited, and the lessee shall exercise a high degree of care to provide that no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean, any bay or inlet thereof, or any other waters covering submerged lands; provided, however, that this section does not apply to the deposit on, or passing into, such water or waters not containing any hydrocarbons or vegetable or animal matter.

(b) For the purposes of this section, "avoidable pollution" or "avoidable contamination" means pollution or contamination arising from:

(1) the acts or omissions of the lessee or its officers, employees or agents, or

(2) events that could have been prevented by the lessee or its officers, employees or agents through the exercise of a high degree of care.

**§ 6420. Extension of lease where permits required**

If the lessee, as disclosed by information submitted with his bid, purposes to drill one or more wells from filled lands,

whether contiguous or noncontiguous to the littoral lands or uplands, or from any pier or from platforms or other fixed or floating structures to be constructed for such purpose, and if permission from any federal or state agency is legally required in order to construct any such filled lands or structures, the lessee shall be allowed a reasonable time following the execution of the lease within which to secure the necessary permission from such federal and state agencies as shall be legally required, and, upon the securing of such permission, a further reasonable time, determined with regard to the nature of the filled lands or structure or structures to be constructed, within which to commence operations for the drilling of such well or wells, and if necessary, the drilling term provided for in section 6421 of this title shall be extended by the Commission to the date to which the time to commence operations for the drilling of such well or wells has been extended.

**§ 6421. Commencing of operations for drilling**

Subject to the lessee's right to surrender, the lessee shall commence operations for the drilling of a well within 5 years from date of the lease and commence production within 3 years of discovery of oil, gas, sulphur or other minerals in paying quantities, unless the Commission shall have, for cause, granted an extension of time for such act. In addition, the lease shall have such exploratory, drilling and producing requirements as the Commission deems necessary to encourage the exercise of due diligence on the part of the lessee.

**§ 6422. Nonconflicting uses**

The State reserves the right to permit reasonable non-conflicting use (including seismic surveys but excluding core hole drilling of lands under lease) so long as (1) such uses do not unreasonably impair or interfere with operations of the lessee and (2) requirement is made that the permittee indemnify the lessee against any damage caused by such use.

**§ 6423. Assignability of lease**

No permit, easement or lease, or any portion thereof shall be assignable without the prior written consent of the Commission.

**§ 6424. Protection against drainage**

The lessee shall at all times proceed with due diligence to protect the leasehold from drainage by wells on lands not owned by the state.

**§ 6425. Surrender by lessee**

The lessee may at any time file with the Commission a written surrender of all rights under the lease or any portion thereof or any separate or distinct zone or geological horizon or any portion thereof. Such surrender shall be effective as of the date of its filing subject to the continuing obligation of the lessee to pay all rentals and royalties theretofore accrued and to place all wells on the lands or in the zone or horizons surrendered in condition for suspension or abandonment in accordance with the applicable lease terms, regulations and law. Thereupon the lessee shall be released from all obligations under such lease with respect to the lands, zones or horizons surrendered, but no such surrender shall release such lessee from any liability for breach of any monetary obligation of the lease with respect to which such lessee is in default at the time of the filing of such surrender.

**§ 6426. Cancellation of lease; judicial proceedings**

The Commission shall reserve and may exercise the authority to cancel any lease upon which oil, gas, sulphur or other minerals have not been discovered in paying quantities, upon failure of the lessee after 30 days' written notice and demand for performance, to exercise due diligence and care in the prosecution of the prospecting of development or work in accordance with the terms of the lease. After discovery of oil, gas, sulphur or other minerals in paying quantities on lands subject to any lease, such lease may be forfeited and cancelled only by appropriate judicial proceedings upon failure of the lessee after 90 days' written notice and demand for performance, to comply with any of the provisions of the lease or of laws or regulations applicable thereto and in force at the date of the invitation for bids in pursuance of which the lease was awarded; provided, however, that in the event of any such cancella-

tion, the lessee shall have the right to retain under such lease any and all drilling or producing wells as to which no default exists, together with a parcel of land surrounding each such well and such rights of way through the leased lands as may be reasonably necessary to enable such lessee to drill and operate such retained well or wells. In the event of the cancellation of any lease, the lessee shall have a reasonable time within which to remove all property, equipment, and facilities owned or used by the lessee in connection with operations under the lease.

**§ 6427. Lease shall conform to all laws, rules and regulations**

It shall be a continuing condition of such lease that the lessee shall conform to all applicable laws of the state and all duly promulgated rules and regulations pursuant thereto in effect at the date of the invitation for bids in pursuance of which the lease was awarded. Periodic mutual negotiations between lessee and lessor may be carried out to make conditions, rules and regulations current as warranted by changes in environment or operational methods.

**§ 6428. Notice of offer to lease; bid award; fee**

(a) The Commission may offer to lease tide and submerged lands by publication of a notice of its intention to do so, once each week for not less than 2 weeks in 2 or more newspapers of general circulation in this state, one of which is published or has general circulation in the county in which the lands lie or the county contiguous thereto. The notice shall describe the lands so offered, and shall specify the rate of royalty and the rental, the manner in which bids may be filed with the Commission, the amount of the deposit that must accompany each bid, and the time and place for filing bids, which time shall not be less than 30 days after the date of last publication of such notice. Further, the notice shall state that the lease will be awarded to the bidder offering the highest cash bonus, that the form of lease, conditions for bidding and bid form may be obtained from the Commission upon request, and that the lease is subject to prior approval by the United States Defense Department.

(b) Each bid shall be encloseded in a sealed envelope, shall be on the form provided by the Commission and shall be accompanied by duplicate lease forms executed by the bidder, and by a certified or cashier's check or checks payable to the State of Delaware in the amount fixed by the Commission which sum shall be deposited as evidence of good faith and, except in the case of the successful bidder, shall be returned to the bidder promptly. If the successful bidder fails to pay the balance of the cash bonus bid and the annual rental for the first year within 15 days after the award of the lease, or fails to post any bond required by the lease or the regulations in effect at the date of the invitation for bids within the time prescribed, the amount of the deposit shall be forfeited to the state.

(c) At the time and place specified in the notice the Commission shall publicly open the sealed bids and shall within 30 days reject all bids or award the lease for each parcel to a responsible bidder who, in addition to complying with all of the conditions for bidding, offers the highest cash bonus. The Commission may reject any or all bids.

(d) Following the award of the lease, the payment by the successful bidder of the balance of the cash bonus, the annual rental for the first year, and the fees specified in this section, and the posting of any required bonds, the Commission and the Governor shall execute the lease in duplicate on behalf of the state and transmit one counterpart thereof to the lessee. The lease shall become effective as of the date of such execution.

(e) The Commission shall prescribe a reasonable fee to cover the procedures under this section, which shall be paid by the successful bidder.

#### **§ 6429. Execution of lease**

All leases and other instruments required in carrying out this chapter shall be executed by the Commission and the Governor. All bonds, contracts and other instruments required by this subchapter for the protection of the interests of this state and its political subdivisions, persons and property therein shall be executed and delivered to the Commission.

**§ 6430. Proceeds to general fund**

The proceeds from all leases under this subchapter, including rents and royalties, after payment of the necessary expenses incurred by the Commission in carrying out this subchapter, shall be turned over to the State Treasurer and deposited by him in the General Fund of the State.

**§ 6431. Discrimination between bidders, prohibited requirements**

In leasing tide and submerged lands, the Commission may not discriminate between bidders by requiring drilling from:

(1) upland or littoral drill sites;

(2) sites on filled land, whether contiguous or noncontiguous to the littoral lands or uplands; or

(3) any pier, platform or other fixed or floating structure in on or over tide and submerged lands with respect to which this state or any other owner thereof has consented to use.

**§ 6432. Fill**

Under a lease entered into by the Commission pursuant to this subchapter, the fill constituting filled lands may be retained in place or protected by bulkheads, seawalls, revetments or similar enclosures and may be placed at any location approved by the Commission in consultation with interested agencies, boards and commissions.

**§ 6433. Interests leasable**

Any interests in lands, or lands in fee simple, acquired by the Commission by purchase, donation, lease, condemnation or otherwise, may be made available to any lessee of the state for the purposes contained in this subchapter and upon such terms and conditions as may be determined by the Commission.

**§ 6434. Joint exploration**

For the purpose of properly conserving the natural resources of any single oil, gas or other mineral, pool or field lessees under this subchapter and their representatives may unite with each other jointly or separately, or jointly or separately with others owning or operating lands not belonging to the state, in collectively adopting and operating under a cooperative or unit plan of development or operation of the pool or field, whenever it is determined by the Commission to be necessary or advisable in the public interest. The Commission may, with the consent of the holders of the leases involved, establish, alter, change and revoke any drilling and production requirements of such leases, and make such regulations with reference to such leases, with like consent on the part of the lessees, in connection with the institution and operation of any such cooperative or unit plan, as the Commission deems necessary or proper to secure the proper protection of the interests of the state.

**§ 6435. Sulphur**

The provisions of this subchapter shall apply equally to the exploration and leasing of tide and submerged lands for the production of sulphur, save and except that the royalty for sulphur produced under this subchapter shall be not less than \$1 per long ton.

**§ 6436. Jurisdiction over waters affecting health and safety**

Nothing in this subchapter deprives this state or any agency or instrumentality thereof of its jurisdiction over matters affecting the public health and safety, including but not limited to the control of air and water pollution.

**§ 6437. No permit or lease in violation of any law or regulation**

No permit or lease shall be granted to any person then in violation of any laws or regulations applicable to this subchapter.



**§ 6438. Rules, resolutions, orders**

In addition to and not in lieu of any other powers granted under this subchapter, the Commission may promulgate reasonable rules, regulations and orders necessary to regulate geological, geophysical and seismic surveys on, and operations to remove oil, gas, sulphur and other minerals from the tide and submerged lands of this state under this subchapter.

**§ 6439. Federal approval**

All leases and permits granted pursuant to this subchapter shall be subject to prior approval by the Department of Defense of the United States and shall be subject to any restriction or limitation imposed by the Department of Defense.

**§ 6440. Delegation of authority**

The Delaware Water and Air Resources Commission may, from time to time, delegate the State Geologist with his consent, to act in its behalf under this subchapter. When so designated, the State Geologist shall have all the duties and powers of the Delaware Water and Air Resources Commission under this subchapter.

**SUBCHAPTER II. SUBAQUEOUS LANDS****§ 6451. Jurisdiction; assistance of other agencies**

(a) Except as otherwise provided in this subchapter, the Delaware Water and Air Resources Commission and the Governor shall have exclusive jurisdiction, pursuant to this subchapter to convey a fee simple or lesser interest, to lease or grant permits or easements in or over any parts of the public lands of the State lying beneath the waters of the State (including the beach or shore to the mean high water level), and no use of such lands shall be undertaken except pursuant to a permit or grant.

(b) All jurisdiction and authority to convey a fee simple or lesser interest or to lease or grant permits or easements re-

maining in the state over subaqueous lands as to which grants have been or may be made is vested in the Commission and the Governor.

(c) The Commission may request any State agency for a report or recommendation concerning any application before it.

#### **§ 6452. Application**

(a) Each applicant for a lease, permit or grant, pursuant to this subchapter, shall file with the Commission, a request stating in detail the type of lease, permit or grant desired, showing the location of the area and containing specifications for any proposed construction.

(b) The Commission may require such additional information as will enable it to properly consider the application.

#### **§ 6453. Hearing**

(a) A public hearing shall be held:

(1) if a permit, grant or lease for a period of time in excess of 10 years is sought; or

(2) if the Commission determines that a public hearing is in the public interest; or

(3) if a written objection to the application is timely filed.

(b) Notice of the public hearing shall be sent to the applicant, and to the state agencies listed in subsection § 6407 (b) of this title.

#### **§ 6454. Public notice**

(a) The published notice shall contain a general description of the location of the property, which may, but need not be by metes and bounds, and a statement of the interest sought to be acquired.

**§ 6438. Rules, resolutions, orders**

In addition to and not in lieu of any other powers granted under this subchapter, the Commission may promulgate reasonable rules, regulations and orders necessary to regulate geological, geophysical and seismic surveys on, and operations to remove oil, gas, sulphur and other minerals from the tide and submerged lands of this state under this subchapter.

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#### **§ 6454. Public notice**

(a) The published notice shall contain a general description of the location of the property, which may, but need not be by metes and bounds, and a statement of the interest sought to be acquired.

(b) If the advertisement is notice of a public hearing it shall also give the time, date and place of the hearing.

**§ 6455. Investigative board; appointment; composition; assistants**

(a) The Commission may, if it deems it necessary, appoint an investigate board to investigate any application. Each board shall consist of 3 members who shall serve at the pleasure of the Commission. The members of such board shall have no interest in or connection with a prospective lease or grant. No more than 2 members of each such board shall be of the same political party. A vacancy in the board may be filled at any time.

(b) The members of the board shall be reimbursed for their expenses incurred in the performance of their duties and may receive such compensation, not in excess of \$25 per day, as the Commission may determine.

(c) The board may retain such assistants as it deems desirable to properly discharge its duties.

(d) In the event that the Commission appoints an investigative board, the board may hold the public hearing in lieu of the Commission.

(e) In all cases where an investigative board is appointed the board shall make a recommendation to the Commission of its findings and recommendations.

**§ 6456. Costs; deposit**

(a) All costs for the proceedings under this chapter shall be assessed against the applicant.

(b) The Commission may require a deposit at the time of the application or at any other time to insure the payment of the cost.

**§ 6457. Rules; delegation**

The Commission may promulgate rules for the processing of applications pursuant to this subchapter and may delegate

to the Executive Director of the Commission its duties hereunder except the duty to hold a hearing or to make a recommendation to the Governor.

**§ 6458. Recommendations of the Commission; action by the Governor**

(a) After a public hearing, if one is held, or if no public hearing is held, after a review of the application and facts, the Commission shall recommend to the Governor that the application be denied, or be granted on such terms and conditions as the Commission deems just.

(b) No lease, permit, deed or other grant shall be executed by the Governor unless it conforms to the recommendations of the Commission but the Governor may refuse to execute any lease, permit, deed or grant in his sole discretion.

(c) The permit or grant shall be executed by the Governor if he so approves.

**§ 6459. Subaqueous lands subject to Shell Fisheries Commission**

(a) If any part of the subaqueous land which may be the subject of any transaction authorized by this subchapter is covered by a lease granted by the Delaware Commission of Shell Fisheries pursuant to chapter 19 of this title, then any lease, permit or grant of subaqueous lands made pursuant to this subchapter shall be subject to the unexpired term of such outstanding lease.

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

**SUBCHAPTER III. SAVINGS**

**§ 6461. Existing rights**

This chapter shall not change the law of this state relating to existing property, riparian or other rights of this state or

other persons in submerged, tide land or filled lands.

Section 2. Chapter 10, title 23, Delaware Code, is redesignated as chapter 66, title 7, Delaware Code.

Section 3. Nothing herein contained shall be construed to limit in any way the provisions of the Delaware River Basin Compact and in case of any conflict between this Act and that Compact, the provisions of the Compact shall prevail.

Section 4. Chapter 3 and 7 and 9, title 23, Delaware Code, are repealed.

Section 5. § 5501, title 7, Delaware Code, is repealed.

Section 6. § 5503, title 7, Delaware Code, is amended to read:

**§ 5503. Management of Delaware Geological Survey**

The University of Delaware shall have general charge of the survey and shall direct its operations.

Section 7. § 5506, title 7, Delaware Code, is amended by striking out the words "The State Geological Commission" where they appear therein and inserting in lieu thereof the words "The State Geologist or the Acting State Geologist".

Section 8. Chapter 39, title 7, Delaware Code, is amended by adding thereto a new section to read:

**§ 3911. Primary jurisdiction of Water and Air Resources Commission**

The Water and Air Resources Commission shall have paramount jurisdiction over water use in this state. In case of any conflict between the provisions of this chapter and the provisions of Part VII, title 7, Delaware Code, relating to water and air resources, the provisions of Part VII, title 7, Delaware Code, shall prevail.

Section 9. §1506, title 16, Delaware Code, is amended to read:

**§ 1506. Plans for construction or alterations**

All plans for the construction or alteration of sewerage or water supply system shall be submitted in duplicate to the Water and Air Resources Commission for its approval before construction shall be started upon same. The Water and Air Resources Commission shall promptly forward one copy of the plans to the State Board of Health for approval. The Water and Air Resources Commission shall not grant its approval of the plans if the State Board of Health disapproves the plans within 30 days, and cites its reason for disapproval.

Section 10. Amend § 1706, and § 1413, title 16, Delaware Code, by striking out the words "State Board of Health" where they appear therein and inserting in lieu thereof the words "Water and Air Resources Commission."

Section 11. Acts occurring before the effective date of this Act and the rights, duties and interests flowing from them shall be governed by the law in existence at the time this act becomes law. The provisions of this act do not apply to violations of the law or to causes of action or judgements arising therefrom prior to the effective date of this Act. 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 prior law are saved and preserved. All civil causes of action based upon or under prior law arising out of occurrences prior to the effective date of this Act and judgements thereon or appeals therefrom are saved and preserved.

Section 12. The provisions of this act shall become effective on July 1, 1966.

Section 13. All documents, papers, records, equipment or other assets belonging to the Delaware Geological Commission are transferred to the State Geologist. All papers, documents, records, equipment, or other assets belonging to the Water Pol-



lution Commission or the Air Pollution Authority, are transferred to the Water and Air Resources Commission created herein.

Section 14. Section 4520, title 7, Delaware Code, is repealed. Any application commenced pursuant to this repeal and pending on the effective date of this act, shall not abate but shall be processed in accordance with the law as it existed prior to this act.

Section 15. All appropriations made to the Water Pollution Commission or the Air Pollution Authority of the State of Delaware for the fiscal year beginning on July 1, 1966 are transferred to the Delaware Air and Water Resources Commission created herein.

Section 16. Chapter 16, title 16, Delaware Code, is repealed.

Approved July 1, 1966.

Note: The redesignation provided for in Section 2 of this act has been accomplished by the recodification of Chapter 10, title 23, Delaware Code, as chapter 65, title 7, Delaware Code, not as chapter 66, title 7, Delaware Code.

## CHAPTER 443

**AN ACT TO ESTABLISH A MERIT SYSTEM OF PERSONNEL  
ADMINISTRATION FOR THE EMPLOYEES OF THE  
STATE.**

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

Section 1. Title 29, Delaware Code, is amended by adding  
a new chapter to read:

**CHAPTER 59. MERIT SYSTEM OF PERSONNEL  
ADMINISTRATION****SUBCHAPTER I. DEFINITIONS AND EXCLUSIONS****§ 5901. Definitions**

As used in this chapter, unless the context requires a different meaning —

(a) "Agency" means any agency, board, department, bureau, commission of this state which receives an appropriation under the general appropriation act of the General Assembly.

(b) "Classified service" or "state service" shall have the meaning as set forth in section 5903 of this title.

(c) "Commission" means the State Personnel Commission created by this chapter.

(d) "Commissioner" means a member of the Commission.

(e) "Director" means the Personnel Director appointed pursuant to this chapter.

(f) "Rules" means those rules adopted by the Commission pursuant to this chapter.

**§ 5902. General purpose**

The general purpose of this chapter is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal and discipline of employees of the state in the classified service.

**§ 5903. Classified service and exemptions**

Unless otherwise required by law, as used in this chapter, "classified service" or "State service" means all positions of State employment other than the following positions, which are excluded:

(1) Members of the General Assembly and others elected by popular vote, and persons appointed to fill vacancies in elective offices.

(2) Officers and employees of the Senate and House of Representatives of the General Assembly.

(3) Election officers.

(4) Heads of State Agencies, members of Boards and Commissions, and the chief administrator employed by each Board or Commission.

(5) One principal assistant or deputy and one private secretary for each head of a State Agency.

(6) Officers and employees in the Office of the Governor.

(7) Deputy Attorneys General, and State Detectives appointed by the State Attorney General.

(8) Physicians or lawyers acting primarily in a professional capacity and not in an administrative capacity, except those physicians or lawyers employed by the State on a full-time basis.

(9) Persons employed as consultants in a professional or scientific capacity to conduct a temporary and special in-

quiry, investigation, examination, or service on behalf of the General Assembly or a Committee thereof, or by authority of the Governor, or by authority of a head of a State Department, Agency, Board or Commission.

(10) Patient or inmate help in charitable, penal, correctional and other State institutions.

(11) Personnel in the military service of the State.

(12) All employees of each State school district or special school district and of the school district of the City of Wilmington; all employees of the State Board of Education; all employees of the State Board of Vocational Education and of the Educational Television Board; and all employees who teach in State institutions pursuant to unit allocations as set forth in section 1703 of title 14.

(13) All employees of the University of Delaware and of Delaware State College.

(14) Trustees of the University of Delaware and Delaware State College and Directors of the Farmers Bank of the State of Delaware.

(15) Persons engaged in public work conducted jointly with the Federal Government, with other States or their political subdivisions, or with political subdivisions in this State.

(16) All Judges or other members of the State judiciary; referees, jurors, and other persons appointed by the Judiciary; and all employees of the Courts of the State of Delaware including Justice of the Peace Courts.

(17) Temporary employees, employed for a period of time not to exceed 90 days, and students employed as part of an internship program.

(18) Members and employees of the Delaware State Police.

## SUBCHAPTER II. COMMISSION AND DIRECTOR

### § 5906. State Personnel Commission; composition; appointment; term; vacancies; qualifications; removal

(a) The State Personnel Commission shall consist of 5 Commissioners, at least 2 of whom are registered members of each major political party. The Governor shall appoint the Commissioners for a term of 3 years, or until their successors are appointed and qualified. Appointments made upon the expiration of any Commissioner's term shall be for a period of 3 years from such expiration date. When vacancies occur, they shall be filled for the unexpired term. The Commissioners shall be appointed by and with the consent of a majority of the members elected to the Senate.

(b) Commissioners shall be persons of recognized character and ability with demonstrated interest in improving public administration. During the year preceding appointment, a Commissioner shall not have held political office or been an officer in a political organization, nor shall he hold or be a candidate for such positions during his term as a Commissioner.

(c) When appointed, Commissioners shall be citizens of the United States, qualified voters of the State, and residents of this State for at least 3 years immediately preceding their appointment. One member shall reside in the City of Wilmington; one shall reside in the remainder of New Castle County; one each shall reside in each of the other 2 counties of the State. The fifth member may reside anywhere in the State. The qualifications for Commissioners shall continue during their term of office.

(d) The Governor may remove a Commissioner for cause, only after the Commissioner has been given a copy of the charges against him and has been given opportunity to be heard publicly before the Governor. A copy of the charges and a transcript of the hearing shall be filed with the Secretary of State.

**§ 5907. Duties of the Commission**

In addition to the duties set forth elsewhere in this chapter, the Commission shall:

(1) have broad policy-making responsibility for improving personnel standards and administration in the State service in accordance with merit principles;

(2) foster interest throughout the State in such improvement of the State service;

(3) investigate personnel administration in the State service;

(4) make an annual report to the Governor, and special reports and recommendations upon his request; and

(5) recommend to the Governor such changes as may be desirable in the pension system for employees in the classified service.

**§ 5908. Organization of the Commission; meetings; compensation**

(a) The Commission shall meet once each calendar month of the year at Dover and at such other times and places within the State as may be designated at the call of the Governor or any Commissioner. Every year the Commissioners shall elect one of their members as Chairman. The Chairman shall cause reasonable notice to be given to each Commissioner and the Director of Personnel of the time and place of each meeting. Three members shall constitute a quorum for the transaction of business at any meeting.

(b) Each Commissioner shall be paid \$25 for each day devoted to Commission business, but not more than \$450 in any 1 year. Members shall be entitled to reimbursement for travel and other expenditures made necessary by their official duties.

**§ 5909. Limitation on expenditures**

The General Assembly recognizes that appropriations may be needed if the Commission is to carry out effectively the provisions of this chapter. However, no change in pay rates shall take effect, and no other expenses shall be incurred, until an appropriation therefor shall have been made by the General Assembly.

**§ 5910. Personnel Director**

(a) The Commissioners shall, with the approval of the Governor, appoint a Director who shall be required to have an earned college degree and to have at least 5 years experience in the field of personnel administration, except that graduate study in a related field may be substituted for such experience up to a maximum of 3 years. He shall receive such compensation as may be authorized by the Commission within the appropriation of the General Assembly.

(b) The Director shall serve at the pleasure of the Governor and may be removed by him at any time.

(c) The Director, as administrative head of the Commission, shall supervise its administrative and technical activities. With approval of the Commission, he shall develop and put into effect policies and procedures for merit system administration.

**§ 5911. Duties of Director**

In addition to the duties imposed upon him elsewhere in this chapter it shall be the Director's duty to:

(1) attend all Commission meetings and to act as its Secretary and keep minutes of its proceedings;

(2) establish and maintain a roster of all employees in the classified service as defined in section 5903 of this title, setting forth pertinent data as to each employee, including the class title of the position held; salary or pay; and any change in class title, pay or status;

(3) appoint, with approval of the Commission, those Commission employees, including special deputies and assistants, as are needed to carry out effectively the provisions of this chapter, all such employees to be subject to the rules provided for in this chapter;

(4) encourage the development of more effective personnel administration within the departments and agencies in the State service, and to make available for this purpose the assistance and facilities of the Commission;

(5) investigate from time to time the operation and effect of this chapter and of the rules made thereunder and to report his findings and recommendations to the Commission; and

(6) perform any other lawful acts which he may consider necessary or desirable to carry out this chapter and the rules adopted thereunder.

#### **§ 5912. Deputy Directors**

The Director, with the approval of the Commission, may designate one or more Commission employees to act as his deputy or deputies. At least 1 such deputy shall assist the Director with administration of the merit system insofar as it applies to the Federally-aided agencies referred to in section 5952 of this title. In case of the Director's absence or inability to act, his powers and duties shall devolve upon the deputy designated for such purpose.

### **SUBCHAPTER III. RULES**

#### **§ 5914. Rules; hearing; adoption**

The Director shall prepare and submit to the Commission proposed rules covering the classified service. The rules shall be reviewed by the Commission at a public hearing held following public notice. The rules, as they may be amended by the Commission, shall become law upon the completion of the public hearing, except that any rules relating to a pay plan for employees in the classified service shall become law only after



being approved as set forth herein. After public notice and public hearing, the Commission, on its own motion, may establish, adopt and amend such rules.

**§ 5915. Classification; uniformity; appeal of classification**

The rules shall provide for the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that uniform qualifications and pay ranges shall apply to all positions in the same class. After approval of such classifications by the Commission, the Director shall place every employee in the classified service within the appropriate classification. Any classification may be appealed to the Commission in writing by any employee or agency within such reasonable time as may be prescribed in the regulations.

**§ 5916. Uniform pay plan**

The rules shall provide for a pay plan for all employees in the classified service, after consultation with State officers and after a public hearing held by the Commission. Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the Commission and after adequate appropriations to put such plan into effect have been received. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at a rate set forth in the pay plan for his position classification.

**§ 5917. Competitive examinations**

The rules shall provide for open competitive examinations to test the relative fitness of applicants for positions in the classified service. Such examinations shall be announced publicly at least 15 days prior to the date for filing applications therefor, and may be advertised through the press, radio and other media. In his discretion, the Director may continue to receive applications and examine candidates after the filing date in order to assure a sufficient number of eligible persons; and may add the names of successful candidates to existing

eligible lists in accordance with their respective ratings. Examinations may be written or oral, or a combination of both, or they may be unassembled examinations, in which case the examining authority may evaluate specialized training and experience. Examinations shall be prepared by the Director of Personnel, after consultation with the appointing authority where appropriate.

#### **§ 5918. Promotions**

The rules shall provide for promotions, giving consideration to the applicant's qualifications, performance record, seniority, conduct, and where practicable, to the results of competitive examinations. Vacancies shall be filled by promotion whenever practicable and in the best interest of the classified service.

#### **§ 5919. Eligibility lists**

The rules shall provide for the establishment of eligible lists for appointment and promotion. Such lists shall include the names of successful candidates in the order of their relative performance in the particular examinations. Eligibility for appointment from any such list shall continue for not more than 3 years.

#### **§ 5920. Rejection for unfitness**

The rules shall provide for the rejection of candidates or eligibles who fail to comply with reasonable requirements of the Director in regard to such factors as age, physical condition, training and experience; or who have been guilty of infamous or disgraceful conduct, are addicted to alcohol or to narcotics, or have attempted any deception or fraud in connection with an examination.

#### **§ 5921. Appointment of highest ranking candidates**

The rules shall provide for the appointment of a person standing among the highest 5 or the highest 15%, whichever is the greater number, on the appropriate eligible list, to fill a vacancy.

**§ 5922. Probation**

(a) The rules shall provide for a period of probation not to exceed 12 months before appointment or promotion is made complete, and during which period a probationer may be discharged or reduced in class or rank. Probationary employees shall be entitled to receive an appropriate performance report or reports during the probationary period, providing warning of any poor performance.

(b) The appointing authority shall notify the Director in writing, within 10 days prior to the expiration of an employee's probationary period, whether the services of a probationary employee have been satisfactory or unsatisfactory. If the probationary employee's services were unsatisfactory, he shall be dropped from the payroll, except that, in case of promotion, the probationer shall be reduced in class or rank with approval of the Director. Any such employee shall be replaced on the appropriate eligible list. If the probationary employee's services were satisfactory, or if the appointing authority shall fail to furnish the required notice to the Director prior to the expiration of the probationary period, the appointment shall be deemed permanent. The determination of the appointing authority shall be final and conclusive.

**§ 5923. Emergency employment**

The rules shall provide for emergency employment for not over 30 days with or without examination, with the consent of the Director.

**§ 5924. Provisional employment**

The rules shall provide for provisional employment without competitive examination when no appropriate eligible list is available. No provisional employment shall continue longer than 6 months, nor shall successive provisional appointments be allowed, except during the first year after the effective date of this chapter where needed for the orderly conduct of the State's business.

**§ 5925. Transfers**

The rules shall provide for transfer from a position in one department or agency to a similar position in another department or agency involving similar qualifications, duties, responsibilities and pay range.

**§ 5926. Reinstatement**

The rules shall provide for reinstatement within 2 years (but only with approval of the Director) of persons who resign in good standing or who are laid off without fault or delinquency on their part.

**§ 5927. Performance records**

The rules shall provide for the keeping of performance records on all employees in the classified service, which records may be considered in determining salary increases or decreases, promotion, layoffs and reinstatement, demotions, discharges and transfers.

**§ 5928. Layoffs; transfers; reductions**

The rules shall provide for layoffs, transfers or reduction in rank because of lack of funds or work, or abolition of a position, or material change in duties or organization, and for re-employment of employees so laid off, giving consideration in each such case to performance record and seniority in service.

**§ 5929. Fines**

The rules shall provide for imposition, as a disciplinary measure, of a fine of not more than 10 days' pay or suspension from the service without pay for not longer than 30 days.

**§ 5930. Discharge; reduction in rank or grade**

The rules shall provide for discharge or reduction in rank or grade for cause after the probationary period for appointment or promotion is completed. The person to be discharged

or reduced in rank for cause shall have the right of appeal as set forth in this chapter.

**§ 5931. Grievances; work schedules**

The rules shall provide for the establishment of a plan for resolving employee grievances and complaints, and for hours of work, holidays, and attendance regulations; and for annual, sick and special leaves of absence, with or without pay, or at reduced pay.

**§ 5932. Working conditions**

The rules shall provide for the development and operation of programs to improve work effectiveness and morale of employees in the State service, including training, safety, health, welfare, counseling, recreation, and employee relations.

**§ 5933. Veterans preference**

The rules shall provide for preference to be given to veterans of the armed forces of the United States who served during wartime. Such rules shall provide that:

(1) preference shall be confined to original entrance and be not applied to promotion within the classified service or to retention in case of reduction in force;

(2) preference shall be granted only in the form of credits to be added to earned ratings in examinations, with disabled veterans receiving no more than 10 points and other veterans no more than 5 points;

(3) a definition of a disabled veteran shall be set forth in the rules;

(4) all veterans shall be required to obtain a passing examination mark before receiving preference credits; and

(5) employees in the classified service who, while in good standing, leave or have left the State service to engage

in military service, shall be given credit for seniority purposes for the time served in the armed forces not to exceed 3 years.

#### **§ 5934 Miscellaneous**

The rules shall provide for such rules and administrative regulations not inconsistent with this chapter, as may be proper and necessary for its enforcement.

#### **§ 5935. Preference for residents**

The rules shall provide for preference to be given residents of this state in any case where 2 or more equally qualified persons are concerned.

### **SUBCHAPTER IV. ENFORCEMENT AND APPEALS**

#### **§ 5941. Duties of State officers and employees**

All officers and employees of the State shall comply with and aid in all proper ways in carrying out the provisions of this chapter and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which the Director or the Commission may request for any purpose of this chapter. The Director, with the approval of the Commission, may institute and maintain any action or proceeding at law or in equity that he considers necessary or appropriate to secure compliance with this chapter and the rules, regulations and orders thereunder.

#### **§ 5942. Certification of payrolls; audits**

(a) No State disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the classified service unless the payroll voucher or account bears the certification of the appropriate State officer, that the persons named therein are being paid in accordance with the provisions of this chapter and the rules, regulations and orders thereunder.

(b) The Director shall conduct such post-audits of State payrolls and such other investigations as he may deem necessary to assure himself that the provisions of this chapter and the rules, regulations and orders thereunder are being observed. Any violations shall be called immediately to the attention of the appropriate Agency head and to the Budget Director, Auditor of Accounts and State Treasurer. Thereafter no payment shall be made to any employee whose salary rate has been questioned until the rate has been adjusted to the satisfaction of the Director.

**§ 5943. Enforcement of this chapter by legal action**

(a) Any person may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of this chapter, rule, regulation or order thereunder. Any sum paid contrary to any provisions of this chapter or of any rule, regulation or order thereunder may be recovered in an action maintained by any citizen, from any officer who made, approved or authorized such payment or who signed or countersigned a voucher, payroll, check or warrant for such payment or from the sureties on the official bond of any such officer. All moneys recovered in such action shall be paid to the State Treasury and credited to the account from which original payments had been drawn.

(b) Any person appointed or employed in contravention of any provision of this chapter or of any rule, regulation or order thereunder who performs services for which he is not paid, may maintain an action against the officer or officers who purported to so appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the State at any time for any sum paid to such persons on account of such service.

(c) If the Director wrongfully withholds certification of the payroll account of any employee, such employee may maintain a proceeding to compel the Director to certify such payroll account.

**§ 5944. Oaths, testimony and the production of records**

The Commission, each Commissioner and the Director shall have power to administer oaths, subpoena witnesses and compel the production of books and papers relevant to any investigation or hearing authorized by this chapter. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers relevant to any such investigation or hearing may be compelled to do so by order of the Superior Court.

**§ 5945. Refusal of employee to testify**

If any employee in the State service shall willfully refuse or fail to appear before any court or judge, any legislative committee or any officer, board or body authorized to conduct any hearing or inquiry, or having appeared, shall refuse to testify or answer any question relating to the affairs or government of the State or the conduct of any State officer or employee on the ground that his testimony or answers would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, he shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the State service.

**§ 5946. Prohibited acts**

(a) No person shall make any false statement, certificate, mark, rating or report with regard to any hearing, test, certification or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and the rules thereunder.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.



(c) No employee of the Commission, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this chapter; or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

#### **§ 5947. Penalties; jurisdiction**

(a) Any person who wilfully violates any provision of this chapter or of the rules shall be guilty of a misdemeanor, and shall upon conviction be punished therefor as the court may direct.

(b) Any person who is convicted of a misdemeanor under this law shall, for a period of 5 years, be ineligible for appointment to, or employment in, a position in the State service, and if he is an officer or employee of the State, shall forfeit his office or position.

(c) The Superior Court shall have exclusive jurisdiction of violations of the provisions of this chapter.

#### **§ 5948. Records of Commission**

The Commission's records, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection subject to reasonable regulations as to the time and manner of inspection as may be prescribed by the Director. Reports concerning character, personal history and health of employees or applicants for employment shall be held confidential except when a majority of the Commission shall find it to be in the public interest that the same shall be open to public inspection.

#### **§ 5949. Appeals**

(a) An employee in the classified service who has completed his probationary period of service, may not, except for

cause, be dismissed or demoted or suspended for more than 30 days in any 1 year. Within 30 days after any such dismissal, demotion or suspension, an employee may appeal to the Commission for review thereof. Upon such review, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard publicly and to present evidentiary facts. At the hearing, technical rules of evidence shall not apply.

(b) If the Commission finds that the action complained of was taken by the appointing authority for any political, religious or racial reason, or is not supported by the facts as having been for cause, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of suspension.

(c) If the Commission upholds the decision of the appointing authority, the employee shall have a right of appeal to the Superior Court on the question of whether the appointing authority acted in accordance with law. The burden of proof of any such appeal to the Commission or Superior Court is on the employee. If the Commission finds against the appointing authority, the appointing authority shall have a right of appeal to the Superior Court on the question of whether the appointing authority acted in accordance with law. The burden of proof of any such appeal to the Superior Court is on the appointing authority. All appeals to the Superior Court shall be by the filing of a notice of appeal with the Court within 30 days of the employee being notified of the final action of the Commission.

## **SUBCHAPTER V. MISCELLANEOUS**

### **§ 5951. Services to political subdivisions and excluded agencies**

Subject to approval of the Commission, which shall take into account the primary responsibility of the Director towards the classified service, the Director may enter into agreements with any agency, excluded from this chapter, or with any municipality or other political subdivision of this State to furnish services and facilities of the Commission to such agency, mu-

municipality or political subdivision in the administration of its personnel according to merit principles. Any such agreement shall provide for the reimbursement to the State of the reasonable cost of the services and facilities furnished, as determined by the Director. All excluded agencies and all municipalities and political subdivisions of the State are authorized to enter into such agreements.

#### **§ 5952. Federal Merit System standards**

Notwithstanding any other provisions of this chapter, the Commission and each officer and employee of the State of Delaware are authorized and directed to take such action with respect to matters involving personnel as may be necessary to insure the continued eligibility of this State for grants-in-aid under any Federal law or program.

#### **§ 5953. Discrimination prohibited**

No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or be in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or race.

#### **§ 5954. Political activity; penalty**

(a) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(b) No employee in the classified service shall engage in any political activity or solicit any political contribution, assessment or subscription during his hours of employment or while engaged in the business of the State.

(c) No person shall induce, directly or indirectly, any employee in the classified service to make a contribution, assessment or subscription to a political party under the representation, actual or implied, that such assessment, subscription or contribution will have any effect on the employee's employment with the State.

(d) Any officer or employee in the classified service who violates any of the provisions of this section shall forfeit his office or position, and for 1 year shall be ineligible for any office or position in the State service.

### § 5955. Separability

If any provision of this chapter or of any rule, regulation or order thereunder or the application of such provision to any person or circumstance shall be held invalid, the remainder of this chapter and the application of such provision of this chapter or of such rule, regulations or order to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 2. Employees holding positions in the classified service for 6 months or more immediately prior to the date on which the rules covering the classified service become effective as provided in Section 5914 of section 1 of this Act shall be continued in their respective positions without further examination, until separated from their positions as provided by law. Those holding their positions less than 6 months immediately prior to the aforementioned date shall also be continued in their respective positions provided they pass a qualifying test prescribed by the Director within 3 months after the aforementioned date. Those who shall have failed to qualify as provided herein shall be dismissed from their positions within 30 days after establishment of an eligible list for their respective positions. Nothing herein shall preclude the reclassification or re-allocation, as provided by this act, of any position.

Section 3. Persons who are employed by agencies of this State administering Federal grant-in-aid programs and subject to Federal merit system standards, shall continue to be

governed by existing regulations and the Delaware Merit System of Personnel Administration until plans and rules established under this Act supersede the provisions of such regulations. Those employees who hold appointments in their present positions in accordance with an existing merit system of personnel administration previously established and accepted as meeting Federal standards shall be continued in their respective positions and shall retain all their rights in connection therewith in accordance with such standards until separated from their positions as provided by law. All funds, records, fixtures, equipment and properties of the Delaware Merit System of Personnel Administration shall be transferred to the Personnel Commission and be available solely for the purpose and in accordance with the requirements of the Federal agencies from whose grants-in-aid they were provided.

Section 4. Of the original appointments made to the State Personnel Commission created by this Act by the Governor, one Commissioner shall be appointed for a term of 3 years, two shall be appointed for a term of 2 years and two shall be appointed for a term of 1 year.

Approved July 1, 1966.

## CHAPTER 444

**AN ACT TO AMEND § 502, TITLE 7, DELAWARE CODE, RELATING TO EXCEPTIONS TO REQUIREMENTS FOR HUNTING, TRAPPING AND FISHING LICENSES.**

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

Section 1. § 502, Title 7, Delaware Code, is amended by adding a new subsection to read as follows:

(g) Residents who are 65 years old or over shall not be required to obtain licenses otherwise required by this Chapter.

Approved July 1, 1966.

CHAPTER 445

**AN ACT TO AMEND CHAPTER I OF TITLE 17 OF THE DELAWARE CODE, TO REMOVE THE TERRITORIAL LIMITATION OF AUTHORITY OF THE STATE HIGHWAY DEPARTMENT FOR CONTROLLED-ACCESS HIGHWAYS.**

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

Section 1. Title 17, Chapter I, Subchapter V, of the Delaware Code, is amended by deleting Section 180 thereof.

Approved July 21, 1966.

## CHAPTER 446

**AN ACT TO AMEND SECTION 543, TITLE 4, DELAWARE CODE, RELATING TO THE GROUNDS FOR REFUSAL OF LICENSE.**

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

Section 1. Section 543 (f), Title 4, Delaware Code, is amended by striking the word "club" from line 3.

Approved July 21, 1966.



CHAPTER 447

**AN ACT TO AMEND SECTION 605, TITLE 24, DELAWARE  
CODE, BY CHANGING THE REQUIREMENTS FOR THE  
LICENSING AS A MANAGING COSMETOLOGIST.**

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

Section 1. § 605 (d), Title 24, Delaware Code, is amended by striking the words “, and has served as such in a registered beauty salon for a period of not less than 1 year prior to such application for license as managing cosmetologist.” and by inserting a period after the word cosmetologist in line 4 thereof.

Approved July 21, 1966.

## CHAPTER 448

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, PROVIDING FOR THE PROPER CARE OF DOGS AND REQUIRING RECORDS TO BE KEPT CONCERNING THEIR POSSESSION.**

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding a new Section after Section 348 to be known as Section 349 to read as follows:

**§ 349. Care of dogs; records**

(a) Every pet shop, kennel and research laboratory shall feed and water any dog in its possession daily, and the said dogs shall be housed in quarters with ample room to move about freely in upright positions and protected from the elements.

(b) Every pet shop or kennel which deals in the purchase and sale of dogs and every research laboratory using live dogs for research, shall keep records of every dog in its possession, and such records shall include the date of acquisition and the name and address of the person or persons from whom the dog was acquired. The said records shall be open to inspection by any law enforcement officer.

(c) Whoever violates subsection (a) or (b) of this Section shall be fined not more than \$300.00 or imprisoned not more than 30 days.

Approved July 21, 1966.

## CHAPTER 449

### AN ACT TO ENCOURAGE LANDOWNERS TO MAKE LAND AND WATER AREAS AVAILABLE TO THE PUBLIC BY LIMITING LIABILITY IN CONNECTION THEREWITH.

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

Section 1. Title 7, Delaware Code, is amended by adding thereto a new chapter to read as follows:

#### CHAPTER 59. PUBLIC RECREATION ON PRIVATE LANDS

##### § 5901. Purpose

The purpose of this chapter is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

##### § 5902. Definitions

As used in this chapter—

(a) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.

(b) "Owner" means the possessor of a fee interest, tenant, lessee, occupant or person in control of the premises.

(c) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, viewing or enjoying historical, archaeological, scenic, or scientific sites.

fishing, swimming, boating, camping, picnicking, hiking, pleas-

(d) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

#### **§ 5903. Limitation on duty of owner**

Except as specifically recognized by or provided in § 5906 of this chapter, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

#### **§ 5904. Use of land without charge; limits of liability**

Except as specifically recognized by or provided in § 5906 of this chapter, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(a) Extend any assurance that the premises are safe for any purpose;

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed;

(c) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

#### **§ 5905. Written waivers**

Unless otherwise agreed in writing, the provisions of § 5903 and 5904 of this chapter shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

#### **§ 5906. Limitations on exemption from liability**

Nothing in this chapter limits in any way any liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;

(b) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.

#### § 5907. Exemptions

Nothing in this chapter shall be construed to:

(a) Create a duty of care or ground of liability for injury to persons or property;

(b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

Approved July 21, 1966.

## CHAPTER 450

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO SAFETY, BY REQUIRING PERSONS TO WEAR EYE PROTECTION DEVICES WHILE IN CERTAIN AREAS IN SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS OF THIS STATE.**

*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:

## PART V. GENERAL PROVISIONS

## CHAPTER 91. EYE PROTECTION DEVICES

## § 9101. Definitions

As used in this chapter:

"Eye protection areas" means vocational or industrial art shops, science or other school laboratories, or school of institutional facilities in which activities take place involving:

1. Hot molten metals;
2. Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
3. Heat treatment, tempering or kiln firing of any metal or other materials;
4. Gas or electric arc welding;
5. Repair or servicing of any vehicle or mechanical equipment;
6. Corrosive or explosive materials;
7. Custodial or other service activity potentially hazardous to the eye; or

8. Any other activity or operation involving mechanical or manual work in any area that is potentially hazardous to the eye.

**§ 9102. Eye protection devices required in schools**

Every person shall wear eye protection devices when entering, participating in, observing or performing any function in connection with, any courses or activities taking place in eye protection areas of any school, college, university or other public or private educational institution in this State. Persons covered in this section include, without limitation, any student or teacher in, staff member or other employee of, or visitor to, any of the foregoing educational institutions.

**§ 9103. Eye protection devices standards**

Eye protection devices, which shall include safety spectacles, plastic face shields or goggles, shall comply with the American Standards Association safety code for Head, Eye and Respiratory Protection.

**§ 9104. Instructions for compliance**

The State Department of Public Instruction shall prepare and circulate to each public or private educational institution in this State a manual containing instructions and recommendations for the guidance of such institution in implementing the eye safety provision of this subchapter.

Approved July 21, 1966.

Note: This act was codified as chapter 82, title 14, Delaware Code.

## CHAPTER 451

**AN ACT TO AMEND SECTION 2127, CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO ATTORNEY'S FEES BEFORE THE INDUSTRIAL ACCIDENT BOARD.**

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

Section 1. § 2127, Title 19, Delaware Code, is amended by striking said section and inserting a new § 2127 to read as follows:

**§ 2127. Attorney's fee**

(a) A reasonable attorney's fee in an amount not to exceed 30% of the award or \$2250, whichever is smaller, shall be allowed by the Board to any employee awarded compensation under this chapter and chapter 23, and taxed as costs against a party.

