

An Act to Incorporate the Town of Farmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 1. That Charles H. Simmons, Frank Sumlin and James Hatfield are hereby appointed Commissioners, whose duty it shall be, and they or a majority of them, are hereby authorized and empowered to lay down on a plot the Town of Farmington, Kent County, Delaware.

Section 2. That the limits of said Town of Farmington shall be as follows:

(a) The initial point shall be in the center of the crossing of the Public Road and the Railroad. From this initial point the town shall extend North, Nine Hundred and Twenty-seven feet; and from the same point South, Four Hundred and Sixty-four feet; and from the same point Westerly, Six Hundred and Seventy feet; and from the same point Easterly, Seven Hundred and Ninety feet, - forming a parallelogram, whose East and West sides shall be Thirteen Hundred and

Ninety-one feet long, and whose North and South sides shall be Fourteen Hundred and Sixty feet long.

(b) The Commissioners may at any time have same surveyed and plotted, and said plot being so recorded in the Recorder's Office of Kent County, it, or a duly certified copy thereof, shall be evidence of what is therein set forth

Section 3. That the Commissioners hereby appointed and their successors in office to be chosen as hereinafter provided shall be a body politic and corporate in fact and in law by the name of the Commissioners of the Town of Farmington and may sue and be sued by that name. They shall in addition to the power hereinbefore conferred have power to regulate the streets, lanes, alleys and sidewalks of said Town and may direct the latter or such part thereof as they may determine to be paved or otherwise improved at the expense of the owner of the ground adjacent; provided, however, that there will be no compulsion for anyone to pave his sidewalk for three months from the date of this Act; on complaint of any citizen to examine any chimney, stove-pipe fixture or any other matter dangerous to the town, and if adjudged dangerous to require and

compel it to be repaired, remedied or removed; to prevent or remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires or setting off fireworks or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of boys or other persons within the town, and generally they shall have all the powers which by any law of this State are conferred on the Commissioners of the Town of Dover.

Section 4. That the Commissioners herein named shall continue in office until the last Saturday in March, A. D. 1909 or until their successors are duly chosen and qualified. A town election shall be held on the last Saturday in March, A. D. 1909, and on the same date in each and every year thereafter in the said Town of Farmington at the Schoolhouse therein, from the hour of two o'clock, P. M. until the hour of four o'clock P. M. Any such election may be held by the President of the Town Council or any voter and two citizens chosen by the legally qualified voters present, at the opening of the polls, who shall be judges of said election, and shall decide the legality of the votes offered.

They shall receive the ballots, ascertain the results, and certify the same on the book of the Commissioners. At every such election every male taxable of said Town above the age of twenty-one years, and who shall have paid the Town tax last assessed to him, shall be entitled to a vote. There shall be chosen at the first election held under this Act three Commissioners to serve for the term of one year, or until their successors have been duly chosen and qualified, and two Commissioners to serve for a term of two years, or until their successors have been duly chosen and qualified. At every subsequent annual election the successors to the Commissioners whose terms shall have expired shall be chosen to serve for the term of two years, or until their successors have been duly chosen and qualified, and if any vacancy or vacancies shall occur in said Board of Commissioners by death, resignation, refusal to serve, or otherwise, of any members thereof, the remaining Commissioners shall have the power to fill such vacancy or vacancies until the ensuing annual election, at which time such vacancy or vacancies shall be filled by election of Commissioners to fill out the whole of the unexpired term of the Commissioner or Commissioners in whose stead they shall

be elected. No one shall be eligible to the office of Commissioner unless he has been a resident of said Town for a period of at least one year and is a freeholder therein.

Section 5. That there shall be four stated meetings in every year of the said Commissioners, viz: on the last Saturday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of said Town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps and for all other matters relating to the general welfare of said town as said Commissioners may deem proper, provided the same be not repugnant to the Constitution and laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures and provide for their collection, also the President shall, at the request of two or more Commissioners, call a special meeting of the Commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business that they may have power to transact at

regular meetings. The said Commissioners shall, at their first meeting after the election, elect one of their number as President of said Board whose duty it shall be to preside at the meetings of the Board, have the general supervision of all streets in said town, and of the persons who may be employed by the Town Commissioners. receive complaints of nuisances and other complaints of citizens of violation of the laws and ordinances and present the same to the Commissioners at the first stated meeting for action, and violations or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

Section 6. That the Commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding three hundred dollars including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and

property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.