(b) No compensation, other than the fee provided by this section, may be received by an attorney for services before the Board; provided, however, that this limitation shall not apply to any fee for services rendered by an attorney on appeal from an award or a denial of an award by the Board.

Section 2. 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 July 21, 1966.



CHAPTER 452

**AN ACT TO AMEND SECTION 1304, TITLE 15, DELAWARE CODE, RELATING TO COPYING THE REGISTRATION RECORDS OF REGISTERED VOTERS.**

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

Section 1. Section 1304, Title 15, Delaware Code, is hereby amended by striking the period after the word "thereof" and inserting a comma in lieu thereof and adding thereafter the following:

except that no one may copy the date of birth of any registered voter.

Approved July 21, 1966.

## CHAPTER 453

**AN ACT TO AMEND SECTION 4101, TITLE 15, DELAWARE CODE, RELATING TO THE DEFINITION OF POLITICAL PARTIES.**

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

Section 1. Title 15, Section 4101, Delaware Code, is hereby amended by striking the definition of "Political Party" as it appears therein and by enacting and substituting in lieu thereof the following:

"Political Party" means an organization of bona fide citizens and voters of any county in this State, which shall, by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within this State. No political party shall be recognized and given a place on the ballot which advocates the overthrow by force or violence, or which advocates or carries on a program of sedition or of treason by radio, television, speech or press, of our local, State or national government. No newly organized political party shall be permitted on the ballot until it has filed an affidavit by its officers, under oath, that it does not advocate the overthrow of local, State or national government by force or violence, and that it is not affiliated in any way with any political party or organization, or subdivisions of organizations, which do advocate such a policy by radio, television, speech or press. No organization shall be regarded as a political party for the purpose of any general or special election that:

(1) Does not represent at least a number of bona fide citizens and voters equal to 50 bona fide citizens and voters per Senatorial District of the county in which it exists. If the Clerk of the Peace has any doubt as to the sufficiency of the number of bona fide voters represented by any organization in any county, he may demand a certificate containing the signatures and addresses of a number of voters equal to 50 voters per Senatorial District belonging to such organization. In order to be-

long to such organization within the meaning of this section, a person whose signature appears on such certificate may not be registered as a member of any other political party;

(2) Does not represent at least a number of bona fide citizens and voters within each county, equal to 50 bona fide citizens and voters per Senatorial District within each county, if its members are candidates in a state-wide election. One requirement of subsection (1) shall be met in each of the three counties if either Clerk of the Peace has any doubt as to the sufficiency of the number of bona fide voters represented by such organization;

(3) Did not either qualify under the foregoing requirements of this section, or did not poll at least 5% of the entire vote of any county in which it exists for at least one candidate at the general election immediately preceding such general or special election.

In the event that a political party does not poll at least 5% of the entire vote of the county in any general election, such organization shall cease to be a political party within the meaning of this title, except that it may file a new petition with the Clerk of the Peace as provided in this Section.

Approved July 21, 1966.

## CHAPTER 454

**AN ACT TO ENACT AND ADOPT THE SOUTHERN INTER-  
STATE NUCLEAR COMPACT AND TO PROVIDE FOR  
A MEMBER AND ALTERNATE ON THE SOUTHERN  
INTERSTATE NUCLEAR BOARD AND MAKING AN  
APPROPRIATION THEREFOR.**

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

Section 1. Title 6, Delaware Code, is amended by enact-  
ing a new chapter as follows:

**CHAPTER 72. SOUTHERN INTERSTATE NUCLEAR  
COMPACT**

**SUBCHAPTER 1. SOUTHERN INTERSTATE NUCLEAR  
COMPACT**

**§ 7201. Southern Interstate Nuclear Compact**

The Southern Interstate Nuclear Compact is hereby enact-  
ed into law and entered into by the State of Delaware with any  
and all states legally joining therein in accordance with its  
terms. The Compact is substantially as follows:

**SOUTHERN INTERSTATE NUCLEAR COMPACT**

**Article I. Policy and Purpose**

The party states recognize that the proper employment of  
nuclear energy, facilities, materials, and products can assist  
substantially in the industrialization of the South and the de-  
velopment of a balanced economy for the region. They also  
recognize that optimum benefit from, and acquisition of, nuclear  
resources and facilities, requires systematic encouragement,  
guidance, and assistance from the party states on a cooperative  
basis. It is the policy of the party states to undertake such co-  
operation on a continuing basis; it is the purpose of this com-  
pact to provide the instruments and framework for such a co-

operative effort to improve the economy of the South and contribute to the individual and community well-being of the region's people.

## Article II. The Board

(a) There is hereby created an agency of the party states to be known as the "Southern Interstate Nuclear Board" (hereinafter called the Board). The Board shall be composed of one member from each party state, designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provision therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

(c) The Board shall have a seal.

(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, shall be bonded in such amounts as the Board may require.

(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Board 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 Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Board 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 or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be

transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

### Article III. Finances

(a) The Board 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 jurisdiction for presentation to the legislature thereof.

(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One half of the total amount of each budget of estimated expenditures shall be apportioned among the party states in equal shares; one quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial federal census; and one quarter of each such budget shall be apportioned among the party states on the basis of the relative average per capita income of the inhabitants in each of the party states based on the latest computations published by the federal census-taking agency. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole, or in part, in this manner. Except where the Board makes use of funds available to it under Article II (h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board 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 report of the Board.

(f) The accounts of the Board shall be open at any reasonable time for inspection.

#### Article IV. Advisory Committees

The Board may establish such advisory and technical committees as it may deem necessary, membership on which to include, but not limited to, private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state and federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

#### Article V. Powers

The Board shall have power to:

(a) Ascertain and analyze on a continuing basis the position of the South with respect to nuclear and related industries.

(b) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(c) Collect, correlate, and disseminate information relating to civilian uses of nuclear energy, materials and products.



(d) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspect of

(1) Nuclear industry, medicine, or education or the promotion or regulation thereof.

(2) The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, installations, or wastes.

(e) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of nuclear product, material, or equipment use and disposal and of proper techniques or processes for the application of nuclear resources to the civilian economy or general welfare.

(f) Undertake such non-regulatory functions with respect to non-nuclear sources or radiation as may promote the economic development and general welfare of the region.

(g) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity, but shall also give appropriate weight to any special circumstance which may justify variations to meet local conditions.

(i) Prepare, publish and distribute, (with or without charge) such reports, bulletins, newsletters or other material as it deems appropriate.

(j) Cooperate with the Atomic Energy Commission or any agency successor thereto, any other officer or agency of the

United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interests.

(k) Act as licensee of the United States Government, or any party state, with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

(l) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents. The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole, or within any subregion or subregions of the geographic area covered by this compact.

#### Article VI. Supplementary Agreements

(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement, or the activity or project contemplated thereby, is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved hereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

#### Article VII. Other Laws and Relationships

Nothing in this compact shall be construed to:

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the Board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the Board own or operate any facility or installation for industrial or commercial purposes.

#### Article VIII. Eligible Parties, Entry into Force and Withdrawal

(a) Any or all of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina,

Tennessee, Texas, Virginia, and West Virginia shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: Provided that it shall not become initially effective until enacted into law by seven states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

#### Article IX. Severability and Construction

The provisions of this compact, and of any supplementary agreement entered into hereunder, shall be severable, and if any phase, clause, sentence or provision of this compact or such supplementary agreement 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, or such supplementary agreement, and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement 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. The provisions of this compact, and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

#### SUBCHAPTER II. PARTICIPATION BY THE STATE

##### § 7205. Board member; alternate; appointment

The Governor shall appoint the Board member of the Southern Interstate Nuclear Board which is established by

Article II of the Compact. Such member shall serve at the pleasure of the Governor. The Governor may appoint an alternate member who may serve at and for such time as the regular member shall designate and shall have the same power and authority as the regular member when so serving.

#### **§ 7206. Board as state agency**

For the purposes of facilitating the provisions of Article II (g) of the Compact, the Board shall be considered a state agency.

#### **§ 7207. Submission of budgets by Board**

Pursuant to Article III (a) of the Compact, the Board shall submit its budgets of estimated expenditures to the Governor for presentation to the Budget Commission. The Governor shall include the share of the State of Delaware in the Board's budget in his annual budget report. The amount requested as the state's share for the operation of the Board shall not exceed \$5,000 in any fiscal year.

#### **§ 7208. Expenditure of State funds**

Any supplementary agreement entered into pursuant to Article VI of the Compact, and requiring the expenditure of funds or the assumption of an obligation to expend funds in addition to those already appropriated shall not become effective as to this State prior to the making of an appropriation by the General Assembly therefor.

#### **§ 7209. Cooperating state agencies**

The departments, agencies and officers of this State and its subdivisions are hereby authorized to cooperate with the Board in the furtherance of any of its activities pursuant to the Compact.

Section 2. There is hereby appropriated to the Southern Interstate Nuclear Board the sum of \$4,430 for the fiscal year beginning July 1, 1966 and ending June 30, 1967.

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 21, 1966.

## CHAPTER 455

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, RELATING TO CRIMES AND CRIMINAL PROCEDURE BY PROVIDING PENALTIES FOR ASSAULTING A POLICE OFFICER.**

*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 3, Title 11, Delaware Code, is amended by adding thereto a new section to read as follows:

**§ 813. Assault on police officer**

(a) Whoever assaults with intent to do bodily harm, a duly constituted police officer, prison guard or other law enforcement officer acting in the lawful performance of his duties while in uniform, or after evidence of authority has been exhibited, or after authority has been specifically declared, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1,000, or imprisoned not more than 90 days, or both.

(b) Justices of the peace shall have jurisdiction over this offense.

Approved July 21, 1966.

## CHAPTER 456

**AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO SOIL CONSERVATION DISTRICTS.**

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

Section 1. Section 3901, Chapter 39, Title 7, Delaware Code, is amended by striking the present Section 3901 and inserting a new Section 3901 to read as follows:

**§ 3901. Declaration of policy**

It is the policy of the State of Delaware to provide for the preservation of the productive power of Delaware land and the optimum development and use of certain surface water resources of the State by furthering the conservation, protection, development and utilization of land and water resources, including the impoundment, and disposal of water and by preventing and controlling floodwater and sediment damages, 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.

Section 2. Section 3906 (a) (1), Chapter 39, Title 7, Delaware Code, is amended by inserting after the words "including the" and before the words "disposal of water" the words "impoundment".

Section 3. Section 3906 (a) (3), Chapter 39, Title 7, Delaware Code, is amended by inserting after the words "including the" and before the words "disposal of water" the words "impoundment and".



Section 4. Section 3906 (a), Chapter 39, Title 7, Delaware Code, is amended by adding a new subsection to read as follows:

(12) Adopt rules and regulations for surface water impoundment; upon request by any landowner within the drainage area involved, make hydrological and engineering studies to determine pertinent factors, including, but not limited to the projected supply of available water, the past use of said water and the contemplated water use, and on the basis of said factors to permit impoundment subject to the jurisdiction and authority of the Delaware Water and Air Resources Commission to disapprove said permit within thirty days of submission to them of the completed plans and permit by the Soil and Water Conservation Commission. No action by the Commission shall establish any new permanent water rights nor substantially impair any existing rights to beneficial use of water.

Section 5. Section 3906 (b) (3), Chapter 39, Title 7, Delaware Code, is amended by inserting "impoundment", after the word "including" and before the words "disposal of water" in line four thereof.

Section 6. Section 3906 (b) (4), Chapter 39, Title 7, Delaware Code, is amended by inserting "impoundment", after the words "including the" and before the words "disposal of water" in line five thereof.

Section 7. Chapter 39, Title 7, Delaware Code, is amended by the addition of a new Section 3911 to read as follows:

**§ 3911. Appeals**

Any owner of land within the drainage area of the watershed or tax ditch involved, aggrieved by the Commission's action, may appeal to the Superior Court within 30 days after the date of the hearing. The sole grounds for reversal by the Court, sitting without a jury, shall be: (1) abuse of the Commission's discretion; (2) infringement of constitutional rights; or (3) the impairment of vested rights of the complainant. In the event of such appeal, the Commission shall be represented by the Attorney General of the State.

Approved July 21, 1966.

## CHAPTER 457

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO THE USE, CONTROL AND MANAGEMENT OF PUBLIC SCHOOL PROPERTY.**

WHEREAS, public school property belongs to the citizens of the State and the local communities, its use should be encouraged for all worthy purposes, including educational, cultural, recreational, political, and civic; and

WHEREAS, participation in the use of public school property by all citizens of the community should be permitted when such participation does not interfere with the primary purpose of the school; and

WHEREAS, a broad participation by the citizens in the affairs of the community should be a means of fostering one of the basic principles of a democracy, the development of good citizenship;

NOW, THEREFORE,

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

Section 1. Sections 124, 713, 714 and 942, Title 14, Delaware Code, are hereby repealed.

Section 2. Title 14, Delaware Code, is amended by adding a new Section 124 to read as follows:

**§ 124. School property; use, control and management**

(a) As used in this Section:

"School board" means Board of Education or Board of School Trustees.

"Public school districts" or "school districts" mean Special School Districts, State Board Unit School Districts, the School

District for the City of Wilmington, area high school district, and any other public school districts not heretofore mentioned.

"School Property or School facilities" mean buildings, land and playground including playground equipment.

"School equipment" as used in this section shall be deemed to mean, and to include, but not be limited to: kitchen equipment, projection equipment, office machines, laboratory equipment, industrial arts equipment, art equipment, home economics equipment, and scoreboards.

(b) All property, estate, effects, money, funds, claims, and State donations heretofore vested by law in the public school authorities of any public school district, for the benefit of the public schools of such district, shall be under the control, management, and custody of the Board of Education or the Board of School Trustees of such district. Any real and personal estate granted, conveyed, devised or bequeathed, or which may hereafter be granted, conveyed, devised or bequeathed, for the use of any public school district, shall be held in trust by the Board of Education or the Board of School Trustees for the benefit of the public schools of the respective district. Such grants, bequests or money invested in trust for the use of any public school district, shall be exempt from all State, county, and local taxes.

(c) The control, management, and custody of school property in all public school districts shall be subject to the Laws of Delaware, the rules and regulations of the State Board of Education, and the rules and regulations of Boards of Education and Boards of School Trustees of the respective school districts. Each Board of Education and Board of School Trustees shall adopt a set of rules and regulations governing the use of school property within the respective district subject to the provisions hereinafter set forth, and subject to approval by the State Board of Education. The primary purpose for the use of school property is the education of children and youth. The use of such property for purposes other than the primary purpose shall not be permitted whenever such use would interfere with the primary purpose. Any scheduled public school

activity, whether taking place during the school day or otherwise, shall have precedence over any other activity for the use of such property. However, in order to encourage the citizens of any community to participate in worthwhile community activities, school boards shall consider any written request by ten citizens of the respective districts, or a recognized community organization, for the use of school property in such districts for purposes other than the primary purpose. The decisions of such boards regarding the granting of such requests shall be based upon a consideration of the following conditions, (1) through (4), listed in order of importance:

(1) The facility requested for use has not been scheduled for use at the time requested;

(2) The use of the facility requested will be beneficial to children and youth and consistent with the program of education of the school district;

(3) The use of the facility requested will serve a purpose that is educational, cultural, civic, political, or recreational;

(4) The use of the facility requested will not afford personal monetary gain to the individuals participating in the activity.

(d) A school board shall permit the use of property under its jurisdiction free of charge, except, however, for the expense of custodial salaries, heating and lighting in excess of the school's normal operations, whenever the purpose is educational, cultural, civic, political, or recreational provided there is no monetary gain to the individuals or organization using such property as a result of such use. It shall be deemed that there was no monetary gain if all charges or admissions in excess of the costs of such purpose are donated to a charitable purpose (as defined for State of Delaware Personal Income Tax purposes). The use of school equipment and school property for all other purposes, shall be based upon a fee schedule to be determined by the school board, subject to the approval of the State Board of Education. All such fees collected by a school board shall be placed on deposit with the State Treasurer to be distributed as follows:

(1) The portion of the fee which is equal to the cost of the school district for providing such facilities shall be placed in a clearly designated special fund account to be used exclusively for the purpose of paying custodial salaries, heating, and electrical costs.

(2) That portion of the fee which is in excess of the cost to the school district for providing such facilities shall be deposited in the General Fund of the State.

(e) Any Board of Education or Board of School Trustees may refuse to permit the use of any school property under its jurisdiction for any purpose, which, in its discretion, would tend to interfere with the program of the public schools or would not be in harmony with the purposes of public education in such matters as character building, the development of unprejudiced social attitudes, and the training of pupils for responsible citizenship. Any dispute which may arise because of the refusal of any school board to permit the use of any school property under its jurisdiction to any organization or group of citizens, shall be resolved by appeal, in writing, to the State Board of Education.

(f) Any group of citizens permitted to use school property, shall be responsible for any damages done to such property over and above the ordinary wear. The extent of such damage shall be determined by the board having control over such property, subject to approval by the State Board of Education.

(g) Any school board which permits the use of public school property for any use other than for public school use, shall not be liable in tort for any damages by reason of negligence in the construction or maintenance of such property.

(h) All public schools receiving an appropriation of state funds shall be governed by the provisions of this section as a condition for the receipt of such state funds.

Approved July 21, 1966.

## CHAPTER 458

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, TO REQUIRE THE ISSUANCE AND DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA AT POLLING PLACES.**

WHEREAS, proper respect for the flag of the United States of America is a matter of public importance; and

WHEREAS, the proper arrangement of the polling places at which the electors of this State exercise their democratic franchise is also a matter of public importance; and

WHEREAS, in light of the foregoing this General Assembly has found that the general public welfare requires the display of the flag of the United States of America at polling places in this State;

NOW, THEREFORE,

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

Section 1. Section 3125 (b), Title 15, Delaware Code, is further amended by adding thereto a new sentence to be inserted at the end of the present provision and to read as follows:

At such time, the Departments shall also furnish for each polling place in their respective Counties, a flag of the United States of America, preferably staffed, in size no smaller than the polling place flag above described.

Section 2. Section 4912 (b) shall be amended by striking the period at the end thereof and by inserting in lieu thereof the following:

, and the flag of the United States of America, described in Section 3125 (b), shall be displayed at such places of election so as to be readily seen by the voters.

Section 3. This Act shall be effective January 1, 1968.

Approved July 21, 1966.

CHAPTER 459

**AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE  
CODE, RELATING TO MILEAGE RATES FOR PRIVATE-  
LY OWNED VEHICLES.**

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

Section 1. Section 7102, Chapter 71, Title 29, Delaware Code, is amended by striking the word "eight" and inserting in lieu thereof the word "ten".

Section 2. This Act shall become effective on July 1, 1967.

Approved July 21, 1966.

## CHAPTER 460

**AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICTS AND COMMISSION BY ADDING NEW POWERS.**

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

Section 1. Chapter 39, Title 7, Delaware Code, is hereby amended by adding a new subsection (10) to Section 3906 (b) thereof to read as follows:

(10) (a) Accept from Tax Ditches of the State of Delaware in accordance with provisions of subsection (10) of Section 4161 of Chapter 41, Title 7, Delaware Code:

(1) The responsibility for certain specified responsibilities for maintenance of the Tax Ditch.

(2) All rights-of-way assigned by Court Order to the Tax Ditch for construction and maintenance operations.

(3) Any and all powers possessed by the Tax Ditch, or the managers thereof, related to obstruction of, or damage to said Tax Ditch, or to the addition of territory to a Tax Ditch, or to the alteration of a Tax Ditch.

(b) Carry out specified responsibilities for maintenance of those Tax Ditches that choose to turn over such rights to the Commission.

(c) Exercise all rights, under law, to utilize and protect the rights-of-way transferred to the Commission by Tax Ditches for maintenance purposes, including those rights pertaining to obstruction of or damage to a Tax Ditch in Section 4186, Chapter 41, Title 7, Delaware Code, except that such rights-of-way may be used by the Delaware Soil and Water Conservation Commission or its agents for maintenance purposes only.

Approved July 21, 1966.



CHAPTER 461

**AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, RELATING TO TAX DITCHES BY ADDING NEW POWERS.**

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

Section 1. Chapter 41, Title 7, Delaware Code, is hereby amended by adding a new subsection (10) to Section 4161 thereof to read as follows:

(10) After initial construction has been completed, and with the prior approval of the Delaware Soil and Water Conservation Commission, and with written consent of more than one-half of the landowners involved owning more than one-half of the drainage area assessed:

(a) Transfer to said Commission:

(1) The responsibility for certain specified responsibilities for maintenance of the Tax Ditch.

(2) All rights-of-way assigned by Court Order to the Tax Ditch for construction and maintenance operations.

(3) Any and all powers possessed by the Tax Ditch, or the managers thereof, related to obstruction of, or damage to said Tax Ditch, or to the addition of territory to a Tax Ditch, or to the alteration of a Tax Ditch.

(b) Discontinue annual and other meetings of taxables and of Tax Ditch Managers, except that when maintenance has been transferred to the Commission, that body shall call a meeting of the taxables upon a written request from at least three of such taxables.

(c) Discontinue Tax Ditch managers and secretary-treasurer as long as no meetings are being held.

Approved July 21, 1966.

## CHAPTER 462

**AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICTS BY REVISING QUALIFICATIONS FOR DISTRICT SUPERVISORS.**

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

Section 1. Chapter 39, Title 7, Delaware Code, is amended by striking § 3907 and inserting in lieu thereof a new § 3907 to read as follows:

**§ 3907. Boards of district supervisors; composition; term**

(a) There shall be a Board of Supervisors for each District, each Board to consist of four elected supervisors, an optional supervisor who, in Kent County and Sussex County, shall be a member of the Levy Court, and in New Castle County, shall be the County Executive or his designated representative, and an optional supervisor who shall not be a farmer and who may be appointed by the Commission upon the request of the District involved. The vote and authority of each supervisor shall be equal. The County Agricultural Agent shall serve as secretary to the Board but shall have no vote.

(b) The elected members of the Kent and Sussex Districts shall be farmers residing in those respective counties. In New Castle County, two of the elected supervisors shall be farmers residing in the southern portion of the County, and the remaining two who shall not be farmers, shall reside in the northern portion of the County, according to a division established by the Commission.

(c) The term of office of each elected supervisor shall be four years. The term of office of a supervisor appointed by the Commission shall be three years. An optional supervisor appointed by the Levy Court of Kent County, or the Levy Court of Sussex County, shall hold office during the pleasure of that body so long as he remains a Levy Court member. The Com-

mission may fill the vacancy of any elected supervisor, or supervisor appointed by the Commission, occurring otherwise than by expiration of term, by appointment of a qualified individual to serve the remainder of the unexpired term.

Section 2. The terms of elected supervisors presently in office shall not be affected by the provisions of this Act.

Approved July 21, 1966.

## CHAPTER 463

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, BY PROHIBITING THE BRIBERY OF AGENTS, EMPLOYEES OR SERVANTS, TO DISCLOSE WITHOUT AUTHORIZATION THE NAMES, ADDRESSES OR TELEPHONE NUMBERS OF CUSTOMERS OF TELEPHONE SERVICE, PROHIBITING THE UNAUTHORIZED REPRODUCTION OF LISTS CONTAINING SUCH INFORMATION, AND PROHIBITING THE CONSPIRACY OR INDUCEMENT TO DO THE FOREGOING ACTS.**

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding a new § 560 to read as follows:

**§ 560. Bribery of agents, employees or servants for unauthorized disclosure of names, addresses or telephone numbers of customers of telephone service; unauthorized reproduction of lists containing such information; inducement or conspiracy**

Whoever offers or gives to any agent, employee, or servant or to a member of his family, or to anyone for his use or benefit, directly or indirectly, any commission, money, property, or other valuable thing, as an inducement, bribe or reward for disclosing to anyone the name, address or telephone number of any customer of telephone service without the consent of the telephone company furnishing said telephone service; or whoever, being an agent, employee, or servant, solicits, accepts, receives or takes, directly or indirectly, any commission, money, property, or other valuable thing as an inducement, bribe or reward for disclosing to another the name, address, or telephone number of any customer of telephone service without the consent of the telephone company furnishing said telephone service; or whoever obtains or takes, temporarily or permanently, or who copies or reproduces in whole or in part, a list or record of telephone customers in the possession of the telephone com-

pany furnishing the service, or in the possession of any of its affiliates or contractors, without the consent of said telephone company; or whoever attempts, aids or abets another, or conspires with another to commit any of the aforesaid acts shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by imprisonment of not more than 2 years or by a fine not exceeding \$2,000.00, or both. The Superior Court shall have exclusive jurisdiction over offenses under this section.

Approved July 21, 1966.

## CHAPTER 464

**AN ACT TO AMEND TITLE 17, DELAWARE CODE, RELATING TO THE VACATION OF CERTAIN PUBLIC ROADS BY REQUIRING A HEARING UPON NOTICE CONCERNING SUCH CLOSING.**

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

Section 1. Amend § 1312, Title 17, Delaware Code, by adding thereto a new subsection (c) to read as follows:

(c) The Department may take action to close a public road under this section only after a hearing upon notice in the manner prescribed in the second paragraph of § 1311.

Approved July 21, 1966.

CHAPTER 465

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO OUR LADY OF GRACE ORPHANAGE, NEWARK,  
DELAWARE, FOR THE PURPOSE OF PAVING A ROAD  
TO THE PARKING AREA ADJACENT TO THE ORPHAN-  
AGE.**

*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 \$3,000.00 is hereby appropriated to Our Lady of Grace Orphanage, Newark, Delaware, for the purpose of paving a road to the parking area adjacent to the orphanage.

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 not otherwise appropriated.

Approved July 21, 1966.

## CHAPTER 466

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE X OF  
THE CONSTITUTION OF THE STATE OF DELAWARE,  
BY PROVIDING THAT THE GENERAL ASSEMBLY MAY  
PROVIDE FOR THE TRANSPORTATION OF STUDENTS  
OF NON-PUBLIC, NON-PROFIT ELEMENTARY AND  
HIGH SCHOOLS.**

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

Section 1. Article X of the Constitution of the State of Delaware is amended by adding thereto a new section to read:

**§ 5. Transportation of non-public school students**

Section 5. The General Assembly, notwithstanding any other provision of this Constitution, may provide by an Act of the General Assembly, passed with the concurrence of a majority of all the members elected to each House, for the transportation of students of non-public, non-profit Elementary and High Schools.

Proposed: June 2, 1966.



## CHAPTER 467

**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 the 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 shall receive an annual salary of Nine Thousand Dollars (\$9,000), payable quarterly. The members of the General Assembly shall receive an annual salary of Six Thousand Dollars (\$6,000), 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.

Proposed: June 1, 1966.

## CHAPTER 468

**AN ACT TO PERMIT HARTLY SCHOOL NO. 96 TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE ACCOUNT TO ITS LOCAL CURRENT EXPENSE ACCOUNT.**

*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. Hartly School No. 96 is authorized to transfer the sum of \$548.69 from its local debt service account to its local current expense account, the sums transferred to be used to pay tuition expenses of children from the Hartly School District attending school in the Dover Special School District.

Approved October 20, 1966.

# Resolutions

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## CHAPTER 469

### HOUSE JOINT RESOLUTION

**PROVIDING FOR A JOINT COMMITTEE TO ARRANGE FOR THE INAUGURATION OF THE HONORABLE CHARLES L. TERRY, JR. AS GOVERNOR OF THE STATE OF DELAWARE AND TO ARRANGE FOR THE ATTENDANCE OF OFFICIALS AND PERSONS TO REPRESENT THE STATE OF DELAWARE AT THE INAUGURATION OF HONORABLE LYNDON B. JOHNSON AS PRESIDENT OF THE UNITED STATES AND APPROPRIATING FUNDS.**

BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that there is hereby authorized to be selected a Joint Committee, to consist of ten members of the House of Representatives and ten members of the Senate—the Senate members to consist of the President Pro Tem and nine other members of the Senate to be appointed by the President of the Senate,—the House members to consist of the Speaker and nine other members of the House to be appointed by the Speaker; the said Committee being hereby authorized and directed to make all necessary arrangements for the inauguration exercises attendant upon the inauguration of the Honorable Charles L. Terry, Jr. as Governor of Delaware, and further to make all necessary plans and take all necessary action with respect to the representation of the State of Delaware at the inauguration of Honorable Lyndon B. Johnson as President of the United States; and

BE IT FURTHER RESOLVED that full discretion and authority shall be reposed in the Joint Committee hereby authorized concerning the officials and persons of the State of Delaware to attend the inaugural exercises in Washington; and

BE IT FURTHER RESOLVED that the sum of \$30,000 is appropriated out of the General Fund of the State of Delaware for the expenses of the Joint Inaugural Committee in making all necessary arrangements in connection with the said inaugurations and the State Treasurer is directed to pay the said sum or any part thereof immediately upon receipt of warrants signed by the Chairman and Secretary of said Committee; and

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund.

Approved January 14, 1965.

CHAPTER 470

HOUSE JOINT RESOLUTION

**IN REFERENCE TO THE RETENTION OF THE VETERANS  
ADMINISTRATION REGIONAL OFFICE AT ELSMERE,  
DELAWARE.**

WHEREAS, it has been called to the attention of the 123rd General Assembly by our major veterans' organizations that the Federal Government has initiated action to eliminate the Veterans Administration Regional Office at Elsmere, Delaware; and

WHEREAS, such action would seriously handicap all Delaware ex-service personnel who may have reason to contact the Veterans Administration for fulfillment of obligations due them; and

WHEREAS, the veterans of the State, always having been loyal and faithful to the United States of America in times of peril and national emergency, deserve a Veterans Administration office within reasonable distance of their homes;

NOW, THEREFORE,

BE IT RESOLVED, on behalf of the veterans of the State of Delaware, the 123rd General Assembly goes on record as opposing the elimination of the Veterans Administration Regional Office in the First State and calls on all in authority to take such necessary steps that will insure the retention of that office within the confines of the State.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the President of the United States; the Veterans Administration; the Bureau of the Budget; the House Committee on Veterans Affairs; U. S. Senators John J. Williams and J. Caleb Boggs and U. S. Representative Harris B. McDowell, Jr.

Approved January 28, 1965.

## CHAPTER 471

## SENATE JOINT RESOLUTION

**RELATIVE TO THE DEATH OF SIR WINSTON CHURCHILL.**

WHEREAS, Sir Winston Churchill, one of the greatest figures of our century, passed from this life on January 24, 1965; and

WHEREAS, free men here and throughout the world are indebted to him for monumental work that he achieved in their behalf during a long life devoted to the cause of liberty; and

WHEREAS, his life was a symbol of relentless opposition to tyranny and dictatorship; and

WHEREAS, he was a beloved figure in these United States of America which conferred upon him the status of honorary citizenship in recognition of his contributions to the people of this nation; and

WHEREAS, his gift of language, leadership, courage and devotion to duty above and beyond its normal call was of such magnitude that it is not likely to be duplicated again in our time; and

WHEREAS, the death of this remarkable man of genius has left a void in our midst that we in Delaware, in conjunction with freedom loving men throughout the world, feel with profound sorrow;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein that the sadness of this occasion is hereby publicly proclaimed along with the gratitude that is felt by all of us individually for the noble and outstanding service which Sir Winston Churchill unselfishly rendered in our behalf; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Lady Clementine Churchill along with the admiration of the Delaware General Assembly for her lifelong companionship which unquestionably contributed to his unparalleled greatness.

Approved January 29, 1965.

## CHAPTER 472

## SENATE JOINT RESOLUTION

**RELATIVE TO THE DEATH OF FORMER GOVERNOR AND  
UNITED STATES SENATOR CLAYTON DOUGLASS  
BUCK.**

WHEREAS, the members of the 123rd General Assembly of the State of Delaware have learned with deepest sorrow of the death on January 27, 1965, of Clayton Douglass Buck, of Buena Vista, a former Governor and United States Senator; and

WHEREAS, the members of the 123rd General Assembly of the State of Delaware recognize in Clayton Douglass Buck's contributions to the State in two terms as Governor and one term as United States Senator, and in his years as chief engineer of the State Highway Department, a rare devotion to the public welfare; and

WHEREAS, very few citizens of Delaware in the history of our State have earned the great respect and admiration which were justly accorded Clayton Douglass Buck for his public service; and

WHEREAS, the public career of Clayton Douglass Buck serves as the best possible example to young and old alike, regardless of political affiliation, of what the interested citizen can do to improve conditions in his own time;

NOW, THEREFORE,

BE IT RESOLVED, that the Senate of the State of Delaware, joined by the House of Representatives, hereby resolves that it has received word of the death of Clayton Douglass Buck, of Buena Vista, twice Governor of Delaware, a United States Senator from the First State, and former chief engineer of the Highway Department, with deepest sorrow; and



BE IT FURTHER RESOLVED, that the 123rd General Assembly of the State of Delaware by this joint resolution expresses its highest regard for the outstanding public career of Clayton Douglass Buck; and

BE IT FURTHER RESOLVED, that copies of this joint resolution be sent to the family of Clayton Douglass Buck, to the State Highway Department which he served so faithfully and so well, and to the press and other information media for their use.

Approved February 2, 1965.

## CHAPTER 473

## HOUSE JOINT RESOLUTION

**RELATING TO RAIL SERVICE ON THE PENNSYLVANIA  
RAILROAD BETWEEN WILMINGTON, DELAWARE  
AND DELMAR, DELAWARE.**

WHEREAS, The Pennsylvania Railroad Company is presently operating a passenger and express rail service between Wilmington, Delaware, and Delmar, Delaware; and

WHEREAS, said rail service is a vital link between the communities of this State adjacent to said service; and

WHEREAS, the Public Service Commission of Delaware, after extensive Public Hearings, refused to permit The Pennsylvania Railroad Company to discontinue said service on the ground that there was a public need for said service and recommended a more suitable schedule; and

WHEREAS, the removal of said service would eliminate the sole remaining passenger rail service between Wilmington and the remainder of the State of Delaware and said removal would seriously impede the economic growth of many areas of Kent and Sussex Counties; and

WHEREAS, The Pennsylvania Railroad Company has requested the Interstate Commerce Commission for permission to discontinue said rail service on the ground that said service is a burden on interstate commerce;

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein, that the General Assembly of the State of Delaware indicate by this Resolution their opposition to the discontinuance of said rail service as being contrary to the public interest and harmful to the economic growth of this State;

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Members of Congress from the State of Delaware and to the Interstate Commerce Commission, Washington, D. C., with the request that close scrutiny be given to the application of The Pennsylvania Railroad Company to the end that the interest and rights of the people of the State of Delaware may be protected.

Approved March 25, 1965.

## CHAPTER 474

## SENATE CONCURRENT RESOLUTION

**APPOINTING DIRECTORS ON THE PART OF THE STATE  
FOR THE FARMERS BANK OF THE STATE OF DELA-  
WARE.**

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein that James D. McGinnis, Vernon B. Derrickson and Jacob W. Zimmerman, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Principal Office at Dover; and that Frank O'Donnell, Calvin R. McCullough and Russell D. F. Dineen, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the branch at Wilmington; and that M. Martin Isaacs, Curtis W. Steen and Walter J. Hoey, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the branch at Georgetown.

Approved March 25, 1965.

## CHAPTER 475

## SENATE JOINT RESOLUTION

**RELATIVE TO THE THREE-ORBIT FLIGHT OF VIRGIL I. GRISSOM AND JOHN W. YOUNG.**

WHEREAS, the Senate of the 123rd General Assembly of the State of Delaware has learned with pride and relief of the successful three-orbit flight of Astronauts Virgil I. Grissom and John W. Young; and

WHEREAS, the flight involved history's first shift of orbit in mid-flight; and

WHEREAS, the heroism and devotion to high duty by Major Grissom and Lieutenant Commander Young are an example to Americans and people everywhere of the intention of the United States to devote its resources to the peaceful use of space;

NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, does herein express the commendation of the people of the First State to Astronauts Virgil I. Grissom and John W. Young on their successful three-orbit flight on March 23, 1965; and

BE IT FURTHER RESOLVED, that the Senate of the 123rd General Assembly, the House of Representatives concurring therein, does herein officially extend an invitation to Major Grissom and Lieutenant Commander Young to visit Delaware at a time to be selected by them to receive the official welcome and commendation of the First State upon the successful conclusion of their historic flight; and

BE IT FURTHER RESOLVED, that a copy of this resolution be made a part of the Journal of the Senate and that a copy of this resolution be sent to Major Grissom and Lieutenant Commander Young and to their superiors in the National Aeronautics and Space Administration and that copies be made available to the press.

Approved April 5, 1965.

## CHAPTER 476

## HOUSE JOINT RESOLUTION

**IN REFERENCE TO THE 20TH ANNIVERSARY OF THE  
PASSING OF FRANKLIN DELANO ROOSEVELT, PRESI-  
DENT OF THE UNITED STATES.**

WHEREAS, in the course of events which have tried the soul of our people, there has arisen great leaders equal to the task before them and the nation; and

WHEREAS, at a time of crisis in this country, Franklin Delano Roosevelt responded to the call of duty by providing courage, inspiration and direction to our national welfare and by instilling a sense of value and self-respect where it had been lacking; and

WHEREAS, while performing the duties of his office on April 12, 1945, he was taken to his final resting;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the State of Delaware, the Senate concurring therein, that the 123rd General Assembly expresses its tribute this 20th anniversary of his passing by commending his spirit to all Americans.

BE IT FURTHER RESOLVED, that the text of this Resolution be made a part of the Journal of the proceedings of the House and Senate of the 123rd General Assembly of the State of Delaware.

Approved April 22, 1965.

## CHAPTER 477

## HOUSE JOINT RESOLUTION

**RELATING TO SUPPORT OF THE AGRICULTURAL CONSERVATION PROGRAM AND THE SOIL CONSERVATION SERVICE.**

WHEREAS, the preservation of the soils, water, forests and wildlife of this Nation, and in particular the topsoil, is necessary; and

WHEREAS, we believe the preservation of these resources is a responsibility of all people; and

WHEREAS, farmers and landowners through conservation practices have made Delaware a far more beautiful State for both rural and urban people to enjoy; and

WHEREAS, the agricultural conservation program and the technical assistance provided the landowners of Delaware by the Soil Conservation Service are a vital link in the overall natural resource conservation movement through the State; and

WHEREAS, for the past thirty years the U. S. Department of Agriculture, through the agricultural conservation program and the Soil Conservation Service, has done much to maintain and improve these resources, and make landowners and society in general more conscious of the need for such preservation; and

WHEREAS, during this period Delaware farmers and landowners have put to good use the many conservation practices of the agricultural conservation program; and

WHEREAS, through the medium of agricultural conservation program farmer-elected committeemen and soil conservation district supervisors throughout the State, farm leadership has been developed to a most helpful degree; and

WHEREAS, we believe that farmers, particularly through this defense period, should not be forced to exploit their soils in the production of the additional food and fiber needed; and

WHEREAS, we firmly believe that such would become a necessity should funds to operate the agricultural conservation program and the Soil Conservation Service be curtailed;

NOW, THEREFORE,

BE IT RESOLVED by the 123rd General Assembly of the State of Delaware that the Congress of the United States be respectfully urged to give the necessary and adequate support to the continuance of the agricultural conservation program and the Soil Conservation Service; and

BE IT FURTHER RESOLVED that Delaware Senators John J. Williams and J. Caleb Boggs, and the State Representative in Congress Harris B. McDowell, be asked to give their wholehearted support to the agricultural conservation program, and to vote to continue the annual national appropriation of \$250,000,000.00 for the agricultural conservation program, and to restore the recommended cut of \$20,000,000.00 in Soil Conservation Service funds; and

BE IT FURTHER RESOLVED that an adequate amount be set aside from such appropriation to make it possible to administer the program through the present system of farmer-elected committeemen; and

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit duly attested copies of this Resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the chairman of the Senate and House Committees on Agriculture, to the chairmen of the Senate and House Committees on Appropriations, to the Secretary of Agriculture, and to the Delaware congressional delegation.

Approved April 22, 1965.



CHAPTER 478

SENATE JOINT RESOLUTION

**REQUESTING THE GOVERNOR TO APPOINT A PROTOCOL COMMITTEE.**

WHEREAS, Delaware, as the First State, has reason to be proud of its heritage and tradition; and

WHEREAS, the citizens of Delaware are deeply aware of human dignity; and

WHEREAS, the Governor of Delaware, by his example of statesmanship and courtesy has shown his awareness of human values;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly, the House of Representatives concurring therein, that the General Assembly of the State of Delaware requests the Governor to consider the appointment of a special committee to be attached to the Office of the Secretary of State. This committee might be composed of experienced citizens who are cognizant of the traditions of the State as a whole and the regions therein. The duties of this committee should be the composition of a set of suggestions governing official functions of the State of Delaware both for internal affairs and events having to do with guests in our State.

Approved May 3, 1965.

## CHAPTER 479

## HOUSE CONCURRENT RESOLUTION

**RELATING TO THE ESTABLISHMENT OF A RESEARCH  
AND FIELD LABORATORY FOR WATER POLLUTION  
IN THE MIDDLE ATLANTIC REGION.**

WHEREAS, the establishment of a Research and Field Laboratory for water pollution control in the Middle Atlantic Region has been recommended by the United States Public Health Service; and

WHEREAS, Northern Delaware's unique position at the center of the four great river basins of the area and at the center of the populous New York to Washington, D. C. corridor will enable the facility to function most effectively for the entire area; and

WHEREAS, Northern Delaware has available needed technical and non-technical personnel, special library and laboratory facilities suitable for scientific and technical research, and a suitable site location with the required utilities;

NOW, THEREFORE,

BE IT RESOLVED by the 123rd General Assembly of the State of Delaware that the Honorable Anthony Celebrezze, Secretary of the Department of Health, Education and Welfare, be respectfully urged to give careful consideration to the State of Delaware in the establishment of a Research and Field Laboratory for water pollution in the middle Atlantic Region; and

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit a duly attested copy of this Resolution to the Honorable Anthony Celebrezze, Secretary of the Department of Health, Education and Welfare.

Approved May 14, 1965.

## CHAPTER 480

## HOUSE JOINT RESOLUTION

**ESTABLISHING A JOINT COMMITTEE OF THE HOUSE OF REPRESENTATIVE AND SENATE OF THE 123RD GENERAL ASSEMBLY FOR THE PURPOSE OF STUDYING AND MAKING REPORT ON LAW ENFORCEMENT IN THE STATE OF DELAWARE.**

WHEREAS, there is concern among the people of the State concerning the rise of crime and delinquency in this State and in the nation; and

WHEREAS, it is essential to the welfare and safety of the people of this State that law enforcement and highway safety be maintained at high efficiency and with maximum coordination;

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 123rd General Assembly, the Senate concurring therein, that a joint committee of the House of Representatives and the Senate of the 123rd General Assembly to be known as the JOINT COMMITTEE ON LAW ENFORCEMENT is established; and

BE IT FURTHER RESOLVED that the Committee shall be composed of three members of the House of Representatives appointed by the Speaker, three members of the Senate appointed by the President Pro-Tem, and three citizens of this State to be appointed by the Governor, who shall organize upon the call of the Governor and select from among their own members a Chairman, a Secretary and such other officers as the members may determine; and

BE IT FURTHER RESOLVED that the Committee shall study crime, delinquency, highway safety and law enforcement in the State of Delaware, shall recommend the measures and actions necessary to reduce crime and delinquency and maintain law enforcement at high efficiency and with maximum co-

ordination, and shall render its report to the Governor, to the Speaker and to the President Pro-Tem; and

BE IT FURTHER RESOLVED that the Committee may utilize the facilities of the Legislative Reference Bureau, the House of Representatives and the Senate and such employees of the House of Representatives and of the Senate as shall be assigned to the Committee by the Speaker and the President Pro-Tem respectively, hold hearings public or private, and purchase such materials and supplies and employ such staff as is reasonable and necessary to carry out its duties; and

BE IT FURTHER RESOLVED that the Committee draw its expenses out of the General Fund upon vouchers signed by the Chairman and Secretary.

Approved May 20, 1965.

## CHAPTER 481

## SENATE JOINT RESOLUTION

**RELATING TO CREATION OF JOINT COMMITTEE TO CONSIDER THE UNIFORM COMMERCIAL CODE.**

WHEREAS, the Uniform Commercial Code has been enacted in over 30 jurisdictions; and

WHEREAS, it has been proposed that the Uniform Commercial Code be adopted in Delaware; and

WHEREAS, the Uniform Commercial Code, if enacted, will be a landmark in the development of the statutory law of this state and will revise and update many of the commercial laws of this state; and

WHEREAS, the bill proposing the enactment of the Uniform Commercial Code will be one of the longest bills ever presented to the General Assembly, and will need special consideration and study;

NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the 123rd General Assembly of the State of Delaware, the Senate concurring therein, that there is created a Joint Committee on the Uniform Commercial Code of the 123rd General Assembly to consist of 3 members of the House to be appointed by the Speaker and 3 members of the Senate to be appointed by the President Pro Tem of the Senate to serve during the 123rd General Assembly; and

BE IT FURTHER RESOLVED, that the Committee is hereby authorized and empowered to expend such sums as may be necessary to defray the cost of preparing and considering the Uniform Commercial Code for enactment in Delaware; and

BE IT FURTHER RESOLVED, that warrants for the payment of expenditures authorized herein shall be paid by the State Treasurer upon presentment of vouchers signed by the Chairman and Secretary of the Committee.

Approved May 20, 1965.

## CHAPTER 482

**RELATIVE TO THE DEATH OF RAYMOND B. PHILLIPS, A  
FORMER MEMBER OF THE HOUSE OF REPRESENTA-  
TIVES AND OF THE SENATE.**

WHEREAS, the members of the 123rd General Assembly of the State of Delaware have learned with regret of the passing of Raymond B. Phillips on May 16, 1965; and

WHEREAS, Raymond B. Phillips served his state faithfully and well for two terms (1943-1947) as a member of the House of Representatives, for four years (1947-1951) as a member of the Senate, also as president of the Blood Bank of Delaware, and as vice chairman of the Interstate Commission on the Delaware River Basin; and

WHEREAS, the members of the 123rd General Assembly desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 123rd General Assembly of the State of Delaware, the Senate concurring therein, that the members of the 123rd General Assembly of the State of Delaware give expression of the regret they experienced at the passing of Raymond B. Phillips, a prominent figure in his community; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the 123rd 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 Concurrent Resolution be made a part of the Journals of the proceedings of the House of Representatives and of the Senate of the 123rd General Assembly of the State of Delaware.

Approved May 27, 1965.

## CHAPTER 483

## SENATE JOINT RESOLUTION

**TO COMMEMORATE THE TWENTY-FIFTH ANNIVERSARY  
OF THE FOUNDING OF THE ALFRED I. DUPONT IN-  
STITUTE OF THE NEMOURS FOUNDATION.**

WHEREAS, the 123rd General Assembly of the State of Delaware has learned with pride, gratification and appreciation of the contribution made to Delaware's exceptional children on the celebration of the twenty-fifth anniversary of the founding of the Alfred I. duPont Institute of the Nemours Foundation; and

WHEREAS, because of the scientific contribution of this Delaware, American and world renowned Institute to a program of hospitalization, education, research, and post-graduate training for the alleviation of suffering and physical restoration of crippled children since its opening on July 1, 1940; and

WHEREAS, over a period of a quarter of a century the Alfred I. duPont Institute has served over 10,722 children of whom approximately 6,433 were from the First State of Delaware; and

NOW, THEREFORE,

BE IT RESOLVED, that the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, does express appreciation of the people of the First State to the late Alfred I. duPont, Mrs. Jessie Ball duPont, and the Medical Director of the Alfred I. duPont Institute since its inception, Dr. Alfred R. Shands, Jr. and to congratulate the Board of Directors on its twenty-fifth birthday, July 1, 1965; and

BE IT FURTHER RESOLVED, that the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, does officially declare

July 1, 1965 as a day of thanksgiving and praise for the Alfred I. duPont Institute of the Nemours Foundation as a living memorial for children, which will perpetuate the late Alfred I. duPont's memory for many years and will rehabilitate thousands of young handicapped boys and girls of Delaware and other states; and

BE IT FURTHER RESOLVED, that a copy of this resolution be made a part of the Journal of the Senate and that copies of this resolution be sent to Mrs. Jessie Ball duPont, the wife of the philanthropist with a great vision, the Medical Director, Dr. Alfred R. Shands, Jr. of the Institute, to the Board of Directors, and that copies be made available to the press and other news media.

Approved May 27, 1965.



## CHAPTER 484

## HOUSE CONCURRENT RESOLUTION

**EXPRESSING THE SYMPATHY OF THE 123RD GENERAL ASSEMBLY UPON THE DEATH OF GENERAL THOMAS HOLCOMB.**

WHEREAS, the 123rd General Assembly of the State of Delaware has learned with regret of the death of General Thomas Holcomb, a resident of the State of Delaware and one of its revered heroes; and

WHEREAS, General Thomas Holcomb served as Commandant of the United States Marine Corps from 1936 to 1944; and

WHEREAS, General Thomas Holcomb was a native of the Town of New Castle and a member of one of the town's pioneer families; and

WHEREAS, General Thomas Holcomb was a United States Marine for 44 years and was its first Four Star General; and

WHEREAS, General Thomas Holcomb led the United States Marine Corps through the World War II build up and their fighting from Guadalcanal to Tarawa; and

WHEREAS, General Thomas Holcomb was appointed by President Franklin Delano Roosevelt as our country's minister to South Africa at which post he served from 1944 to 1948; and

WHEREAS, General Thomas Holcomb was a winner of the Navy Cross, the nation's second-highest decoration for valor, the Silver Star with three clusters, the Purple Heart and the French Croix de Guerre three times; and

WHEREAS, General Thomas Holcomb was one of Delaware's most illustrious citizens whose accomplishments will always be remembered by our citizens;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of General Thomas Holcomb, a prominent figure in his community and country; and

BE IT FURTHER RESOLVED that the family of the deceased has full sympathy of the members of the 123rd General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED that the text of this resolution be made a part of the journal of the proceedings of the Senate and House of Representatives of the 123rd General Assembly of the State of Delaware.

Approved June 9, 1965.

CHAPTER 485

SENATE JOINT RESOLUTION

**EXPRESSING THE APPRECIATION OF THE SENATE AND  
THE HOUSE OF REPRESENTATIVE TO THE DIAMOND  
STATE TELEPHONE COMPANY.**

WHEREAS, the Diamond State Telephone Company has done our great State a real service by honoring Delaware on the front page cover of its new telephone directories depicting some of our great points of interest; and

WHEREAS, the Diamond State Telephone Company also keeps our State's past history alive with its new color-slide lecture "Through the Diamond Looking Glass";

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members express their appreciation to the Diamond State Telephone Company for the preparation of its telephone directories and lecture presentation;

BE IT FURTHER RESOLVED that this resolution be made part of the Journal of the Senate of the 123rd General Assembly and that a copy be sent to the general manager of the Diamond State Telephone Company.

Approved June 16, 1965.

## CHAPTER 486

## HOUSE JOINT RESOLUTION

**IN REFERENCE TO THE SECOND ANNIVERSARY OF THE  
PASSING OF JOHN F. KENNEDY, THE THIRTY-FIFTH  
PRESIDENT OF THE UNITED STATES.**

WHEREAS, on that tragic day of November 22, 1963, our nation and the entire free world lost a great leader in the prime of his life; and

WHEREAS, John F. Kennedy left as his heritage to this world the spirit and pursuit of excellence in every endeavor and the vision of peace and justice for all mankind;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the State of Delaware, the Senate concurring therein, that the 123rd General Assembly honors the memory of John F. Kennedy by pausing in its deliberations for a moment of silence; and

BE IT FURTHER RESOLVED, that the text of this Resolution be made a part of the Journal of the proceedings of the House and Senate of the 123rd General Assembly of the State of Delaware.

Approved December 1, 1965.

## CHAPTER 487

## SENATE JOINT RESOLUTION

**COMMEMORATING THE RECEIPT BY THE PIERRE S. DUPONT HIGH SCHOOL OF WILMINGTON, DELAWARE, OF THE 1965 FRANCIS BELLAMY FLAG AWARD.**

WHEREAS, the National Bellamy Award was established on Columbus Day 1942, and honors Francis Bellamy, author of the Pledge of Allegiance to the Flag; and

WHEREAS, the purpose of the award is to honor Francis Bellamy as the author of the Pledge, and to focus attention on the schools chosen as recipients; and

WHEREAS, the Pierre S. duPont High School of Wilmington, Delaware, was found to have a quality staff with 40% of the staff having earned Master's degrees, and almost 50% of that number earning credits in further graduate work; and

WHEREAS, there is effective teaching of a balanced curriculum which contains a large variety of electives in said school; and

WHEREAS, the emphasis on good citizenship displayed by the student body of the Pierre S. duPont High School which excels in the creative arts along with academic and physical excellence of group endeavors; and

WHEREAS, it is of particular note that there is a wide variety of intramural sports, thus giving equal opportunity to all to participate in the sport of their choice; and

WHEREAS, for ten years the student body has learned by living the basic principles of democracy in which all races and creeds are accepted, and the varied programs bring students of all backgrounds together to make for understanding and respect for one another; and

WHEREAS, the outstanding achievements of the alumni of the Pierre S. duPont High School are noteworthy in the accomplishments of its distinguished alumni, who are eminent in the fields of education, government and business;

## NOW, THEREFORE,

BE IT RESOLVED that the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, respectfully extends the congratulations of the 123rd General Assembly to the Pierre S. duPont High School of Wilmington, Delaware, for being the 1965 Francis Bellamy Award winner, adding the name of that school to the list of 23 others who have received such an award since its establishment; and

BE IT FURTHER RESOLVED, that due recognition of this achievement be taken by all the citizens of Delaware and that the wording of this resolution be spread upon the record of the Senate and House of Representatives of the 123rd General Assembly; and

FURTHER, that a copy of this resolution be forwarded to Mr. Leonard A. Gardner, Principal of Pierre S. duPont High School, as well as to Dr. Margarette S. Miller, Director and Founder of the National Bellamy Award in recognition of the honor bestowed on the Pierre S. duPont High School.

Approved December 21, 1965.

## CHAPTER 488

**EXPRESSING THE SYMPATHY OF THE 123RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE UPON THE DEATH OF FRANK J. HORTY.**

WHEREAS, the 123rd General Assembly of the State of Delaware has learned with regret of the passing of Frank J. Horthy, the General Manager of the Delaware Memorial Bridge; and

WHEREAS, Frank J. Horthy was widely known in the State of Delaware for his civic interests including raising money for toys for needy children, March of Dimes, Delaware Cancer Society, United Fund of Northern Delaware, Cerebral Palsy Committee and the Multiple Sclerosis; and

WHEREAS, Frank J. Horthy was a co-founder of the Delaware Section of the National Conference of Christians and Jews; and

WHEREAS, Frank J. Horthy served as a member of the Wilmington Sinking Fund Committee from 1951 to 1954; and

WHEREAS, Frank J. Horthy served as Director of the Department of Public Safety of the City of Wilmington; and

WHEREAS, Frank J. Horthy was a dedicated public servant whose accomplishments for the State of Delaware will never be forgotten by its citizens;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of Frank J. Horthy, a prominent figure in his community; and

BE IT FURTHER RESOLVED, that the family of the deceased has full sympathy of the members of the 123rd Gen-

eral Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the journal of the proceedings of the Senate and House of Representatives of the 123rd General Assembly of the State of Delaware.

Approved December 21, 1965.



CHAPTER 489

SENATE CONCURRENT RESOLUTION

**REQUESTING THE DELAWARE RIVER AND BAY AUTHORITY TO NAME THE DELAWARE APPROACH ROAD TO THE LEWES-CAPE MAY FERRY "THE THEODORE C. FREEMAN MEMORIAL HIGHWAY".**

WHEREAS, Air Force Captain Theodore C. Freeman, a Delawarean, died while in training as a United States Astronaut; and

WHEREAS, Astronaut Theodore C. Freeman, a former resident of the Town of Lewes, Delaware, honored our State by his participation in the Astronaut Program; and

WHEREAS, the 123rd General Assembly of the State of Delaware wishes to honor the memory of Astronaut Theodore C. Freeman;

NOW, THEREFORE,

BE IT RESOLVED that the members request the Delaware River and Bay Authority to name that portion of the Delaware approach road leading from Kings Highway in the Town of Lewes to the site of the Lewes-Cape May Ferry as "The Theodore C. Freeman Highway"; and

BE IT FURTHER RESOLVED that the members request the Delaware River and Bay Authority to designate such portion of the said highway "The Theodore C. Freeman Highway" and cause to be erected suitable signs and markers to inform the public of the new name.

Approved December 21, 1965.

## CHAPTER 490

## SENATE CONCURRENT RESOLUTION

**EXPRESSING THE SYMPATHY OF THE 123RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE UPON THE DEATH OF ROBERT HAMMOND YERKES, SR.**

WHEREAS, the 123rd General Assembly of the State of Delaware has learned with regret of the passing of Robert Hammond Yerkes, Sr., managing editor of the Milford Chronicle; and

WHEREAS, Robert Hammond Yerkes, Sr. was a member of the Senate of the State of Delaware in 1943 and 1945, where he served as Majority Leader during both sessions of the General Assembly; and

WHEREAS, Robert Hammond Yerkes, Sr. served as recording clerk in the State House of Representatives in the 1939 session, reading clerk of the Senate in the 1947 session and parliamentarian of the House of Representatives in 1949; and

WHEREAS, Robert Hammond Yerkes, Sr. served as a member of the Industrial Accident Board from 1956 for the term of six years; and

WHEREAS, Robert Hammond Yerkes, Sr. served as Lieutenant in the Delaware State National Guards during the Second World War; and

WHEREAS, Robert Hammond Yerkes was a member of the Houston School Board for twenty-two years and chairman for twenty years; and

WHEREAS, Robert Hammond Yerkes, Sr. was President of the Houston P.T.A. for seventeen years; and

WHEREAS, Robert Hammond Yerkes, Sr. served as President of the Milford Rotary Club; and

WHEREAS, Robert Hammond Yerkes, Sr. was a charter member and served as President of the Milford Chamber of Commerce; and

WHEREAS, Robert Hammond Yerkes, Sr. was a dedicated public servant whose accomplishments for the State of Delaware will never be forgotten by its citizens;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of Robert Hammond Yerkes, Sr., a prominent figure in his community; and

BE IT FURTHER RESOLVED, that the family of the deceased has full sympathy of the members of the 123rd General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the journal of the proceedings of the Senate and House of Representatives of the 123rd General Assembly of the State of Delaware.

Approved December 21, 1965.

## CHAPTER 491

## SENATE CONCURRENT RESOLUTION

**AUTHORIZING AND DIRECTING THE STATE TREASURER  
TO PAY CERTAIN STATE EMPLOYEES ON OR BEFORE  
DECEMBER 23, 1965.**

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives, concurring therein, that the State Treasurer is authorized and directed to pay all Public School employees and any other state employees who are not at work between December 23, 1965 and January 3, 1966 on December 23, 1965 for the second pay period for the month of December.

Approved December 21, 1965.

## CHAPTER 492

## HOUSE JOINT RESOLUTION

**IN REFERENCE TO THE PAYMENT OF COSTS FOR INSTITUTIONAL INSTRUCTION TO APPRENTICES.**

WHEREAS, the apprenticeship system has long been the keystone of the development of skilled and technical manpower in the United States; and

WHEREAS, the importance of the apprenticeship system has been recognized by the General Assembly and Governor of the State of Delaware by the creation of the State Apprenticeship and Training Council in the Department of Labor and Industrial Relations; and

WHEREAS, it has come to the attention of the State Apprenticeship and Training Council that the apprenticeship program as it relates to continuation school has been discouraged by the costs imposed upon apprentices who are attempting to continue their formal or technical education at night or otherwise on their own time while working at learning their respective crafts and that such Council has recommended that these costs be considered part of the educational process to be paid for by the educational system rather than to be charged to the individual apprentice;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 123rd General Assembly, the Senate concurring therein, that it is the declared public policy of the State of Delaware that the educational costs of the apprenticeship system of this State shall be considered part of the public education system of the State of Delaware; and

BE IT FURTHER RESOLVED, that the State Board for Vocational Education is hereby directed to include the estimated costs of institutional instruction for apprentices, including textbooks and supplies, as a separate item in its regular budget request in any year, beginning with the fiscal year commencing July 1, 1966.

Approved December 27, 1965.

## CHAPTER 493

## HOUSE JOINT RESOLUTION

**COMMENDING THE PUBLIC AND VOLUNTEER WORKERS  
WHO PARTICIPATED IN PUBLIC ASSISTANCE DURING  
THE RECENT SNOWFALL.**

WHEREAS, it has come to the attention of the members of the 123rd General Assembly that the workers of the State Highway Department, the members of the Delaware National Guard and the State Police and numerous members of volunteer fire companies and other volunteer organizations have performed singular and commendable service in connection with the emergency conditions caused by the recent snowfall in Delaware; and

WHEREAS, the members of the 123rd General Assembly wish to publicly express their appreciation and the gratitude of the people of Delaware for this service, which reflects great credit on the individuals and their organizations;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 123rd General Assembly, the Senate concurring therein, that the workers of the State Highway Department, the members of the Delaware National Guard, the members of the State Police, the members of volunteer fire companies and other volunteer organizations who participated in public assistance during the recent snowfall are hereby thanked and commended for their unstinting efforts in the public interest; and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the House of Representatives and Senate of the 123rd General Assembly and that a copy of this resolution be forwarded to the above mentioned organizations.

Approved February 14, 1966.

## CHAPTER 494

## HOUSE JOINT RESOLUTION

**ESTABLISHING A LEGISLATIVE BUILDING COMMITTEE  
FOR THE PURPOSE OF STUDYING AND RECOMMEND-  
ING A PLAN FOR AN ADDITION TO LEGISLATIVE  
HALL.**

WHEREAS, there is an evident need for adequate office and other facilities to house the members of the General Assembly and its staff; and

WHEREAS, such facilities are necessary for the proper performance of the legislative function; and

WHEREAS, the present facilities are inadequate and cannot be converted to meet this need in an efficient and economic manner;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 123rd General Assembly, the Senate concurring therein, that a committee to be known as the LEGISLATIVE BUILDING COMMITTEE is established; and

BE IT FURTHER RESOLVED, that the Committee shall be composed of 3 members of the House of Representatives appointed by the Speaker, 3 members of the Senate appointed by the President Pro-Tem, 3 citizens of this State to be appointed by the Governor, and the State Planner, who shall act as Secretary of the Committee; and

BE IT FURTHER RESOLVED, that the Committee shall organize upon the call of the Secretary and select from their own members a Chairman and such other officers as the members may determine; and

BE IT FURTHER RESOLVED, that the Committee shall study and determine the physical needs of the General Assembly

and of its members and staff, shall make, consistent therein such proposals and recommendations as shall be consonant with the architectural unity of Legislative Hall and its surroundings, and shall render its report and recommendations to the members of the General Assembly and to the Governor on or before April 1, 1966; and

BE IT FURTHER RESOLVED, that the Committee may consult and employ such architects, engineers and other professional persons, and to expend such sums as may be reasonable and necessary to carry out its duties; and

BE IT FURTHER RESOLVED, that warrants for the payment of expenditures authorized herein shall be paid by the State Treasurer upon presentment of vouchers signed by the Chairman and Secretary of the Committee.

Approved February 25, 1966.



## CHAPTER 495

## SENATE JOINT RESOLUTION

**REQUESTING THE GOVERNOR TO APPOINT A COMMITTEE TO STUDY THE PRESENT STATUS OF AUTOMOBILE INSURANCE COMPANIES IN DELAWARE.**

WHEREAS, many citizens of the State of Delaware have indicated their concern with the present status of automobile insurance companies including the cost of coverage, the amount of coverage and the cancellation of coverage;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein that the members request the Governor to consider the appointment of a special committee to study the status of automobile insurance companies of the state.

BE IT FURTHER RESOLVED that this committee might be composed of five members. One member shall be a resident of Sussex County, one member shall be a resident of Kent County, one member shall be a resident of New Castle County outside the City of Wilmington, one member shall be a resident of the City of Wilmington and one member shall serve at-large, one member shall be a member of the banking and insurance committee of the Senate and one member shall be a member of the banking and insurance committee of the House of Representatives, and that each member shall be knowledgeable in the insurance field;

BE IT FURTHER RESOLVED that the said committee be requested, upon the completion of its study, to make recommendations to the Governor for any legislation which would improve the entire system.

Became a law on March 1, 1966 without the approval of the Governor and in accordance with Section 18, Article 3, as amended, of the Constitution of Delaware.

## CHAPTER 496

**WELCOMING THE EASTERN REGIONAL CONFERENCE OF  
THE COUNCIL OF STATE GOVERNMENTS TO ITS ANN-  
UAL MEETING IN DELAWARE.**

WHEREAS, the Eastern Regional Conference of the Council of State Governments will hold its annual meeting on May 4-6, 1966, in the State of Delaware; and

WHEREAS, the meeting will be attended by some fifty legislators and other state officials from the ten northeastern states for the purpose of discussing highway safety, mass transportation, taxation of interstate business, fire arms control and interstate commerce; and

WHEREAS, the members of the 123rd General Assembly welcome to the State of Delaware the Eastern Regional Conference of the Council of State Governments and extend their best wishes;

NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the 123rd General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members extend the welcome and best wishes of the State of Delaware to the Eastern Regional Conference of the Council of State Governments in its meeting on May 4-6, 1966 in the First State; and

BE IT FURTHER RESOLVED, that this resolution be made a part of the Journal of the Senate of the 123rd General Assembly and that a copy be sent to the Eastern Regional Conference of the Council of State Governments.

Approved May 5, 1966.

CHAPTER 497

HOUSE JOINT RESOLUTION

**ESTABLISHING A COMMITTEE FOR THE PURPOSE OF REVIEWING AND STUDYING AND MAKING REPORT AND RECOMMENDATIONS ON THE REHABILITATION OF INJURED EMPLOYEES IN THE STATE OF DELAWARE.**

WHEREAS, the rehabilitation of injured employees is essential to the welfare of the people of the State of Delaware; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 123rd General Assembly, the Senate concurring therein, that a committee to be known as the COMMITTEE ON REHABILITATION is established; and

BE IT FURTHER RESOLVED that the Committee shall be composed of three members of the House of Representatives appointed by the Speaker, three members of the Senate appointed by the President Pro-Tem, three Delaware citizens appointed by the Governor, and the Chairman of the Industrial Accident Board who shall act as Secretary of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall organize upon the call of the Secretary and elect a Chairman and such other officers as may be necessary; and

BE IT FURTHER RESOLVED that the Committee shall review and study the rehabilitation of injured employees in the State of Delaware, and shall make its report and recommendations as soon as possible to the Speaker, to the President Pro-Tem and to the Governor; and

BE IT FURTHER RESOLVED that the Committee is authorized and empowered to consult and employ such persons or firms and purchase such materials and supplies as may be reasonable and necessary to carry out its duties; and

BE IT FURTHER RESOLVED that warrants for the payment of expenditures authorized by the Committee shall be paid by the State Treasurer out of the General Fund upon presentment of vouchers signed by the Chairman and Secretary of the Committee.

Approved June 7, 1966.

## CHAPTER 498

## SENATE JOINT RESOLUTION

**REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DESIGNATING MAY 29 JOHN FITZGERALD KENNEDY DAY AND MEMORALIZING THE PRESIDENT OF THE UNITED STATES AND THE GOVERNORS OF THE SEVERAL STATES TO ISSUE SIMILAR PROCLAMATIONS IN COMMEMORATION OF THE BIRTH OF PRESIDENT JOHN FITZGERALD KENNEDY.**

WHEREAS, May 29 marks the birth date of President John Fitzgerald Kennedy; and

WHEREAS, the life of President Kennedy has been, and will be forever, an inspiration to all Americans; and

WHEREAS, his life and example have set the highest standards of courage, devotion to duty and country and service to his fellowman, in the greatest traditions of this land; and

WHEREAS, his example of vigor and dedication to public service have been a major contributing factor in the renewal of the nation and in passing the torch to the new generation thereby attracting the enthusiasm, intelligence and dedication of that generation, so sorely needed to insure the future of this land; and

WHEREAS, he was equally dedicated to the struggle for the betterment of mankind and to the fullness of participation by every citizen in all of the rights and privileges prized by Americans and to which this nation has been dedicated since its foundation; and

WHEREAS, it is fitting and proper that this inspiration and these ideals be commemorated by all citizens by a day of special observance in his honor and memory;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly, the House of Representatives concurring therein that the Governor of the State of Delaware is hereby requested to issue a proclamation designating May 29 as "John Fitzgerald Kennedy Day" in commemoration of the birth of President Kennedy, and the citizens of the State are requested to formulate and sponsor appropriate programs in honor of our late President; and

BE IT FURTHER RESOLVED that the President of the United States and the Governors of the several States are memorialized to issue proclamations designating May 29 as "John Fitzgerald Kennedy Day" in commemoration of the birth of President Kennedy; and

BE IT FURTHER RESOLVED that the Secretary of State is directed to transmit a duly attested copy of this resolution to the President of the United States and to the Governors of the several States.

Approved June 7, 1966.

CHAPTER 499

SENATE JOINT RESOLUTION

IN CELEBRATION OF OLD DOVER DAYS.

WHEREAS, Sunday, May 1, 1966 is the annual observance of "Old Dover Days"; and

WHEREAS, the General Assembly is reminded each year at this time of the beauty of our capitol city—its heritage from the past, its appropriateness for the present and its potential for the future;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly, the House of Representatives concurring therein, that the General Assembly re-affirms its pride and satisfaction with Dover, Delaware as the hub and capitol of the First State.

Approved June 16, 1966.

## CHAPTER 500

## HOUSE JOINT RESOLUTION

**ENCOURAGING THE ESTABLISHMENT OF A 200 B.E.V.  
ATOMIC ACCELERATOR PRIME NUCLEAR FACILITY  
ON THE EAST COAST.**

WHEREAS, the establishment of a 200 B.E.V. Atomic Accelerator prime nuclear facility on the east coast within the confines of the greatest concentration of the scientific community is of paramount importance; and

WHEREAS, there are six sites so considered by the Atomic Energy Commission and the distinguished Congressional Commission headed by Congressman Emanuel Celler; and

WHEREAS, the great state of New York has offered to the Atomic Energy Commission at no cost the lands adjacent to an already established national facility at an extremely minimal utility cost; and

WHEREAS, the benefits derived by the ten northeastern states will be maximal and the savings to the taxpayers of the country will be approximately fifty-nine million dollars; and

WHEREAS, the University of Delaware and the State College, industry, and the people of the State of Delaware will derive many benefits because of the proximity of this facility;

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 123rd General Assembly of the State of Delaware, the Senate concurring therein, that we support and encourage the location of this facility in Brookhaven, Long Island; and

BE IT FURTHER RESOLVED that a copy of this resolution be directed to Senator John J. Williams, Senator J. Caleb Boggs, Congressman Harris B. McDowell, Jr., the President of the United States, and the Atomic Energy Commission; 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 of the 123rd General Assembly of the State of Delaware.

Approved June 16, 1966.

## CHAPTER 501

## HOUSE CONCURRENT RESOLUTION

**RELATING TO SUPPORT OF HEALTH EDUCATION IN SCHOOLS.**

WHEREAS, education and health have been given extensive support as two of our nation's priority goals; and

WHEREAS, the current nationwide School Health Education Study has revealed serious deficiencies in teacher preparation, instructional materials, and general support and recognition for health education in elementary and secondary school; and

WHEREAS, the forty-eight million children in our nation's schools represent a group in its most impressionable years and in an environment where scientific health concepts can be taught for improved health behavior; and

WHEREAS, many health problems and established health practices originate in the early habit forming years of children and youth; and

WHEREAS, conservation of health can be achieved through educational procedures, thus leading to better utilization of health services or reducing the severity of health problems that place heavy demands on such services and on trained health personnel; and

WHEREAS, health education has been advocated as an important and integral part of the general education of all students by authoritative groups such as the American Medical Association, American Dental Association, the National Education Association, the American Public Health Association, the President's Commission on National Goals and the National Commission on Community Health Services; and

WHEREAS, health education is not included as a critical subject area eligible for support to strengthen programs of instruction or to provide for advanced teacher institutes;

NOW, THEREFORE,

BE IT RESOLVED by the 123rd General Assembly of the State of Delaware that the Congress of the United States be respectfully urged to amend Titles III and XI of the National Defense Education Act to include health education as an eligible critical subject area; and

BE IT FURTHER RESOLVED that the Congress of the United States be respectfully urged to enact a National Health Education Bill that would affirm the nation's commitment to education *for* health, as well as education *and* health; and

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit duly attested copies of this Resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Senate and House Committees on Education, to the Secretary of Health, Education and Welfare, to the United States Commissioner of Education, to the Surgeon-General of the United States, and each member of the Delaware Congressional delegation.

Approved June 28, 1966.

## CHAPTER 502

## SENATE JOINT RESOLUTION

WHEREAS, Former President and Mrs. Dwight D. Eisenhower will observe their 50th wedding anniversary on Friday, July 1; and

WHEREAS, General and Mrs. Eisenhower have sacrificed much of their personal time together and have provided leadership for their nation in war and peace; and

WHEREAS, This great couple has demonstrated the highest principles of courage, humanity and tender devotion in their marital relationship; and

WHEREAS, All Americans are pleased to pay them honor and recognition and to accord them every good wish as they complete 50 years of a happy and dedicated marriage;

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 123rd General Assembly, the House of Representatives joining therein, that General and Mrs. Eisenhower be extended the best wishes and hearty congratulations of the citizens of the State of Delaware as they observe their 50th wedding anniversary; and

BE IT FURTHERMORE RESOLVED, That the Senate and House of Representatives of the 123rd General Assembly of the State of Delaware go on record as wishing them many more years of personal happiness and devoted service to the country for which they have already given so much in a spirit of cheerful and thoughtful concern for the great desires of mankind such as peace, freedom and abiding love.

Approved June 28, 1966.

## CHAPTER 503

## SENATE JOINT RESOLUTION

**ESTABLISHING A JOINT COMMITTEE OF THE SENATE  
AND THE HOUSE OF REPRESENTATIVES OF THE  
123RD GENERAL ASSEMBLY KNOWN AS A HIGHWAY  
LAWS STUDY COMMITTEE, AND PROVIDING FOR A  
STUDY OF EXISTING HIGHWAY LAWS TO EVALUATE  
THEIR ADEQUACY.**

WHEREAS, there is a considerable concern about the adequacy of the existing highway laws to meet present and anticipated highway needs with respect to construction, development, design, maintenance, and safety; and

WHEREAS, the State Highway Department in cooperation with the Bureau of Public Roads proposes to conduct a study aimed at reviewing existing law and proposing needed improvements in legislation; and

WHEREAS, the cost of such studies will be borne in the approximate ratio of 70% Federal Funds and 30% State Highway Department Planning Funds now available; and

WHEREAS, the Department proposes to engage a Nationally known non-profit organization experienced in conducting highway legal studies who will perform the basic investigations and research needed for review by highway and legislative interests necessary for the preparation of the final study report;

NOW, THEREFORE,

BE IT RESOLVED by the General Assembly of the State of Delaware that:

1. There be a Highway Laws Study Committee, hereinafter referred to as the Committee, which shall consist of six members, three of whom shall be appointed by the President

Pro Tempore of the Senate from among the membership of the Senate, and three by the Speaker of the House of Representatives from among the membership of the House;

2. The Committee be organized by selecting from among its membership a chairman, a vice-chairman and secretary. The Committee shall hold regular or special meetings called by or at the direction of the chairman during or intervening regular sessions of the Legislature, at places designated by the chairman;

3. The Committee have for its purpose an evaluation of the adequacy of existing highway laws and, where necessary, propose revisions to produce a modern highway code providing the authority and responsibility for effective modern highway transportation;

4. The Committee be kept fully informed by the State Highway Department, through its Director of the progress of any phase of the highway laws study which may be undertaken pursuant to Title 23, Section 307 of the United States Code;

5. Upon completion of the study, the Committee cooperate in the preparation of, the final report containing recommendations of the study group and submit copies thereof to the President of the Senate and the Speaker of the House of Representatives;

BE IT FURTHER RESOLVED that the Committee draw its expenses out of the General Fund upon vouchers signed by the Chairman and Secretary.

Approved June 28, 1966.

# Executive Orders

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## CHAPTER 504

### STATE OF DELAWARE EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER

NUMBER FORTY-SIX

TO: Heads of all State Departments and Agencies

SUBJECT: Appointment of Office of Economic Opportunity  
State Coordinator

WHEREAS, the economic well being and prosperity of our Nation and our State have progressed to a level surpassing any achieved in world history; and

WHEREAS, these benefits are widely shared throughout our State and our Nation, poverty continues to be the lot of many of our people; and

WHEREAS, our Nation and State can achieve its full economic and social potential as a Nation and State only if every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the working of our society; and

WHEREAS, the House of Representatives and Senate of the United States of America have enacted Public Law 88-452, known as the Economic Opportunity Act of 1964; and

WHEREAS, it is the policy of the United States to eliminate a paradox of poverty in the midst of plenty by opening

to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity;

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order that the Office of Economic Opportunity is created under the State Department of Labor and Industrial Relations and that Daniel J. McKenney is hereby appointed as the Economic Opportunity Coordinator for the State of Delaware. The below listed individuals are hereby appointed as advisors to the Office of Economic Opportunity:

Joseph A. Bradshaw, Chairman-Executive Director, Employment Security Commission, and Chairman, Department of Labor and Industrial Relations.

James M. Rosbrow, Secretary, Employment Security Commission;

Arthur C. Calvin, Community Services Council of Delaware, Inc.;

Dr. Richard P. Gousha, Superintendent, Department of Public Instruction;

Dr. Floyd I. Hudson, Executive Secretary, State Board of Health;

Dr. Daniel F. Lieberman, Superintendent, Delaware State Hospital at Farnhurst;

Hon. Sherman W. Tribbitt, Lieutenant Governor;

Harry W. Towers, Acting Director, Department of Corrections;

John E. Hiland, Jr., Director, State Board of Welfare;

F. Earl McGinnes, Budget Director;

Theodore N. Burke, Jr., Director, Wilmington Committee for Economic Opportunity;

Raymond H. Johnson, President, Mayors' Association of Delaware;



Elisha C. Dukes, Secretary of State;

Dr. George M. Worrilow, Vice President for University  
Relations, University of Delaware.

Additional individuals may be appointed as advisors to the Coordinator pursuant to his request to the Governor and through a subsequent modifying Executive Order. All actions of the State departments and agencies related to the Office of Economic Opportunity shall be coordinated through the Office of Economic Opportunity Coordinator.

APPROVED this 22nd day of December, 1964.

ELBERT N. CARVEL  
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 505

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER  
NUMBER FORTY-SEVENTO: Members of the Building Commission for the  
State Office Building at Dover

SUBJECT: Designation of new State office building at Dover

WHEREAS, death, which comes to all of us in the course of time, has taken from Delaware one of her most illustrious, loved and venerated men in the person of John Gillis Townsend, Jr.; and

WHEREAS, Mr. Townsend brought unequalled wisdom and dedication to public office in a long and distinguished career of service as a member of the House of Representatives of the General Assembly in 1901, as World War Governor of the State from 1917 to 1921 and as United States Senator from Delaware from 1929 to 1941; and

WHEREAS, Mr. Townsend carved out many careers in the business, banking and agricultural life of the state to the ultimate economic benefit of all of its citizens; and

WHEREAS, Mr. Townsend participated in negotiations leading to the establishment of the United Nations at the personal request of his friend the President of the United States, Harry S. Truman; and

WHEREAS, Mr. Townsend walked for all of his 93 years in our midst, ever maintaining "the common touch" that made his friendliness universally warm to all who knew him and left him with deep and spiritual humility in spite of great honors and unprecedented achievement; and

WHEREAS, this devoted Delawarean was "a living legend" in his own time; and

WHEREAS, by letter of April 15, 1964, the John G. Townsend, Jr. Memorial Commission was appointed by me to recommend an appropriate memorial in his honor; and

WHEREAS, by letter of December 21, 1964, the Commission has recommended to me that the new State office building authorized and to be built in Dover, be named the John G. Townsend, Jr. Memorial Building; and

WHEREAS, it is my belief that such a Memorial would be a highly fitting and proper commemoration of the friendly and dynamic leadership and contributions which he so generously provided our fortunate state during his life with us;

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby designate the new State office building authorized and to be built in Dover as the John G. Townsend, Jr. Memorial Commission.

APPROVED this 6th day of January, 1965.

(GREAT SEAL)

ELBERT N. CARVEL  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 506  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FORTY-EIGHT

In compliance with the provisions of Chapter 34, Volume 54, 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 Diamond Alkali Company to construct a pier and docking facilities in the Delaware River, Red Lion Hundred, New Castle, Delaware.

Mr. Clifton E. Morris      (Chairman and Member)  
19 Granite Road  
Wilmington, Delaware

Mr. John C. Roman                      (Member)  
7th and Clayton Street  
New Castle, Delaware

Mr. Vincent A. Theisen                      (Member)  
715 Blackshire Road  
Wilmington, Delaware

(GREAT SEAL)

ELBERT N. CARVEL  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

APPROVED this 7th day of January, 1965.

CHAPTER 507  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FORTY-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 Francis E. Carey for authority to construct a dock along the Lewes and Rehoboth Canal located at 522 Pilottown Road, Sussex County, Lewes, Delaware:

Arthur Dean Betts (Chairman and Member)  
Nanticoke Annex  
Seaford, Delaware

Charles Mills (Member)  
44 Maryland Avenue  
Rehoboth, Delaware

Mrs. Mae Hall McCabe  
38 Rehoboth Avenue  
Rehoboth, Delaware

APPROVED this fourteenth day of January, 1965.

(GREAT SEAL)

ELBERT N. CARVEL  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 508  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FIFTY

TO: Economic Opportunity Coordinator for the State  
of Delaware and Advisors

SUBJECT: Appointment of advisors to the Office of Economic  
Opportunity

Pursuant to the provisions of Executive Order Number  
Forty-Six dated December 22, 1964, I, Elbert N. Carvel, by  
virtue of the authority vested in me as Governor of the State  
of Delaware, do hereby appoint:

The Reverend Maurice J. Moyer, Delaware Commission  
on Children and Youth;

Dr. Ruth M. Laws, Home Economics, Department of Pub-  
lic Instruction;

as advisors to the Office of Economic Opportunity.

APPROVED this eighteenth day of January, 1965.

(GREAT SEAL)

ELBERT N. CARVEL  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 509  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBFR 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 Diamond Alkali Company to construct a pier and docking facilities in the Delaware River, Red Lion Hundred, New Castle, 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

Max S. Bell, Jr., Esquire              (Member)  
duPont Building  
Wilmington, Delaware

Executive Order Number Forty-Eight of Governor Elbert N. Carvel, which was approved January 7, 1965, is revoked.

APPROVED this 9th day of February, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 510  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWO

TO: Economic Opportunity Coordinator for the State  
of Delaware and Advisors

SUBJECT: Appointment of advisors to the Office of Economic  
Opportunity

Pursuant to the provisions of Executive Order Number  
Forty-Six, dated December 22, 1964, I, Charles L. Terry, Jr.,  
by virtue of the authority vested in me as Governor of the State  
of Delaware, do hereby appoint:

The Reverend Arthur R. James  
as advisor to the Office of Economic Opportunity.

APPROVED this sixteenth day of February, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 511  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER THREE

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, 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 Diamond Alkali Company to construct a pier and docking facilities in the Delaware River, Red Lion Hundred, New Castle, 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

Harold Leshem, Esquire              (Member)  
407 Delaware Avenue  
Wilmington, Delaware

Executive Order Number One, dated February 9, 1965, is revoked except insofar as such order revoked Executive Order Number Forty-Eight of Governor Elbert N. Carvel.

APPROVED this sixteenth day of February, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 512  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FOUR

Pursuant to Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, Laws of Delaware, the special commission appointed by Executive Order Forty-Four of Governor Elbert N. Carvel is extended until the consummation of the transaction resulting from the application of the Allied Chemical Corporation.

WHEREAS, due to the prolonged absence from the State by Vincent A. Theisen, a member of such special commission, a vacancy exists on such special commission. I have, in compliance with Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, Laws of Delaware, this date appointed the following individual to fill such vacancy:

Harold Leshem, Esquire  
407 Delaware Avenue  
Wilmington, Delaware

(Member)

APPROVED this seventeenth day of February, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 513  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FIVE

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, Laws of Delaware, I have this day appointed the following individuals to a special commission 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, 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

Executive Order Number Forty-Five, issued by Governor Elbert N. Carvel on October 21, 1964, is hereby revoked.

APPROVED this third day of March, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 514  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER SIX

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, Laws of Delaware, I have this day appointed the following individuals to a special commission to consider the application of H. Dale Parsons for permission to construct a dock, bulkhead and slips on the eastern side of the Lewes-Rehoboth canal on his property in 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 first day of April, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 515  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER SEVEN

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, Laws of Delaware, I have this day appointed the following individuals to a special commission to consider the application of D and D Salvage Company for permission to conduct salvage operations for the vessel deBraak in the Cape Henlopen area:

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 twenty-third day of April, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 516  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER EIGHT

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of First State Pipeline Company for an easement or lease across and under various navigable waters in New Castle County, Delaware, as indicated in said application dated May 18, 1965:

Mr. Clifton E. Morris      (Chairman and Member)  
19 Granite Road  
Wilmington, Delaware

Mr. John C. Roman      (Member)  
7th and Clayton Streets  
New Castle, Delaware

Vincent A. Theisen, Esquire      (Member)  
715 Blackshire Road  
Wilmington, Delaware

APPROVED this 29th day of June, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 517  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER  
NUMBER NINE

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, 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 various navigable waters in Kent County, Delaware, as indicated in said application dated May 18, 1965:

Maurice A. Hartnett, III, Esquire  
(Chairman and Member)  
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 29th day of June, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 518  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TEN

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of First State Pipeline Company for an easement or lease across and under various navigable waters in Sussex County, Delaware, as indicated in said application dated May 18, 1965:

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 29th day of June, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 519  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER ELEVEN

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of Abner Konick for permission to construct a dock and bulkhead at the foot of Rodney Avenue and the Lewes and Rehoboth Canal on his property in 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 29th day of June, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 520  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWELVE

In compliance with provisions of Section 4520, Title 7, of the Delaware Code, as amended by Chapter 228, Volume 54, Laws of Delaware, I have this day appointed the following individuals to a special commission to consider the application of Emory B. Brittingham for permission to construct a pier on his property at Herring Creek, rural 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 twenty-ninth day of June, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 521  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER THIRTEEN

In compliance with provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of Jesse F. Jones for permission to construct a pier fifty feet long on Herring Creek, lot #37, Indian River Hundred, 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 23rd day of July, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 522  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FOURTEEN

In compliance with provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of M. E. Cox for permission to construct a bulkhead and to make a boat ramp in the center of his property into White's Creek at Cedar Neck, 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 30th day of July, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 523  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FIFTEEN

Pursuant to the provisions of Section 4520, Title 7, of the Delaware Code, the special commission appointed by Executive Order Number Seven, dated April 23, 1965, is extended to the consummation of an agreement between the State of Delaware and the D and D Salvage Company. To the extent necessary for continuity, this Order is retroactive.

APPROVED this twenty-seventh day of August, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 524  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER SIXTEEN

Pursuant to the provisions of Section 4520, Title 7, of the Delaware Code, the special Commission appointed by Executive Order Number Ten, dated June 29, 1965, is extended to the consummation of an agreement between the State of Delaware and the First State Pipeline Company.

APPROVED this eighth day of September, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 525  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER SEVENTEEN

In compliance with provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of M. E. Cox for permission to dredge two channels in existing lagoons from his property in Cedar Neck on White's Creek at Ocean View, 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 29th day of October, 1965.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 526  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER EIGHTEEN

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of C. Kenneth Carter on behalf of Shore Enterprises, Incorporated, for permission to dredge and fill in the Little Assawoman Bay, 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 third day of January, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 527  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER NINETEEN

TO: Heads of All State Departments and Agencies

SUBJECT: Appointment of Committee for the Implementation of Delaware's Guaranteed Student Loan Program Under Part B, Title IV of the Higher Education Act of 1965

WHEREAS, Part B, Title IV, of the Higher Education Act of 1965 provides for the establishment of low interest insured loan programs to assist students attending colleges and universities; and

WHEREAS, the U. S. Office of Education has made available to the State of Delaware \$25,000 to establish an insured student loan program; and

WHEREAS, the University of Delaware has been designated as the State of Delaware's agent to receive the \$25,000 Federal funds now available in Fiscal year 1966; and

WHEREAS, the University of Delaware, Delaware State College and Wesley College are all available to participate in this low interest insured loan program; and

WHEREAS, these Federal funds are to be distributed based on the number of full-time students at these eligible institutions; and

WHEREAS, these funds are to be used by the University of Delaware, Delaware State College, and Wesley College to insure loans to be made by Delaware banks; and

WHEREAS, the pro-rata shares of the \$25,000 Federal funds credited to the University of Delaware, Delaware State College and Wesley College to establish the guaranteed student loan programs through the United Student Aid Fund are to be based upon the full-time student enrollment at these institutions;

NOW, THEREFORE, I, Charles L. Terry, Jr., by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order that a Committee of representatives of the University of Delaware, Delaware State College, Wesley College having been nominated by the Presidents of these three institutions, is created and appointed to be responsible for the establishment of policies and procedures necessary to the implementation of Delaware's guaranteed student loan program established with Federal funds. The below listed individuals are hereby appointed as representatives and members of the aforesaid committee:

Harold Kauffman, Assistant Dean of Students,  
University of Delaware

Dr. Luna I. Mishoe, President,  
Delaware State College

William R. M. Asborne, Business Manager,  
Wesley College

Further, the aforesaid committee shall have authority upon the unanimous agreement among the three members thereof to transfer the Federal funds used to insure loans from the credit of one institution to another in the event any one institution finds it does not require all of the loan money allotted and available to it.

APPROVED this fourth day of April, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 528  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER  
NUMBER TWENTY

TO: Office of the Governor

SUBJECT: Redesignation of State Agency to Receive additional 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, by Executive Order Number Thirty-six, dated March 5, 1964, the Delaware Commission on Children and Youth was appointed as the existing Delaware agency to participate under the provision of Public Law 88-156; and

WHEREAS, the Mental Retardation Planning Committee recommended in its report and study of December 31, 1965, that an Inter-agency Mental Retardation Coordinating Committee be established under the Office of the Governor to implement said request; and

WHEREAS, it has become necessary in order to further implement and carry out the purposes of the Federal grant program under Public Law 88-156 to establish a new, single, State agency in light of the Mental Retardation Planning Committee report of December 31, 1965; and

WHEREAS, the Office of the Governor has the authority to receive and spend public funds; and

WHEREAS, the Honorable Charles L. Terry, Jr., Governor of the State of Delaware, Dover, Delaware, is the official in charge of the Office of the Governor and is authorized to act for said Office;

NOW, THEREFORE, I, Charles L. Terry, Jr., by virtue of the authority vested in me as Governor of Delaware, hereby revoke and rescind Executive Order Number Thirty-six, dated March 5, 1964, and hereby appoint the Office of the Governor to be the Delaware agency and Department 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 and Department shall cooperate and coordinate with the Federal Department of Health, Education and Welfare officials in effectuating, developing, and implementing a Mental Retardation Comprehensive Planning Continuation and Implementation Project within the State of Delaware.

APPROVED this 15th day of April, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 529  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWENTY-ONE

TO: Governor's Inter-Agency Coordinating Committee  
on Mental Retardation

SUBJECT: Mental Retardation Comprehensive Planning Con-  
tinuation and Implementation Project

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 Office of the Governor, by Executive Order Number Twenty, has been designated as the single State Agency and Department to receive and spend public funds; and

WHEREAS, the report of December 31, 1965, of the Mental Retardation Planning Committee, entitled "Delaware's Plan for the Mentally Retarded" recommended the establishment of an ad hoc Inter-Agency Mental Retardation Coordinating Committee to carry out and implement said plan;

NOW, THEREFORE, I, Charles L. Terry, Jr., by virtue of the authority vested in me as Governor of Delaware, hereby appoint and establish the Governor's Inter-Agency Coordinating Committee on Mental Retardation to carry out and implement the Delaware Plan for the Mentally Retarded by and through the Mental Retardation Comprehensive Planning Continuation and Implementation Project proposal.

The Governor's Inter-Agency Coordinating Committee, which shall be directly responsible to the Governor, shall be composed of the heads of the following agencies:

1. Dr. Daniel Lieberman, Department of Mental Health
2. Dr. Richard P. Gousha, Department of Public Instruction
3. Dr. Floyd I. Hudson, State Board of Health
4. Mr. John E. Hiland, Jr., State Board of Welfare
5. Mr. Joseph A. Bradshaw, Employment Security Commission
6. Dr. Ruth M. Laws, Delaware Commission on Children and Youth

There is also established an Advisory Council which shall assist and advise the aforesaid Inter-Agency Coordinating Committee on Mental Retardation. The Advisory Council shall be composed of representatives of interested and effected agencies and organizations to be determined by and within the discretion of a majority of the Inter-Agency Coordinating Committee.