The collector and treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, at least fifty cents per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, including one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Birmingham, but all such lots, said pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each.

When the assessment is returned, the Commissioners shall give five days' public notice of the fact, and that they will sit together at a certain place, on a certain day, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment except that of poll which shall always remain at the figure above stated, fifty cents per head. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commission and delinquencies which shall be allowed by the Commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law upon collectors of County taxes, provided, however, that in making said assessment for the town of Farmington all machinery in any factory now in said town, or that hereafter may be erected shall be exempt from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.



Section 7. That the Commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all moneys paid out by the treasurer shall be paid upon orders of the Commissioners, or a majority of them, provided that said Commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by said taxation and collect from the county.

Section 8. That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning property adjoining upon them, who, and who alone, shall bear the expenses of making pavements or other improvements where the same shall be ordered. If such ordinance be not complied with within three months the Commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days' notice by advertisement, at three public places in said town, out of the personal or real estate of the person in default situated in said town, the sale may be made by any person whom the Commissioners may depute for that purpose, and if the proper notice

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has been given the sale shall be valid, and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances.

The money realized from the sale shall be paid to the treasurer for the use of the town, but if there be any surplus, after meeting the claims for which the sale was made, such surplus shall be paid to the person in default. The Commissioners shall allow reasonable fees for seizing the property and making sale.

Section 9. That the President and Commissioners for the time being shall have the superintendence and oversight of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of such road or street shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate for the repair of said roads a sum of money not less than Two Hundred Dollars, and shall make an order for the payment thereof to the treasurer of the town of Farmington for the use of said town.

Section 10. That the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered

by any person authorized by the Laws of this State to administer oaths, or by the President of the Board of Commissioners. They shall also, before entering upon the duties of their office, give bond to the town of Farmington with sufficient security to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bonds and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said Commissioners and signed by the President thereof, out of any money in his hands belonging to said town. He shall settle his accounts with the said Commissioners annually in the month of March and at such other times as the said Commissioners may require. The treasurer, clerk and assessor of said town, shall receive each a reasonable compensation for their services, to be determined by the Commissioners of said town; provided the compensation of the said treasurer, as such,

shall not exceed two per cent on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Section 11. That the Town Commissioners at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town to be Alderman of the town of Farmington, who may or may not be a Justice of the Peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject, however, to be removed from office at any time by vote of two-thirds of all the members of the Board of Town Commissioners. Before entering upon the duties of his office he shall be sworn or affirmed by the president of the Board of Commissioners, or by any one of the Commissioners, to perform the duties of his office honestly, faithfully and diligently.

Section 12. That the Commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners and the same shall be evidence.

Section 13. That the Commissioners shall appoint a town constable.

Section 14. That it shall be the duty of the Alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly or noisy assemblages, or gatherings of persons in or at any building used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks; and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to the County prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the Alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages, or gatherings as aforesaid to

issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person who may be seen on the streets of said town, and take him or them before the Alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this Section first enumerated.

If upon view of the person or persons who may be brought before the Alderman of said town for violation of this Section it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this Section. The fee to the Alderman of said town for the trial of any cause under this Section shall be fifty cents, and to the constable making the arrest fifty cents, and in all cases of fee for the Alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to Justices of the Peace and constables in like cases.

Section 15. That the Commissioners of Farmington shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of the State or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Farmington only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Section 16. That this Act shall be deemed and taken to be a public Act.

Geo. W. Mendenhall.  
President of the Senate,  
Thomas O. Cooper  
Speaker of the House.

Approved this the fifteenth day of March,  
A. D. 1909.

Lucien H. Pomeroy  
Governor.

Copy of B. 28 compared  
An Act To Incorporate  
The Town of Farmington.

Darlington Hinn  
Chairman of the  
enrolling committee of  
the Senate.

Received March 10, 1909

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