APPROVED this 15th day of April, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 530  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWENTY-TWO

In compliance with provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of Eugene D. Bookhammer for permission to dredge and fill on his properties fronting on Rehoboth Bay at Bookhammer Landing, Sussex County, Delaware:

Arthur Dean Betts, Esquire  
(Chairman and Member)

Nanticoke Annex  
Seaford, Delaware

Charles Mills  
44 Maryland Avenue  
Rehoboth, Delaware (Member)

Mrs. Mae Hall McCabe  
38 Rehoboth Avenue  
Rehoboth, Delaware (Member)

APPROVED this 21st day of April, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 531  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWENTY-THREE

In compliance with the provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to investigate and make recommendation in regard to the plan of the United States Corps of Engineers to develop an off-shore disposal area of dredged materials at or near the Reedy Point entrance to the Chesapeake and Delaware Canal.

Mr. Clifton E. Morris      (Chairman and Member)  
19 Granite Road  
Wilmington, Delaware

Mr. John C. Roman                      (Member)  
7th & Clayton Streets  
New Castle, Delaware

Mr. Frank E. Warner                      (Member)  
Rodney Court Apartments  
Pennsylvania & Delaware Avenues  
Wilmington, Delaware

APPROVED this third day of May, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 532  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWENTY-FOUR

In compliance with provisions of Section 4520, Title 7, of the Delaware Code, I have this day appointed the following individuals to a special commission to consider the application of J. T. Bryan for permission to construct a boat slip and wharf on his property at Nanticoke River, Sussex County, Seaford, 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 15th day of June, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 533  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER TWENTY-FIVE

I, Charles L. Terry, Jr., Governor of the State of Delaware, by virtue of the authority vested in me as Governor of Delaware, hereby declare and order that jurisdiction over state-owned public beach lands in Sussex County bordering on the Atlantic Ocean be assigned to the State Park Commission in accordance with 7 Delaware Code, Section 4783, Subsection (b) and 7 Delaware Code, Section 4519.

Further, I declare and order that the State Highway Department shall continue to retain its statutory jurisdiction over state-owned public beach lands in Sussex County bordering on the Atlantic Ocean in order to protect the sand dunes and to further protect the beach from erosion in accordance with 17 Delaware Code, Section 142.

APPROVED this 20th day of July, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 534  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

DOVER

EXECUTIVE ORDER  
NUMBER TWENTY-SIX

TO: Heads of All State Departments and Agencies

SUBJECT: Establishment of the Delaware Higher Education  
Loan Program under Part B, Title 4 of the Higher  
Education Act of 1965.

WHEREAS, the Committee created by Executive Order #19, April 4, 1966, for the implementation of Delaware's guaranteed student loan program under Title 4, Part B of Public Law 89-329, Higher Education Act of 1965, has submitted its report and recommendations for the establishment of a program of loans to residents of Delaware under date of June 30, 1966;

NOW, THEREFORE, I, Charles L. Terry, Jr., by virtue of the authority vested in me, as Governor of the State of Delaware, do hereby order that this Committee heretofore appointed under and by Executive Order #19 shall continue to serve as the governing body of what shall be hereafter known as the Delaware Higher Education Loan Program. The membership of this governing body shall continue to be composed of representatives of the participating educational institutions with Harold Kaufman, Assistant Dean, University of Delaware as Director; William R. M. Osborne, Business Manager of Wesley College as Associate Director; and one other member as selected by the President of Delaware State College as Second Associate Director. This Committee, as the official State agency, shall retain all responsibility for setting all policies and procedures necessary for the operation of the program.

FURTHER, the Directors of this program shall have authority to negotiate and prepare all contracts and agreements

to be signed by me as Governor with private non-profit agencies or organizations, such as the United Student Aid Funds, Incorporated, whose function would be to administer the program under the control and supervision of the State governing body. The State governing body shall generate and enact all rules and regulations necessary for the proper operation and continuance of this program. They shall be empowered to receive such funds as may be granted to this program whether from public sources or from persons, firms, corporations, associations, trusts and foundations for the establishment, support, and promotion of the objectives of the Delaware Higher Education Loan Program.

FURTHER, the State governing body by and through its Directors shall have the power to contract for the guarantyship of loans with any administering agencies such as the United Student Aid Funds, Incorporated. In this regard it shall be the responsibility of the administering agency such as the United Student Aid Funds, Incorporated, to guarantee the repayment of all loans as well as to absorb all costs of administration and litigation. The State governing body shall also have the power to distribute such funds as may be received and deposited with it.

APPROVED this 8th day of August, 1966.

(GREAT SEAL)

CHARLES L. TERRY, JR.  
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

# Proclamation

## CHAPTER 538

### STATE OF DELAWARE EXECUTIVE DEPARTMENT

#### PROCLAMATION

WHEREAS, E. Hobson Davis, Tax Commissioner on behalf 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 and B Investment Co., A. Burke Layton, Inc., A. & D. Investments, Inc., A New Tomorrow Productions, Inc., Abe and Gertrude Messinger Foundation, Inc., The, Able Vending Company, Acceptance Corporation of America, Ace Electric Supply Company, Ace Van & Storage Co., Inc., Acenes, Incorporated, Acme Register Company, Action Cells, Incorporated, Active Organic Mfg. Corp., Adco Image Corp., Admiral American Corporation, Admiral Industries, Inc., Admiral Photo Corporation, Advance Cable Systems Corporation, Advanced Products Corporation, The, Advanciers Incorporated, Aem, Inc., Aero Fidelity Acceptance Corp., Aero-Lite Corporation, Aero Service Corp. (Western), Aero Space Electronics, Inc., Aerodyne, Inc., Afco Company, The, Affiliated Brokers, Inc., African-American Mercantile and Investment Corporation, Afro-American Mutual Discount Corporation, Afton, Inc., Agricultural Industrial Mar-

keting Institute and Foundation, Agua Nueva Stables, Inc., Aid, Inc., Aids to Industry, Inc., Air Pollution Contracts, Inc., Air Purchasing and Traffic Magazine, Inc., Air-Rock Corporation, Aircoach Reservations, Inc., Aircraft Exchange Security Corp., Airsonic Research & Development Corporation, Alan Productions, Inc., Alapocas Company, The, Alaska-Canadian Corporation, Alaska Leaseholds, Inc., Alaska Oil Lands, Inc., Alex Kenter, Inc., Alexander & Company, Alka Hosiery Mill, Inc., All Weather Corporation, Allied Construction Company, Allied Sales Corporation, Allied Services Corp., Alma Development Corporation, Alpha Instrument Company, Incorporated, Alpine Construction Co., Inc., Aluma-Tron, Inc., Alynie, Inc., Am Central Association, Inc., Amalgamated Drug Corporation, Ambassador East, Inc., Amelux Electronics Corporation, American Board of Forensic Medicine, Inc., American Building Maintenance Industries, Inc., American Business Enterprises, Ltd., American Cemetery of Paris, Incorporated, The, American College of Forensic Medicine, Inc., American Distributors Control, Inc., American Engineering Equipment Corporation, American Facsimile Corporation, American General Corporation, American International Service Corp., American Israeli Sports and Entertainment Enterprises, Inc., American Land, Produce & Mineral Corporation, American Movers Institute, American Nursing Homes, Inc., American Orbitronics Corporation, American Overseas Engineering Contractors, Inc., American & Overseas Underwriters, Inc., American Parents Association, American Science Complex, Inc., American Sports Plan, Inc., American Systronics, Inc., American Telasco, Ltd., American Telecontrol Corp., American Tramp Shipping Development Corporation, American Univend Corporation, American Voting Machine Co., American Wood Fabric Institute, Incorporated, Americana Properties, Inc., Ames Building Contractors, Inc., Ammers Corporation, Ampol, Inc., Analytical Research Associates, Inc., Anderson Production Methods, Inc., Anglo-American Welfare Foundation of Cuba, Anti-Communist Pan-American Association, Apex Agency Inc., The, Apex Construction Company, Apex Trading Corporation, Appalachian Company, Aqua Pools of America, Inc., Aquavac Laboratories, Inc., Ardee Oil Co., Ariana, Inc., Arizona Magnetite Company, Armed Forces Association, Armed Services Mutual Assistance and Credit Association, Arnold Design & Engineering of Wisconsin, Inc.,

Arnold Transport, Inc., Arrow Wrecking and Lumber Co., Inc., Artic Realty, Inc., Asbestos Mining & Manufacturing Corporation of Arizona, Asphalt Petrochemicals, Inc., Assnaf Trading Company (USA), Inc., Associated Fruit & Shipping Corporation, Associated Hair Stylists, Inc., Associated Management, Inc., Associated Processors, Inc., Associated Tank Lines, Inc., Astro-Communications, Inc., Astro Dynamics, Inc., Astro-Radiation, Inc., Astro-Therm-Ionic Metals, Inc., Astrochem Electronics Corporation, Atkins & Brittingham Realty, Inc., Atlantic Airways, Inc., Atlantic Brokerage Corporation, Atlantic Kennels, Inc., Atlantic Logging Co., Atlantic Manufacturing Company, Atlantic Mid-Continent Corporation, Atlantic Printing Co., Atlantic Truck Terminal, Inc., Atlas Agency, Inc., Atlas Bowling Centers, Inc., Atlas Connector Company, Inc., Atlas Sewing Centers, Inc. of Arizona, Atlas Sewing Centers, Inc. of Baltimore, Atlas Sewing Centers, Inc. of Cleveland, Atlas Sewing Centers, Inc. of Columbus, Atlas Sewing Centers, Inc. of Denver, Atlas Sewing Centers, Inc. of Fort Worth, Atlas Sewing Centers, Inc. of Indiana, Atlas Sewing Centers, Inc. of Indianapolis, Atlas Sewing Centers, Inc. of Kansas City, Atlas Sewing Centers, Inc. of Minneapolis, Atlas Sewing Centers, Inc. of Nebraska, Atlas Sewing Centers, Inc. of New Jersey, Atlas Sewing Centers, Inc. of New Mexico, Atlas Sewing Centers, Inc. of Oregon, Atlas Sewing Centers, Inc. of Philadelphia, Atlas Sewing Centers, Inc. of Pittsburgh, Atlas Sewing Centers, Inc. of Richmond, Atlas Sewing Centers, Inc. of St. Louis, Atlas Sewing Centers, Inc. of South Carolina, Atlas Sewing Centers, Inc. of Tennessee, Atlas Sewing Centers, Inc. of Virginia, Atlas Sewing Centers, Inc. of Washington, D. C., Atlas Stores, Inc. of California, Atlas Stores, Inc. of San Diego, Atlas Stores, Inc. of San Francisco, Atlas Stores, Inc. of San Jose, Atwood Corporation, Inc., Augustine Beach Hotel, Inc., Auto Body Association of Delaware, Inc., Auto-Elec Engineering Corporation, Auto Glass Distributors, Inc., Automated Block Corporation of America, Automated Teaching Systems, Inc., Automatic Industries, Inc., Automatic Parking of Missouri, Inc., Automatic Restaurants of Kentucky, Inc., Automatic Travel Coverage, Inc., Automotive City, Inc., Automotive Transmission Rebuilders, Inc., Aylesbury Estates, Inc.

B & B Chandler, Inc., B & B New and Used Cars, Inc., B & B Poultry Co., Inc., B & D Ammo, Inc., B. & G. Investment Associates, Inc., B & H Industries, Inc., B & L Contractors Supply, Inc., B. M. P. Building, Inc., B & W Oil Field Service, Inc., Babor Tool Company, Back Bay Gun Club, Inc., Balboa Laboratories, Inc., Balduman Enterprises, Inc., Baldur Laboratories, Inc., Baldwin Gardens, Incorporated, Baltimore Colliery Company, Barbara Stone Shops of Norfolk, Inc., Barrington-Partos, Incorporated, Basic Building Products Corporation, Baton Construction Corporation, Batteries Inc., Bay Poultry Products, Inc., Bda Films, Incorporated, Beatty Brothers, Inc., Beaverdam Brands, Inc., Beckynos Mining Corp., Bellevue Garage Inc., Ben Goodman & Son, Inc., Benincasa Chevrolet, Inc., Berkley Publishing Corporation of Canada, Berman Enterprises, Inc., Berman Realty Company Incorporated, Berne Development Corporation, Best Independent Motels of America, Inc., Better Business Bureau of the United States of America, Inc., Bill-Mar Holding Corporation, Billat Aviation Corp., Biophysical Research Products, Inc., Black Hawk, Inc., Blackwood Builders, Inc., Bladensburg Warehousing Corp., Bloom Manor Development Company, Blue Haven Industries, Inc., Blue Star Uranium, Inc., BMC 142, Inc., Boathouse, Inc., Boca Raton Palms, Inc., Bolivian-American Tire & Rubber Mfg. Corp., Bond & Mortgage Liquidation Corporation, The, Bond Oil & Gas, Ltd., Bonus Rent-A-Car System, Inc., Border Petroleum Company, Borgia Co., The, Boris Kroll Fabrics of Miami, Inc., Boschen Chemical Company, Bosworth-Masters Marine, Inc., Boulevard Speedway, Inc., Bowling Enterprises, Inc., Bowser Engineering Company, Bragley Publishing Corporation, The, Bramble Trucking Corporation, Bramelco, Inc., Brand Dispatching Company, Brandywine Business Men's Association, Inc., Brandywine Hosiery Mills, Inc., Brandywine Securities, Inc., Breslin Plastering Company, Briggie Productions, Inc., British Colonial Holdings, Inc., British Guiana Pulp & Paper Ltd., Broadcasters, Inc., Brockwood, Inc., Brokers Service Corporation, Buckhorn-Shasta Corporation, Buckley-Jaeger Broadcasting Corporation of Massachusetts, Bucks County Farms, Inc., Burnley Development and Management Corporation, Butco Corporation.



C. B. Fisher and Associates, C. E. Murray Company, Inc., C. F. Carter & Son, Inc., C. I. A., Inc., C. L. Realty Co., C and R Corporation, C & S Industries, Inc., Cable Carriers, Inc., Cal-Carb Corporation, Cal-Tex Realty Co., Caldwell Publishing Corp., California Dorsey Trailer Sales, Inc., Camden-Dover Housing Corporation, Camelot Builders, Inc., Camelot Development Co., Cameron Housing Corporation, Cameron & Son, Inc., Camp David, Inc., Capaldi & Capano, Inc., Capital Business Service, Inc., Capital Finders Corporation, Capital Guidance Corporation, Capital Nursery Sales Co., Inc., Capitalism, Inc., Capital Kwik-Kafe Coffee Service, Inc., Caravan Corporation, The, Cargo Handling Co., Inc., Cargon Transport, Inc., Caribbean Mfg. & Chemical Co., Inc., Caribe Mining Corporation, Carl's Furniture Stores, Inc., Carl Hosiery Co., Inc., Carlyle Drilling Company, Carmen Holding Co., Carpet Craft, Inc., Carr of Augusta, Inc., Carr Millinery Corp., Carriage Lodges, Inc., Carson Excavating Company, Inc., Carter Realty Company, Casa Industries Corporation, Casco Agency, Inc., Cash-O-Matic Coupon Corp., Castle Homes, Inc., Catts Realty Company, Cayuga Industries Corporation, Celtic Vending Corp., Cement Gun Company, Central Auto Top & Body Company, Inc., Central City Redevelopment, Inc., Central Corporation, The, Central Park Realty, Inc., Central Plumbing Supply Company, Central States N.T.S., Inc., Century Production Company, Century Sound Corporation, Cepac, Inc., Chalmers Oil & Gas Company, Chamberlain & Royle, Inc., Charles M. West & Son, Inc., Charr-Coal Crater Corporation, Chesapeake Real Estate & Development Co., Chem-Lac, Inc., Chem-Oil Corporation, Chemalurgy Corporation, Chemelectronics, Inc., Chemical Controls, Inc., Chemicals & Residues, Inc., Chicago Trade Show Review, Inc., Chicken Basket, Inc., Children of the Sea, Inc., Chili-Pup, Incorporated, Christiana Castle No. 20 Knights of the Golden Eagle of Christiana Delaware Incorporated, Christiansen Corporation, Chuck's Septic Tank Service, Inc., Chud W. Wendle Foundation, Inc., Cinema Studios, Inc., Circle Lake Apartments Corporation, Circuit Aids, Inc., Cirrus Flying Club, Inc., Citation Contractors, Inc., Citra Corporation, The, City Office Machines, Inc., City Redevelopment Corporation, Civil and Military Investors Mutual Fund, Inc., Clarence W. Davis Co., Inc., Clarence Willey, Inc., Claude Smith Transport, Inc., Clearfor Development Corporation, Cleaver Brothers, Inc., Clenair Co.,

Clifton Enterprises, Inc., Clinton Street Corp., Club Consultants, Inc., Coastal Corporation, Coastal Dry-Manure Corp., Coastal Gas Co., Inc. of Delaware, Coastal International Corporation, Cochran Equipment Co., Code Cover Company, Codlek, Inc., Coffee King System, Inc., Coffee Run, Inc., Cohasset Corp., Cohen Bros., Inc., Coin Changers of Washington, Inc., Coin-Op Vending Corporation, Colabar Candy Company, Colamer Corp., Cold Control, Inc., Coldaire Manufacturing Company, Inc., Collins Electronics Co., Inc., Colombian Exploration and Development Corporation, Color Electronics Corporation, Colorado Real Estate & Development, Inc., Columbia Enterprises, Inc., Columbian Corporation, The, Combustion Control Service Co., Inc., Combustion Technology Corporation, Comfortron Inc., Commercial Decal, Inc., Commercial Empire Corporation, Commercial Illustrators, Inc., Commercial Inserts, Inc., Commonwealth Securities Limited, Community Budget Service, Inc., Con-Electro Corporation, Concord Diner & Dining Room, Inc., Concord Products, Inc., Concrete Restoration, Inc., Congo Construction Company, Congo International Management Corporation, Conowingo Motel, Inc., Consolidated Boat and Electronics Corporation, Consolidated Optics Corporation, Consolidated Research and Manufacturing Corporation, Consolidated Vending Corp., Construction Management Corp., Contact Lens Foundation, Ltd., Container Loading Corporation, Container Mfg. Co., Continental American National Stamp Corporation, Continental Associates Corporation, Continental Brands, Inc., Continental Car-Nu-Ba Corporation, Continental Holding, Inc., Continental Industrial Electronics Corp., Continental International Corp., Continental Reserve Corporation, Continental Steel & Wire Corporation, Continental Television Corporation, Contractors Paint & Supply Co., Convenient Food Marts of America, Inc., Convention Preview Publications, Inc., Cormit, Inc., Corn States Insurance Agency, Inc., Corner Grill, Inc., Corporate Consultants, Inc., Corporate Loan & Finance, Inc., Corrosion & Materials Engineering, Inc., Corundum Co., The, Count Dorelis Ltd., County Sanitation Co., County Shopping Center, Inc., Cove Point Construction Co., Inc., Covell and Mitchell, Inc., Covington Products, Inc., Crafton Builders, Inc., Craig Pharmaceutical Products, Inc., Creative Interiors, Inc., Creative Management Consultants, Inc., Creditors Service Co., Crest Amusement Corporation, Crest, Incorporated, Crestwood Apartment Corpora-

tion, Crisconi and Diabatino, Inc., Crossroad Auto & Trailer Sales, Inc., Crossroad Construction, Inc., Crown Corporation, The, Crown Janitor Supply, Inc., Currency Machines Corp., Custom Polymers, Inc., Cycloramic Corporation of America.

D. B. Lyons, Inc., D. D. Distributors, Inc., D & G Realty Company, D. & I. Land Development Corporation, D.P.J. Associates, Inc., D & R Construction Co., Dagsboro Motor Corporation, Daiquiri Drilling and Development Corp., Dan Pollin, Inc., Danish Bakers, Inc., Dart Toy Town of Bethesda, Inc., Darwin Realty, Inc., Dason Jewelers, Inc., Davidov, Inc., Dawn Realty Company, De Bruyne Bros., Inc., Deepwood Construction Co., Del-Mar Motor Court, Inc., Delaware Association of Home Improvement Contractors, Delaware Baptist State Convention, Inc., Delaware City Taxi Company, Inc., Delaware Colliery Company, Delaware Conference Home for the Aged, Inc., Delaware Day School for Handicapped Children, Inc., Delaware Holly, Inc., Delaware Kart Club Association, Delaware Kennel & Raceway, Inc., Delaware Leasing Company, Delaware and Maryland Farms Company, The, Delaware Realty and Development Corporation, Delaware Refrigeration, Inc., Delaware River Construction Co., Inc., Delaware State College of Beauty Culture, Inc., Delaware Valley Aggregate Company, Delaware Valley Landscape & Chemical Service, Inc., Delaware Ventilated Awning Co., Inc., Delawareans for Voluntary Unionism, Inc., Delka Research Corp., Dell's, Inc., Delle Donne & Remedio Supply Co., Delmarva Aerial Spray Co., Inc., Delmarva Gas Association, Inc., The, Delmarva Sales Company, Inc., Delpark Construction Co., Deltec Corporation, Dental Dealers of America, Inc., Design in Crystal Corporation, Designs for Recreation Areas, Inc., Developing American Tourist Enterprises, Inc., Development Optics, Inc., Devan Development Corporation, Dexter Foundation, Inc., Di Ciero Restaurant, Inc., Di-Ferron Laboratories, Inc., Diamond State Linoleum & Tile Co., Dickson-Manville Colliery Company, Dickson Weatherproof Nail Company, Dictation Systems, Inc., Dictograph Corporation, Diner Foods, Inc., Direct Military Services Incorporated, Discount House of Pictures, Frames and Mirrors, Inc., Display Consultants, Inc., Distillex Industries Inc., Diversified Oil & Mining Corporation, Dixie N. T. S., Inc., Dixie Oil & Gas Co., DNH Land Development and Sales Co., Do-Drop Inn, Inc., Dobco, Inc., Doc Tomb Wagon

Train & Last Round-Up, Inc., The, Domestic Trade Corporation, Dominion Chevrolet Co., Donovan Realty Co., Inc., Dooley & Gardner, Inc., Doring Industries, Inc., Dorothy Corporation, The, Dover Cosmetics, Inc., Drew Steamship Services Incorporated, Dri-Clean-O-Mat Corp., Drinkmate Mfg. Inc., Duane Cloud Foundation, Inc., Dulles International Industrial Park, Inc., Dunleith Community Civic Association, The, Dupont Cab Company, Dworman Corporation, The, Dyna-Mech, Inc., Dyna Sales Corporation of New York, Dyna Sales New England, Inc., Dyna Sales South, Inc., Dynagraphics Research, Inc., Dynamic Air Engineering, Inc., Dynamic Projections, Inc., Dynex, Inc.

E. & J. Investment Corporation, E. L. Traylor Company, Inc., E. P. S. Corporation, Eagle Litho Company, East Side Mercury Sales, Inc., East Washington St. of N. Attleboro, Inc., Eastern Data Processes, Inc., Eastern N. T. S., Inc., Eastern Produce, Inc., Eastern States Producing Company, Eastover Hills Company, Econo Drug, Inc., Editorial Associates Inc., Ed-on Roc, Ltd., Education-Electronic, Inc., Edward A. Berger Co., Edward-Meadow Corporation, The, Edwin M. Charles Company, Inc., The, EFC Liquidating Corporation, Elam Shipping Corporation, Electra Industries, Inc., Electricolor Metal Processing Corporation, Electro Optical Development & Research Co., Inc., Electronic Color Corporation, Electronic Credit Systems, Inc., Electronic Development Corporation, Electronic Parking Meters, Inc., Electronic Research Corporation of America, Electronic Vision Industries, Inc., Electronics Converter Industries, Inc., Elisa Holiday, Inc., Elite Toiletries & Cosmetics Inc., Ellis Research Laboratories, Inc., Elmotel Corporation, Emco Insurance Corporation, Empire Funding Corporation, Empire Toiletries & Cosmetics, Inc., En Mail Machine Corporation, Energy Dynamics Corporation, Engineering Design Information Services, Inc., Erickson Machinery Corporation, Erwood Corporation, Esan Oil Company, Essex Hotel and Cafe, Inc., Estate Holding Corp., Eudaemonic Foundation Ltd., The, European Research & Development Corporation, Evelyn Hosiery Co., Inc., Excelsior Hosiery Co., Inc., Excelsior National Corp., Exchange Cabbus Underwriters Agency, Inc., Exchange Underwriters Agency, Inc., Executive International United Management Consultants, Inc., Exodyne Enterprises, Incorporated, Express Barge Lines, Inc.

F. Capano Construction Co., Inc., F. & J. Apartments, Inc., F. & J. Tigani Builders, Inc., F. M. Guide, Inc., F. R. Chilton and Co., Fabian's, Inc., Fable Brands, Inc., Fairfield Controls, Inc., Fairview Construction Co., Inc., Faith Community Baptist Church, Inc., Falcon Securities Services, Inc., Family Security Sherter Corp., Fantabulous Estates, Inc., Far East Restaurant, Inc., Farrissetser Transport, Inc., Federal Instruments Corporation, Federated Bowling Corporation, Federated Foods of Maryland, Inc., Fidelity Registrar & Transfer Corporation, Financial Corporation of California Inc., Financial Planning Service, Inc., Finders Oil & Gas Corporation, The, Finest Scaffold Company, The, Finn Electronics Corporation, First Capital Corporation, First Development Company, First Financial and Development Corporation, First State Auto Supplies, Inc., First State Fraternal Supply Co., Inc., First Transatlantic Fund Corporation, The, First Transcaribbean Corporation, First U. S. Southern Corp., First West Palm Drug Corporation, Fiscal Services, Inc., Fitch Hosiery Co., Inc., Five, Inc., The, 530 Social Club, Inc., Flash Enterprises, Inc., Fleet Care, Inc., Flex-I-Brush, Inc., Flexifoam Industries, Inc., Flextron Industries, Inc., Flo-Container Incorporated, Florentine Importing Company, Floyd Oles, Inc., Flying Ten Club, Foggy Bottom, Inc., Folk Festival Foundation, Fontana National Corporation, The, Food Corporation of America, Food Transport Service Corporation, Foot Levelers, Ltd., Force Steamship Corporation, Foreign Trade Corporation, Forspack, Inc., Forsyth and Company, Inc., Fort Stanwix Manufacturing Company, Inc., The, Foundation of Saint Joseph, Inc., The, Foundation Services, Inc., Fountain Enterprises, Inc., Fountain's, Inc., Fountain Trailer Sales Co., 4-D Marketing Company, Inc., Fourbees Chemicals, Inc., Fowler Brothers, Incorporated of Detroit, Francis Management Co., Frank Gallagher and Company, Frank Stranahan's Champions' Formula, Inc. of California, Franklin Midwest Industries, Inc., Franwood Corporation, Frapa Maintenance Corp., Free Trade Corporation, Frente Revolucionario Democratico, Inc., Frontier Research & Development Corp., Frozen Fruit Products Corporation, Furness Line Ltd., Fuzon Corporation, Fynne, Keeling and Associates, Inc.

G. & A. Development Company, G. & A. Realty Corporation, G. E. Hall, Inc., G & G Enterprises, Inc., G & W Associ-

ates, Inc., Gaddy & Gaddy Construction Co., Inc., Gainture, Inc., Gallo Electronics Corporation, Gardner Corporation, Gateway Engineered Products Corp., Gaylite Incorporated, Gem Color Co., Inc., General Aircraft Company of America, Inc., General Bowling Corporation, General Dielectrics, Inc., General Excavators, Inc., General Exchange Enterprises, Inc., General Expressways, Ltd., General Pool Service, Inc., General Radio-telephone Co., General Realty and Developing Corporation, General Screen Corp., Geo-Development Corporation, Georgetown University Alumni Association of Delaware, Gibraltar C. P. I., Inc., Gibraltar Land Development Corp., Gifford & Takahashi, Inc., Gilbert H. Robinson, Inc., Gilmer Realty Company, Glacier Publishing International, Inc., Glenview Homecraft Co., Globe Construction Company, Globus Fund, Inc., Gly, Incorporated, Golden Hind Estates, Inc., Goldop, Inc., Good-All Plumbing & Heating, The, Goodrich Associates, Inc., Gopher, Inc., Gordon of Fairfax, Inc., Gotham Investment Corporation, Gotham N. T. S., Inc., Goubaud De Paris, Inc., Governor Printz Realty Company, Grade-A Frozen Food Co., Graham Freelance Incorporated, Grail Inc., Grandview Farms, Inc., Great Lakes N. T. S., Inc., Great Western Chemical Mining Corporation, Great Western Oil and Gas Company, Greater Paint & Chemical Corp., Greenlea Corporation, The, Greenville Apartments Corporation, Greenwood Colliery Company, Grendon, Inc., Griffith Teleprinter Corporation, Grig Co., Inc., Grossbart Jewelers, Inc., Groton Company, Group Builders, Inc., Grubb Road Builders, Inc., Gruman-Bond Equipment Corp., Guardian Holding Corporation, Guinea American Corporation, Gulf N. T. S., Inc., Gumboro Feed Service, Inc.

H & H Dredging Company, Inc., H. I. Scott Realty Company, H. L. Hutton & Co., H. M. S. E. Investing Corp., H. Ryan Appliances, Inc., H. Ryan Furniture, Inc., H. Ryan Furniture Supermarket, Inc., Hackett Productions, Inc., Hagrob Picture Corporations, Halcyon Corporation, Hall Production Co., Hall-Sears International, Inc., Hallmark Properties, Inc., Hamiker, Ltd., Handee Mfg. Corp., Haney, Incorporated, Har-Del Corporation, Harbor Estates, Inc., Harlem-Ogden Self Service Cleaning & Laundry Village, Inc., Harold S. Kelshaw Corporation, Harrison Transport Company, Inc., Harry Gibson, Inc., Harvey's Enterprises, Inc., Harvey Lowery, Inc., Harvey Re-

frigeration Company, Hasday Optical Co. of Texas, Inc., Hawke Company, Hawley Construction Co., Inc., Hayden Construction Company, Inc., Heavener Hotels, Incorporated, Hem Corporation, Hemisphere Enterprises, Inc., Henmar Corporation, Herrods Run Oil and Gas Company, Hession Textile Corp., Hi-Way Safety Equipment Co., Hickory Chick, Inc., Hightower-Morse & Company, Hill-Brown Fabrics, Inc., Hillsboro Marine, Inc., Hillside Development Corporation, Hillside Liquors, Inc., Hilltop Diner, Inc., Hinnens Brothers, Inc., Holiday Hills Civic Association, Inc., Holiday Hills, Inc., Holiday Homes, Inc., Holiday Marina Boatel Development Corp., Holiday Realty Co., Holiday Sales & Royalty Co., Inc., Hollingsworth-Wiley Corporation, Holly Oak Community Club, Home Pride Products, Inc., Homemakers Investment Corporation, Homer Foundation, Inc., Hometown Motors, Inc., Honey Dew Food Stores of Connecticut, Inc., Honey Dew Food Stores, Inc., Honey Dew Food Stores of New Jersey, Inc., Hopewell Processing Corporation, Hotel Carlyle of Washington, D. C., Hotel Consultants International, Inc., Hotel Investors, Inc., House of Koshu, Inc., House of Poitier, Inc., Hudson Poultry Farms, Inc., Hughes & Tucker Transport Co., Inc., Hunters and Anglers Association, Huntington Marblehead Company, Hush Bumper Service, Inc., Huston Culver Fertilizers, Inc., Hy-Point Dairy Farms, Inc., Hygeia Electronics Corporation.

Insurance & Mutual Fund Management Corporation, Insurance Offices of the Seaboard Corporation, Integrity Professional Service, Inc., Inter-American Corp., Inter American Development Corporation, Inter-American Industries, Inc., Inter-American Investing Corp., Inter-American Management Corporation, Inter-American Products Corporation, Inter-Mountain Sales Company, Inter-State Acceptance Corporation, Inter-Urban Corporation, Intercontinental Management Corporation, Intercontinental Wallcovering, Inc., Interim Technical Corporation, International Advisors, Ltd., International Apparel Associates, Inc., International Brazilian Mining Corporation, International Donut Corp., International Gas Company, International Industrial Development Consultants, Inc., International Iron of Costa Rica, Inc., International Marketland, Inc., International Metal Industries, Inc., International Monorail Systems, Inc., International Placement Bureau, Inc., International Proprie-

taries, Incorporated, International Seminars, Inc., International Services, Inc., International Ski Corporation, International Small Industry Development Corporation, International Steel Corporation, International Structures, Inc., International Teaching Systems, Inc., International Tourist Development Corporation, International Vending Corporation, Interstate Industries, Inc., Investors Leasing Corporation, Isis International Corporation.

J. C. Traynor, Inc., J. E. Holmes & Associates, Inc., J I Investment, Inc., J & J Spiritulis Temple, Inc., J. M. Erautt Enterprise Incorporated, J. Meat Co., J. N. P. Inc., J. Noble Simpson, Inc., J. P. & L. Auto, Inc., J. R. Meehan Foundation, Inc., J. & S. Transport, Inc., Jack Pry Limited, Baltimore, Jackson Experimental Farm, Inc., Jacqueline Cochran Beauty Salon, Inc., Jamar Management Service Co., James H. Bryant Foundation, Inc., James T. Ryan, Inc., Jan Electronics Corporations, Janus Corporation, The, Jay National Corp., Jefferson Distributors Corp., Jeffrey Corporation, Jesse H. Anderson Company, Jhonics Inc., Jimrick, Inc., John C. Garvin & Associates, Inc., John H. Harris Associates, Inc., John Hurt Chevrolet-Cadillac Co., John J. MC Vicker Company, Inc., John M. Corporation, John St. Group, Inc., Johnnie Lee Macfadden House of Youth and Beauty, Inc., Johnny's Supermarket, Inc., Johnson Buick Co., Inc., Joie Chitwood Thrill Show, Inc., Jonas-Frank Associates Inc., Jones & Layton, Inc., Jullien Engineering Company, Jump Center Manufacturing & Supply Company, Inc., Jump Centers, Inc., Jump for Health & Fun, Inc., Juniata Silica Company, Juvenile Shoe-Fitters, Inc.

K. C. P. Corporation, Kamkap, Inc., Kammerer Hardware & Gifts, Inc., Kann's Apparel, Inc., Kansas City Kwik-Kafe Coffee Service, Inc., Kansas City Trade Corporation, Karlton Club, Inc., Kelly Trailer Court, Inc., Ken Cary Company Inc., Kenn Foundation, Inc., The, Kenneth Apartments, Inc., Kent Custom Homes Co., Kent Oil Service, Inc., Kentoma Petroleum Corporation, Kenton Hosiery Co., Inc., Kett Corporation, The, Keystone Plating Corporation, Keystone Processing Corporation, King and Sipala, Inc., Kinks Points Trident Club, Inc., Knickerbocker N. T. S., Inc., Knickerbocker Transport, Inc., Knight-Waterhouse Corp., Knopf's Inc., Kraft Planned Homes,



Inc., Kramedas Bros., Inc., Kulukundis Lines, Ltd., Kurt Corporation, The, Kwik-Kafe of Boston, Inc., Kwik-Kafe Coffee Services, Inc.

L & B, Inc., L. C. Haller and Company, Inc., L. C. Parker, Inc., L and H Construction, Inc., L H G Corporation, L & I Corp., L. J. Nichols and Son, Inc., L & M Service, Inc., Lad-E, Inc., Lafferty and McCoy Builders, Inc., Lake Brittle Estates, Inc., Lake Plaza, Inc., Lakeland Development Corporation, Laminated Walls, Inc., Lancer Research Development Corp., Lancer Survival Corp., Landaria Corp., Lanseair of Washington, Inc., Larrabee Associates, Inc., Larrabee, Ltd., Larry Berns Productions Inc., Lasalle Park Corporation, Latin American Industrial Development Fund, Inc., Lawrence Jenkins and Company, Inc., Lawrence M. Stein Company, Lease America Corporation, Lease-Back Finance Company, Inc., Lecates & Company, Inc., Ledtom, Inc., Lee Marine Service Company, Inc., Leeds Homes of Salisbury, Inc., Lefcourt Mortgage Company, Lektophone Corporation, Le Parfums Jacques Fath Corp., Lew-Della Hosiery Co., Inc., Lib Steamship Corporation, Lifco, Inc., Lifeguard Shelters & Equipment Co., Likins-Foster Olathe Corp., Lillian's Beauty Shoppe, Inc., Lincoln Oil Co., Linden Construction, Inc., Lindsey's, Ltd., Lindy Club, Inc., Lionel-Wadsworth Ultrasonics, Inc., Little Detroit, Inc., Little Folks School, Inc., The, Little Store, Inc., The, Livingston Gardens, Inc., Livingston's of Wilmington, Inc., Locust Construction Co., Logs and Lumber, Inc., Looks Limited, Loomis Coal Corporation, Louree Liquors, Inc., Lubin Perfumery Corporation, The, Lucas Pola Tron, Inc., Lucky Citrus Producing Corporation, Lungan Development and Trading Co., Ltd., Lykon Manufacturing, Inc., Lynch Engineering Co., Inc.

M. A. Phillips Children's Mart, Inc., M C S, Inc., M. C. S. Publishing Company, M. J. Merritt & Co., Inc., M-P Country Club, Inc., M. Rosenbaum & Son, Inc., Macarthur Foundation Company, Inc., Macfarlane, Incorporated, Macks Tire Service, Inc., Madaras Steel Corporation of Texas, Madera Oil and Gas Company, Madiron, Inc., Madison Social Club, Magic City Broadcasting Corporation, Magna-Bond, Inc., Magness Decorators, Inc., Magnetronic Service Corporation, Magnificent Motels, Inc., Magnus Construction, Inc., Mainline Constructors,

Inc., Maisel, Inc., Malone-Rountree, Inc., Manflo Corporation, Manhattan N.T.S., Inc., Manhattan Shop, Inc., Manor Park Liquor Store, Inc., Mantle-Maris Enterprises, Inc., Manufacturers Incorporated, Manufacturing Instrument & Tool Corporation, Mar-Trade Corporation of Delaware, Marc Warren Construction Co., Marhandt Enterprises, Inc., Marine Express Corp., Marine Structures, Inc., Marksway, Inc., Marland Corporation, Marlo Gas & Oil, Inc., Marteau, Inc., Martin, Blanchard & Associates, Inc., Martin Consultants, Inc., Martin Motors, Inc., Martin Plastics Corporation, Massey Woodworking Company, Inc., Maternity Mart-Philadelphia, Inc., Max Ludwig Company, Maynard Enterprises, Inc., McKay-Davis Pharmaceutical Company, Inc., McKay Hosiery Co., Inc., Meadmont Warehouse, Inc., Meadville Keystone Sales, Inc., MEB Construction Co., Mechanical Enterprises, Inc., Media Industries, Inc., Media Marketing, Inc., Medical Resources Corporation, Medical-Science Fund International, Inc., Melia Corp., Memory Magnetics Corporation, Merchandise World of Youngstown, Inc., Mercuria Company, Inc., Mermaid Pools, Inc., Metalform, Inc., Metalloid Corporation, Meteor Enterprises, Inc., Metropolitan Associates, Inc., Metropolitan Designed for Living, Inc., Metropolitan Realty Development Corporation, Mex-Can, Inc., Mezo Pontiac Co. Inc., Mica Processing, Inc., Micuccio Service Company, Mid America Natural Gas Corp., Mid Central Industries, Inc., Mid-Coastal Corp., Mid West N. T. S., Inc., Middle Atlantic Trade Show Review, Inc., Middleburg Farms, Inc., Middletown Centennial, Inc., Midwest Industrial Corporation, Midwest Steamship Agency, Inc., Mile High Minerals, Inc., Miles & Timm, Inc., Milford Diner, Inc., Minerals Corporation of America, Minor Cabinet Shop, Inc., Miraclean Corporation, Mission Groves, Inc., Missouri Mines Inc., Mr. Fifteen, Dover, Inc., Mr. Hoy's Delicatessen, Inc., Mitchell's Motors, Inc., Mity Industries Inc., Modan Realty Co., Modern Asphalt Paving & Construction Co., Modern Screen Process, Inc., Mohawk N. T. S., Inc., Monaghan Columbus Club, Inc., Monarch Cab Co., Inc., Monarch Plastics Corporation, Monetary Sales Company, Monroe Company, The, Monroe Construction Co., Inc., Monroe Supply Co., Inc., Montgomery Steel Products Corporation, Moody, Hutchins & Company, Inc., Moore Real Estate Investment and Development Corp., Moral Corporation, Morley Development Company, Inc., Morrow Products, Incorporated, Motion Pic-

tures, Incorporated, Motor-Sport Dover, Inc., Motor-Sport Elsmere, Inc., Mount Vernon Shopping Center, Inc., Movie-Matic Photo Systems, Inc., Muriel Corporation, Musical Enterprises, Inc., Mutual Pipeline Company, Mutual Producers, Inc., Myers & Quigg Asphalt Co., Inc., Myers & Quigg Equipment Co., Inc., Myers & Quigg, Inc.

N & B Realty Corp., N. C. Liq. Co., Inc., Naamans Little League, Inc., Namdur, Inc., Nameoki Concrete Products, Inc., Nanticoke Playgrounds, Inc., Nashua Construction Co., Inc., Nathan Oil Development Ltd., National Art League, Inc., National Atomic Industries, Inc., National Beverage Corporation, National Bowling League of Chicago, Inc., National Captive Nations Committee, Inc., The, National Consultants, Incorporated, National Contact Lens Co., National Gas Appliance Corporation, National Golden Point, Inc., National Hydrocarbons Company, National Industries, Incorporated, National Marinas Corporation, National Marine Rental Corporation, National Metalics Corporation of Delaware, National Properties Inc., National Recreation Corporation, National Solvents Corporation, National Stereo Guild, Inc., National Tomar Corporation, The, Nationwide Development Corporation, Naugle Voting Machine Company, Navajo Leytso Mining Co., Neighborhood Bowling Association, Neptune Lines Incorporated, New Castle Hundred Democratic League, New Haven Amity Drug Corporation, New Hope Temple Baptist Church Society, New Lenox Recreation Center, Inc., New Middletown Beef Company, Inc., The, New Pacific Steel Rolling Mills, Inc., New York Navigation & Chartering Company, Inc., New York Restaurant, Inc., New York-Washington C.M.E. Annual Conference, Inc., Newark Flying Associates, Inc., Newport Tankers Corporation, Nicholson & Patten, Inc., 927 Corp., Ninth Street Properties Co., Nob Hill Park Apartments, Inc., Noreen Realty Corporation, Norfolk Naval Supply Lines, Incorporated, Normandy Oil & Gas, Inc., North American Associates East Inc., North American Oil Corporation of Delaware, North Coal Company, North River Construction Co., Inc., North Western Mining & Exploration Corporation, Northeast Telecommunications, Inc., Northern Corporation, The, Northern Homes, Inc., Northwestern Development Company, Inc., Nortrade Inc., Novi Diesel Engine, Inc., Nu-Vitality, Inc.

O. C. J. Builders, Inc., O'Leno Investment Company, Oakmont Cab Co., Aasis Hotel Inc. of Beersheba Israel, Odex Corporation, Okalta Oils Inc., Oklahoma Log Exchange, Inc., Oklahoma Woodchuck Zinc Lead Company, Oldad Corporation, The, Oliver's Stores for Men, Inc., Olympia Air Freight, Inc., Olympic Laundry and Uniform Rental, Inc., Olympic Pool Company, Inc., Olympic Transport Limited, Olyphant Colliery Company, Omni Fastener Corp., Omni-Flex, Inc., 142nd A. N. G. Aero Club, Inc., One Putt Corporation, Operators Music, Inc., Optronics, Inc., Orbit Press, Inc., Oreclone Concentrating Corp., Oreclone International, Inc., Ores Beneficiation, Inc., Organic Materials, Inc., Oriental Tanker Corporation, Orion Investment Company, Orion Research Company, Orr-Adams Construction Co., Orr Hosiery Co., Inc., Overland-Australian Oils Ltd., Overseas Air Carriers Association, Overseas Communications Co., Inc., Overseas Management Services, Inc., Owens Southwestern Development Corporation, Owensboro Foundry Company, Oxford Builders, Inc.

P. A. J. Corporation, P. A. R. Corp., P-C Real Estate and Development Corporation, P and D Corp., P E I Systems Inc., P T I Service Corp., P. T. Rohm, Inc., Pace Productions of Delaware, Inc., Pacific Industrial Services, Inc., Package Structures, Inc., Page Rockingham Office Machines, Inc., Paladinetti Bros., Inc., Palmer Suddaby Enterprises, Inc., Pan-Electronics Company, The, Pan International, Ltd., Pantex Manufacturing Corporation, Param Properties, Inc., Parking Associates Manhattan Co., Inc., Parklyn Pharmacy, Inc., Parkway Contracting Co., Pastall Corporation, The, Pastom, Inc., Patent, Research & Development, Inc., Pathe-America Distributing Co., Inc., Paul P. Merbach and Associates, Inc., Paul V. Ames, Inc., Pauline and Henry L. Kahn Foundation, Inc., Pendale Corporation, The, Peninsula Home Builders, Inc., Penn-Bell Electronics, Inc., Penn Liquors, Inc., Penn-Ohio Steel Corporation, Pennon Electronics Corporation, Pentagon Insurance Corporation, Penzell Building & Construction Corporation, Perigee, Inc., Perma-Coater, Inc., Personal Collections, Inc., Personnel Advisory Service, Inc., Personnel Research Associates, Inc., Pet Shoppe, Inc., The, Peter Wheat Service Bakers, Inc., Pharm-A-Desk Corporation, Phil Frates, Inc., Philadelphia Publications Corporation, Photronic Corporation of America, Pierce Holding

Company, Pike's View Corporation, Pitney Butte Mining and Smelting Company, Inc., Pizza Plaza Realty Corp., Planoscope Corporation, Plans Incorporated, Plasser Railway Machinery Manufacturing Corporation, Plastic-Concrete Products, Inc., Playville, Inc., Ploener Auto Parts Co. Inc., Plummer, Ltd., PM Construction Co., Pocohontas Temple, No. 60 Daughters of Improved, Benevolent and Protective Order of Elks of the World, Inc., Point Breeze Construction Co., Polarized Meat Company, Polyvinyl Coating Laboratories, Inc., Portable Jon of Delaware, Inc., Portable Jon of New Jersey, Inc., Portable Jon of Philadelphia, Inc., Portable Refrigeration, Inc., Postal Constructors, Inc., Potomac Realty Co., Inc., Power Industries Inc., Pre-Engineered Homes Corporation of America, Premier Pharmaceutical Corporation, Presco Industries, Inc., Prescott-Lancaster Corp., President Airlines, Inc., Presidents Life Insurance Investment Company, Pressure Seals, Inc., Preston Decorating Company, Inc., Priebe Hatcheries, Inc., Priebe Poultry Company, Priebe & Sons, Inc., Princeton Carton Corporation, Printed Circuit Equipment and Supply Corp., Process Equipment Corporation, Producers Equity Corporation, Product and Industrial Engineering Corp., Progressive Club 13, Inc., Projects Development, Inc., Prom, Inc., Promotional Services, Inc., Prospect Holding Corp., Purchase Credit Company, Purdy, Carlisle and Dodds, Inc., Purtell Bros., Inc., Pymat Corporation, Pyroxite Corporation, The.

Queen Quality Boot Shop Incorporated, Quidnessett Golf & Country Club, Inc., QXQ Corp.

R & R Supply Co., R & S Transport Company, Race Nite, Inc. of Boston, Radio Management Corporation, Rand Brothers, Inc., Randex, Inc., Rapidex-Dox Plank Manufacturers Association, Raxant Corporation, Ray-Lite Sign Company, Inc., Rayburn Leasing Company, Raylance Corporation, RC-Nehi Corporation, Realty, Inc., Reardon Boats, Inc., Redneb Pipe Co., Redstone Motor Lodge, Inc., Reflecta Corporation, The, Refrigeration Equipment and Repair Company, Regal Park Swim Club, Inc., Reid Construction Company, Reid & Son, Inc., Reiver's, Inc., Reliable Poultry Market, Inc., Renaire Corporation, Renewal Finance Corp., Rescon Electronics Corporation, Research Dynamics, Inc., Research Plastic Corporation, Resources

Unlimited, Inc., Reylock, Inc., Rhodes Manufacturing Co., Inc., Rhodes Research Corporation, Richardson Boat Company, Richmond Motor Lodge, Inc., Richmond Oil & Gas Co., Ricksha, Inc., Ridgerock of America, Inc., Ridgewood Construction Co., Ritz Cab Company, River Roads Confections, Inc., Riverhead Corporation, The, Riverview Amusement Co., RKM Incorporated, RLA Distributing Co., Inc., Robin Hood Supply Co., Robino Development Company, Rock Fabricates, Inc., Rockrose Construction, Inc., Rodney Distributors, Inc., Rolloway System, Inc., Roman Garden Motels, Inc., Rosaio Construction Co., Rosegina Inc., Rosenbaum's, Inc., Rosner Corporation, Rosson-Richards Development Corporation, Roxbury Supply, Inc., Royal Acres, Inc., Royal Continental, Inc., Royal Gaines Investment, Inc., Royal Sleep Shops, Inc., Royalty Income Properties, Inc., Rudd-Melikian Distributors, Inc., Rudd-Melikian Distributors Incorporated of Illinois, Rudolph Greenstreet, Inc., Rural Holding Company.

S. F. Dadds Custom Homes, Inc., S. T. D. Corporation, Sadie McCollum, Inc., Safety Shelters, Inc., Safticraft Corporation, Saintjames Maintenance Corp., St. Louis Commercial Corporation, Samuel and Esther Lipman Foundation, San Diego N. T. S., Inc., San Juan Real Estate Corporation, San Remo Mills, Inc., Sanders Transfer Co., Inc., Sanitary Company of America, Santa Rita Western Company, Inc., The, Savage and Ankrom, Inc., "Schedulations", Inc., Science & Industry Publishing Corporation, Science Investors, Inc., Sciencetech Corporation, Scientific Engineering Laboratories, Inc., Scientific Prospecting Co., Inc., Scientific Services, Inc., Scientists, Engineers & Executives Institute, Scot's Discount Enterprises, Inc., Scott Petroleum Company, Sea-Treat Products, Inc., Seacoaster Development Corporation, Seaford Plumbing Supply Co., Inc., Seaford Poultry Service, Inc., Security Builders, Inc., Security & Foreign Trading Inc., Security Payment Service, Inc., Selbyville Raceway Association, Inc., Self Help League, Inc., Selkin, Inc., Sell 'N Serv Dispensers, Inc., Selznick Releasing Organization of Germany, Inc., Semiconductor Research Corp., Seminole Production Company, Ltd., Seneca Gas and Oil Corporation, Seven Arts Record Productions Corp., Shacron Oil Corporation, Shamp Scientific Corporation, Shanahan Enterprises, Inc., Shares in America, Inc., Shawnee Road, Package Store,

Inc., Sheffield Southern Steel Company, A Delaware Corporation, Sherman Plastering Corporation, Sherwood Investing Corporation, Sherwood Realty Co., Shoe Mart of Washington, Inc., Shopping Centers Construction, Inc., Shore Vending Service Corp., Siccoa Supplies Co., Inc., Sidney W. Heverin, Inc., Sierra Mobile Homes and Parks, Inc., Silico Milling Company, Silicon Refractories, Inc., Silver Mark Mines, Inc., Silverbrook Food Corporation, Silview Esso Station, Inc., Simonds Gardens Civic Corporation, Simplex Precast Industries, Inc., Sincere Agency Associates, Inc., Sirvalco Systems Corporation, Site-Fab, Inc., Six Fifty Coral Way, Inc., Six Percent Loan Plan, Inc., Ski and Recreation Corporation, Skiatron, Incorporated, Skytell, Inc., Slag Processors, Inc., Smithdale Industries, Inc., Smyrna Times, Incorporated, The, Sno-Go, Inc., Snyder's Men's Shop Co., Society of Theatre Arts, The, Solar Supply Co., Inc., Solar Systems, Inc., Solid Propellants & Fuels Corporation, Solidaire Foam Products, Inc., Solvent Service, Inc., Sonny Downs, Inc., Sonwell Industries, Inc., Souder Hosiery Co., Inc., South American Metals and Mining, Inc., South Bay Industries, Inc., South Coal Company, Southeast Aircraft Corp., Southeast Securities Corporation, Southeastern Supply Corporation, Southern Associated Engineers, Inc. of Florida, Southern Cross Steel & Mining Company, Southern Drying Corporation, Southern Motels, Inc., Southern Restaurants, Inc., Southern Wholesalers, Inc., Southwest N. T. S., Inc., Southwestern Land and Development Corp., Space Age Electronics Corporation, Space Age Specialists, Inc., Spacetrronics, Incorporated, Span America Boat Company, Inc., Sparton Oil and Gas Company, Inc., Special Devices, Inc., Specific Instruments, Inc., Specs Inc., Spot, Inc., The, Spragg Enterprises, Inc., Spring Hill Stables, Inc., Spring Lake, Inc., Spruceglen Maintenance, Inc., Staff Engineering, Inc., Standard Electronics Research Corporation, Standard Magnetite Company, Stanley Ross Corporation, Star Cab Association, Inc., Star Distributors, Inc., Star-Light, Inc., Star Oil Company, Inc., Stat Shell Homes, Inc., Stardust Studios, Inc., Stat Instrument Gears, Inc., State Realty Corporation, "Stay-On" System, Inc., Steelman Construction Co., Stephens Building Co., Steven Corporation, Stoltz Realty Co., Stone Builders, Inc., Stone's Hotel, Inc., Stone House, Inc., Stone Realty Company, Stonehaven Civic Association, Inc., Storm King of Delaware, Inc., Strata-Log Company, Inc., Styles, Inc., Suburban Medical

Clinic, Inc., Suburban Spray, Inc., Sudam Trading Corporation, Sunny-Dell Acres Inc., Sunnyside, Inc., Sunset Contractors, Inc., Sunshine Construction Company, Inc., Super-Chek International Corporation, Super Vending Corporation, Superdynamics, Incorporated, Superior Airlines, Inc., Sussex Catv, Inc., Sweigart Protection Company, Inc., Swiss Valet National Corporation, Sylvan-Cheryl Apartments, Inc.

T-Bowl, Auburn Inc., T. W. Knowles, Inc., Tagil Corporation, Tankers & Tramps Corp., Tara Land & Development Company, Inc., Tastee-Freeze of Dimarva, Inc., Tastee-Freeze Mobile Units, Inc., Tax Exempt Bond Fund, Inc., The, Technical Associates, Inc., Technical Equity Corporation, Technical Services Co., Inc., Technical Training Corporation, Techno-Lectric Industries Inc., Technological Packaging International, Limited, Tejas Oil and Gas Company, Tele-Communications Corporation, Tele-Smoke Corp., Telebowl Enterprises, Inc., Telford and Macleod Co., Tennessee Terminal, Inc., Terence Hosiery Corporation, Termitox, Inc., Terry Towing, Inc., Texas International Sulphur Co., Texas Trade Show Review, Inc., Texas Turfing Co., Theatre Development and Management Co., Inc., Thermo-Chem Corporation, Thermodyne Electronics, Inc., Therodyne Corporation, Thirty Eight Inc., 39 Realty, Inc., Thomas-Bonnie Building Corporation, Thos. F. Kelleher Company, Thos. P. Pease Incorporated, 3-D Windows, Incorporated, Tide & Trail Club, Tiglia, Inc., Timewell Automation, Inc., Tire Center, Inc., The, Toast-T-Nuts Inc., Tobin Craft, Inc., Tokay Liquors, Incorporated, Tolvision (Cal.), Inc., Tomcolum, Inc., Tomed Venetian Blind Company, Tomled, Inc., Tompas, Inc., Toranto Brothers, Inc., Tours & Tickets, Inc., Tramp Shipping & Oil Transportation Corporation, Trans-American Communication, The, Trans-International Power Co., Trans-Tech Systems, Inc., Transplans, Inc., Transport Clearings of Metropolitan New York, Inc., Transport Clearings of Philadelphia, Inc., Transportation International, Inc., Transportation & Trading Associates, Inc., Transworld Investing Corporation, Transworld Projects Corporation, Travelers Club, Inc., Trego Bros., Inc., Tri-Bullion Corporation, Tri-County Construction Co., Tri-Leasing Funds, Inc., Tri-State Equipment Company Incorporated, Tri-States N. T. S., Inc., Trident Enterprises, Inc., Trident, Inc., Trinity Products Incorporated, Trip-L-Seal, Inc., Triumph



Truck Leasing Corporation, Tropical Caribbean Cruises, Inc., Tropical Motor Lodge, Inc., Troyan Electric Company, Truck Center, Inc., Truly Company, The, TSA Transcontinental, Inc., Tsaganos, Inc., Tubular Service Control Division, Inc., Tucson Instrument Corporation, Tulsa Hosiery Company, Turasonic Communications Corporation, Turner Investment Corporation, TV Movie Club, Inc., TV Review, Inc., Twelfth and Olive, Inc., 22 West Madison Corporation, Twin City Union Labor Cooperative Association.

U. S. I. E. E., Inc., U. S. Scientific and Development Corp., Unified Service Investing Corporation, Union Petrochemical Company, Unit Masonry Equipment, Inc., Unit Packaging & Research Corp., United Aluminum Products Company, United Components Inc. of New England, United Land Development and Investment Co., United Oil Corporation, United Securities Company of Omaha, United States Arab-Asian Institute, Inc., The, United States Butyl Corporation, United States Etching and Chemical Corporation, United States Fibre Corporation, United States Milling and Minerals Corporation, United States Minerals Corporation, United States Product Development Company, United Technical Service International Corporation, United Turf Express, Inc., United Variable Annuity Funds, Inc., Universal Aero-Tech Corporation, Universal Engineering Corporation, Universal Health, Incorporated, Universal Industries, Inc., University, Diner, Inc., University Villas, Inc., Urban Transportation & Development Company, Utah Mud, Inc., Utility Corporation, The.

Vacuum Baked Products, Inc., Val-U-Homes Corporation of Delaware, Valet Washette, Inc., Valley Plaza Drug Corporation, Valleybrook Realty Co., Van Dyke Fruit Corporation, Van Sickel Associates International, Inc., Vanderbilt Automotive Centers, Inc., Vanship Corporation, Vega-Vita Products Corporation, Velo Tech Corporation, Vendrite Corporation, The, Veneer-Plastics Research Corporation, Ventures of America, Inc., Verified Distribution Company, Vernon Apartments, Incorporated, Vernon Towers Agency, Inc., Veterinarian Dental Devices, Inc., Vic Tanny Enterprises, Inc., Victor Electronics, Inc., Video International Productions Inc., Viking Heating Company, Inc., Village National Corp. Virgil Brannon & Son, Inc., Virus Laboratory of Delaware, Inc.

W. & E. Development and Investment Corporation, W. H. Bear, Inc., W. J. Holdsworth, Inc., W. R. Chance & Associates, Inc., Waimea Ranch Hotel, Inc., Wallace & Warner Realty Company, Inc., Walnut Room, Inc., Walter E. Allen, Inc., Walter E. Bothe Foods, Inc., Walter E. Powell, Inc., Walter J. Scott Democratic Association, Walter U. Artis, Inc., Ward-Garcia Corporation, Warren Keystone Sales, Inc., Wash-O-Mat, Inc., Washington Airways, Inc., Washington Industrial Research Corporation, Water-Sportsman International, Inc., Waterford Shopping Center Drug Corporation, Waterlevel Corporation, Weer Construction Co., Wel-Tron Industries, Inc., Welch Construction Co., Inc., Welch Oil Co., Wellington Packaging Machinery Inc., Wesreb Oil Company, West African Industrial Corp., West End Liquors, Inc., Western C. P. I., Inc., Western Oil Salvage Corporation, Westlake Corp., Westsphere Financial & Shipping Corporation, Wheel, Inc., The, White Fathers Film Foundation, Inc., The, Wicklow Corporation, The, Wilbur-Rogers Fourteenth Corporation, The, Wilbur-Rogers Indianapolis Corporation, The, Wilbur-Rogers Louisville Corporation, The, Wilbur-Rogers New Bedford Corporation, The, Wilbur-Rogers Northland Corporation, The, Wiles Construction Corporation, Will I. Lewis Drilling Company, Wm. H. Barlow Trucking Co., Inc., William J. Kelly, Inc., William Jaffe Co., Inc., Wilmington Tire Service, Inc., Wilmington Wall Paper Co., Inc., Wilmington Waste Trade Merchants Association, Inc., Wilmington York Stores, Inc., Wilpez Investments, Inc., Wilson Bilt Homes, Inc., Wilson Line of Florida, Inc., Wilson Line of New York, Inc., Wilson Line of Pennsylvania, Inc., Wilson Steamship Corporation, Wilton Corporation, Winston Financial Corporation, Wise Owl Distributors, Inc., Wisner Equipment, Inc., Wits, Inc., Woodland Beach Concessions, Inc., World Financial Corporation, World Wide Chariot Association, Inc., World-Wide Distributing Corporation, Wunderlich & Bergman Construction Co., Inc., Wynnewood Corporation.

Xim Corporation.

Yoo Hoo Franchise Corp., York Beach, Inc., York Restaurant, Inc., Young Veterans Club, The.

Zacari, Ltd., Zelle Building Corporation, Zeus Aviation, Inc., Zeus Aviation, Inc., South-East, Zim's, Inc., Zyro Corporation.

IN TESTIMONY WHEREOF, I, ELBERT N. CARVEL,  
Governor of the State of Delaware, have here-  
unto set my hand and caused the Great Seal  
(GREAT SEAL) to be hereunto affixed this eighteenth day of  
January, in the year of our Lord one thousand  
nine hundred and sixty-five, and of the Inde-  
pendence of the United States of America, the  
one hundred and eighty-ninth.

By the Governor:  
ELBERT N. CARVEL

ELISA C. DUKES, Secretary of State

## CHAPTER 539

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, Monday, March 29, 1965, will mark the three hundred and twenty-seventh 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Monday, March 29, 1965, 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 display, 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 observance.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 18th day of March in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 540

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on April 14, 1965, the peoples of the Western Hemisphere will observe the seventy-fifth anniversary of the founding of the organization for inter-American cooperation known as the Organization of American States; and

WHEREAS, for nearly three-fourths of a century this organization has provided a framework for the formulation and implementation of cooperative measures for social improvement and economic development to help meet the desires and needs of those in the Western Hemisphere for a better way of life; and

WHEREAS, through the O.A.S., free and democratic institutions in the American Republics have been preserved and strengthened; and

WHEREAS, during the past four years, the imagination of these neighbors has been stimulated by the Alliance for Progress, which provides additional means by which member-nations of the Organization of American States may draw closer together in cooperative efforts to implement economic, educational and social reforms; and

WHEREAS, in recognition of the importance and the accomplishments of the Organization of American States the President of the United States of America has proclaimed Wednesday, April 14, 1965, as Pan American Day, and the period from April 18 to April 24, 1965, as Pan American Week:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Wednesday, April 14, 1965 as

PAN AMERICAN DAY

and the period April 18 to April 24, 1965 as

**"PAN AMERICAN WEEK"**

and request that our schools, churches, patriotic and historical societies, and other institutions and organizations commemorate these occasions with ceremonies that serve to recognize the historical ties and friendly relations which unite us with the citizens of other American Republics.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 April in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 541

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 in order to replenish 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 a natural bounty, sought to communicate to their successors an understanding and appreciation of those 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim, Friday, April 30, 1965, as

ARBOR AND BIRD DAY

in the State of Delaware, and urge 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, Charles L. Terry, Jr., 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 April in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 542  
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 No. 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 for which thousands of our fighting forces died on battlefields all over the world:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim May 1, 1965 as

LOYALTY DAY

in Delaware and urge that on this 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 display our National and the Delaware State Flags.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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)

3rd day of May in the year of our Lord,  
one thousand nine hundred and sixty-five, and  
of the Independence of the United States of  
America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 543  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is necessary for all of the people of Delaware to be aware of the need to be physically fit; and

WHEREAS, the Delaware Physical Fitness Committee has formulated programs throughout the year that encourages the maintenance of physical fitness for all ages and both sexes and recommends that increased awareness be given to physical fitness at this time:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim the week of May 24, 1965 as

PHYSICAL FITNESS WEEK

and challenge all of our people to join other Delawareans in activities that foster physical fitness throughout the year.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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)

17th day of May in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 544

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is highly appropriate that grateful Americans everywhere should pause on 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 revere this custom, first established in 1868, by gathering in public places, before memorials and in cemeteries to pay our respect to the 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, 1965, 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Sunday, May 30, 1965 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 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 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 freedom and the American Way of Life.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 May in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 545

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Third Continental Congress of the United States adopted a flag of 13 stripes alternate red and white with a blue field of 13 stars to represent a new constellation; and

WHEREAS, the union represented by that constellation has grown to 50 states and prospered and endured through the succeeding 188 years until today the United States is the greatest and most freedom-loving nation in the world; and

WHEREAS, June 14, 1777, was the date when the flag was first adopted; and

WHEREAS, the flag was first unfurled in battle on the soil of the State of Delaware; and

WHEREAS, thousands upon thousands of Americans have sacrificed their lives, and millions have served in selfless devotion to uphold the principles symbolized by the flag; and

WHEREAS, the flag of this country has meant liberty and high idealism wherever it has flown; and

WHEREAS, the Congress of the United States and the Star Spangled Banner Flag House Association have designated Monday, June 14th as "Flag Day", and the week beginning Sunday, June 13th as "Flag Week":

NOW, THEREFORE, I, Charles L. Terry, Jr., in my capacity as Governor of the State of Delaware and Honorary National Chairman of Flag Week, hereby proclaim the week of June 13th as "Flag Week" and further proclaim Monday, June 14th, as "Flag Day" throughout the State of Delaware and call upon patriotic citizens of this state to display the flag prominently and publicly all week long.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 June in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 546  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is only fitting and proper that we should set aside a specific day to honor fathers; and

WHEREAS, it was the fathers of our land who built a great American nation through unstinting devotion to liberty, love and freedom; and

WHEREAS, the theme for Father's Day 1965 is "Juvenile Integrity Starts in the Home," where fathers are the builders of good family life, the foundation of our future, and the teachers of our young in the importance of good ethics, fair play, peace and brotherhood:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Sunday, June 20, 1965 as

FATHER'S DAY

and call upon all citizens of this State to observe it by worshiping in the church of their faith and by reverently displaying the American Flag and by otherwise commemorating the occasion so that we may continue to enjoy the blessings resulting from responsible fatherhood and good family life.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 547

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the United States Secret Service having been organized on July 5, 1865 as a division of the United States Treasury Department, and since that time has protected the integrity of the currency and securities of the United States by suppressing counterfeiting and forgery; and

WHEREAS, in their capacity as the only general investigative agency of the United States, the United States Secret Service conducted investigations of the Western Land Frauds, The Tea Pot Dome Scandal and espionage and sabotage activities in the Spanish-American and World War I; and

WHEREAS, in 1901 the United States Secret Service was assigned the duty of the protection of the President of the United States, which has since been extended to include the members of the President's family, and the person of the Vice President of the United States; and

WHEREAS, in their efforts to carry out the directives assigned them by the Congress of the United States and the United States Treasury Department, they have exemplified their aim of perfection in the law-enforcement profession:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim the week of July 5 - 11, 1965 as

UNITED STATES SECRET SERVICE WEEK

in Delaware, and I urge all citizens of the State to join with me in honoring the men and women of the United States Secret Service on this their 100th Anniversary.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 21st day of June in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 548

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 source 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 moments that greeted news of this great history making event 189 years ago:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim that Sunday, July 4, 1965 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 this great event in our history.

I also request that all churches, government buildings and other edifices possessing bells arrange for the ringing of these

bells for five minutes beginning at noon on this "Independence Day" so that everyone in this great nation may be made fully aware of the historic significance of this occasion.

It is my fervant hope that, while our citizens are enjoying this holiday, they will pause to give thanks to Almighty God for the blessings we enjoy as citizens of this Great Republic.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) 25th day of June in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and eighty-ninth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 549

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the annual All-Star football game between the Blue and the Gold has become a great Delaware tradition; and

WHEREAS, these high school players perform with enthusiasm and courage to make this one of the most fiercely contested sports events anywhere; and

WHEREAS, all proceeds from this game are used to restore to a state of good health those who are mentally retarded or impeded; and

WHEREAS, Saturday, August 21, 1965, will mark the 10th annual renewal of this classic competitive event which all Delawareans watch with tremendous interest and strong loyalties:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Saturday, August 21, 1965 as

## ALL-STAR DAY

within the State of Delaware and call upon all citizens of the State to contribute in anyway they can toward the success of the game and the fulfillment of its purpose to cure the handicapped and to wipe out mental retardation in the future through excellent treatment and constant research.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 3rd day of August in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 550

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, in Delaware, we are signally blessed with one of the Nation's highest per capita incomes indicative of a thriving economy, and with employment that is approaching a new all-time high; and

WHEREAS, due to a generally good labor-management relationship, a pattern of labor peace prevails in our State, assuring continuation of our economic growth and eventual attainment of new highs in employment and personal income; and

WHEREAS, the skill, ingenuity and courage of our workers are serving to raise the standard of living for all our citizens; and

WHEREAS, it is fitting that the contributions of working men and women to the economy and welfare of our State should be suitably recognized; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Monday, September 6, 1965, as

LABOR DAY

and urge the observance of this day by all our citizens with appropriate ceremonies and the display on all state and public buildings of the flags of the United States and the State of Delaware.

FURTHER, I invite everyone to join me in saluting those whose daily work makes possible the abundant life we all enjoy.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 3rd day of September in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

(GREAT SEAL)

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 551  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the fall school semester is just about to begin and 16.7 million young Americans including more than 200,000 Delawareans are preparing to return to the Nation's high schools; and

WHEREAS, a high school education has already become a prerequisite for most of today's jobs and will become a prerequisite for a vast majority of tomorrow's jobs; and

WHEREAS, an estimated three-quarters of a million youths will leave school this year without a high school diploma unless they are made aware of the importance of continuing their educations; and

WHEREAS, the President of the United States has called for a major nationwide Youth Opportunity Campaign to return our young people to school this month and has enlisted the efforts of state and local governments and private organizations and individuals in conducting this campaign:

NOW, THEREFORE, I, Charles L. Terry, Jr., do hereby call upon the private citizens and the business, labor, civic, and religious organizations of Delaware to exert every influence possible in convincing our young people of the importance of beginning school this fall.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 3rd day of September in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 552

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 473 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, Charles L. Terry, Jr., Governor of the State of Delaware, do proclaim Tuesday, October 12, 1965, 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 473 anniversary of the discovery of America.

I also 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, Charles L. Terry, Jr., 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 October in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 553

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 one day as an annual occasion to raise our 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 us who have more than our actual needs; and

WHEREAS, our three major faiths are again 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim that Thursday, November 25, 1965, be observed as

## THANKSGIVING DAY

in Delaware, a day when with our families and friends we shall give thanks for our abundance. Let us share our good fortune with others and carry into positive action the spirit of brotherhood.

Let us close our places of business, display our national and state flags and together pray for that day when there shall be no famine, no bloodshed, no bitterness in a world united in praising the Almighty for His great Goodness to us all.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 October in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 554  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Peace Corps is one of our nation's most effective channels for demonstrating our friendship and good will to the people of other countries; and

WHEREAS, the State of Delaware can boast twenty-eight Peace Corps Volunteers now serving in developing nations around the world; and

WHEREAS, twenty-two Volunteers from Delaware already have completed their two years in the Peace Corps and have returned to take their places among us; and

WHEREAS, both senior colleges of our State—the University of Delaware and Delaware State College—are hosts this week to Peace Corps representatives; and

WHEREAS, 10,500 new Peace Corps Volunteers are needed this year to fill the mounting requests from the Near East, Asia, Africa and Latin America;

THEREFORE, I, Charles Terry, Jr., through the power vested in me as Governor of the State of Delaware, do hereby proclaim October 4-9 as

PEACE CORPS WEEK

and do urge all of our people to consider the many opportunities for Peace Corps service now available to those of varied skills and backgrounds and encourage them to offer their services in the fight for Peace.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 October in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 555

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 the 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 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, Section 501 of the Delaware Code sets aside the 11th of November as a legal holiday in Delaware:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby set aside and proclaim November 11, 1965, as



## VETERANS DAY

an occasion for remembering the sacrifices of all those who have fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and for reconsecrating ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.

I call upon all state officials to provide for proper display of the national and state flags upon all state buildings and institutions on this day, and urge all patriotic groups, schools, veterans and civic associations to participate in ceremonies and observances which will point up the invaluable services of those who wore their country's uniforms, those who died in its defense and those 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 7th.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 26th day of October in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 556

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 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, 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-room within its borders; 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 upgrade 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim the week of November 7-13, 1965, 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, Charles L. Terry, Jr., 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) 26th day of October in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 557

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, in this great land of peace and plenty each individual is endowed with a type of freedom heralded throughout the world as our precious heritage; and

WHEREAS, Richard Bassett, Gunning Bedford, Jr., Jacob Broom, John Dickinson, and George Reed represented Delaware in the Federal Constitution Convention which drafted the Constitution of the United States; and

WHEREAS, following the adoption of this Constitution, on September 17, 1787, each of the thirteen colonies was called upon to express its desires regarding this document; and

WHEREAS, this great document was unanimously ratified by a special convention of ten delegates elected from each of Delaware's three counties who met in Dover, on December 7, 1787; 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 7th as "Delaware Day" in commemoration of this historic event; and

WHEREAS, on this December 7th, the State of Delaware will observe with appropriate ceremonies the 178th anniversary of this brave and foresighted action which gave our State its proud title of "First State":

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby designate and proclaim Tuesday, December 7, 1965, as

## DELAWARE DAY

and urge our schools, churches, civic and fraternal organizations to participate in appropriate observance of this proud and historic event.

FURTHER, I direct that on this day our national and state flags be flown from all public buildings, and I urge all citizens to join in this display of the colors.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 12th day of November in the year of our Lord, one thousand nine hundred and sixty-five, and of the Independence of the United States of America, the one hundred and nineieth.

(GREAT SEAL)

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 558  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

I, Charles L. Terry, Jr., Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the Senate of the 123rd General Assembly into Extraordinary Session on Thursday, January 20, 1966, at 2:30 p. m., for the transaction of Executive business.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) 19th day of January in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 559  
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, CHARLES L. TERRY, JR., Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Section 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 Active Fuel Co., AA Shopper's Center, Inc., A.A.L. Inc., A & J Service Co., A-Lure, Inc., A. V. T. Insurance Agencies, Inc., Abbott Realty Fund, Inc., Abbott Supply Company, ABN Industries, Inc., Academy Theatre Corporation, Acme Brands Corporation, Acme Enterprises, Inc., Action Discount Dollars Corporation, Ad Cart Of Ohio, Inc., Adams Welding & Mfg. Co., Addco, Incorporated, Admiral Oil & Gas Company, Adriatic Shipping Agency, Inc., Advanced Development Association, Advertisers Art Studios, Inc., Aerodyne Controls Corporation, Agency Tile Industries, Inc., Aglite Corporation of America, Aim Enterprises, Inc., Air Distribution Installations, Inc., Airline Pilots World Services, Inc., Airport Cab Company, Albatross Advertising, Inc., Aldon Engineering & Development, Ltd., Alexander Rasmussen Co., All-Scope Pictures, Inc., Allied Resources, Inc., Allreal Properties Corp., Allstate Corporation, Alpine Oceanic Corporation, Alrus Stores, Inc., Alto Metal & Ship Salvage Corp., Alum-A-Fold Corporation, Aluminum Architectural, Inc., Aluminum Products & Glass Co., Alvin Investment Corporation, Alwac Company, Inc., American Academy of Sciences, Inc., The, American Association of Professional Men & Women, Inc., American Aviation Corporation, American Book

Club, Inc., American Cadillac Leasing, Ltd., American Capital Management Corporation, American Cellular Products, Inc., American Consumers Association, Inc., American Data Machines, Inc., American Detect-O-Check Corporation, American Drug Corporation, American Engineering & Construction Corp., American Equipment Leasing Institute, Inc., American Family Life Insurance Company, Inc., The, American Foreign Traders, Inc., American Foundation for Business Achievement, American Funding Corporation, American Home Fluoridators, Inc., American Hybrid Producers, Inc., American Industrial Resources Corporation, American Institute of Marketing, American Institute of Personnel, Inc., American International Development Corporation, American Kinder Clothing Incorporated, American Land Investment Co., American Microwave Corporation, American Modular Manufacturing Corporation, American Photovision, Incorporated, American Premium System, Incorporated, America Producers, Inc., American Products Corp., American Professional Preferred, Inc., American Publicity Services, Inc., American Radio Publications, Inc., American School of Milan, Inc., American Small Business World Trade Council Inc., American Space Exploration, Inc., American Strategic Minerals Corporation, American Trailer Advertising Inc., American Utilities, Inc., American X-L Industries, Inc., Amred, Inc., Amy Joy Management Corp., Anatronics, Inc., Anchor Development Co., Inc., Anderson & Vreeland Inc., Animal Aid Foundation, Animal-Ated Advertising, Incorporated, Ann J. Inc., Ann Lewis Shops of San Antonio, Inc., Annmor, Inc., Anthony J. Zigman Painting, Inc., Antilles Beverage Corporation, Anvil Home Improvement Co., Applied Electronic Laboratories, Inc., Approved Properties, Inc., Apwood Products, Inc., Arbrefen Laboratories, Inc., Argus Financial Fund, Inc., Armorflex Chemical Corporation, Arms Control Research Corporation, Arrowhead Oil & Gas, Inc., Architron Industries Corp., Arizona Biochemical Company, Arthur William Investment Co., Asco Products Corporation, Asher Construction Corp., Asiatic - American, Inc., Askin's, Inc., Askin's Retail Stores, Inc., Associated Air Transport, Inc., Associated Enterprises & Services, Inc., Associated Tanners of Delaware, Inc., Asta-King Industries, Inc., Astro Oil Corp., Athene Development Co., Inc., Athenian Enterprises Inc., Atlantic Gunite, Inc., Atlantic Sheet Metal Co., Atlantis Advertising, Inc., Atlas Sewing Centers, Inc., Au-



burn Hills Service Corp., Australian Ventures Corporation, Authorized Factory Service, Inc., Auto and Equipment Repair Company, Autodist Ltd., Automatic Fresh Orange Juice Vending Co., Automatic-Simplex Register Corporation, Automobile Owners Association, Automotive Bureau Co-Operative, Inc., Automotive Retailers, Inc., AWK Trucking, Inc., Aztec Corp.

B-J Corporation, B & S Liquors, Inc., Bachman Center Corporation, Bagel Corporation of America, Balentine Packing Company, Bandag of Chicago, Inc., Bankers Capital Corporation, Bargain City U. S. A., Inc., Bargain Outlet, Inc., Barkley & Moore, Inc., Barnwell Kuwait Drilling Co., Inc., Barrel House, Inc., Bartram Realty Co., Base Laundry And Dry Cleaners, Inc., Basic Industry Development Corporation, Bayly Trucking Co., Inc., B C F Corp., Bear-Del Hunt Club, Inc., Bearing Recovery Co., Beeco Medical Co., Bellemont Construction Co., Inc., Belle Travel Service, Inc., Belle Shipping, Inc., Bell Petroleum, Inc., Ben Franklin Oil & Gas Corp., Benday Construction Company, Benjamin Franklin Liquors, Inc., Bennet Clothing Stores, Inc., Berlanti Construction Company, Inc., Berlanti Overseas Corporation, Bernhard Altmann International Corporation, Bersani Construction Corporation, Berson Associates, Inc., Bert F. Hinrichs Company, Bert L. Coleman Associates, Inc., Bettendorf Steel Casting Company, Bi-State Oil And Gas Co., Bics Food Products, Incorporated, Biological Sciences Foundation Ltd., The, Biscayne Boat Company, Inc., Blackstrap Dry, Inc., Blake Construction Co., Inc. of New Jersey, Blue Flame Gas & Equipment Company, Blue Hen Laundry & Cleaners, Inc., Blue Heron, Inc., Blue Porpoise Corporation, Bluff View Nursing Home, Inc., Boating Capital Corporation, Bob Lewis Interiors, Inc., Bobco, Inc., Bob's Trucking Co., Bonser Engineering, Inc., Bowling And Construction Corporation, Bowling Internazionale, Ltd., Bowling Management, Inc., Bowl Washer Company, The, Bowman Construction Company, Bradford-Bevhil Productions, Inc., Brandywine Bassett And Beagle Club, Inc., Brandywine York Corporation, Branmar, Inc., Brasco Manufacturing Company, Brays Island Plantation, Inc., Brecker Associates, Inc., Brewer Chartering Company, Inc., Bridgeville Swimming Club, Inc., Brighter Homes, Inc., Brilhart Research Corporation, Brite Universal, Inc., Brizendine Construction Co., Inc., The, Broadmieredge Corporation, Broadway Factors, Inc., Brooks Dupli-

cating Service, Inc., Brooks Messenger Service, Inc., Brooks Microfilm Service, Inc., Brookside Laundromat, Inc., Brookside Volunteer Fire Co., Inc., Brown-Bergman, Incorporated, Brown Foundry Corporation, Brown's Temporary Personnel, Inc., Bryant Motor Lines, Inc., Buck-John Corporation, Buckeye Exploration Corporation, Buckingham Livery, Inc., Budd's Inc., Burros Corporation, Business Incubation Laboratory, Inc., Business Traveler, Incorporated, Businessmatics Corporation, Buto, Inc.

C. M. And H. Shoe Repairing, Inc., C. Raymond Constructoin Company, C. W. S. Waveguide Corp., Cable Car Creameries, Inc., Cal-Tek Industries, Inc., Calavrite Importing Co., Inc., Caldata, Inc., Calbear Instruments, Inc., Caltuck Oil & Gas Corp., Cambria Theatres Co., Inc., Cambridge Company, Cambridge Metal Corp., Campus Engineering Associates, Inc., Canam Realities Inc., Canamerican Pulp & Paper Corporation, Canterbury Hills Construction Company, Canterbury Realty Corp., Capital Equipment Company, Capital Gains Realty Corp., Capital Investment Corporation, Capital Retail Stores, Inc., Capitol Corporation, The, Capitol Motors, Inc., Capitol Roofing Corp., The, Capone & Potts Dental Laboratory, Inc., Capri Motel Associates, Inc., Car Wash Corporation of America, Cardon Engineering & Construction Co., Caribbean Dispatch, Inc., Caribe Sugar Corporation, Carleton Construction Company, Carolina Freezer Service, Inc., Casey J. Wilken's Brands, Inc., Casey's Service Center, Incorporated, Cash Card International Club, Inc., Castings, Inc., Castle Enterprises, Incorporated, Castle Haven, Inc., Catherine Collison Foundation, Inc., Cavern Construction Company, Cedar Inn, Inc., Central Illinois Poultry Corporation, Central Restaurant, Inc., Centrochem, Inc., Cericola & Greenhouse, Inc., Cersolsun Realty Corporation, Chamberlain Development Corporation, The, Charles S. Beck, Inc., Charles Shoes, Inc., Charles W. White Associates, Inc., Charmian, Inc., Charter Patents, Inc., Chawkee Rentals, Inc., Chemair Corporation, Chemequip of Delaware, Inc., Chesapeake Land & Development Co., Chesapeake Property and Investment Corporation, Chic Cosmetic Company, Inc., China Corporation, The, Chori Volt Corporation, Christian School Association of Wilmington, Delaware, Inc., Christian Enterprises, Inc., Christiana Investors, Inc., Christopher Jones, Inc., Church Athletic

League of Wilmington and New Castle County, Inc., Cine Communications, Inc., Cine-Dyne, Inc., Cinestat Advertising Corporation, Circle Industries, Inc., Cirod Delaware, Inc., Citrus Grove Tracts, Inc., Citrus Seltzer Corporation, City Line T. V., Inc., Clay Investment Company, Clean, Incorporated, Clemente Stables, Inc., Cliff Thael Enterprises, Inc., Club Continental, Inc., Coastal Aviation Corporation, Coastal Electronics and Sound Company, Inc., Coastal Industries, Inc., Coastal Oil Co., Coastwise & Puerto Rico Maritime Corp., Cobham Air Fueling, Inc., Coin Control Corporation, Cold-Headers, Inc., Colima Mines, Incorporated, College Heights Realty Company, Collins Enterprises, Inc., Collins Gardens, Inc., Collins Housing Corporation, Collins Realty Company, Colloid Packaging Inc., Colloid Processes Corporation, Colonial N. T. S., Inc., Colonial Package Store, Inc., Colonial Post No. 838, Veterans of Foreign Wars of the United States, Incorporated, Colorama Sidewalks, Inc., Columbia Apartments, Inc., Columbia Heights Realty Corp., Columbia Shipping Corporation, Columbian International, Inc., Columbiana Corporation, The, Comerford & Co., Inc., Comill, Inc., Command Petroleum of Australia, Ltd., Commander Apartments, Inc., The, Committee for Export Expansion Through Subsidiaries Abroad, Commodities Trading Company, Inc., Commonwealth Bowling, Inc., Commonwealth Roofing Corporation, Commonwealth Steamship Inc., Community Hardware, Inc., Community Medical Center, Inc., Compu-Centers International, Inc., Concord Corporation, Concord Realty Development Corp., Congress Motel Corporation, Consolidated Commercial Corporation, Contractors Specialty Supply Co., Conventioneer Buchanan, Inc., Conventioneer Fillmore, Inc., Conventioneer Hayes, Inc., Conventioneer Johnson, Inc., Conventioneer Lincoln, Inc., Conventioneer Midwest, Inc., Consolidated Equipment and Machinery Corp., Consolidated Aeronautics, Inc., Consolidated Marine Industries, Inc., Conticca International Corporation, Continental Beverage Corporation, Continental Consultants, Inc., Continental Electronics Inc., Continental Industries Incorporated, Continental Mortgage Associates, Inc., Conventioneer Pierce, Inc., Conventioneer Polk, Inc., Conventioneer Ruth Lupton Mills, Inc., Conventioneer Taylor, Inc., Cooperative Film Corporation, Corporate Guidance, Inc., Countess International Incorporated, Country Wide Offices Arizona Corporation, Country-Wide Offices Georgia Corporation,

Country-Wide Offices Massachusetts Corporation, County Centre, Inc., County Uniform Center, Inc., Cove, Inc., Crane-Hall International, Ltd., Creative Arts Studio, Inc., Creative Industries, Inc., Crest Club, Inc., Crossroads Liquor, Inc., Crawl Construction Corp., Cuban Iron Ore Company, Cumpston Corporation, Custom Farms, Inc., Custom Home Services, Inc.

D. C. E. Development Company, D. F. & S. Builders, Inc., D. H. Padden Co., D. I. A. Sales Corporation, D. K. International Corp., Daniel Ashe Corporation, Danny Breen's Greenery, Inc., Dante's Beauty Culture Corp., Data Dynamics International, Inc., Data Recording Systems, Inc., David E. Godwin, Inc., David S. Reid, III, Enterprises, Inc., Davos, Inc., Dealers Purchasing Corporation, Dearborn Realty Corporation, Deauville Realty Co., Inc., Debbie Hats, Inc., Decade International Distributors, Inc., Deems Equipment And Supply Corporation, Dejay Central Stores, Inc., Dejay Missouri Stores, Inc., De Jay Stores, Inc., Dejay Western Stores, Inc., Delan Corporation, Delaware Auto Auction, Inc., Delaware Citizens For Right To Work, Inc., Delaware Constructors Association, Delaware Gun Company, Inc., Delaware Refrigerated Transport Inc., Delaware State Music Teachers Association, Delaware Valley Associates, Inc., Delbay Sea Foods Co., Inc., Delco Ice And Fuel Company, Delmar Kiwanis 100th Club, Inc., Delmarva Soya Processors, Inc., Delta N. T. S., Inc., Deltra Inc., Delval Oil Development, Inc., Demeton Corporation, DeMontrond Buick Company, Development Sciences Corporation, Dials, Inc., Diamond Masonry Contractors, Inc., Diamond Rentals, Inc., Diamond Vending, Inc., Dietz Construction Co., Dimanco Inc., District Plastering, Inc., District Realty Corp., Diversity Realty Inc., DMD Corporation, Inc., Doberts Corp., Dominican Development Corporation, Dominion Briquettes & Chemicals Corp., Donbee Corporation, Dormor Realty Company, Doxton Corporation, Drachman Htel Corp., Dragon, Inc., The, Drake Chemicals, Inc., Drake Trucking, Inc., Drapery Mart Of Atlanta, Inc., Dresses Unlimited, Inc., Du Care Inns, Inc., Dulios Food Corporation Incorporated, Duncan Village Shopping Center, Inc., Dunmar Industries, Inc., Duraclean Fabrics Specialists, Inc., Dutch Court Motel, Inc., Dynamic Investors Corporation.

Eagle Petroleum Company, East Coast Sanitary Service, Inc., East West Broadcasting Corporation, Eastchester Engin-

earing Corporation, Eastcote Farms, Inc., Eastern Air Activities, Inc., Eastern Camera Exchange Wilmington Corp., Eastern Camera & Photo Corp. of Conn., Eastern Camera & Photo Corp. of Illinois, Eastern Camera & Photo Corp. of Iowa, Eastern Camera & Photo Corp. of Kansas, Eastern Camera & Photo Corp. of Maryland, Eastern Camera & Photo Corp. of Massachusetts, Eastern Camera & Photo Corp. of Michigan, Eastern Camera & Photo Corp. of Missouri, Eastern Camera & Photo Corp. of Ohio, Eastern Camera & Photo Corp. of Pennsylvania, Eastern Camera & Photo Corp. of Texas, Eastern Camera & Photo Corp. of Virginia, Eastern Corporation, Eastern Packing & Distributing Corp., Eastson Distributors, Inc., Ed. Geiger Construction Co., The, Ed Kirchmeyer, Inc., Edge Moor Gardens Civic Association, Edgewood Corporation, Educational Laboratories, Inc., Edwin A. Smith and Son, Inc., Edwin D. McLaughlin Foundation, The, Effingham Nursing Center, Inc., Ehrlich-Corso of Delaware, Inc., El Mundo, Inc., Electric Service Engineering Co., Inc., Electric Service Engineering Co., Inc., Electrical Materials, Inc., Electro-Actuators, Inc., Electro-Organics, Inc., Electro-Static Air Filter Sales Corp., Electro-Tech Corporation, Electrograde Incorporated, Electromagnetics Corporation, Electronic Cafeterias, Inc., Electronic Enterprises, Inc. of California, Electronic Oil Exploration and Syndications, Inc., Electronic Vending Devices, Inc., Elkwood Development Company, Ellay Stores, Inc., Ellen McCarter Stewart, Incorporated, Elliott Leasing Company, Elliott Truck Brokerage, Inc., Elljay Management Corporation, Elm Construction Company, Eltec Laboratories Incorporated, Emlen Corporation, Empire N. T. S., Inc., Empire Service Corporation, Emson Valve Corporation, Engel, Inc., Engineered Food Equipment, International, Inc., Engineering Economy Corporation, Enzymatic Chemicals, Inc., Enzyme Corporation of America, Epicure Foods, Inc., Epiphany Tankers Corporation, Equity Leasing Corporation, Ernie Rosenthal Masonry Co., Inc., Essex Universal Corporation, Eton Properties Inc., Eugene E. Mulhern & Co., Inc., Eve Lynn, Inc., Evelyn Wood Reading Dynamics Institute of Birmingham, Inc., Evelyn Wood Reading Dynamics Institute of Kansas City, Inc., Evelyn Wood Reading Dynamics Institute of New Orleans, Inc., Experimental Farms Inc., Exterior Home Designers, Inc.

F. A. Collins, Inc., F. C. Russell Electronics Inc., F. C. Russell Institute of Selling, Inc., Fabric Center, Inc., Fabweld, Inc., Facel-Vega, Inc., Fair Haven Estates, Inc., Fairway Mart, Inc., Fairweather Enterprises, Inc., Fareast Service Co. Inc., Fashion Homes Acceptance Corporation, Fashions International, Incorporated, Fecon, Inc., Federal Plate Glass Co., Inc., Federal Research Company, Inc., Federation Investment Company, Fehr Products Company, Feminine Hygiene Associates, Inc., Film Power, Inc., Filoque Corp., Filster Corp., Financial Planning Corporation, Finger Lakes Food Products, Inc., First Delta Corporation, First International Pictures, Inc., First Iowa Corporation, First Retirement Foundation, Inc., First State Construction Co., Five Fifteen Social Club, Inc., Five Star Sporting Goods, Inc., Five State Liquor Mart, Inc., Flair Stores of Delaware, Inc., Flamingo Investment Company, Flav-R Straws International, Inc., Fleet Drilling Company, Flo Stores, Inc., Florida Cane Products Corporation, Florida Land Improvement and Development Company, Incorporated, Florin Corporation, The, Floro Inc., Flowers By Jean, Inc., Food & Drink, Inc., Forman Ford & Co., Inc., Fort Pitt Casket Co., Foundation For Support of the Public Schools, The, Foundation For Tax and Estate Planning, Fouracre Realty Company, Fox Valley Electronics Inc., Franchise Businesses, Incorporated, Francis Drake Motel, Inc., Frank Siano & Co. Incorporated, Franklin Development & Construction Corp., Fred Papenburg, Agent, Inc., Frund Products Company, Fulcrum, Inc., Fun Fair, Inc.

G. F. Stores Association, Inc., G. J. Nixon Enterprises, Inc., G. M. & H. Distributors, Inc., G. T. Herrod Travel Co., Inc., Gabe, Inc., Galaxie Motor Inn and Restaurant, Inc., Galaxie Motor Inn and Restaurant, Inc., Galaxie Properties, Inc., Gallatin, Inc., Galperins, Inc., Gardenia Productions of Hawaii, Inc., Gardner Research Corporation, Gas & Electric Supply Company Inc., Gear Grinding Machine Company, The, General Advertising Associates Inc., General Coin-Op, Inc., General Conversion Systems Corporation, General Economics Corporation, General Research & Development Laboratories, Inc., General Scientific Corporation, Geodata Corporation, George, O'Neill & Co., Inc., George Rosen Corporation, The, Georgetown Junior Chamber of Commerce, Inc., Geotronics Corporation, Gerdau Engineering Corporation, Gettysburg

Metallurgical, Inc., Giant Key Corp., Giant Stores, Inc., Gibraltar Securities, Inc., Gibraltar D. E. I., Inc., Gift Funding Inc., Gigantic Realty Corp., Glas Foam Corp., Glasgow Sanitation, Inc., Glen Knitting Mills, Inc., Glenside Development Co., Glenview Ledasco, Inc., Glo-Jo, Inc., Glo-Ray, Inc., Globe Coliseum, Inc., Golden Horseshoe Stables, Inc., Golf City U. S. A., Inc., Good Earth Restaurant Company, Inc., Good-Era Realty & Construction Corporation, Goodwin-Von Allmen, Inc., Goss Realty Company, Inc., Gotham Freed Inc., Government Contractors Publications, Inc., Grand Covina Drug Corporation, Grand United Order of Odd Fellows Inc. of Camden, Grandview Insurance Agency, Inc., Granite Fashions, Inc., Grant Williams, Inc., Granu-Transit Inc., Gray Line, Inc., The, Great Western Products Corporation, Green Pine Corporation, Greene Export Packaging Corp., Greenhill Concessions, Inc., Greenmeadow Development Company, Greenway Restaurant, Inc., Growth, Incorporated, Grundy Fund, Inc., Guild Builders, Inc., Gulf-Continental Lines, Inc., Gulfport Bowling Corporation, Gulfport Corporation, Gunning Firearms Company, Gym Toys, Inc., Gyro Motors Corporation.

H. A. Taylor Engineering Associates, Ltd., H. E. Cooper And Company, H & H Restaurant & Motel, Inc., H. H. S. Coffee Corp., H. McFarland, Inc., Haiti American Minerals Corp., Hall-Stewart Drilling Co., Inc., Halls Retail Stores, Inc., Hal-tone Rental Corporation, Handigard Corporation, Hanover-Swift Homes, Inc., Hansa Navigation Corporation, Hansa Tanker Brokers, Inc., Hansa Technical Services, Inc., Hanson & Hanson, Inc., Har-Wel Associates, Inc., Haratine Gas And Oil Company, Inc., The, Hard, Rand & Company, Harris Services, Inc., Hart, Whitley & Co., Hartford Fund, Inc., Hartland Industries, Inc., Hask Enterprises, Inc., Hatboro Industrial Park Inc., Hathaway Instruments, Inc., Hauser Lake Syndicate, Haven Industries, Inc., Hawaiian Shores Inc., Hawkeye N. T. S., Inc., Hedgeville Athletic Club, Hek Manufacturing Co., Inc., Helair, Inc., Heritage Enterprises, Inc., Herman Katz Foundation, The, Heslop Lumber And Millwork Company, Hetherington Research Foundation, Inc., Highway Refrigerated Service, Inc., Highway Safety Products Corp., Hilco Homes Of New Castle County, Inc., Hillyard Publishing Corp., Hodgo International, Inc., Holiday Automatic Cleaners, Inc., Holliman Drilling Company, Home

Buyers Realities Corporation, Home Developments Inc., Home Of Four Seasons, Inc., Homemakers Institute, Inc., Homestead Farms, Inc., Hoover & Kern Photography, Inc., Hope Incorporated Of Delaware, Hope's Furniture, Inc., Horizons Of Knowledge, Inc., Horizons Unlimited, Incorporated, Hosiery Machine Corporation of America, Hospital Management Services, Inc., Household Industries, Inc., Houser Drilling Co., Inc., Housers Foundation, Houston Chemicals, Inc., Howard J. Trembl, Inc., Hub Stores, Inc., Hudson Fund, Inc., Hudson N. T. S., Inc., Hugh James Auto Auction Co., The, Hurst, Walters And Schabach, Inc., Hyco Oil Company.

I B C International Business Corporation, I. P. D. Financial Corp., I. R. D. Corporation, Impact Packaging Company, Imperial '400' Land Corporation, Imperial Marine Corporation, Imperial Metal Products Manufacturing Company, Incon, Inc., Independent Packaging Association, Inc., Indian Industrial Investments, Incorporated, Industraplate Corp., Industrial Helicopters, Inc., Industrial Marketing, Inc., Industrial Resources, Inc., Institutional Purchasing, Inc., Instr-O-Matics, Inc., Insul-Ray, Inc., Insurance Investors Corp. of America, Integrated Services Inc., Inter-Continent Oil Co., Intercity Realty Corp., Intermedia, Inc., Intermediates Engineering Corp., International Academy of Law & Science Inc., International Advertising Agencies, Inc., International Association of Surgical Clinics, International Business Management, Inc., International Communications Incorporated, International Corporation of Oklahoma, International Electronics Oil Corporation, International Funding Corporation, International Housing Development Corporation, International Import & Export Association, International Packaging Machines, Incorporated, International Planning & Economic Development Corporation, International Plastics Corporation, International Resources Corporation, International Space Corporation, International Survival, Inc., International Realty Corporation, International University Key, Inc., Intredco Corporation, Inventions Finance Corporation, Inventor's Associates, Inc., Investors Acceptance Mutual Corporation, Investors Guaranty Corporation, Iowa Development and Realty Co., Isikoff and Company Securities, Isthmus Steamship & Salvage Co., Inc., Ivanhoe Laundry & Uniform Co., Inc.



J. B. S. Inc., J. Deramo Contractors, Inc., J & E Construction Company, Inc., J & E Equipment Co., J. H. Macinnes, Inc., J & L Associates, Inc., J. L. Olson & Associates, Inc., J. N. Rawleigh Company, J. R. Thames & Company, J. Ragan Bldg. Supply, Inc., Jack Ruderman Foundation, The, Jaffee-Rivkin Corporation, James A. Dooley Foundation, James J. Dooley, Inc., James T. Henderson Enterprises, Inc., Jeff V. Cameo Realty Corporation, Jefferson Counsel Corp., Jefferson Industries, Inc., Jem, Inc., Jerdel Masonry Contractors, Inc., Joe's Bar, Inc., John A. Tubbs Real Estate, Inc., John E. Altig & Son, Inc., John Frazer Jr., Inc., John Kaiser Associates, Inc., John P. Apostol, Incorporated, Johnny Walker Ship Service, Inc., Junat Productions, Inc., John H. Maxwell & Co.

Keagy & Company, Inc., Kelsan Homes, Inc., Kelvin Engineering Co., Inc., Kemline Industries, Inc., Kiddie Products Corporation of America, Kiddie Products, Midwest, Inc., Kiddielane Erie Corp., Kiddielane Mass Corp., Kiddielane New England Corp., Kiddielane Penn Corp., Kiddielane Southern Corp., King Adhesives, Inc., King Bee Corporation, King Research Services, Inc., King Tavern Inc., Kirkwood Sand & Gravel Co., Knitting Mill News and Knitting Trades Service Bureau, Inc., Kof Foundation Test Borings, Inc., Koil-Les Heater Co., Kress Enterprises, Incorporated, Kyle Products Company.

L. C., Inc., L. C. Johnson, Inc., L. F. Berry Trucking Co., L. R. Robinson, Inc., L. T. D. Electro-Mechanical Corporation, L. W. J., Inc., La Caravelle Associates, Inc., Laboratories Pfizer, S. A., Lackawana Automobile Company, Inc., Lafayette Apartments, Inc., Lake Region Plumbing & Heating, Inc., Lakeland Mobile Homes, Inc., Lakeside Insurance Agency, Inc., Lamine-tics Incorporated, Lamond Contracting Company, Inc., Lamoureux, Inc., Lancaster Avenue Liquors, Inc., Lanseair Industrial Travel, Inc., Lanseair Travel Service of Illinois, Inc., Larchmont Investors, Inc., Lash Corporation, The, Latin American Development Associates, Inc., Laure Exploration Company, Inc., Lch Petroleum Corporation, Leasing Corporation International, Lecates Metals, Inc., Lee Electronics Inc., Leisure, Inc., Leonard Associates Ltd., Leonard International Corporation, Leslie's of Bristol, Inc., Leslie's of Essington, Inc., Leslie's of Hydla, Inc., Leslie's of Passyunk, Inc., Leslie's of Ridley, Inc.,

Lewes Marina, Inc., Lewis Industries, Inc., Lewis-Skeel, Inc., Libby Drug Company, Inc., Liberian Sugar Refining Company, Inc., Liberte International Airlines, Inc., Lida Industries Inc., Lifetime Brakes, Inc., Lifetime Mop Corp., Lift Parts Mfg., Inc., Lind Manufacturing Corporation, Line-E Enterprises, Inc., Link Products Corp., Linoleum Holding Co., Inc., Linoleum & Tile Services, Inc., Liquids Electronics Corporation, Lochmoor Ltd., Logan Pingree Company, Inc., London Dry Ginger Ale Co., Lot Gee Corporation, Lowe-Nevins Orchestras, Inc., Lowell House, Ltd., Lower Delaware Utility Corp., Lucandel, Inc., Luna Research Corporation of America, Inc., Lusan Corp., Lynette, Inc.

M. A. Frazier, Inc., M. B. Auto Sales, Inc., M. B. M. Realty Co., M. C. R. Enterprises, Inc., M & S Carbonic Gas, Inc., M. V. Modern No. 1, Inc., Madaras Corporation, Mae Hall McCabe Holding Company, Inc., Mae Hall McCabe Realtors, Inc., Magee's Express, Inc., Magnetic Dictating Machines, Inc., Mahoney Sales Company, Main Products Corporation, Maldor New Orleans, Inc., Malloy & Co., Maness, Inc., Manewal Chevrolet-Cadillac Co., Manhattan Service Corp., Mannix Construction Inc., Manor Cab Co., Manufacturer's Outlet & Surplus Co., Marais, Inc., Marine Food Products, Inc., Marinez Builders, Inc., Marion Investment Company, Market Realty & Finance Co., Market Research Corporation (California), Marshall Gravel Company, Inc., Marx Anniversary Fund, Inc., Mason Mortgage & Investment Corp., Masterifeld Corporation, Matador Corporation, Maternity Mart-Manor Park, Inc., Maurice, Inc., Maurice Of Midway, Inc., May Realty And Investment Company, The, Mazor Lumber And Supply Company, Mc Construction Co., McCall Associates Ltd., Mealmaster American Inc., Medicotel, Inc., Melcor, Inc., Memel Corporation, Merchandise World Of East Hiway, Inc., Merchandise World Of Loma Vista, Inc., Merchant Seamen's Foundation, Inc., The, Merritt Financial Corporation, Messick Nursing Home, Inc., Metal Alloys, Inc., Metallurgy Refinance Association, Metropolitan Building Corporation, Metropolitan Investment Corp., Metropolitan Town House, Inc., Michael Kirby Associates, Inc., Mid America Processing Corp., Mid-City Social Club, Mid-State Vending Company, Mid-West Stores, Inc., Middle Atlantic Book Company, Midway N. T. S., Inc., Military Publications, Inc.,

Milk Distributors, Inc., Miller Of Washington Incorporated, Million \$ Stamps, Inc., Milt Willner Boxing, Inc., Milton Lumber & Fuel Supply Co., Mims Sanitation And Hauling Service, Inc., Minamyra Corporation, Mineola Asphalt And Refining Company, Minerals, Mining & Exploration Corp., Minitone Electronics, Inc., Minnesota Laboratories, Inc., Minute Service Stations, Inc., Minuteman Helicopter Air-Lines, Inc., Mister Donut Shops, Inc., Mobile-Dairies, Intl., Inc., Modern American Chemical Corporation, Modern-Bond Corporation, Modern Coating Sales Inc., Molco Construction Corporation, Moonland Incorporated, More Enterprises, Inc., Morris Pollin & Sons, Inc., Morrison Hotel Corporation, Mortgage Exchange, Inc., Motel Management Corporation, Motorama, Inc., Movie Guide, Inc., Moviead Service Co., Mr. Soft Pretzel Of Delaware, Inc., Multi-Image, Inc., Murray Properties, Inc., Mushroom Service Co., Music-Drama Theater, Inc., The, Mutual Builders Exchange Limited, Mutual Minerals, Inc., Myshu, Inc.

N F B Corp., N P D C Research, Inc., N T Midwest Corporation, National Aerospace Corp., National Balstan Corporation, National Car Rental System, Inc., National Cattlemen, Inc., National-Central Theatres, Inc., National Clean-Mart Corporation, National Cleaning Enterprises, Inc., National Cleaning Equipment Corporation, National Copyright Corporation, National Fence Manufacturing Company, Incorporated, National Growth Corporation of Puerto Rico, National Income Properties, Inc., National Insurgents of the United States and its Territories, Incorporated, National Resources Development Co., National Sales Company, National Small Business Association, National Trade Show Publications, Inc., National Treesavers, Inc., Nationwide Buyers Cooperative, Inc., Natos Construction & Engineering Corp., Natural Gas Industries, Inc., Naval Order of the United States, Inc., The, Neighborhood Planning and Development Corporation, Nerdrum Shipping, Inc., Nest Co., New Accounts Corporation, New Dimensions Corporation of Delaware, New Era Mining Company, New Stock Issues Club of America Division of New Stock Issues of the Month Club, Incorporated, New York Gladiators, Inc., New York Home Furniture Company, Inc., Newman Industries, Inc., Newport Automotive Radiator Company, Newspix, Inc., Niagara International, Ltd., Nicodemus Productions, Inc., Niles, Inc., 941 Mar-

ket, Inc., Nohen, Inc., Noll's Sales Co., Norshirl Realty, Inc., North American Associates West Inc., North Atlantic Drug Company, Inc., North Atlantic Kenaf International, Inc., Nouvell Vogue Productions, Inc., Nova-Complex Development Corporation, Nuclear Electronic Laboratories, Inc., Nuclear Services, Inc., Nylacore Corporation.

O'Connor Systems, Inc., O'Dell Oil Corporation, Oceanographic Research Corporation, Old Ebbitt Grill, Inc. of Washington, Oliver Broadcasting Corporation, Omega Precision, Inc., Onmipar Investment Corporation, Ontario Restaurant Corporation, Optech, Inc., Orbitec Corporation, Orbito-Dynamics, Inc., Ordnance Research & Development Corp., Oregon Aviation Corporation, Ores & Alloys, Inc., Orient Coal Corporation, Ornamental Steel Erectors Inc., Osterhout Electric Corporation, Ostler Drug Corporation, Ourisman Chevrolet, Inc., Overbrook Athletic Association, Oxyjet Distributors, Inc.

P. and Co., Builders, Inc., P. and H. Realty Company, Pace-Shear Radio, Inc., Pacific Contractors, Inc., Pacific Properties, Inc., Palm Beach County Freight Receivers Association, Inc., Palos Park Convalescent Home, Inc., Pampa Electronics Sales Corp., Pan American Development Corporation, Panagos Properties, Inc., Panama International Development Corp., Park Theatre Co., Parker-Gordon International Corporation, Parker-Whelen Co., Inc., Park Cab Co., Pathe News, Inc., Pathfinder Corp. of Pennsylvania, Patricia's Gifts, Ltd., Patteo Incorporated, Paul Bunyon Lumber Co., Inc., Paul H. Norair Company, Inc., Paul Kane Associates, Ltd., Paul Steele Lumber Co., Pecos Land and Development Company, Inc., Pegasus Productions, Inc., Pemberton Furniture, Inc., Peninsula Egg Producers, Inc., Peninsula Food Suppliers, Inc., Peninsula Oil & Gas Co. of Australia, Inc., Penn Charter Manufacturing Corporation, Penn-Del Metal Company, Incorporated, Penn Foundation, Inc., The, Pennywise Investment Association of Wilmington, Delaware, Inc., People's, Inc., Perfemme Incorporated, Performer Boat Corporation, Perpetual Properties, Inc., Perry Electronic Components Inc., Peter Pan, Inc., Petersen Burke Manufacturing Company, Petroleum Engineering, Inc., Pharmaceutical Vending Corporation, Philadelphia Civic Opera Company, Philadelphia Quartette Swim Club, Phil-

lip Liebman Company, Photo-Electronic Products Inc., Photo-shops, Inc., The, Phyl-Lyn Charm Shoppes, Inc., Piercon Realty Co., Pinewood Oil Corporation, Pix Food Markets, Inc., Plas-world, Inc., Playmate Corp., Playtel Corporation, Point One Productions, Inc., Policy-Matic Affiliates, Inc., Poly-J Corporation, Popich Well Service, Inc., Portable Jon of Detroit, Inc., Poreen Corporation, Practice Aide Corporation, Pratt Bros., Inc., Precision, Inc., Prego Publishing Company, Inc., Pres Cox Oil Co., Presearch International, Inc., Price American Corporation, Pride of Delaware Lodge No. 349 Improved Benevolent and Protective Order of Elks of the World, Inc., Prime Leasing Corporation, Primex Equities Corporation, Printz Realty Company, Pro-Fesh Products, Inc., Process Development Corporation, Psychosynthesis Research Foundation, Pure Products Corp., Puritan Chemical Corp., Pyros National Corp.

Quality Discount Center, Inc., Quanah Engineering, Inc., Questers, Inc.

R. A. Davis Coal and Ice Co., R A Foundation, Inc., R. And B. Builders, Inc., R/B Enterprises, Inc., R. E. Kaplan, Inc., R. E. Mills, Inc., R. G. G. Investment Corporation, R. H. C., Inc., R. K. Dundas, Inc., R. Mars Wholesalers, Inc., R. Sirota Co., Ltd., The, Radio Lemoore, Inc., Ragains Drugs, Inc., Ralph E. Holloway, Inc., Ram-Loc Corporation, Ramey Warehouse Company, Random Business College, Inc., Rare Gas Resources, Inc., Rate Engineering Corporation, Raymond Eisenhardt & Son, Inc., Real Drug Products, Inc., Real Fountains, Inc., Realty Leasing Corporation of America, Recreation Industries, Inc., Red Coach, Inc., Red Creek Development Company, Inc., Red Lion Inn, Inc., Reddi Pak Corporation, Regal Clothing Co., Regal Lady Elegance, Inc., The, Regan Corporation, Regional Development, Inc., Rehoboth Yacht Basin, Inc., Relcoa, The Relocation Corporation of America, Reliable Bindery Co., Inc., Religious Art Craft, Inc., Ren-It, Inc., Renaldo's Pizzeria, Inc., Rentz Body Shop, Inc., Research Automation Corporation, Research and Management Corporation, Reservoir Consulting Services, Inc., Resisto Chemical, Inc., Resitron Laboratories, Limited, Restaurant Corporation of America, Restorium Builders, Inc., Retail Associates of America, Inc., Retired Educators Foundation, Inc., Revere Distributors, Inc., Revon

Construction Corporation, Rex Stores, Inc., Reynolds Feal Corporation, Rhodes Factoring Co., Inc., Ricardo Auto Seat Covers, Inc., Rich Wine & Liquor Company, The, Richard Munsell Trucking Co., Richdle Corporation, Richland Uranium Corporation, Rio Grande Irrigated Lands, Inc., River Road Trading Company, River Road Villas Inc., Riverview Cemetery Company of Wilmington, Delaware, The, Robert A. Martin Associates, Inc., Roberts Corporation of Delaware, Round Rock Mining Company, Royal Construction Company, Royal Crown Beverage Company, Inc., Royal Crown Bottling Company of Wilmington, Inc., Rucker Electronic Products Company, Rudolph F. Ney, Inc., Rush & Toal, Inc., Rychlik Motors, Inc.

S. A. Alexander & Company, Inc., S. A. Blum Realty Investing, Inc., S. H. L. Investment Co., S K & S International Expeditions, Inc., S & W Retreading, Inc., Sachar Properties, Inc., Sacramento Union Publishing Company, Inc., Safety Signal Corp., Safie Corporation, St. Anne Airways, Incorporated, Saint John Shipping Corp., Samlen, Inc., Samuel R. Cohen Foundation, The, Sanco Inc., Sandia American Educational Corporation, Sanitary Plastics, Inc., Santa Rosa Drug Corporation, Saratoga Land And Development Co., Inc., Saven Co., Saville Enterprises, Inc., Scan Devices, Inc., Scan Systems, Inc., Schnitzer-Harad Construction Co., Schnitzer & Son Corp., Scientific Bulkhandling, Inc., Scollon Inc., Scripture Press, Inc., Scuderia Secunda, Inc., Sea Kart Corporation Of America, Sea-Van Incorporated, Sea Way Stores, Inc., Seaboard Maine, Inc., Seaford Builders, Inc., Seager & Company, Inc., Searight, Abalt & O'Connor, Inc., Seco Corporation, Second Duke Construction Corporation, Secured Equities Corporation, Securities Realization Company, Security International Mfg., Co., Sedgley & Associates, Inc., Sedif Pictures Corporation, Select International Film Corporation, Selfridge Apartments, Inc., Semtran Instruments, Inc., Senator Theatre Corporation, Sentinel Oil Tool Development & Service, Inc., Shaker Company, The, Shamrock Gardens, Inc., Sharp Trucking, Inc., Sheffield Builders, Inc., Sherman Industries, Inc., Shipley Social Club, Shon's, Inc., Shopping Center Utilities, Inc., Shopping Centers Corporation, Shrewsbury Corporation, Shull Construction Co., Shusett, Inc., Sidney Schwartz Realty Corporation, Siems Carey Railway And Canal Company, Sigma Corporation, Sikking Corporation, The, Silorators In-

ternational, Inc., Simpson, Guy And Weatherby, Inc., Sims Construction Company, Sinclair Leather Products, Inc., Sinclair Realty & Investment Co., Inc. Siouz Metal Products Company, Sixth Ward Republican Club, Skill-Trap, Inc., Smith Jewelers, Inc., Smith & Strevig, Inc., Smiths Casuals, Inc., Smith's Redi-Mix, Inc., Snack Bar, Inc., Social Publications Foundation, Ltd., Societe Des Motels Europeans, Society Of Delaware Dispensing Opticians, Inc., Sonyxela Mining Company, Inc., Soul Of America, Inc., Southeast Driver Training School, Inc., Southeastern Marine Service, Inc., Southeastern Vending Corp., Southern Investment Company, Southern National Investment Corp., Southern Production And Service Corporation, Southern Spot Sales, Ltd., Sovereign Travel, Inc., Spa Laboratories Foundation, Space Medical Sciences Corp., Space Missile Materials Corporation, Space Sciences Corporation, Spacelight, Inc., Specialty Leasing & Financing Corporation, Speed-O-Fax Sales Corporation, Spiller Oil Company, Sportsman's Cafe, Inc., The, Spotless, Inc., Springfield Shipping Company, Inc., Sta-Lite Industries, Inc., Stacey-Warner Corporation, Stafford Hills Construction Co., Stanal Candy Concessions, Inc., Standard Heating Company, Inc., Standard Systems Corp., Standard Vendors, Inc., Star, Inc., State Street Lumber Co., Inc., State-Wide Holding Corporation, Steel Products, Inc., Steffenberg & Tigani, Inc., Stella Maris Hotel, Inc., Stereotronics Instrument Corporation, Stern Company Of Washington, D. C., The, Steve Andre Associates, Ltd., Stevens Development Corporation, Stewart Electronics, Inc., Stoddard Research Associates, Inc., Stout-Owen Electrical Sub-Surface Oilfield Tools Inc., Stratford Financial Corporation, Streeter Land Company, Sunny-Hunny Of Hockessin, Inc., Sunshine Investment Company, Super Cab Company, Incorporated, Superior Fiber-Glass Products, Inc., Supreme Trading Corporation, Surgical Industries Co., Inc., Surinam Plywood & Wood Products, Inc., Surveillance Technology Corporation, Sussex Importers, Ltd., Sussex Stores, Inc., Sutter Gold Mines Inc., Sutton Pictures Corporation, Sven Anderson Machine & Tool Co., Swedish-American Pulp Corporation, Swifton Village Section 4, Inc., Swifton Village Section 1, Inc., Swifton Village Section 2, Inc., Sycamore Dev. Corp., Sycamore Speedway, Inc.

T-Bowl Milford, Inc., T-Bowl North Attleboro, Inc., Take Ten Records, Inc., Tank Linings, Inc., Taymar Corporation, Teaching Systems, Inc., Technaire Electronics Corporation, Technical Advisers Incorporated, Technical Associates and Distributors, Inc., Telemeter, Inc., Telesonic of Delaware, Inc., Teletrak Corporation, The, Television Education Development Foundation Inc., Tennco Resources Inc., Tengineering Corporation, Tequities, Inc., Tennessee del Ecuador, S. A., Textilfoam, Inc., Thermo-Resist, Inc., Thermal Dynamics Corporation of Delaware, Thomas Circle Realty Corp., Thorwell Corporation, The, Thoroughgood Racing Stables, Inc., Thrift Courts Acceptance Corporation, Thunderbolt Oil Corporation, Tide-water Industries, Inc., Time Manufacturing Co., Inc., Timkim and Associates, Inc., Timko Construction Co., Tioga Pass Mines, Incorporated, Tom Good & Company, Inc., Tom Miller Marine Towing & Salvage, Inc., Tom Studebaker Construction Co., Inc., Tomboy Toys, Inc., Tommie Gene Rossen Co., Inc., Top of the Bay, Inc., Top Ten Club, Town and Country Motors, Inc., Town House of West Palm Beach, Inc., Trade Show Inserts, Inc., Trans-Lux Music Company, Inc., Trans Ocean Trading Ltd., Trans World Utilities, Ltd., Trans-Western Mortgage Company, Transition Metals & Chemicals, Inc., Transport Systems, Inc., Transnorthern Power Corporation, Transportation Rental Corp. of Delaware, The, Trebor Scientific Industries, Inc., Trenton Park Apartments Co-operative, Inc., Tri-County Discount Co., Tri-Kon, Inc., Tri-State Concrete, Inc., Trident Associated Industries, Inc., Trimutual, Inc., Trinity Management Co., Inc., Tropico Manama Corporation, Troy Steele & Tube, Inc., Trumbull Corporation, Tucker-Signatran, Inc., Turbafuge, Inc., Turkish-American Enterprise Corp., Twentieth Century Fair of Music, Inc., Twentieth Century Inn, Inc., Twin Cities Airways, Inc.

U. S. A. International Company, Incorporated, U. S. Dredge & Equipment Corp., U. S. Mobiles, Inc., U. S. Photo Supply Co. Inc., Ultrasonic Hull Preservation, Incorporated, Underwriters Inc., Unified Developers Incorporated, Unified Arabic Alphabet Foundation, Union Park Motors, Inc., Union Tile Company, Inc., United Development, Inc., United Discount Centers, Inc., United Finances, Inc., United Home Services Club of America, Inc., United Manufacturing and Engineering Corporation, Uni-



ted Star Tobacco Corporation, United States Development Corporation, United States Magnetite Corporation, United States Mortgage and Investment Corporation, United States Patent Research & Development Corporation, United States Safekeeping Corp., Universal Eesco Corporation, Universal Electronics Corporation, Universal Marketing Association, Inc., Universal Space Corporation, Universal Systems Associated, Universal Timber Corporation, Universal Transistor Products Corp., Upham-Haller Engineer Associates, Inc., Upholsterers & Drapers, Incorporated, Urban Brickwork Corporation, Urban Industrial Gas Company, Inc., Urethane Sales Co., Inc., Utrilon Corporation.

Vacation Club, Inc., Val-Cap, Inc., Valetron Corporation, Valmar, Inc., Valuation Services, Inc., Van Buren Construction Co., Vande Professional Equipment Leasing Corporation, Vanderbilt Enterprises, Inc., Varco Industries, Inc., Venda Vision, Inc., Vendome, Inc., Venezuelan Holding Corporation, Vic Tomorrow Co., The, Victory, Inc., Vienna Office Equipment & Supply, Inc., Village Inn, Inc., Vismat, Inc., Vista-Vend Corporation of the United States, Vitamin-Pharmaceutical Corp., Vivetics Drug Corporation, Voice of Cape Henlopen, Inc., Volay of Paris Company, Volca Crete Mining & Engineering Corporation.

W. C. Makinney Foundation, The, W. C. Strasser Co., Inc., W.L.W. Development Co., Inc., Wabash Chemical Corporation, Waddell Repair Service Co., Wahl, Inc., Walker-Hurst, Inc., Washington Royal Corporation, Waterbury Hotel Corporation, Waters and Miller, Incorporated, Weather-Master Co. Inc., Web-lite, Inc., Webster and Reid, Inc., Weiner Plumbing & Heating Co., Inc., Wellington Growth Fund, Inc., Wes-Tel, Inc., West African Basic Economy Corporation, Western Hills Land & Development Corporation, Western Laminating Co., Inc., Westfield Fund Inc., Weston Associates, Inc., Westonian, Incorporated, Wilanita, Inc., Wilbur-Rogers Arlington Corporation, The, Wilbur-Rogers Atlanta Corporation, The, Wilbur-Rogers Brockton Corporation, The, Wilbur-Rogers High Point Corporation, The, Wilbur-Rogers Washington Corporation, The, Wm Corcoran Hill Co., Wm. Gluckin Corporation, Wm. H. Christensen, Inc., William Steven Co., Wilmington Drug Company, Inc., Wilmington Elks Home, Inc., Wilmington Raceway, Inc., Wilmington

Television Co., Inc., The, Wilmington Transportation Company, Wiloil, Inc., Wilson Housing Co., Inc., Wings, Inc., Wisconsin Villas, Inc., Wise Furnace & Boiler Sales Corporation of South Carolina, Wise Homes, Inc., Woody Mfg. Co., Inc., Wolby Corporation, Wolverine N. T. S., Inc., Womans Christian Temperance Union of Delaware, Woodcrest Civic Association, Woodland Electronics Co., Inc., Woodlawn Monumental Works Company, World Mortgage Corporation, World Photo, Inc., World Shrimp Producers, Ltd., World Wide Leasing & Vending Corp., World-Wide Realty and Investing Corporation, Wright Instruments, Inc., Wynette Shops of Delaware, Inc., Wyton Oil & Gas Company.

Xelm C.C.L.L., Inc.

Y P Artists Inc., Yaxley Distributing Company, Inc., Young Industries, Inc.

Zipco, Inc.

IN TESTIMONY WHEREOF, I, CHARLES L. TERRY, JR., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this twenty-fourth day of January in the year of our Lord one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

(GREAT SEAL)

By the Governor:

CHARLES L. TERRY, JR.

ELISHA C. DUKES, Secretary of State

CHAPTER 560

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, members of the Tall Cedars of Lebanon of the United States of America continue to contribute immeasurably to philanthropic principles an enunciated by the founders of that splendid organization; and

WHEREAS, Those same members have assumed leadership in the continuous effort to gain public response and participation in the medical and scientific research into the causes and cure of muscular dystrophy, a disease that strikes down many Americans each year; and

WHEREAS, expensive research and treatment units for this disease are financed annually by the Tall Cedars of Lebanon; and

WHEREAS, the 122nd General Assembly of the State of Delaware, by means of House Joint Resolution No. 2 has designated the third week of March for the observance of Tall Cedars of Lebanon week and has authorized 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 full support to its efforts wherever possible";

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby designate and proclaim March 13-19, 1966, as

NATIONAL TALL CEDARS OF LEBANON WEEK

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 March in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 561

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the Greek people have contributed immeasurably to the ideals of freedom and individual liberty as adopted in this country by the founding fathers; and

WHEREAS, the Greek nation has been a staunch ally of the United States in both World Wars of this century and has also joined with us in Nato for the defense of Europe and the preservation of freedom; and

WHEREAS, the citizens of Greece, inspired by Bishop Germanos of Old Patras, did proclaim their freedom from the Turkish Empire on March 25, 1821, and did thereafter fight valiantly for eight years to secure to themselves the blessings of liberty; and

WHEREAS, after winning freedom they did rebuild their nation into a great trading and cultural center for humanity thereby recapturing much of the ancient glory for which they are justly famous:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, to give recognition and significance to that historic date, do hereby proclaim March 25, 1966, as

## GREEK INDEPENDENCE DAY

and call upon the citizens of the state to observe it appropriately by extending congratulations and felicitations to those among our number who are of Greek origin.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 March in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 561

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the Greek people have contributed immeasurably to the ideals of freedom and individual liberty as adopted in this country by the founding fathers; and

WHEREAS, the Greek nation has been a staunch ally of the United States in both World Wars of this century and has also joined with us in Nato for the defense of Europe and the preservation of freedom; and

WHEREAS, the citizens of Greece, inspired by Bishop Germanos of Old Patras, did proclaim their freedom from the Turkish Empire on March 25, 1821, and did thereafter fight valiantly for eight years to secure to themselves the blessings of liberty; and

WHEREAS, after winning freedom they did rebuild their nation into a great trading and cultural center for humanity thereby recapturing much of the ancient glory for which they are justly famous:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, to give recognition and significance to that historic date, do hereby proclaim March 25, 1966, as

## GREEK INDEPENDENCE DAY

and call upon the citizens of the state to observe it appropriately by extending congratulations and felicitations to those among our number who are of Greek origin.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 March in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 562

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it was on March 29, 1638, that courageous and adventuresome people from Sweden set foot on Delaware and thereby established the first permanent colony in the First State; and

WHEREAS, Tuesday, March 29, 1966, marks the three hundred and twenty-eighth anniversary of the settlement of the colony at "The Rocks" now enshrined at Fort Christina Monument in the City of Wilmington; and

WHEREAS, the establishment of that settlement marked the introduction of government, religion, education, agriculture, commerce and industry not only in our State, but in the entire Delaware Valley; and

WHEREAS, those were the beginnings of a great state and great civilization; and

WHEREAS, the General Assembly of the State of Delaware, by joint resolution, has directed the Governor to proclaim March 29th of each year as Delaware Swedish Colonial Day in cognizance of the contributions made by those first Swedish settlers; and

WHEREAS, it is appropriate that this memorable day in our proud history should be commemorated by public observance and exercises:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Tuesday, March 29, 1966, 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 display, 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 observance.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 March in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 563

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, April 14, 1966, will mark the seventy-sixth anniversary of the inter-American system freely established by the American Republics and known as the Organization of American States; and

WHEREAS, the United States and the other American Republics have been neighbors for almost two hundred years, and are equal partners and sovereign states within the inter-American System; and

WHEREAS, for decades differences among members have been settled at conference tables, thus giving proof of the effectiveness of the inter-American system; and

WHEREAS, the people of the United States consider themselves partners of the peoples of Latin America, sharing with them not only a common continent but a mutual and abiding aspiration for the achievement of a good and full life for every citizen of the Americas; and

WHEREAS, the nations of the Hemisphere are embarked, through the Alliance for Progress, in a relentless pursuit of a better life and quest for the social justice and human rights to which all the peoples of the Hemisphere are entitled:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim, Thursday, April 14, 1966, as

PAN AMERICAN DAY

and the week beginning April 10, and ending April 16, as Pan American Week and call upon the citizens of Delaware to rededicate themselves during this period to the ideals of the inter-American system as embodied in the Charter of the Organi-

zation of American States, and to the goals of economic and social progress of the Charter of Punta del Este which are so firmly based on our common belief in the dignity of men and on our faith in freedom.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 9th day of April in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 564  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the need and value of conserving our natural resources must always be foremost in our minds and hearts; and

WHEREAS, many forests are harvested annually as a part of our economy thereby making it desirable to encourage every citizen to plant trees which in turn will replenish this most necessary resource; and

WHEREAS, our woodlands, in addition to providing an important source of revenue, also provide the beauty and shade which adds color to our countryside and serves as shelter 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, provided that the last Friday in April of each year shall be proclaimed as Arbor and Bird Day:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim, Friday, April 29, 1966, as

ARBOR AND BIRD DAY

in the State of Delaware, and urge schools, civic organizations and private citizens to hold appropriate exercises on that day to stimulate widespread awareness and appreciation of the aesthetic, physical and economic value of forests, wildlife and every individual tree that blesses our landscape.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 April in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 565

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 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, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim May 1, 1966, as

## LOYALTY DAY

in Delaware and urge that on this 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 Delaware State Flag.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 28th day of April in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 566

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is 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, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim Sunday, May 8, 1966, 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. Helen Tierney of Clayton, our 1966 Delaware Mother of the Year.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 May in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 567  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, nearly 18,500,000 American men and women are 65 years old and over; and

WHEREAS, the number of people over 65 continues to mount at an accelerated rate with almost 3900 citizens reaching age 65 every day; and

WHEREAS, we have a responsibility to provide the leadership that will help discover ways and means for our older citizens to enjoy life and health with the dignity they have earned; and

WHEREAS, we should all avail ourselves of the invaluable experience that they possess; and

WHEREAS, President Johnson has recently proclaimed the month of May as Senior Citizens Month:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, in keeping with the President's proclamation, do hereby proclaim the month of May as

SENIOR CITIZEN'S MONTH

and urge all Delawareans to seek and find areas of useful activity for the elderly. By so doing we can pay our gratitude and respect for their contribution to our community in years past and insure that their lives will continue to be fruitful.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 5th day of May in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

(GREAT SEAL)

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 568

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the sixth annual Vacation Planning Week will be observed nationally from May 8-15, 1966, to encourage residents of the United States to plan their vacations early and carefully; and

WHEREAS, the annual vacation is an exciting and rewarding family institution contributing substantially to the health and happiness of all concerned; and

WHEREAS, Delaware is rich in history and blessed with a wealth of scenic and recreational attractions to interest and delight vacationers; and

WHEREAS, all areas of Delaware offer excellent services and modern and attractive facilities to accommodate vacationers and make travel in our state a pleasant and memorable experience; and

WHEREAS, the expenditures made by tourists within the state for goods and services represent an important contribution to the economic strength and well being of Delaware and its people:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim the said period of May 8 to May 15, 1966, to be

VACATION PLANNING WEEK

throughout this state and, in the interest of making 1966 a banner travel year in Delaware, do urge all individuals, businesses, industries, and civic and other organizations to give the observance their fullest cooperation and support.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 12th day of May in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 569  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, today we find more and more people working and living in the confines of large metropolitan buildings completely shut-off from the great outdoors; and

WHEREAS, we are moving into the season of the year when we have the opportunity to enjoy many forms of outdoor recreation and physical activity; and

WHEREAS, it is necessary for all of the people of Delaware to be aware of the need to be physically fit; and

WHEREAS, the Delaware Physical Fitness Committee has formulated programs throughout the year that encourages the maintenance of physical fitness for all ages and both sexes and recommends that increased awareness be given to physical fitness at this time:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim the week of May 22nd through the 28th, 1966, as

PHYSICAL FITNESS WEEK

and challenge all of our people to join other Delawareans in activities that foster physical fitness throughout the year.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) 18th day of May in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 570

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is highly appropriate that grateful Americans everywhere should pause on 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 preserve and continue this custom, first established in 1868, by gathering in public places, before memorials and in cemeteries to pay our respect to the valor and sacrifices of those who fought and died that America might remain free; and

WHEREAS, because of the increased use of our highways and byways over the Memorial Day weekend it is also appropriate to remember that there are 20,000,000 smash-ups each year and many deaths each day across our Nation that we hear little about except on holidays when we take particular notice of the mounting toll; and

WHEREAS, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1966, 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Monday, May 30, 1966, as



## MEMORIAL DAY

and urge the people of our State on this day 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 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 raised high on 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 freedom;

I further request that all motorists drive with their headlights on from 5 o'clock Friday, May 27th, through Monday, May 30th, using low beams during the daylight hours, to forcefully remind us of the mounting highways accidents leading to far too many fatalities.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) 19th day of May in the year of our Lord one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 571

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, "Old Glory" has been the emblem of our unity and the symbol of our determination to remain a free people for one hundred and eighty-nine years; and

WHEREAS, to those less fortunate in other parts of the world, the American Flag and the proud Nation it represents, stand as a beacon of hope for all those who are oppressed, for all those who desire the freedoms that we, as Americans, enjoy; and

WHEREAS, this banner with its thirteen alternate stripes of red and white and its field of blue with a star for each state, was officially adopted by the Continental Congress on June 14, 1777; and

WHEREAS, tradition has it that this same banner, stitched together by the inspired fingers of Betsy Ross, was first unfurled in land battle at Cooch's Bridge, Delaware, in early September, 1777; and

WHEREAS, thousands of Delaware's sons through succeeding generations have since followed the emblem of our unity, strength and ideals, and many have perished in the effort to keep it aloft; and

WHEREAS, the first star of that Flag represents Delaware symbolizing our position as "The First State"; and

WHEREAS, National Flag Week, which is being observed from June 12th through 18th, offers us another opportunity to re-affirm our allegiance to "the Flag of the United States of America and to the Republic for which it stands" and to pledge anew that it shall always proudly wave as the symbol of "one nation, under God, indivisible, with liberty and justice for all.";

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim June 14th as

NATIONAL FLAG DAY

and the week of June 12th through 18th, 1966 as

NATIONAL FLAG WEEK

in Delaware and urge all Delawareans to display the American Flag daily during National Flag Week. This display of our national emblem and the staging of appropriate ceremonies will give visible evidence of our loyalty to this great Nation and to all that the Stars and Stripes symbolizes.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 May in the year of our Lord one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 572

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, it is only fitting and proper that we should set aside a specific day to honor fathers; and

WHEREAS, it was the fathers of our land who built a great American nation through unstinting devotion to liberty, love and freedom; and

WHEREAS, the theme for Father's Day 1966 is "Juvenile Integrity Starts in the Home", where fathers are the builders of good family life, the foundation of our future, and the teachers of our young in the importance of good ethics, fair play, peace and brotherhood:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim Sunday, June 19, 1966, as

## FATHER'S DAY

and call upon all citizens of this State to observe it by worship in the church of their faith, and by reverently displaying the American Flag, and by otherwise commemorating the occasion so that we may continue to enjoy the blessings resulting from responsible fatherhood and good family life.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 June in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 573  
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 source 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 moments that created news of this great history making event 190 years ago;

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim that Monday, July 4, 1966, 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.

I also request that all churches, government buildings and other edifices possessing bells arrange for the ringing of these bells for five minutes beginning at noon on this Independence Day so that everyone in this great nation may be made fully aware of the historic significance of this occasion.

It is my fervent hope that while our citizens are enjoying this holiday, they will pause to give thanks to Almighty God for the blessings we enjoy as citizens of this Great Republic.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 June in the year of our Lord one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

## CHAPTER 573

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 source 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 moments that created news of this great history making event 190 years ago;

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim that Monday, July 4, 1966, 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.

I also request that all churches, government buildings and other edifices possessing bells arrange for the ringing of these bells for five minutes beginning at noon on this Independence Day so that everyone in this great nation may be made fully aware of the historic significance of this occasion.

It is my fervent hope that while our citizens are enjoying this holiday, they will pause to give thanks to Almighty God for the blessings we enjoy as citizens of this Great Republic.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 24th day of June in the year of our Lord one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

(GREAT SEAL)

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State



CHAPTER 574

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, in Delaware, we are blessed with one of the Nation's highest per capita incomes which is indicative of a thriving economy, and with employment at a new all-time high; and

WHEREAS, due to a generally good labor-management relationship, a pattern of labor peace prevails in our State, assuring continuation of our economic growth and eventual attainment of new highs in employment and personal income; and

WHEREAS, the skill, ingenuity and courage of our workers are serving to raise the standard of living for all our citizens; and

WHEREAS, it is fitting that the contributions of working men and women to the economy and welfare of our State should be suitably recognized; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America;

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim Monday, September 5, 1966, as

LABOR DAY

and urge the observance of this day by all our citizens with appropriate ceremonies and the display of all state and public buildings of the flags of the United States and the State of Delaware.

FURTHER, I invite everyone to join me in saluting those whose daily work makes possible the abundant life we all enjoy.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 23rd day of August in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninety-first.

(GREAT SEAL)

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 575

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, during the past 12 months the State of Delaware has suffered from an acute lack of rainfall; and

WHEREAS, this lack of rainfall has caused an extreme drought, and poor livestock feed and crop conditions for the farmers of the State of Delaware; and

WHEREAS, because of these drought conditions there now exists in the State of Delaware a disaster:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim, certify and declare that an agricultural disaster exists in the State of Delaware.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 21st day of September in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninety-first.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 576

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, twenty-one years ago, on October 24, 1945, at San Francisco, California, representatives of this and other sovereign nations met and completed the organization of the United Nations; and

WHEREAS, this assembly has as its principal purpose the establishment of greater understanding among nations through appropriate and open discussion of world problems at the conference table; and

WHEREAS, the United States of America entered this organization fully prepared to have its representatives meet those of other nations at all levels in order to bring about greater world-wide understanding over the years. The leaders of our Nation have repeatedly reiterated our faith in the aims of the United Nations as stated at San Francisco; and

WHEREAS, the United Nations has accomplished much through its many specialized agencies and has provided food for millions of starving people, reduced disease epidemics, raised educational and labor standards, and helped to improve and protect the rights of the individual. Through these activities, the United Nations has brought the people of the world closer together and has promoted better international understanding; and

WHEREAS, it is vital to the survival of humanity that every avenue of approach be explored in the effort to establish and maintain peace in the world. The effectiveness of the United Nations can be increased through greater public understanding of its aims and accomplishments, and free discussion of those problems that threaten the world peace.

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby declare October 24, 1966, as

## UNITED NATIONS DAY

in Delaware and urge its citizens to join in an observance of the 21st anniversary of the founding of the United Nations. We will by this action re-affirm our faith in the ability of men of goodwill to sit down at the conference tables and resolve those problems which threaten world peace.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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 September in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 577

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 474 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, Section 501 of the Delaware Code sets aside the 12th of October as a legal holiday in the State of Delaware:

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do proclaim Wednesday, October 12, 1966, 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 474th anniversary of the discovery of America.

I also 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, Charles L. Terry, Jr., 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) 6th day of October in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 578

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, since the birth of the Republic, more than half a million Americans have died for their country on the field of battle. Millions have placed themselves as a living shield between their country and her enemies, emerging unscathed through the benevolence of a merciful Creator; and

WHEREAS, we have set aside one day of the year to honor the dead and the living whose actions have testified to their courage and devotion to country. On Veterans Day, we honor their heroism, we give thanks for their sacrifice, and we share—if only briefly and inadequately—the grief of loved ones who survive them; and

WHEREAS, we have preserved our freedom only through the continued willingness of brave men and women to risk the sacrifice of their lives for its sake; and

WHEREAS, we honor those who wore that uniform in days past, and those who wear it today. Especially this year our thoughts go out to the hundreds of thousands who are resisting the forces of aggression and violence in Vietnam; and

WHEREAS, we can never repay our debt to them, for it is beyond price. But we can show our recognition of the gift they have made their country. We can pay tribute to the nobility of man, as it is expressed in a soldier's courage; and

WHEREAS, to this end, the Congress has designated the eleventh of November as a legal holiday to be known as Veterans Day and has dedicated it to the cause of world peace;

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of Delaware, do hereby proclaim November 11, 1966, as



## VETERANS DAY

and call upon the citizens of Delaware to commemorate the service of our veterans of past wars, and pledge our full support to the men and women of today who are continuing the struggle for freedom and peace for which so many have fought and died. Let us join with fervor in this observance.

FURTHER, I hereby direct appropriate officials to arrange for the display of the flag of the United States on all public buildings and urge private citizens to follow suit where possible.

IN WITNESS WHEREOF, I, Charles L. Terry, Jr., 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) 21st day of October in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 579

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 one day as an annual occasion to raise our 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 acknowledgement 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 us who have more than our actual needs; and

WHEREAS, our three major faiths are again 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 provide 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, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby proclaim that Thursday, November 24, 1966, be observed as

## THANKSGIVING DAY

in Delaware, a day when with our families and friends we shall give thanks for our abundance. Let us share our good fortune with others and carry into positive action the spirit of brotherhood.

Let us close our places of business, display our national and state flags and together 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, Charles L. Terry, Jr., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) 16th day of November in the year of our Lord, one thousand nine hundred and sixty-six, and of the Independence of the United States of America, the one hundred and ninetieth.

CHARLES L. TERRY, JR., Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 580  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION  
CHARLES L. TERRY, JR.  
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and Sixty-six 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-seven.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

NEW CASTLE COUNTY

J. Caleb Boggs .....	71,815
James M. Tunnell, Jr. ....	45,650

KENT COUNTY

J. Caleb Boggs .....	10,812
James M. Tunnell, Jr. ....	8,497

SUSSEX COUNTY

J. Caleb Boggs .....	14,641
James M. Tunnell, Jr. ....	13,134

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for	
J. Caleb Boggs .....	97,268
Whole number of votes for	
James M. Tunnell, Jr. ....	67,281

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby declare that J. Caleb Boggs has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the 3rd day of January in the year of our Lord one thousand nine hundred and sixty-seven.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November in the year of our Lord one thousand nine hundred and sixty-six and of the Independence of the said State the one hundred and ninety-first.

(GREAT SEAL)

CHARLES L. TERRY, JR.

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 581  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

CHARLES L. TERRY, JR.

GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and Sixty-six 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 Ninetieth 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

William V. Roth, Jr. ....	66,871
Harris B. McDowell, Jr. ....	49,718

KENT COUNTY

William V. Roth, Jr. ....	9,907
Harris B. McDowell, Jr. ....	9,184

SUSSEX COUNTY

William V. Roth, Jr. ....	14,183
Harris B. McDowell, Jr. ....	13,240

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the 90th

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	
William V. Roth, Jr. ....	90,961

Whole number of votes for	
Harris B. McDowell, Jr. ....	72,142

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby declare that William V. Roth, 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 Ninetieth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November in  
(GREAT SEAL) the year of our Lord one thousand nine hundred and sixty-six and of the Independence of the said State the one hundred and ninety-first.

CHARLES L. TERRY, JR.

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 582  
PROCLAMATION  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

CHARLES L. TERRY, JR.  
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and Sixty-six 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 an Attorney General of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Attorney General were cast as follows, to wit:

NEW CASTLE COUNTY

David P. Buckson .....	70,115
Sidney Balick .....	46,642

KENT COUNTY

David P. Buckson .....	11,257
Sidney Balick .....	7,960

SUSSEX COUNTY

David P. Buckson .....	15,223
Sidney Balick .....	12,246

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said



counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney General the result appears as follows, to wit:

Whole number of votes for

David P. Buckson ..... 96,595

Whole number of votes for

Sidney Balick ..... 66,848

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby declare that David P. Buckson has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Attorney General of the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November in the year of our Lord one thousand nine hundred and sixty-six and of the Independence of the said State the one hundred and ninety-first.

(GREAT SEAL)

CHARLES L. TERRY, JR.

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 583  
PROCLAMATION  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

CHARLES L. TERRY, JR.  
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and Sixty-six 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 the said counties respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

George W. Cripps .....	66,590
Dr. Charles F. Moore .....	48,640

KENT COUNTY

George W. Cripps .....	10,034
Dr. Charles F. Moore .....	8,984

SUSSEX COUNTY

George W. Cripps .....	14,052
Dr. Charles F. Moore .....	13,280

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts, the result appears as follows, to wit:

Whole number of votes for

George W. Cripps ..... 90,676

Whole number of votes for

Dr. Charles F. Moore ..... 70,904

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby declare George W. Cripps 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.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November in the year of our Lord one thousand nine hundred and sixty-six and of the Independence of the said State the one hundred and ninety-first.

(GREAT SEAL)

CHARLES L. TERRY, JR.

By the Governor:

ELISHA C. DUKES, Secretary of State

## CHAPTER 584

## PROCLAMATION

STATE OF DELAWARE  
EXECUTIVE DEPARTMENTCHARLES L. TERRY, JR.  
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and Sixty-six 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 the said counties respectively for such State Treasurer were cast as follows, to wit:

## NEW CASTLE COUNTY

Daniel J. Ross .....	69,000
J. Edwin Lewis .....	46,312

## KENT COUNTY

Daniel J. Ross .....	9,518
J. Edwin Lewis .....	9,380

## SUSSEX COUNTY

Daniel J. Ross .....	14,088
J. Edwin Lewis .....	13,138

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said

counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such State Treasurer, the result appears as follows, to wit:

Whole number of votes for

Daniel J. Ross ..... 92,606

Whole number of votes for

J. Edwin Lewis ..... 68,830

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby declare that Daniel J. Ross 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.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November in the year of our Lord one thousand nine hundred and sixty-six and of the Independence of the said State the one hundred and ninety-first.

(GREAT SEAL)

CHARLES L. TERRY, JR.

By the Governor:

ELISHA C. DUKES, Secretary of State

## CHAPTER 585

## PROCLAMATION

STATE OF DELAWARE  
EXECUTIVE DEPARTMENTCHARLES L. TERRY, JR.  
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and Sixty-six that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Insurance Commissioner OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Insurance Commissioner were cast as follows, to wit:

## NEW CASTLE COUNTY

Robert A. Short .....	72,647
Howard S. Abbott .....	43,210

## KENT COUNTY

Robert A. Short .....	10,491
Howard S. Abbott .....	8,504

## SUSSEX COUNTY

Robert A. Short .....	15,052
Howard S. Abbott .....	12,383

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been

duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Insurance Commissioner the result appears as follows, to wit:

Whole number of votes for

Robert A. Short ..... 98,190

Whole number of votes for

Howard S. Abbott ..... 64,097

NOW, THEREFORE, I, Charles L. Terry, Jr., Governor of the State of Delaware, do hereby declare that Robert A. Short has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Insurance Commissioner of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November in the year of our Lord one thousand nine hundred and sixty-six and of the Independence of the said State the one hundred and ninety-first.

(GREAT SEAL)

CHARLES L. TERRY, JR.

By the Governor:

ELISHA C. DUKES, Secretary of State

## CHAPTER 535

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 one day as an annual occasion to raise our prayers 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 acknowledgement 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, our three major faiths are again 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 26, 1964, be observed as



## THANKSGIVING DAY

in Delaware, a day when with our families and friends, we shall give thanks for our abundance. Let us share our good fortune with others and carry into positive action the spirit of brotherhood.

Let us close our places of business, display our national and state flags and together 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  
(GREAT SEAL) said State to be hereunto affixed at Dover this  
10th day of November 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 536

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, there is a vacancy in the office of Chief Justice of the Supreme Court of the State of Delaware; and

WHEREAS, there are cases presently on appeal to be considered by our highest court; and

WHEREAS, it is in the best interests of our State that the Supreme Court vacancy be filled and that other Executive Appointments be confirmed:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, pursuant to Article 3, Section 16 of the Constitution of the State of Delaware, do hereby convene the Senate of the 123rd General Assembly into Extraordinary Session on Monday, December 14, 1964, at 1:00 p. m., for the transaction of Executive business.

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 2nd day of December 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  
By the Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 537

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, this land of peace and plenty we enjoy today where each individual is endowed with a type of freedom heralded throughout the world as our precious heritage; and

WHEREAS, Richard Bassett, Gunning Bedford, Jr., Jacob Broom, John Dickinson and George Read represented Delaware in the Federal Constitution Convention which drafted our Constitution; and

WHEREAS, following the adoption of this Constitution on September 17, 1787, each of the thirteen colonies was called upon to express its desires regarding this document; and

WHEREAS, this great document was unanimously ratified by a special convention of ten delegates from each of Delaware's three counties who met in Dover, on December 1, 1787; 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 7th as "Delaware Day" in commemoration of this historic event; and

WHEREAS, on this December 7th, the State of Delaware will observe, with appropriate ceremonies, the 177th anniversary of this brave and foresighted action which 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 Monday, December 7, 1964, as

## DELAWARE DAY

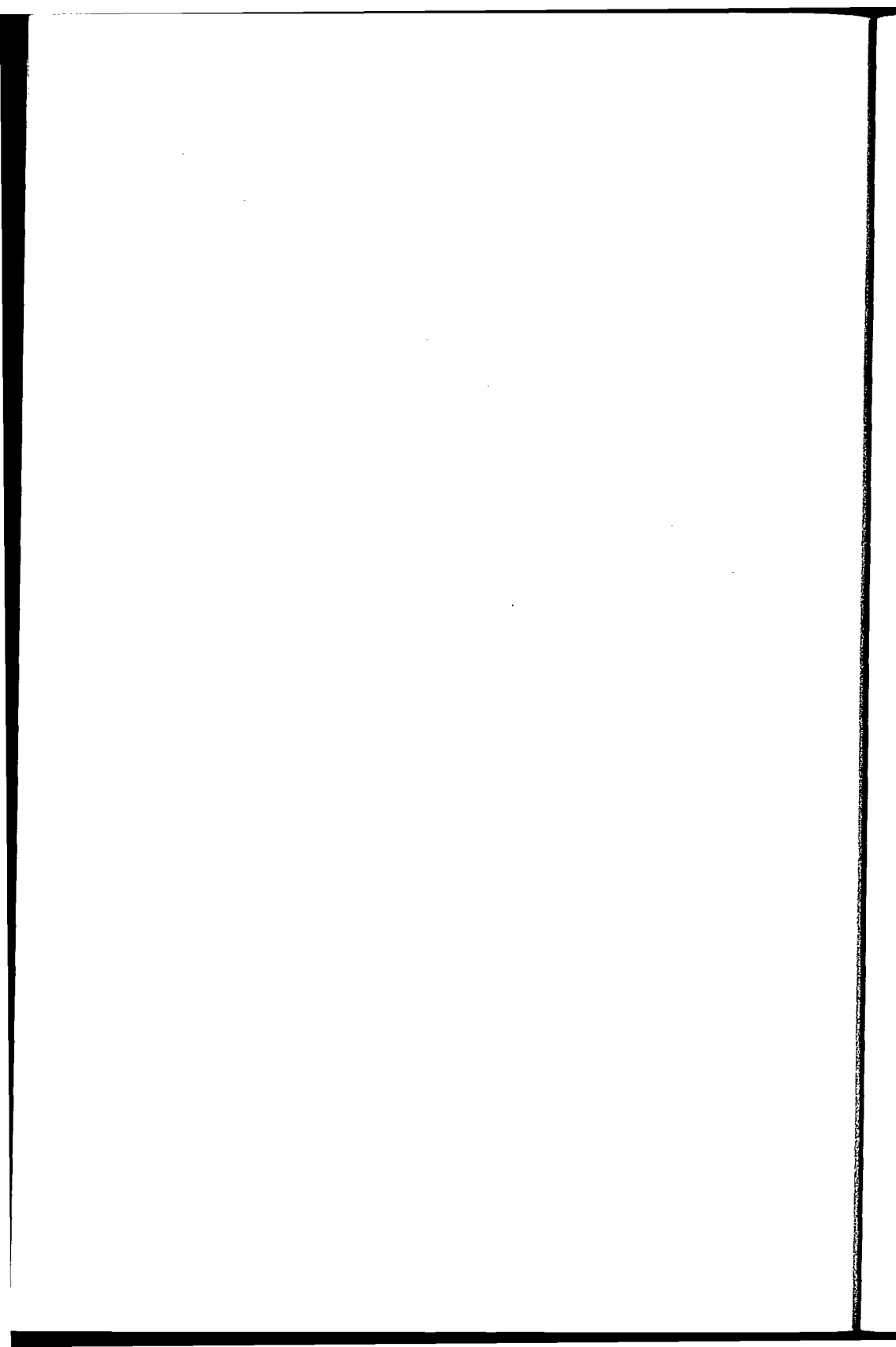
and urge our schools, churches, civic and fraternal organizations to participate in appropriate observance of this proud and historic event.

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 2nd day of  
(GREAT SEAL) December in the year of our Lord, one thousand  
nine hundred and sixty-four, and of the Inde-  
pendence of the United States of America, the  
one hundred and eighty-ninth.

ELBERT N. CARVEL  
By the Governor

ELISHA C. DUKES, Secretary of State



STATE OF DELAWARE  
DEPARTMENT OF STATE  
DOVER

November 9, 1966

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 123rd General Assembly at its first regular session which convened on Tuesday, the fifth day of January, A.D. 1965 and terminated without formal adjournment sine die at the beginning of the second regular Session of the 123rd General Assembly and at its second regular session which convened on Tuesday, the first day of February, A.D. 1966 and terminated without formal adjournment sine die with the election of the members of the 124th 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 123rd 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 Committee. 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.

Title	Section	Page in Vol. 58	Title	Section	Page in Vol. 58
1	501, 502	78	5	§§1906	559
1	§§ 502	130	5 Ch 23		1388
3 Ch 16	§§1601-1606	148	5 Ch 31	§§3101-3131	997
4 Ch 3	§§ 301	860	5A		1012
4 Ch 5		417	6 Ch 1	§§ 185	134
4 Ch 5		993	6 Ch 1	§§ 294	135
4	512	817	6 Ch 14	§§1401-1407	92
	§§ 516	249	6 Ch 25	SCh II §§2511-2527	107
	§§ 531, 532	249	6 Ch 72	SCh 1 §§7201	1515
4 Ch 5	§§ 545	825		SCh II §§7205-7209	1523
4 Ch 5	SCh VI	842	7 Ch 1	§§ 102	1391
4	543	1503	7	§§ 502	1501
4 Ch 7	§§ 521A	866	7 Ch 7	703	75
4	§§ 555	1383	7 Ch 7	§§ 704	995
	§§ 703	249	7 Ch 12	§§1201	1007
4 Ch 9	904	903	7 Ch 17	§§1702	79
Ch 9		249	7	1721	896
4 Ch 9	§§ 904	851	7 Part II	Ch 25	
4 Ch 11	1101, 1102	249		§§2501-2504	158
5 Ch 9	§§ 925	132	7 Ch 39		1535
5	931	422	7 Ch 39	§§3907	1537
5	§§1905	558	7 Ch 39	§§3901	1527



Title	Section	Page in Vol. 58	Title	Section	Page in Vol. 58
	§§3907	1537	9 Ch 43	§§4303, 4305	611
	§§3911	1478, 1528	9	4317	138
7 Ch 30	SCh I, SCh II		9 Ch 45	§§4501-4521	676
	§§3921-3925	1378	9 Ch 46	§§4601-4618	667
7 Ch 41		1536	9 Ch 47		617
7	4520	1353	9 Ch 64	§§6401-6416	700
7	§§5503	1478	9 Ch 64	§§6401-6421	719
7 Ch 59	§§5901-5907	1506	9 Ch 65	§§6501-6518	709
7 Part VII			9 Ch 80		137
Ch 60	§§6001-6016	1439	9	§§8001	340
Ch 61	§§6101-6105	1446	9	§§8002(b)	433
Ch 62	§§6201-6207	1450	9 Ch 81		474
Ch 63	§§6301-6306	1454	9 Ch 81		662
Ch 64	§§6401-6440	1458	9 Ch 81		664
SCh II	§§6451-6459	1474	9 Ch 81	8109	550
SCh III	§§6461-	1477	9 Ch 81	SCh II	
8 Ch 5	§§ 501-518	363		§§8131-8140	508
9	§§ 302	328	9	§§8312	19
9	§§ 304	330	9	§§8313(a)	19
9	§§ 379	328	9	8304	27
9 Ch 3		589	9	§§8328	342
9 Ch 3		663	9 Ch 86	§§8604	136
9 Ch 11, 13			10	§§ 103	1357
	§§1101-1103	257	10	§§ 304	1357
	1111-1121	259	10 Ch 5	§§ 329	604
	1131-1137	264	10	§§ 503	1357
	1141-1167	269	10	§§ 908	1358
	1181-1184	290	10	§§1106	1358
	1301-1316	292	10 Ch 16	1621	647
	1321-1329	300	10	2501	98
	1341-1353	303	10	§§2501	98
	1361-1366	313		§§2502	99
	1381-1383	318	10	2503	358
	1391-1393	320	10 Ch 28	2804	819
	1401-1402	321	10 Ch 28	§§2801-2808	68
	1411-1412	322	10 Ch 45	§§4504	554
	1421	323		§§4506	557
	1441-1446	324		§§4514	556
	1451-1452	325	10	§§4751	990
9 Ch 15	§§1522	592	10	§§4753	990
9	1525	128	10	§§4754	991
9	§§1707	335	10 Ch 87		1319
9 Ch 28	§§2801-2812	177	10	8705(a)	383
9 Ch 29	§§2901, 2902	806	10 Ch 89	§§8901	399
9	4111	432	10 Ch 91		56
9	§§4133	1329	10 Ch 92	§§9201-9210	57
9	4302	139			

Title	Section	Page in Vol. 58	Title	Section	Page in Vol. 58
10 Ch 92	SCh II		14 Ch 25		560
	§§9220-9222	60	14	2507	359
10 Ch 92	SCh III		14 Ch 25	§§2508	471
	§§9231	60	14	2120	357
10 Ch 93		844	14 Ch 25	§§2508	516
10	9301, 9302	61	14 Ch 82	SCh I	
10 Ch 95		844		§§8201	1299
10 Ch 96		844	14 Ch 91	§§9101-9104	1509
10 Ch 98	§§9801-9803	66	14	Part VI Ch 91	
11 Ch 3	§§ 349	1505		§§9101-9108	1310
11 Ch 3	§§ 559	615	15		1533
11 Ch 3	§§ 560	1539	15	103	902
11 Ch 3	§§ 644-647	513	15	§§ 105	808
11 Ch 3	760	852	15	§§1302	478
11 Ch 3	761	1387	15	1303	739
11 Ch 3	§§ 813	1526	15	1304	1512
11 Ch 3	SCh LVII		15	1704	692
	§§ 881	889	15	1730, 1731	155
11	873	741	15 Ch 17	§§1741, 1742	160
11	921	1259	15 Ch 17	1751	160
11 SCh LVIII			15 Ch 20	§§2002	36
	§§ 922-924	1316	15	3302	35
11 Ch 23		780	15 Ch 33	§§3303	890
11 Ch 83	§§8323	76	15	4101	1513
11 Ch 59		1268	15	§§4105	698
12 Ch 33	§§3307	605	15 Ch 45, 49		378
12 Ch 35	§§3554	1349	15	§§4505	477
13	123	395	15	4946(c)	147
13 Ch 9		660	15	5510	476
13 Ch 13		553	16	§§ 155	878
14	§§ 124	1529	16	Part II Ch 10	
14 Ch 13		473		§§1001-1006	124
14 Ch 13		591	16	§§1506	1479
14 Ch 13	1305(a)	1365	16	§§4701	872
	1306	1413	16 Ch 51	§§5107	561
	1308(a)(b)	1365	16	§§5122	634
	1309(a)	1365		§§5123	630
	1310(a)	1365		§§5125	632
	1311(a)	1365		§§5132, 5133	627
	1314(a)(b)(c)	1365		§§5134	629
	1322(a)	1365	16 Ch 66		530, 531
14 Ch 13	1324	779	16	§§6619	475
14 Ch 14		165	16 SCh VII		818
14 Ch 17		591	17		1541
14	1703	564	17	132	34
14	1903	357	17 Ch 1		1502
14	1912	150	17	§§ 132(b)(7)	34

Title	Section	Page in Vol. 58	Title	Section	Page in Vol. 58
17 Ch 11	SCh I		24	1731	734
	1108	1363	24 Ch 17	§§1739	1429
18	§§ 308	1289	24 Ch 21		625
18 SCh IV			24 Ch 25	§§2554	873
	§§ 561-568	571	25 Ch 3	§§ 309, 310	658
18 SCh V			25	§§2111	991
	§§ 570	597	28 Ch 3		256
18 Ch 17		898	28 Ch 3	§§ 330	855
18	§§1708	144	28	522	624
18 Ch 27	2705, 2706	418	28 Ch 5	§§ 530	854
18 Ch 27	§§2710-2713	1407	28 Ch 11		496
18 Ch 27	§§2714	472	29	§§ 907	1258
19 Ch 3		618	29 Ch 11	§§1101-1109	884
19	§§ 513	1356	29	§§1304	899
19 Ch 7	§§ 705	1265	29	§§1309, 1310	1326
19 Ch 9	§§ 901-914	38	29	§§1961, 1962	1327
19 Ch 11	§§1101-1114	47	29 Ch 25	§§2508	1361
19 Ch 13	§§1301-1313	435	29 Ch 43	§§4303A	1324
19 Ch 19	1902	603	29 Ch 43	§§4312	146
19 Ch 21	2127	1511	29 Ch 49	SCh II	
19 Ch 23	§§2331	254		§§4921-4924	1422
19 Ch 33		623	29 Ch 55		140
19 Ch 33		1266	29 Ch 55		1269
19 Ch 33		1430	29 Ch 55	SCh 1	5501
21 Ch 3	§§ 310	987	29 Ch 55	5501	816
21	704	691	29 Ch 55	5503	90
21 Ch 21	§§2134	1350	29 Ch 55	SCh IV	
21	§§2151A	547		§§5551-5553	1008
21 Ch 27	§§2701	869		SCh V	
21 Ch 27	SCh 1	1270		§§5561, 5562	1009
21	2942	1362	29 Ch 56		1415
21	§§4169	1272	29 Ch 59	SCh I	
21 Ch 41	§§4180	1350		§§5901-5903	1481
21 Ch 44	§§4401-4410	539		SCh II	
21 Ch 69	§§6901	989		§§5906-5912	1484
22	101	735		SCh III	
22 Ch 5		835		§§5914-5935	1487
22 Ch 8		452		SCh IV	
24 Ch 1	§§ 101-114	577		§§5941-5949	1493
24	§§ 516	742		SCh V	
24	605	1504		§§5951-5955	1497
24 Ch 14	SCh I		29	6102	891
	§§1401-1409	1393	29	6516	1260
	SCh II		29	6520	143
	§§1421-1433	1397	29	§§6801-6813	388
	SCh III		29 Ch 69		562
	§§1440	1405	29 Ch 69	§§6918	879

Title	Section	Page in Vol. 58
29 Ch 70	§§7001, 7002	892
29 Ch 71		1534
29 Ch 74	§§7416	985
29 Ch 74	SCh I, II	
	§§7421-7425	525
29 Ch 75	§§7506A	1426
30		1273
30	§§ 375	654
30 Ch 11		859
30 Ch 11		864
30 Ch 11	§§1198	410
30	§§2301	145
30	2301	740
30	2301	897
30	§§5612	400
30	5318	546

Title	Section	Page in Vol. 58
30 Ch 53	§§5328	780
	§§5351, 5352	780
30	§§5401	1374
30 Ch 54	§§5401-5412	403
31		850
31		1281
31 Ch 5		868
31 Ch 5		1261
31	513	575
31 Ch 8		106
31 Ch 28	§§2801-2802	593
31 Ch 28	§§2822	1385
31 Ch 28	§§2832	73
31 Ch 29	§§2901-2910	491
31 Ch 45	§§4501	826
31 Ch 51		141

## AMENDMENTS TO THE LAWS OF DELAWARE OTHER THAN THE DELAWARE CODE

Laws Amended Laws of Delaware	SUBJECT	Page in This Volume
Vol 17, Ch 207	WILMINGTON—relating to taxation of utilities....	379
Vol 18, Ch 649	OCEAN VIEW—increase amount of money to be raised through taxation .....	822
Vol 22, Ch 196	LEWES—establishment of Board of Public Works	809
Vol 23, Ch 29	WILMINGTON—appointment of members of the Board of Public Education .....	533
Vol 25, Ch 203	MILLSBORO—amending reincorporation to per- mit annexation .....	5
Vol 25, Ch 203	MILLSBORO—power of commissioners to borrow money .....	164
Vol 25, Ch 212	BETHANY BEACH—authority to increase prop- erty tax .....	444
Vol 27, Ch 216	NEW CASTLE CITY—amending and consolidating charter .....	28
Vol 28, Ch 121	WILMINGTON—appeals by board of assessment..	17
Vol 29, Ch 208	WILMINGTON—disbanding board of retirement for public school teachers retirement funds; replacing with private insurance company....	424
Vol 32, Ch 163	WILMINGTON—organization and control of pub- lic schools .....	588
Vol 36, Ch 143	WILMINGTON—tax and assessment collection....	25
Vol 43, Ch 159	CAMDEN—elections, taxation, alderman .....	568
Vol 45, Ch 182	DELMAR—increasing limit of floating debt by which council is authorized to anticipate reve- nue .....	642
Vol 45, Ch 182	DELMAR—sewer rentals .....	643
Vol 46, Ch 280	SELBYVILLE—sewage system establishment, con- trol and regulation .....	693
Vol 47, Ch 108	CAMDEN—extending corporate limits .....	21
Vol 47, Ch 108	CAMDEN—extending the corporate limits .....	638
Vol 49, Ch 277	LAUREL—rules regulating vehicular and pedes- trian traffic .....	434
Vol 49, Ch 302	FENWICK ISLAND—act to incorporate, authoriz- ing borrowing, issuing of bonds .....	360
Vol 52, Ch 232	WILMINGTON—powers of the Wilmington Park- ing Authority .....	838
Vol 53, Ch 42	SEAFORD—permitting voting rights and exemp- tion of capitation tax .....	100, 102
Vol 53, Ch 42	SEAFORD—voting rights of non-resident proper- ty owners .....	377
Vol 53, Ch 42	SEAFORD—appointment of assistant city manager	386

Laws Amended Laws of Delaware	SUBJECT	Page in This Volume
Vol 53, Ch 260	CITY OF NEWARK—change in charter concerning limitation of commitment upon default of payment of fine .....	821
Vol 53, Ch 260	CITY OF NEWARK—taxation of private utility installations .....	823
Vol 53, Ch 279	BOWERS—voting regulations concerning town council .....	607
Vol 53, Ch 331	LAUREL—authorizing building repairs in special school district .....	128
Vol 54, Ch 27	MILLSBORO—provision for excess construction funds from water and sewage systems .....	619
Vol 54, Ch 130	STATE HIGHWAY DEPARTMENT—supplementary appropriation .....	116
Vol 54, Ch 171	PUBLIC SCHOOLS—provisions for enlargement and improvement .....	587
Vol 54, Ch 197	REHOBOTH BEACH—printing and form of ballots for annual election of commissioners.....	151
Vol 54, Ch 197	REHOBOTH BEACH—real estate tax increase ....	152
Vol 54, Ch 197	REHOBOTH BEACH—revising residency of city manager .....	699
Vol 54, Ch 213	SECRETARY OF STATE—appropriation study of state corporation laws .....	586
Vol 54, Ch 219	NEW CASTLE—Historic Buildings Commission supplementary appropriation .....	115
Vol 54, Ch 270	DELAWARE STATE HOSPITAL—reconstruction of certain section of main building .....	614
Vol 54, Ch 291	STATE GOVERNMENT—concerning appropriations for FY ending June 30, 1965, expenses....	97, 104
Vol 54, Ch 335	MILTON SCHOOL No. 8—supplemental appropriation for purchasing and improving an additional building site .....	398
Vol 54, Ch 384	STATE OF DELAWARE—use of appropriations to the Youth Services Commission .....	1424
Vol 54, Ch 384	YOUTH SERVICES COMMISSION—expansion of appropriations usage and extension of construction time .....	657
Vol 55, Ch 52	LAUREL SPECIAL SCHOOL DISTRICT—roof replacement on junior-senior high school building .....	387
Vol 55, Ch 81	CHIEF JUSTICE—additional appropriation for the supervision of justices of the peace .....	650
Vol 55, Ch 81	DELAWARE BOARD OF NURSING—appropriation to defray professional costs .....	665
Vol 55, Ch 81	EXPENSE OF STATE GOVERNMENT—for fiscal year ending June 30, 1966, relating to amendment with no supplemental appropriation.....	1262

Laws Amended Laws of Delaware	SUBJECT	Page in This Volume
Vol 55, Ch 81	PUBLIC DEFENDER—supplementary appropriation .....	596
Vol 55, Ch 81	SALARIES—line item salaries .....	877
Vol 55, Ch 81	STATE OF DELAWARE—empowering budget director to transfer certain funds .....	450
Vol 55, Ch 81	STATE GOVERNMENT—expenses for transportation of school children .....	876
Vol 55, Ch 109	REALTY TRANSFER TAX—Recorder of Deeds commission to be used by county of collection .....	820
Vol 55, Ch 122	STATE OF DELAWARE—construction of sanitary sewage disposal system .....	1372
Vol 55, Ch 163	LIMITATIONS UPON TAXING POWER—relating to property exemptions of elderly citizens.....	641
Vol 55, Ch 336	EXPENSE OF STATE GOVERNMENT—for fiscal year ending June 30, 1967, making supplementary appropriation .....	1290,-
	1297, 1315, 1320, 1371, 1431, 1432, 1433, 1437	

# GENERAL INDEX

-A-

	Page
ABANDONED VEHICLES	
treatment of .....	539
ACCOUNTANTS	
certified public	
practice of .....	577
ADOPTION	
petitioners .....	660
AIR POLLUTION COMMISSION	
operational appropriation .....	191, 929
ALCOHOLIC BEVERAGE CONTROL COMMISSION	
cancellation, suspension of licenses .....	842, 918
composition of .....	860
limitations upon .....	825
operational appropriation .....	180, 918
ALCOHOLIC LIQUORS	
consumption off premises .....	249
employment of minors .....	903
illegal sales, shipments .....	252
license fees .....	1383
necessity of license .....	249
peddled, illegally transported .....	251
private home consumption .....	851
qualifications and applications .....	250
refusal of license .....	417
sale by Commission .....	250
Sunday sales .....	866
ALEXIS I. duPONT SPECIAL SCHOOL DISTRICT	
operational appropriation .....	213, 952
ALFRED I. duPONT SCHOOL #7	
operational appropriation .....	221, 959
AMBULANCE MAINTENANCE	
supplementary appropriation .....	470



## GENERAL INDEX

## AMERICAN LEGION AND AUXILIARY

supplementary appropriation .....464, 1337

## ANNEXATION

without election ..... 735

ANNUAL CAPITAL IMPROVEMENT ACT OF 1967 ..... 1416

## APPRENTICESHIP AND TRAINING COUNCIL

operational appropriation ..... 185, 923

## APPROPRIATIONS

increase for municipalities streets ..... 400

## APPROPRIATIONS—STATE FUNDS

## Air Pollution Commission

operational ..... 191, 929

## Alcoholic Beverage Control Commission

operational ..... 180, 918

## Alexis I. duPont Special School District

operational ..... 213

## Alfred I. duPont School #7

operational ..... 221, 959

## Ambulance Maintenance

supplementary ..... 470

## American Legion and Auxiliary

supplementary .....464, 1337

## Apprenticeship and Training Council

operational ..... 185, 923

## Atlantic State Marine Fisheries Commission

operational ..... 200, 938

## Attorney General

operational ..... 174, 912

supplementary ..... 72, 1361

## Auditor of Accounts

operational ..... 170

## Bingo Control Commission

operational ..... 181, 920

## Blades School #172

operational ..... 231, 967

## Board of Boiler Rules

operational ..... 181

## Board of Chiropody Examiners

operational ..... 177

## Board of Chiropody and/or Podiatry Examiners

operational ..... 915

# GENERAL INDEX

iii

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Board of Cosmetology	
operational .....	177, 915
Board of Electrical Examiners	
supplementary .....	1393
Board of Examiners and Registration of Architects	
operational .....	176, 915
Board of Health	
supplementary .....	428
Board of Nursing	
supplementary .....	665, 666
Board of Pardons	
operational .....	197, 936
Board of Parole	
operational .....	197, 935
Board of Post Mortem Examiners	
operational .....	175
Bond Issuing Officers	
operational .....	170
Boys Home of Delaware, Inc.	
supplementary .....	1386
Bridgeville School #90	
operational .....	231, 967
Bridgeville School #220	
operational .....	236
Budget Commission	
capital improvement .....	1418
Budget Director	
change of funds .....	97
operational .....	170, 908
Buena Vista	
operational appropriation .....	925
Caesar Rodney Special School District	
operational .....	211, 951
Caesar Rodney Trainable School	
operational .....	212, 951
Camden Wyoming Fire Company	
supplementary .....	649
Cancer, Heart and Chronic Disease Control	
operational .....	190
Cape Henlopen State Park—State Park Commission	
operational .....	188
Cape Henlopen State Park	
operational .....	927
Carmean, J. Walter	
supplementary .....	646
Chief Justice—Supervision of Justice of Peace	
operational .....	176, 914

## GENERAL INDEX

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
supplementary .....	1427, 1428
Claymont Special School District	
operational .....	212, 951
Commission on Modernization of State Laws	
operational .....	167, 905
Contingency Fund	
operational .....	206, 944
Common Pleas Court	
Sussex County	
operational .....	911
Kent County	
operational .....	173, 911
Council of Administration of Justice	
operational .....	175, 914
Court of Chancery	
operational .....	172, 911
Cranston Heights Fire Company	
supplementary .....	495
Crippled Children	
operational .....	190
Crop Improvement Association	
operational .....	206, 944
Custodian	
operational .....	189, 927
C. W. Bush Trainable School	
operational .....	222, 960
Daytime Care Centers	
operational .....	193, 931
Debt Service	
operational .....	204, 942
Delaware Archaeological Board	
operational .....	187, 926
Delaware Board of Nursing	
operational .....	178, 916
Delaware Code Revision Commission	
operational .....	167, 905
Delaware Commission for the Aging	
supplementary .....	648
Delaware Commission for the Blind	
operational .....	195, 933
supplemental .....	127, 856
Delaware Commission of Shell Fisheries	
operational .....	200, 938
supplementary .....	1288
Delaware Commission on Children and Youth	
operational .....	194, 933

# GENERAL INDEX

v

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Delaware Commission on Interstate Cooperation	
operational .....	167, 905
Delaware Day Commission	
operational .....	187, 925
Delaware Geological Commission	
operational .....	200, 938
Delaware Harness Racing Commission	
operational .....	183, 921
Delaware Home and Hospital for the Chronically Ill	
capital improvement .....	1418
operational .....	932
Delaware Institute of Technology	
supplementary .....	1310
Delaware National Guard	
capital improvement .....	1418
operational .....	184, 922
Delaware Racing Commission	
operational .....	183, 921
Delaware Real Estate Commission	
operational .....	179, 917
Delaware Safety Council, Inc.	
supplementary .....	461, 1340
Delaware Soil and Water Conservation Commission	
operational .....	198, 936, 1378
Delaware State College	
capital improvement .....	1418
operational .....	206, 945
supplementary .....	1321
Delaware State Development Department	
operational .....	171, 910
supplementary .....	1323
Delaware State Fair	
supplementary .....	465, 1339
Delaware State Hospital	
operational .....	191, 929
supplemental .....	157
Delaware State Police	
supplementary .....	518
De La Warr #47	
operational .....	225, 962
Delmar School #163	
operational .....	232, 968
Delmar Special School District	
supplemental .....	382
Department of Civil Defense	
capital improvement .....	1417
operational .....	184, 922

## GENERAL INDEX

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
supplementary .....	517
Department of Corrections	
capital improvement .....	1417
operational .....	196, 934
supplementary .....	621, 1322
Department of Mental Health	
capital improvement .....	1417
operational .....	191, 929
Department of Motor Vehicles	
supplementary .....	1347
Department of Public Welfare	
operational .....	195, 933
supplementary .....	609, 1258
Division of the Aging	
operational .....	194, 932
Dover Special School District	
operational .....	213, 952
Educational Aid	
supplementary .....	463
Education—Children of Deceased Military Veterans	
supplementary .....	1354
Educational Contingency Fund	
operational .....	976
Educational Television Board	
operational .....	950
Elected officials—spouse benefits	
operational .....	205, 943
Ellendale School #125	
operational .....	233, 969
supplementary .....	644
Ellendale #195	
operational .....	239
Ellingsworth, John O.	
supplementary .....	1346
Emily P. Bissell Hospital	
operational .....	190, 928
supplementary .....	517
Expense of State Government	
operational .....	166
supplemental .....	104, 497, 824, 1290, 1297, 1315, 1320, 1371, 1431, 1432, 1433, 1437
Family Court for Kent and Sussex County	
operational appropriation .....	174, 911
Family Court	
supplemental .....	385, 427
Family Court—New Castle County	
operational .....	173, 911

# GENERAL INDEX

vii

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Felton Fire Company	
supplementary .....	549
Felton School #54	
operational .....	228, 965
supplementary .....	644
Fire Companies	
Kent, New Castle, Sussex	
supplementary .....	453
Fort Christina Monument	
operational .....	186, 924
Frankford School #206	
operational .....	237, 971
Frederica School #32	
operational .....	229, 965
Game and Fish Commission	
capital improvement .....	1417
operational .....	199, 938
supplementary .....	441
General Assembly	
operational .....	166, 904
General Assistance Program	
operational .....	934
Georgetown Special School District	
operational .....	214, 953
Gerres, Edward, Jr.	
supplementary .....	1373
Governor	
operational .....	168, 907
supplementary .....	651, 1348, 1384
Governor Bacon Health Center	
operational .....	192, 930
Governor's House	
operational .....	924
Greenwood School #91	
operational .....	233, 969
Gumboro School #37	
operational .....	234
Gunning Bedford Jr. School #53	
operational .....	220, 958
Harrington Special School District	
operational .....	214, 953
Hartly School #96	
operational .....	229, 966
supplementary .....	644
Henry C. Conrad School #131	
operational .....	220, 958

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Homes for the Aged	
supplementary .....	466
Hospitals	
supplementary .....	459
Hospital for the Mentally Retarded	
operational .....	193, 931
Houston School #125	
operational .....	229, 966
Industrial Accident Board	
operational .....	185, 923
supplementary .....	490
Insurance Study and Revision Committee	
supplemental .....	857
John Dickinson Mansion	
operational .....	186, 924
John Dickinson #133	
operational .....	221, 959
John G. Leach School	
operational .....	226, 963
John M. Clayton School #97	
operational .....	232, 968
Kent County Department of Elections	
operational .....	168, 906
Kent County Fire Companies	
supplementary .....	1341
Kent County Vocational Technical Center	
operational .....	974
Kenton #9	
operational .....	240, 973
supplementary .....	644
Laurel Special School District	
operational .....	215, 954
supplemental .....	128
Layton Home for Aged Colored Persons	
supplementary .....	1338
Legislative Reference Bureau	
operational .....	166, 905
Lewes Memorial Commission	
operational .....	187, 925
supplementary .....	517
Lewes Special School District	
operational .....	215
supplementary .....	644
Library Commission for the State of Delaware	
operational .....	188, 926

# GENERAL INDEX

ix

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Lieutenant Governor	
operational .....	169, 907
Lincoln School #3	
operational .....	234, 969
Lincoln School District #3	
supplementary .....	644
Lord Baltimore School #28	
operational .....	235, 970
Louis L. Redding Comprehensive School	
supplementary .....	996
Magnolia School #50	
operational .....	230, 966
Marshallton School #77	
operational .....	222, 960
Medical Council of Delaware	
operational .....	178, 916
Mental Hygiene Clinic	
operational .....	192, 930
Middletown School #60	
operational .....	223, 960
Middletown #120	
operational .....	227, 964
Milford Special School District	
operational .....	216, 955
Millsboro School #23	
operational .....	235, 970
Millsboro School #204	
operational .....	238, 972
supplementary .....	1364
Milton School #8	
operational .....	235, 971
supplemental .....	398
Milton #196	
operational .....	241
Mount Pleasant Special School District	
operational .....	216, 955
Newark Special School District	
operational .....	217, 956
New Castle Department of Elections	
operational .....	167, 906
supplemental .....	26
New Castle County Fire Companies	
supplementary .....	1341
New Castle County Law Library	
operational .....	174, 912



## GENERAL INDEX

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
New Castle Historic Buildings Commission	
operational .....	187, 925
supplemental .....	115
New Castle Special School District	
operational .....	217, 955
supplemental .....	156
Newport School #21	
operational .....	223, 961
Newport School #106	
supplementary .....	644
Oak Grove School #130	
operational .....	224, 961
Odessa School #61	
operational .....	224, 962
Old Sussex County Court House	
operational .....	186
1-2-3 Teacher School	
operational .....	239, 973
Our Lady of Grace Orphanage	
supplementary .....	1542
Palmer Home, Inc.	
supplementary .....	1338
Paraplegic Veterans' Pensions	
operational .....	205, 943
Peninsula Horticultural Society	
operational .....	205, 944
Portrait Commission	
operational .....	187, 925
Prisoners Aid Society	
supplementary .....	451, 1278
Public Archives Commission	
operational .....	186, 923
supplementary .....	517
Public Defender	
operational .....	175, 913
supplementary .....	596
Public Officials	
salary raise	
supplementary appropriation .....	1359
Public Service Commission	
operational .....	183, 921
Rehoboth #200	
operational .....	240
supplementary .....	644
Rehoboth Special School District	
operational .....	218, 956

# GENERAL INDEX

xi

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Retired and Disabled Teachers' Pensions	
operational .....	205, 943
Revenue Collector	
operational .....	171, 909
Richardson Park School #20	
operational .....	225, 962
School Transportation	
supplemental .....	876
Seaford Special School District	
operational .....	218, 957
supplementary .....	487
Secretary of State	
operational .....	169, 907
supplemental .....	414
Selbyville School #32	
operational .....	236, 971
Selbyville School #210	
operational .....	238, 973
Slaughter Neck #193	
operational .....	239
Smyrna Special School District	
operational .....	219, 957
Social Security	
operational .....	205, 943
supplemental .....	894
Stanton School #38	
operational .....	226, 963
Stanton Trainable	
operational .....	227, 964
State Athletic Commission	
operational .....	180, 918
State Bank Commission	
operational .....	180
State Bank Commissioner	
operational appropriation .....	919
State Board of Accountancy	
operational .....	176, 914
State Board of Agriculture	
operational .....	197, 936
State Board of Barber Examiners	
operational .....	176, 915
State Board of Chiropractic Examiners	
operational .....	177, 915
State Board of Dental Examiners	
operational .....	177, 916
State Board of Education	
capital improvements .....	846, 1418

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
operational .....	207, 945
supplemental .....	89, 1365, 1413, 1434
State Board of Examiners in Optometry	
operational .....	178, 917
State Board of Examiners of Psychologists	
operational .....	179, 917
State Board of Examiners of Undertakers	
operational .....	179, 918
State Board of Health	
operational .....	189, 928
supplemental .....	1263
State Board of Pharmacy	
operational .....	178, 917
State Board of Registration for Professional Engineers and Land Surveyors	
operational .....	177, 916
supplementary .....	1328
State Board of Veterinary Examiners	
operational .....	180, 918
State Board of Vocational Education	
operational .....	950
State Buildings and Grounds Commission	
operational .....	927
State Custodian	
supplemental .....	895
State Department of Labor and Industrial Relations	
operational .....	184, 922
State Department of Public Welfare	
capital improvement .....	1418
State Distribution Agency	
operational .....	193, 931
supplementary .....	637
State Election Commissioner	
operational .....	167, 905
State Employees Pension Plan	
operational .....	204, 942
State Examining Board of Physical Therapists	
operational .....	179, 917
State Fire Prevention Commission	
capital improvement .....	1417
Delaware State Fire School .....	182, 920
Office of State Fire Marshal .....	181, 920
operational .....	
State Forestry Department	
administration .....	199, 937
special fire protection and extinction .....	199, 937

# GENERAL INDEX

xiii

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
operational .....	
supplementary .....	517
State Highway Department	
capital improvement .....	1418
Communications Department .....	203, 942
Controller's Office .....	200
Engineering Division .....	203, 939
Mosquito Control Division .....	203, 942
Motor Fuel Tax Division .....	203, 941
Motor Vehicle Division .....	202, 940
Safety Responsibility Division .....	202, 941
State Police Division .....	203, 941
operational .....	939
supplemental .....	116, 439, 442, 613, 900, 994, 1279
State Human Relations Commission	
operational .....	182, 920
State Insurance Commissioner	
operational .....	182, 920
State Judiciary Retirement Fund	
operational .....	204, 943
State Law Library in Kent County	
operational .....	174, 912
State Museum	
operational .....	186, 924
State Park Commission	
capital improvement .....	1418
operational .....	188, 926
supplemental .....	153, 154
State Planning Office	
operational .....	172, 910
State Police Retirement Fund	
operational .....	205, 943
State Poultry Commission	
operational .....	198, 937
State Soil Conservation Commission	
supplementary .....	482, 1330
State Tax Department	
operational .....	170, 909
State Treasurer	
operational .....	169, 908
supplemental .....	426, 1280
State Welfare Home	
operational .....	194
Street Improvement Aid Funds	
operational .....	205, 944
Superior Court	
operational .....	173, 911

	Page
APPROPRIATIONS—STATE FUNDS (continued)	
Supreme Court	
operational .....	172, 910
Sussex County Common Pleas Court	
operational .....	173
Sussex County Department of Elections	
operational .....	168, 906
Sussex County Fire Companies	
supplementary .....	1342
Sussex County Law Library	
operational .....	174, 912
Sussex County Vocational Technical Center	
operational .....	241, 974
Townsend School #81	
operational .....	227, 964
University of Delaware	
capital improvements .....	870
operational .....	206, 945
Veterans' Organizations	
supplementary .....	467, 1335
Voshell, Kline Cook	
supplemental .....	875
Water Pollution Commission	
operational .....	190, 929
Weights and Measures	
operational .....	198, 936
WHYY, Inc.	
supplementary .....	743, 1352
William W. M. Henry School #133	
operational .....	230, 967
William C. Jason School #192	
operational .....	237, 972
Wilmington Board of Education	
operational .....	242, 974
Youth Services Commission	
operational .....	196, 935
ARDEN	
incorporation .....	782, 805
ASSESSMENTS	
Procedure and date for appeals .....	19
Statement listing property, owners, value, type, etc. ....	27
ATLANTIC STATE MARINE FISHERIES COMMISSION	
operational appropriation .....	220, 938

# GENERAL INDEX

xv

	Page
<b>ATTORNEY GENERAL</b>	
operational appropriation .....	174, 912
supplemental appropriation .....	72, 1361
<b>AUDITOR OF ACCOUNTS</b>	
operational appropriation .....	170, 908

## -B-

<b>BALLOTS</b>	
marking .....	378
Printing Contract for Kent County .....	477
<b>BANKS AND TRUST COMPANIES</b>	
regulations governing business .....	132
<b>BETHANY BEACH</b>	
Taxation of Real Estate .....	444
Water System bonds .....	445
<b>BINGO</b> .....	496
<b>BINGO CONTROL COMMISSION</b>	
operational appropriation .....	181, 920
<b>BLADES SCHOOL #172</b>	
operational appropriation .....	231, 967
<b>BLIGHTED AREA</b>	
definition of .....	826
<b>BLUE ROCK COMMUNITY CLUB</b>	
tax exemption .....	664
<b>BOARD OF BOILER RULES</b>	
operational appropriation .....	181
<b>BOARD OF CHIROPODY EXAMINERS</b>	
operational appropriation .....	177
<b>BOARD OF CHIROPODY AND/OR PODIATRY EXAMINERS</b>	
operational appropriation .....	915
<b>BOARD OF CORRECTIONS</b>	
land transfer .....	481
<b>BOARD OF COSMETOLOGY</b>	
operational appropriation .....	177, 915
<b>BOARD OF ELECTRICAL EXAMINERS</b>	
creation of .....	1393
supplementary appropriation .....	1393

	Page
BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS	
operational appropriation .....	176, 915
BOARD OF GAME AND FISH COMMISSIONERS	
supplementary appropriation .....	441
BOARD OF HEALTH	
Sewage Systems .....	428
BOARD OF NURSING	
supplementary appropriation .....	665, 666
BOARD OF PARDONS	
operational appropriation .....	197, 936
BOARD OF PAROLE	
operational appropriation .....	197, 935
BOARD OF POST MORTEM EXAMINERS	
operational appropriation .....	175, 913
BOMBS	
false information .....	1387
BOND	
furnishing of by foreign corporations .....	410
judgment fees and costs .....	383
BOND ISSUING OFFICERS	
operational appropriation .....	170
BONDS	
Bethany Beach Water System .....	445
Kent County Levy Court .....	667
posting by foreign persons or firms .....	654
Selbyville .....	693
Smyrna .....	10
State Borrowed for sewage systems to Board of Health .....	428
State of Delaware, capital improvements .....	519
Sussex County Levy Court .....	709
Time limitation on issuance of .....	985
BOWERS	
voting regulations .....	607
BOYS HOME OF DELAWARE, INC.	
supplementary appropriation .....	1386
BRIDGEVILLE SCHOOL #90	
operational appropriation .....	231, 967
BRIDGEVILLE SCHOOL #220	
operational appropriation .....	236

# GENERAL INDEX

xvii

	Page
BROADKILL BEACH	
erosion prevention .....	994
BUDGET COMMISSION	
capital improvement .....	1418
BUDGET DIRECTOR	
operational appropriation .....	170,908
Transfer of funds .....	450
BUENA VISTA	
operational appropriation .....	925
BUILDING AND LOAN ASSOCIATIONS	
construction loans, first payment .....	558
conversion of serial shares .....	559
BURIAL LOTS	
perpetual care .....	1349

## -C-

CAESAR RODNEY SPECIAL SCHOOL DISTRICT	
operational appropriation .....	211,951
CAESAR RODNEY TRAINABLE SCHOOL	
operational appropriation .....	212,951
CAMDEN	
corporate limits extension .....	21,638
elections, taxation, alderman .....	568
CAMDEN WYOMING FIRE COMPANY	
supplementary appropriation .....	649
CANCER, HEART AND CHRONIC DISEASE CONTROL	
operational appropriation .....	190
CANDIDATES	
nominations of by parties .....	890
CAPE HENLOPEN STATE PARK—STATE PARK COMMISSION	
operational appropriation .....	188
CAPE HENLOPEN STATE PARK	
operational appropriation .....	927
CAPITAL IMPROVEMENTS	
advance planning .....	1422
School construction .....	1426
CAPITAL INVESTMENT FUND	
transfer .....	71



	Page
CARMEAN, J. WALTER	
supplementary appropriation .....	646
CERTIFIED PUBLIC ACCOUNTANTS	
fee increase .....	897
practice of .....	577
CHIEF JUSTICE—SUPERVISION OF JUSTICE OF PEACE	
operational appropriation .....	176, 914
supplementary appropriation .....	650, 1427, 1428
CHILD ABUSE	
mandatory reporting .....	124
CHIROPODISTS	
insurance compensation .....	742
CIGARETTE STAMP	
reduction of commission of affixing agent .....	546
CIGARETTE TAX	
increase .....	411
CITIZENS COUNCIL FOR THE AGING	
repeal of .....	491
CLAYMONT SPECIAL SCHOOL DISTRICT	
operational appropriation .....	212, 951
COMMISSION FOR THE BLIND	
supplemental appropriation .....	127
COMMISSION ON MODERNIZATION OF STATE LAWS	
operational appropriation .....	167, 905
COMMON PLEAS COURT—KENT COUNTY	
operational appropriation .....	911
COMMON PLEAS COURT—SUSSEX COUNTY	
operational appropriation .....	911
COMMUNICATIONS DIVISION	
operational appropriation .....	942
COMPENSATION	
registers in chancery, clerks of orphans court .....	99
CONSOLIDATION OF OFFICES	
Register in chancery and orphans court clerk .....	98
CONSTABLES	
appointment .....	68
bonds .....	69
duties; exclusive authority .....	68
jurisdiction .....	70

# GENERAL INDEX

xix

	Page
location and assignment .....	69
political affiliation .....	68
residence requirements .....	70
salary and term; mileage .....	69
salary increase .....	819
<b>CONSTITUTIONAL AMENDMENTS</b>	
adopted	
Compensation, expenses, allowances of General Assembly and Senate President .....	3
disposition of bills .....	600
Sussex County zoning .....	23
relating to elections .....	105
proposed	
Borrowing power of the state .....	544
compensation, expenses and allowances of General Assem- bly and President of Senate .....	986
relating to compensation, expenses and allowances of members of the General Assembly and President of the Senate .....	1544
relating to elections .....	840
relating to justices of peace .....	33
relating to Orphans' Court .....	1412
relating to the clerk of Orphans' Court .....	1411
student transportation in non-public schools .....	602
relating to transportation of non-public school students ....	1543
<b>CONTINGENCY FUND</b>	
operational appropriation .....	206, 944
<b>CONTRIBUTORY PENSIONS</b>	
benefits, employee contribution .....	1008
<b>CORPORATION FRANCHISE TAX</b> .....	363
<b>COSMETOLOGIST</b>	
licensing requirements .....	1504
<b>COUNCIL ON ADMINISTRATION OF JUSTICE</b>	
operational appropriation .....	175, 914
<b>COUNTY CAPITATION TAXES</b> .....	663
<b>COURT OF CHANCERY</b>	
law clerks .....	604
operational appropriation .....	172, 911
<b>COURT OF COMMON PLEAS</b>	
Sussex County .....	647
<b>COVERED EMPLOYEES</b>	
definitions of .....	506

## GENERAL INDEX

	Page
COVERED EMPLOYMENT	
definition change .....	816
CRANSTON HEIGHTS FIRE COMPANY	
supplementary appropriation .....	495
CRIPPLED CHILDREN	
operational appropriation .....	190
CROP IMPROVEMENT ASSOCIATION	
operational appropriation .....	206, 944
CUSTODIAN	
operational appropriation .....	189, 927
C. W. BUSH TRAINABLE SCHOOL	
operational appropriation .....	222, 960
-D-	
DAYTIME CARE CENTERS	
operational appropriation .....	193, 931
DEBT ADJUSTING	
prohibition .....	889
DEBT SERVICE	
Gumboro School #37 expenditure .....	396
Millsboro School #23 expenditure .....	384
operational appropriation .....	204, 942
DELAWARE ARCHAEOLOGICAL BOARD	
operational appropriation .....	187, 926
DELAWARE BOARD OF NURSING	
operational appropriation .....	178, 916
DELAWARE CITY	
sale of real estate .....	736
DELAWARE CODE REVISION COMMISSION	
operational appropriation .....	167, 905
DELAWARE COMMISSION FOR THE AGING	
enactment of .....	491
supplementary appropriation .....	648
DELAWARE COMMISSION FOR THE BLIND	
operational appropriation .....	195, 933
supplemental appropriation .....	856
DELAWARE COMMISSION OF SHELL FISHERIES	
operational appropriation .....	200, 938
supplementary appropriation .....	1288

# GENERAL INDEX

xxi

	Page
DELAWARE COMMISSION ON CHILDREN AND YOUTH	
operational appropriation .....	194, 933
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
operational appropriation .....	167, 905
DELAWARE DAY COMMISSION	
operational appropriation .....	187, 925
DELAWARE GEOLOGICAL COMMISSION	
operational appropriation .....	938
DELAWARE HARNESS RACING COMMISSION	
operational appropriation .....	183, 921
DELAWARE HOME AND HOSPITAL FOR CHRONICALLY ILL	
admission .....	1385
Board of Trustees .....	593
capital improvement .....	1418
operational appropriation .....	932
DELAWARE INSTITUTE OF TECHNOLOGY	
creation of board of trustees .....	1310
supplementary appropriation .....	1310
DELAWARE NATIONAL GUARD	
capital improvement .....	1418
operational .....	184, 922
DELAWARE RACING COMMISSION	
operational appropriation .....	183, 921
DELAWARE REAL ESTATE COMMISSION	
operational appropriation .....	179, 917
DELAWARE SAFETY COUNCIL	
supplementary appropriation .....	461, 1340
DELAWARE SOIL AND WATER CONSERVATION COMMISSION	
operational appropriation .....	198, 936, 1378
DELAWARE STATE COLLEGE	
capital improvement .....	1418
operational appropriation .....	206, 945
supplementary .....	1321
DELAWARE STATE DEVELOPMENT DEPARTMENT	
operational appropriation .....	171, 910
supplementary appropriation .....	1323
DELAWARE STATE FAIR	
supplementary appropriation .....	465, 1339

## GENERAL INDEX

	Page
<b>DELAWARE STATE HOSPITAL AT FARNHURST</b>	
stricken from Delaware Code .....	610
apprehension of dangerous mentally ill .....	634
discharge, return of patients .....	627
involuntary detention .....	632
operational appropriation .....	191, 929
reconstruction of building .....	614
supplemental appropriation .....	157
unwarranted hospitalization .....	629
use of title in Delaware Code .....	610
voluntary hospitalization .....	630
<b>DELAWARE STATE POLICE</b>	
supplementary appropriation .....	518
<b>DE LA WARR #47</b>	
operational appropriation .....	225, 962
<b>DELMAR</b>	
increase floating debt limit .....	642
sewer rentals .....	643
<b>DELMAR SCHOOL #163</b>	
operational appropriation .....	232, 968
<b>DELMAR SCHOOL #163</b>	
supplemental appropriation .....	382
<b>DEPARTMENT OF CIVIL DEFENSE</b>	
capital improvement .....	1417
operational appropriation .....	184, 922
supplementary appropriation .....	517
<b>DEPARTMENT OF CORRECTIONS</b>	
capital improvement .....	1417
operational appropriation .....	196, 934
supplementary appropriation .....	621, 1322
<b>DEPARTMENT OF ELECTIONS</b>	
additional registration day .....	36
appointments .....	902
disqualification because of bribery, challenge in elections .....	147
members qualifications .....	808
<b>DEPARTMENT OF MENTAL HEALTH</b>	
capital improvement .....	1417
operational appropriation .....	191, 929
<b>DEPARTMENT OF MOTOR VEHICLES</b>	
supplementary appropriation .....	1347
<b>DEPARTMENT OF PUBLIC WELFARE</b>	
operational appropriation .....	195, 933
supplementary appropriation .....	609

# GENERAL INDEX

xxiii

	Page
DIVISION OF THE AGING	
operational appropriation .....	194, 932
DOCTOR	
use of title .....	734
DOGS	
proper care of .....	1505
running at large .....	79
DOG TRAINING AREAS	
increase in .....	896
DOVER SPECIAL SCHOOL DISTRICT	
operational appropriation .....	213, 952
DRIVER'S LICENSE	
epileptics .....	1270

## -E-

EDUCATION AID FOR CHILDREN OF DECEASED VETERANS	
supplementary appropriation .....	461, 462, 1354
EDUCATION	
adoption of compact for .....	1299
classes for socially or emotionally maladjusted .....	591
full time programs in high schools .....	471
teacher holding temporary certificate .....	165
EDUCATIONAL CONTINGENCY FUND	
operational appropriation .....	976
EDUCATIONAL DIVISION (State Board of Education)	
operational appropriation .....	210
EDUCATIONAL TELEVISION BOARD	
operational appropriation .....	950
ELECTED OFFICIALS—Spouse benefits	
operational appropriations .....	205, 943
ELECTIONS	
department members qualifications .....	808
ELECTION	
transfer in divided district .....	739
districts merger .....	698
voter lists .....	692
ELLENDALÉ SCHOOL #125	
operational appropriations .....	233, 969
supplementary appropriation .....	644

## GENERAL INDEX

	Page
ELLENDALE #195	
operational appropriations .....	239
ELLINGSWORTH, JOHN O.	
supplementary appropriation .....	1346
EMILY P. BISSELL HOSPITAL	
finances of .....	878
operational appropriation .....	190, 928
supplementary appropriation .....	517
EMPLOYMENT PRACTICES	
polygraph, lie detector, et al prohibited .....	1265
ENGINEERING DIVISION	
operational appropriation .....	939
ESTATE TAX	
interest rate increase on overdue .....	401
EXPENSE OF STATE GOVERNMENT	
amendment with no appropriation .....	1262
supplementary appropriation .....	497, 824, 1290, 1297, 1315, 1320, 1371, 1431, 1432, 1433, 1437
EYE PROTECTION DEVICES	
required wearing .....	1509
-F-	
FAMILY COURT—KENT AND SUSSEX COUNTIES	
supplementary appropriation .....	427
FAMILY COURT FOR KENT AND SUSSEX COUNTY	
operational appropriation .....	911
FAMILY COURT FOR NEW CASTLE COUNTY	
operational appropriation .....	911
FAMILY COURT	
supplemental appropriation .....	385
FEEES	
Motor Vehicle .....	488
FELTON FIRE COMPANY	
supplementary appropriation .....	549
FELTON SCHOOL #54	
operational appropriation .....	228, 965
supplementary appropriation .....	644
FENWICK ISLAND	
incorporation .....	360

# GENERAL INDEX

xxv

	Page
<b>FINANCIAL DATA</b>	
filing of .....	1260
<b>FIRE COMPANIES</b>	
Kent, New Castle, Sussex	
supplementary appropriation .....	453
New Castle County .....	603
<b>FORT CHRISTINA MONUMENT</b>	
operational appropriation .....	186, 924
<b>FRANKFORD SCHOOL #206</b>	
operational appropriation .....	237, 971
<b>FREDERICA SCHOOL #32</b>	
operational appropriation .....	229, 965
<b>FUME SNIFFING</b>	
prohibition of .....	1316
-G-	
<b>GAME AND FISH COMMISSION</b>	
appointments .....	1391
capital improvement .....	1417
operational appropriation .....	199, 938
relating to open season .....	75
<b>GENERAL ASSEMBLY</b>	
compensation, expenses, allowances .....	3
operational appropriation .....	166, 904, 934
<b>GEORGETOWN</b>	
Return Day appropriations .....	77
<b>GEORGETOWN SPECIAL SCHOOL DISTRICT</b>	
operational appropriation .....	214, 953
<b>GERRES, EDWARD, JR.</b>	
supplementary appropriation .....	1373
<b>GOVERNOR</b>	
operational appropriation .....	168, 907
supplementary appropriation .....	651, 1348, 1384
<b>GOVERNOR BACON HEALTH CENTER</b>	
operational appropriation .....	192, 930
<b>GOVERNOR'S HOUSE</b>	
operational appropriation .....	924



## GENERAL INDEX

	Page
GRAIN TESTING DEVICES	
definitions .....	148
enforcement .....	149
installation, operation .....	148
licensed operator .....	149
registration, approval .....	148
violations, penalties .....	149
GREENWOOD SCHOOL #91	
operational appropriation .....	233, 969
GUMBORO SCHOOL #37	
Debt Service expenditure .....	396
operational appropriation .....	234
GUNNING BEDFORD JR. SCHOOL #53	
operational appropriation .....	220, 958
-H-	
HANDICAPPED PERSONS	
special license plates .....	1350
HARNESS RACING	
admissions to .....	854
award of dates .....	624
tax increase .....	402
HARRINGTON SPECIAL SCHOOL DISTRICT	
operational appropriation .....	214, 953
HARTLY SCHOOL #96	
debt service .....	1545
operational appropriation .....	229, 966
supplementary appropriation .....	644
HENRY C. CONRAD SCHOOL #131	
operational appropriation .....	220, 958
HIGHWAY SPEED	
motor trucks, motor truck tractors .....	1272
HOME RULE	
municipalities .....	452
HOMES FOR THE AGED	
supplementary appropriation .....	466
HORSE RACING	
admissions to .....	855
tax increase .....	256

# GENERAL INDEX

xxvii

	Page
HOSPITALS	
supplementary appropriations .....	459
HOSPITAL FOR THE MENTALLY RETARDED	
operational appropriation .....	193, 931
HOUSING	
taxation limitation on housing for elderly .....	550
HOUSTON SCHOOL #125	
operational appropriation .....	229, 966
HUNTING AND TRAPPING	
prohibited devices .....	995
HUNTING, TRAPPING AND FISHING LICENSES	
exceptions to requirements .....	1501
-I-	
INDUSTRIAL ACCIDENT BOARD	
attorney fees .....	1511
operational appropriation .....	185, 923
supplementary appropriation .....	490
INHERITANCES	
illegitimate children .....	553
INHERITANCE TAX	
interest rate increase .....	413
INSURANCE	
insider trading regulations .....	571
regulation of proxies of domestic stock companies .....	597
INSURANCE COMMISSIONER	
location of office .....	1289
INSURANCE COMPANIES	
refund of overpayments .....	472
taxes on premiums .....	418
INSURANCE STUDY AND REVISION COMMITTEE	
establishment of .....	857
members named .....	1264
supplemental appropriation .....	857
INVESTMENTS OF FIDUCIARIES	
common fund by bank or trust company .....	605

## -J-

JOHN DICKINSON MANSION	
operational appropriation .....	186, 924
JOHN DICKINSON #133	
operational appropriation .....	221, 959
JOHN G. LEACH SCHOOL	
operational appropriation .....	226, 963
JOHN M. CLAYTON SCHOOL #97	
operational appropriation .....	232, 968
JUDGEMENTS	
satisfaction of .....	990
JUDICIAL SALARIES	
raise .....	1358
JUDICIARY	
pensions for members .....	1415
JURORS	
mileage payments .....	399
omission of names .....	557
qualifications and exemptions .....	554
summoning of .....	556
JUSTICES OF PEACE	
administration, compensation, jurisdiction .....	56
concerning fines and costs .....	1268
constables .....	68
costs .....	66
duties and limitations .....	66
rates .....	66
violations and penalty .....	67
Deputy Administrator .....	60
duties of .....	60
limitations of venue; non-residents .....	61
increased jurisdiction .....	844
jurisdiction .....	691
officers and employees .....	60
organization and operation .....	57
number and qualifications .....	33

## -K-

KENT COUNTY	
Ambulance Service	
appropriations .....	1329

# GENERAL INDEX

xxix

	Page
Ballots	
printing contract .....	477
Board of Assessors	
funding for equipment .....	86
Common Pleas Court	
operational appropriation .....	173
Department of Elections	
operational appropriation .....	168, 906
Family Court	
operational appropriation .....	174
funding for equipment .....	86
Fire Companies	
supplementary appropriation .....	453, 1341
County Treasurer	
funding for equipment .....	86
definition of covered employee relating to pension .....	139
Levy Court	
borrow for equipment including addressograph machines....	86
borrow for furnishings .....	80
borrow for real property assessment .....	83
increased borrowing power .....	432
Office of the County Engineer .....	617
pension of employees .....	611
Receiver of Taxes	
funding for equipment .....	86
sewer and water services .....	667, 676
S.P.C.A. appropriation .....	744
term of Levy Court Commissioners .....	589
Vocational Technical Center	
operational appropriation .....	974
KENTON #9	
operational appropriation .....	240, 973
supplementary appropriation .....	644

## -L-

LABOR	
female provisions repealed .....	618
LAUREL	
building repairs in special school district .....	128
LAUREL SPECIAL SCHOOL DISTRICT	
building repairs .....	387
operational appropriation .....	215, 954
traffic regulations .....	434
LAW CLERKS	
Court of Chancery .....	604

## GENERAL INDEX

	Page
LAYTON HOME FOR AGED COLORED PERSONS	
supplementary appropriation .....	1338
LEGAL HOLIDAYS	
concerning validity of actions on .....	130
LEGISLATIVE COUNCIL	
creation of .....	884
LEGISLATIVE REFERENCE BUREAU	
composition .....	899
operational appropriation .....	166, 905
LEVY COURT COMMISSIONERS	
term in Kent County .....	589
LEVY COURT	
Kent County	
increased borrowing power .....	432
New Castle County	
borrowing power .....	592
land transfer .....	481
LEWES	
Board of Public Works .....	809
LEWES MEMORIAL COMMISSION	
operational appropriation .....	187, 925
supplementary appropriation .....	517
LEWES SPECIAL SCHOOL DISTRICT	
operational appropriation .....	215, 954
supplementary appropriation .....	644
LIBRARY COMMISSION FOR THE STATE OF DELAWARE	
operational appropriation .....	188, 926
LICENSE	
grounds for refusal .....	993, 1503
suspension for non-payment of judgement .....	1362
LICENSE FEES	
real estate brokers and agents .....	145
LIEUTENANT GOVERNOR	
operational appropriation .....	169, 907
LINCOLN SCHOOL #3	
operational appropriation .....	234, 969
supplementary appropriation .....	644
LIQUOR SELLING ESTABLISHMENT	
employment .....	1356

# GENERAL INDEX

xxxi

	Page
LOBSTERS	
size limits, spawning, violations, penalties .....	158
LOITERING	
concerning labor disputes .....	1259
LORD BALTIMORE SCHOOL #28	
operational appropriation .....	235, 970
LOUIS L. REDDING COMPREHENSIVE SCHOOL	
supplementary appropriation .....	996
-M-	
MAGNOLIA SCHOOL #50	
operational appropriation .....	230, 966
MARINE LIFE	
illegal possession of Atlantic Sailfish, Blue Marlin, White Marlin and Striped Marlin .....	1007
MARRIAGE OF MINORS .....	395
MARSHALLTON SCHOOL #77	
operational appropriation .....	222, 960
MEDICAL CARE	
for indigent and medically indigent .....	1281
MEDICAL COUNCIL	
authority to issue licenses .....	1429
MEDICAL COUNCIL OF DELAWARE	
operational appropriation .....	178, 916
MEMORIAL BRIDGE	
policeman pension eligibility .....	76
MENTAL HYGIENE CLINIC	
operational appropriation .....	192, 930
MERIT SYSTEM OF PERSONNEL ADMINISTRATION	
state employees .....	1481
MIDDLETOWN SCHOOL #60	
operational appropriation .....	223, 960
MIDDLETOWN #130	
operational appropriation .....	227, 964
MILFORD SPECIAL SCHOOL DISTRICT	
operational appropriation .....	216, 955

	Page
MILLSBORO	
permitting annexation .....	5
power to borrow .....	164
transfer of funds .....	619
MILLSBORO SCHOOL #23	
debt service expenditure .....	384
operational appropriation .....	235, 970
MILLSBORO SCHOOL #204	
operational appropriation .....	238, 972
supplementary appropriation .....	1364
MILTON SCHOOL #8	
operational appropriation .....	235, 971
supplemental appropriation .....	398
MILTON #196	
operational appropriation .....	241
MINIMUM WAGE ACT	
Administration and enforcement	
wages prescribed (See WAGES) .....	38
MOBILE HOMES	
property taxes .....	776
MONEY	
transportation of .....	1388
MORTGAGES	
satisfaction of .....	990
secondary loans .....	997
MOSQUITO CONTROL DIVISION	
operational appropriation .....	942
MOTOR FUEL TAX DIVISION	
operational appropriation .....	941
motor fuel tax increase .....	412
MOTOR VEHICLE DIVISION	
operational appropriation .....	940
MOTOR VEHICLE FEES .....	488
tractor trailer units .....	547
MOTOR VEHICLES INSPECTION	
exceptions .....	745
MOTOR VEHICLES	
removal from highways .....	989
MOUNT PLEASANT SPECIAL SCHOOL DISTRICT	
operational appropriation .....	216, 955

## GENERAL INDEX

xxxiii

	Page
MUNICIPALITIES STREETS	
maximum appropriations increased .....	400
MUNICIPALITIES	
operational appropriation .....	944
MUTUAL BENEFIT ASSOCIATION	
limitations on benefits .....	144
age limitation removed .....	898
-N-	
NARCOTICS	
chloral-hydrate .....	872
NEGOTIABLE INSTRUMENTS	
computation on holiday .....	135
time of maturity .....	134
NEWARK, CITY OF	
charter change .....	821
taxation of private utilities .....	823
NEWARK SPECIAL SCHOOL DISTRICT	
operational appropriation .....	217, 956
NEW CASTLE CITY	
amending, consolidating charter .....	28
NEW CASTLE COUNTY	
delinquent county taxes .....	37
Department of Elections	
operational appropriation .....	167
supplemental appropriation .....	26
Family Court	
operational appropriation .....	173
fire companies .....	603
NEW CASTLE COUNTY FIRE COMPANIES	
supplementary appropriation .....	453, 1341
county government reorganization .....	292
Law Library	
operational appropriation .....	174, 912
Levy Court	
borrowing power .....	592
land transfer .....	481
Public Building Commission	
superintendent wage increase .....	103
Public Health .....	806
subdivision, land development .....	117
vocational high school districts .....	560



## GENERAL INDEX

	Page
NEW CASTLE DEPARTMENT OF ELECTIONS	
operational appropriation .....	906
NEW CASTLE HISTORIC BUILDINGS COMMISSION	
operational appropriation .....	187, 925
NEW CASTLE SPECIAL SCHOOL DISTRICT	
operational appropriation .....	217, 955
supplemental appropriation .....	156
NEW HIGH SCHOOL DISTRICTS	
appointments by the Governor .....	359
NEWPORT SCHOOL #21	
operational appropriation .....	223, 961
NEWPORT SCHOOL #106	
supplementary appropriation .....	644
NOTARIES PUBLIC	
appointment of court reporters as .....	1324
commission; signature of Governor; seal .....	146
-O-	
OAK GROVE SCHOOL #130	
operational appropriation .....	224, 961
OCEAN VIEW	
taxation increase .....	822
ODESSA SCHOOL #61	
operational appropriation .....	224, 962
OFFICE OF CHANCERY, CLERK OF ORPHAN'S COURT	
appointment of deputies and clerks .....	358
OFFICE OF THE COUNTY ENGINEER	
Kent County .....	617
Sussex County .....	656
OLD SUSSEX COUNTY COURTHOUSE	
operational appropriation .....	186
1-2-3 TEACHER SCHOOL	
operational appropriation .....	239, 973
OPERATORS' LICENSES	
motorcycles and motorbikes .....	869
OPTOMETRY	
board appointments .....	625
OPTOMETRIC SERVICES	
compensation for public health .....	818

# GENERAL INDEX

xxxv

	Page
ORPHAN'S COURT	
compensation of clerks .....	99
OUR LADY OF GRACE ORPHANAGE	
supplementary appropriation .....	1542
OUTDOOR ADVERTISING SIGNS	
display of .....	1363
-P-	
PALMER HOME, INC.	
supplementary appropriation .....	1338
PARAPLEGIC VETERANS' PENSIONS	
operational appropriations .....	205, 943
PARKING AUTHORITIES	
power of precedence .....	835
PENINSULA HORTICULTURAL SOCIETY	
operational appropriation .....	205, 944
PENSION	
definition of Kent County covered employee .....	139
former Wilmington, New Castle employee .....	532
Kent County employees .....	611
Memorial Bridge Policeman .....	76
method of authorizing benefits .....	90
state employees plan .....	140
Sussex County employees .....	700
Warren E. Perry .....	599
PERRY, WARREN E.	
pension of .....	599
PHARMACY	
applications .....	873
PHYSICALLY HANDICAPPED	
construction on behalf of .....	879
PODIATRISTS	
insurance compensation .....	742
POLICE OFFICER	
assault penalties .....	1526
POLITICAL PARTIES	
definition of .....	1513
POLITICAL PARTY	
relating to titles .....	35

	Page
POLLING PLACES	
display of the Flag of the United States of America .....	1533
PORTRAIT COMMISSION	
operational appropriation .....	187, 925
PRINTING AND DISTRIBUTION	
Session Laws .....	1258
Session Laws and Law Books .....	1325
PRISONERS AID SOCIETY	
supplementary appropriation .....	451, 1278
PRIVATELY OWNED VEHICLES	
mileage rates .....	1534
PROCUREMENT	
competitive bids .....	562
PRZYBLEK, WINIFRED E.	
pension .....	532
PUBLIC AID	
increase of .....	868
limitations of .....	1261
PUBLIC ARCHIVES COMMISSION	
funds for Buena Vista, Woodburn .....	415
fund transfer .....	1382
operational appropriation .....	186, 923
supplementary appropriation .....	517
PUBLIC ASSISTANCE CODE	
financial participation .....	575
PUBLIC ASSISTANCE	
concurrent receipt of different categories .....	850
PUBLIC DEFENDER	
operational appropriation .....	175, 913
supplementary appropriation .....	596
PUBLIC EMPLOYEES	
right to organize .....	435
PUBLIC HEALTH	
compensation for optometric services .....	818
New Castle County .....	806
PUBLIC LANDS	
subaqueous .....	1353
PUBLIC OFFICIALS	
salary raise .....	
supplementary appropriation .....	1359

# GENERAL INDEX

xxxvii

	Page
PUBLIC RECREATION ON PRIVATE LANDS	
limiting liability .....	1506
PUBLIC ROADS	
hearing upon closing of .....	1541
PUBLIC SCHOOLS	
organization and control in Wilmington .....	588
time extension for enlargement, improvement .....	587
PUBLIC SCHOOL PROPERTY	
use, control, management of .....	1529
PUBLIC SERVICE COMMISSION	
operational appropriation .....	183, 921

## -R-

RACE TRACK MEETS	
sale of wines and spirits .....	817
REAL ESTATE	
conveyance between husband and wife .....	658
sale in Delaware City .....	736
REALTY TRANSFER TAX .....	403
RECORDER OF DEEDS	
use of realty tax commission .....	820
REGISTRATION	
procedures .....	160
records and supplies .....	478
REGISTRATION AND LICENSE RECORDS	
inspection of .....	987
REHOBOTH BEACH	
ballots for election of commissioners .....	151
city manager residency .....	699
REHOBOTH #200	
operational appropriation .....	240
supplementary appropriation .....	644
REHOBOTH SPECIAL SCHOOL DISTRICT	
operational appropriation .....	218, 956
REPORTING CHILD ABUSE	
evidence not privileged .....	125
immunity for liability .....	125
nature and content of report .....	125
penalty for violations .....	126

## GENERAL INDEX

	Page
purpose .....	124
reports by physicians and institutions .....	124
<b>RETIRED AND DISABLED TEACHERS' PENSIONS</b>	
operational appropriation .....	205, 943
<b>RETURN DAY</b>	
Levy Court appropriation for Georgetown .....	77
Sussex County half holiday .....	78
<b>REVENUE COLLECTOR</b>	
operational appropriations .....	171, 909
<b>RICHARDSON PARK SCHOOL #20</b>	
operational appropriation .....	225, 962
<b>-S-</b>	
<b>SAFETY RESPONSIBILITY DIVISION</b>	
operational appropriation .....	941
<b>SALARY</b>	
attendants, aides to special classes .....	779
<b>SALARIES</b>	
line item .....	877
<b>SANITARY SEWAGE DISPOSAL SYSTEM</b>	
State of Delaware .....	1372
<b>SAVINGS BANKS, SOCIETIES</b>	
employee benefits .....	422
<b>SCHOOL EMPLOYEES</b>	
observance of religious holidays .....	473
<b>SCHOOL TRANSPORTATION</b>	
supplemental appropriation .....	876
<b>SEAFORD</b>	
appointment of assistant city manager .....	386
delinquent tax collection charge .....	102
<b>SEAFORD SPECIAL SCHOOL DISTRICT</b>	
operational appropriation .....	218, 957
supplementary appropriation .....	487
voting rights, capitation tax exemptions .....	99
voting rights of non-resident property owners .....	377
<b>SECONDARY MORTGAGE LOANS</b> .....	997
<b>SECRETARY OF STATE</b>	
operational appropriation .....	169, 907
study of corporation laws .....	586
supplemental appropriation .....	414

# GENERAL INDEX

xxxix

	Page
<b>SELBYVILLE</b>	
sewage system .....	693
<b>SELBYVILLE SCHOOL #32</b>	
operational appropriation .....	236, 971
<b>SELBYVILLE SCHOOL #210</b>	
operational appropriation .....	238, 973
<b>SHERIFF</b>	
mileage fees .....	1319
<b>SHOPLIFTING</b>	
definition and penalty .....	513
<b>SLAUGHTER NECK #193</b>	
operational appropriation .....	239
<b>SLUM CLEARANCE</b>	
blighted area definition .....	826
<b>SOIL AND WATER CONSERVATION COMMISSION</b>	
new powers .....	1535
<b>SOIL AND WATER CONSERVATION DISTRICTS</b>	
qualifications for supervisors .....	1537
<b>SOIL CONSERVATIONS DISTRICTS</b>	
policy, appeals .....	1527
<b>SOUTH BETHANY</b>	
incorporation .....	746, 775
<b>SOUTHERN INTERSTATE NUCLEAR COMPACT</b>	
adoption and membership .....	1515
<b>SMYRNA</b>	
bond issuance for water, sewer, electricity .....	10
<b>SMYRNA SPECIAL SCHOOL DISTRICT</b>	
operational appropriation .....	219, 957
<b>SOCIAL SECURITY</b>	
operational appropriation .....	943
<b>SOCIAL SECURITY PAYMENTS</b>	
deduction of; duty to report .....	138
supplemental appropriation .....	894
<b>S.P.C.A.</b>	
Kent County Levy Court appropriation .....	744
<b>SPECIAL FIRE PROTECTION AND EXTINCTION</b>	
operational appropriation .....	937

## GENERAL INDEX

	Page
STANTON SCHOOL #38	
operational appropriation .....	226, 963
STANTON TRAINABLE	
operational appropriation .....	227, 964
STATE AGENCIES	
relating to appropriation advances .....	143
sale of equipment .....	891
STATE ATHLETIC COMMISSION	
operational appropriation .....	180, 918
STATE BANK COMMISSION	
operational appropriation .....	180, 919
STATE BOARD OF ACCOUNTANCY	
operational appropriation .....	176, 914
STATE BOARD OF AGRICULTURE	
operational appropriation .....	197, 936
STATE BOARD OF BARBER EXAMINERS	
operational appropriation .....	176, 915
STATE BOARD OF CHIROPRACTIC EXAMINERS	
operational appropriation .....	177, 915
STATE BOARD OF DENTAL EXAMINERS	
operational appropriation .....	177, 916
STATE BOARD OF EDUCATION	
capital improvement .....	846, 1418
operational appropriation .....	207, 945
supplemental appropriation .....	89, 1365, 1413, 1434
STATE BOARD OF EXAMINERS IN OPTOMETRY	
operational appropriation .....	178, 917
STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS	
operational appropriation .....	179, 917
STATE BOARD OF EXAMINERS OF UNDERTAKERS	
operational appropriation .....	179, 918
STATE BOARD OF HEALTH	
operational appropriation .....	189, 928
supplemental appropriation .....	1263
STATE BOARD OF PHARMACY	
operational appropriation .....	178, 917
STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS	
operational appropriation .....	177, 916
supplementary appropriation .....	1328

# GENERAL INDEX

xli

	Page
STATE BOARD OF VETERINARY EXAMINERS	
operational appropriation .....	180, 918
STATE BOARD OF VOCATIONAL EDUCATION	
operational appropriation .....	950
STATE BUILDINGS AND GROUNDS COMMISSION	
operational appropriation .....	927
STATE CUSTODIAN	
supplemental appropriation .....	895
STATE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS	
operational appropriation .....	184, 922
STATE DEPARTMENT OF MENTAL HEALTH	
accounting of revenue .....	561
STATE DEPARTMENT OF PUBLIC WELFARE	
capital improvement .....	1418
STATE DISTRIBUTION AGENCY	
operational appropriation .....	931
supplementary appropriation .....	637
surplus distribution program .....	388
STATE ELECTION COMMISSIONER	
operational appropriation .....	167, 905
STATE EMPLOYEES PENSION PLAN	
amount of benefits .....	1269
operational appropriation .....	204, 942
STATE EXAMINING BOARD OF PHYSICAL THERAPISTS	
operational appropriation .....	179, 917
STATE FIRE PREVENTION COMMISSION	
capital improvement .....	1417
Delaware State Fire School .....	182, 920
office of State Fire Marshal .....	181, 920
operational appropriation .....	
STATE FIRE COMMISSION	
qualifications of volunteer companies .....	475
STATE FIRE MARSHAL	
power of arrest .....	530
power of prosecution .....	531
STATE FORESTRY DEPARTMENT	
administration .....	199
special fire protection and extinction .....	199
operational appropriation .....	937
supplementary appropriation .....	517



## GENERAL INDEX

	Page
STATE GOVERNMENT EXPENSE	
supplementary appropriation .....	497
STATE HIGHWAY DEPARTMENT	
capital improvement .....	1418
controlled-access highways .....	1502
conveyance of land from .....	91
mosquito control funds .....	71
relating to general powers, duties .....	34
Communications Department .....	203
Controller's Office .....	200
Engineering Division .....	203
Mosquito Control Division .....	203
Motor Fuel Tax Division .....	203
Motor Vehicle Division .....	202
Safety Responsibility Division .....	202
State Police Division .....	203
operational appropriation .....	939
supplemental appropriation .....	116, 439, 442, 613, 900, 994, 1279
STATE HUMAN RELATIONS COMMISSION	
operational appropriation .....	182, 920
STATE INSURANCE COMMISSIONER	
operational appropriation .....	182, 920
STATE JUDICIARY RETIREMENT FUND	
operational appropriation .....	204, 943
STATE LAW LIBRARY IN KENT COUNTY	
operational appropriation .....	174
STATE MUSEUM	
operational appropriation .....	186, 924
STATE OF DELAWARE	
bonds for capital improvements .....	519
limitations on borrowing power .....	525
STATE OWNED MATERIAL	
sale of .....	892
STATE PARK COMMISSION	
capital improvement .....	1418
conveyance of land to .....	91
operational appropriation .....	188, 926
supplemental appropriation .....	153, 154
STATE PLANNING OFFICE	
operational appropriation .....	172, 910
STATE POLICE DIVISION	
operational appropriation .....	941

# GENERAL INDEX

xliii

	Page
STATE POLICE RETIREMENT FUND	
operational appropriation .....	205, 943
STATE POULTRY COMMISSION	
operational appropriation .....	198, 937
STATE SHARE—Social Security	
operational appropriation .....	205
STATE SOIL CONSERVATION COMMISSION	
supplementary appropriation .....	482, 1330
STATE TAX DEPARTMENT	
information returns .....	864
operational appropriation .....	170, 909
STATE TREASURER	
operational appropriation .....	169, 908
supplemental appropriation .....	426, 1280
STATE WELFARE HOME	
financing maintenance, other expenses .....	73
name changed .....	106
operational appropriation .....	194, 205
SUBDIVISION AND LAND DEVELOPMENT (New Castle County)....	117
approved plan to be recorded .....	122
content of regulations .....	119
definitions .....	117
effect on laws .....	123
effect on map .....	122
improvements private .....	122
issuance of permits .....	120
land subdivision regulations .....	119
power to regulate .....	118
recording unapproved plans; penalty .....	121
schedule of fees .....	122
selling before approval; penalty; suits .....	120
SUPERIOR COURT JUDGES	
increase in number .....	863
SUPREME COURT	
operational appropriation .....	172, 173, 910, 911
SURPLUS FOOD FOR NEEDY PROGRAM	
operational appropriation .....	193
SUSSEX COUNTY	
Court of Common Pleas .....	647
operational appropriation .....	173
Department of Elections	
operational appropriation .....	168, 906

## GENERAL INDEX

	Page
employees retirement act .....	700
Office of County Engineer .....	656
Family Court	
operational appropriation .....	174
Fire Companies	
supplementary appropriations .....	453, 1342
Law Library	
operational appropriation .....	174, 912
Levy Court	
appropriations .....	77
sewer and water services .....	709, 719
Vocational Technical Center	
operational appropriation .....	241, 974
specific curricula .....	516
zoning .....	23

## -T-

## TAX

changes relating to income .....	1273
----------------------------------	------

## TAXES

cigarette .....	780
cigarette increase .....	411
collection charge for Seaford delinquent taxes .....	102
collection of State .....	136
Corporation Franchise .....	363
Corporation income tax	
increase interest rate on taxes due .....	652
County Capitation .....	663
county rate .....	137
County Tax Rate .....	433
delinquent in New Castle County .....	37
estate tax interest rate increase .....	401
exemption of Blue Rock Community Club .....	664
exemption of Wycliffe Civic Assoc. ....	662
exemptions of Yorklyn Parent-Teacher Association .....	474
harness racing increase .....	402
horse racing increase .....	256
increase interest rate on income tax due .....	653
inheritance tax interest rate increase .....	413
insurance companies premiums .....	418
limitations on housing for elderly .....	550
local school referenda .....	357
mobile homes .....	776
motor fuel increase .....	412
occupational license partial exemption .....	740
property exemptions of elderly .....	641

# GENERAL INDEX

xlv

	Page
realty transfer .....	403
Recorder of Deeds Commission .....	820
realty transfer refunds .....	1374
Rehoboth Beach real estate .....	152
school capitation referendum .....	150
special tax of insurance companies .....	1407
State Income .....	595
State income deductions .....	859
State Income Withholding	
employees of foreign corporation .....	410
state limitation on aged .....	508
Wilmington real estate transfers .....	380
Wilmington utilities .....	379
<b>TAX DITCHES</b>	
new powers .....	1536
<b>TELECOMMUNICATIONS SERVICE</b>	
illegal usage .....	615
<b>TELEPHONE</b>	
disturbing privacy by use .....	853
malicious obstruction in emergency calls .....	852
<b>TELEPHONE NUMBERS</b>	
bribery for unauthorized disclosure .....	1539
<b>TOWNSEND SCHOOL #81</b>	
operational appropriation .....	227,964
<b>TRADE</b>	
Uniform Deceptive Trade Practices Act .....	93
<b>TRESPASSING</b>	
applicable in all counties .....	741
<b>-U-</b>	
<b>UNEMPLOYMENT COMPENSATION</b>	
concerning changes .....	1266
eligibility .....	623
time change .....	1430
<b>UNIFORM COMMERCIAL CODE</b>	
commerce and trade .....	1012
<b>UNIT OF PUPILS</b> .....	564
<b>UNIVERSITY OF DELAWARE</b>	
capital improvements appropriation .....	870
operational appropriation .....	206,945

## GENERAL INDEX

Page

## -V-

VETERANS	
aid for children of deceased .....	462
VETERANS ORGANIZATIONS	
supplementary appropriation .....	467, 1335
VOCATIONAL HIGH SCHOOL DISTRICTS	
New Castle County .....	560
VOSHELL, KLINE COOK	
supplemental appropriation .....	875
VOTER IDENTIFICATION CARD	
issuance, defacing, misuse .....	155
VOTERS REGISTRATION RECORDS	
copying of .....	1512
VOTING	
absentee .....	476

## -W-

WAGES	
increase for superintendent of Public Building Commission for New Castle County and Wilmington .....	103
Minimum Wage Act .....	38
payment and collection .....	47
WASTE MATERIAL	
disposal of .....	440
WATER AND AIR RESOURCES COMMISSION	
creation of .....	1438
WATER POLLUTION COMMISSION	
operational appropriation .....	190, 929
WEIGHTS AND MEASURES	
operational appropriation .....	198, 936
WHYY, INC.	
supplementary appropriation .....	743, 1352
WILLIAM C. JASON SCHOOL #192	
operational appropriation .....	237, 972
WILLIAM W. M. HENRY SCHOOL #133	
operational appropriation .....	230, 967

# GENERAL INDEX

xlvii

	Page
WILMINGTON	
Act amending assessment appeals .....	17
Board of Public Education appointments .....	533
organization and control of public schools .....	538
Parking Authority .....	838
School teachers retirement funds .....	424
tax and assessment collection .....	25
taxation of real estate transfers .....	380
taxation of utilities .....	379
WILMINGTON BOARD OF EDUCATION	
operational appropriation .....	242, 974
WORKMEN'S COMPENSATION	
burial expenses .....	254
WYCLIFFE CIVIC ASSOCIATION, INC.	
tax exemption .....	662
-Y-	
YORKLYN	
Parent-Teacher Association	
tax exemption .....	474
YOUTH SERVICES COMMISSION	
enlarging purposes; extension of construction time .....	657
members .....	141
operational appropriation .....	196, 935
use of appropriation .....	1424

**END  
OF  
VOLUME**