

An Act to Incorporate the Town of Delmar in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Section 1. That Jackson D. Ellis, Benjamin F. Barker and Joseph J. Ellis, are hereby appointed commissioners, whose duty it shall be, and they or a majority of them are hereby authorized and empowered, with the assistance of a skillful surveyor, to be by them chosen, to survey and lay down on a plot the town of Delmar, in Sussex County, establishing its limits, and making and describing its streets, alleys, lanes and sidewalks, and shall when the service is performed, return the plot, under their hands, to the Records office at Georgetown, to be recorded, and the original and the record, or a certified copy thereof, shall be evidence. The commissioners, and the surveyor, before entering upon

their duties under this section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid shall show that the qualification was complied with.

Section 2. Be it further enacted, as aforesaid, 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 Delmar," 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 the width of at least three feet or more, or otherwise improved, at the expense of the owner of the ground adjacent; on complaint of any citizen to examine any chimney, stovepipe fixture, or any other matter dangerous to the town, and if adjudged dan-

grows, 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 bon-fires, or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of any persons within the town, and generally that shall have all the powers which by any law of this State are conferred on the commissioners of the town of Dover.

Section 3. - Be it further enacted as aforesaid that the commissioners herein named shall continue in office until the first Saturday in March, A. D. 1900, on which day in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Delmar, at the public schoolhouse therein, from the hour of two till the hour of four o'clock, p. m., for three commissioners, who shall be residents of said town and freeholders therein. The said election may be held by the Justice of the Peace and two citizens chosen by

the people present entitled to a vote, who shall be judges of said election and shall decide the legality of the votes offered. They shall receive the ballots, ascertain the result, and certify the same on the books of the commissioners. At 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 vote, and the husbands of women freeholders in said town shall be entitled to vote at said election provided the town tax last assessed to them shall first have been paid. At the said election to be held on the first Saturday in March, A. D. 1900, aforesaid, one commissioner to be elected shall serve for the term of one year, or until his successor shall be elected and qualified, one commissioner to be elected shall serve for the term of two years or until his successor shall be elected and qualified, and one commissioner to be elected shall serve for the term of three years or until his successor shall be elected and qual-

ified, and at each subsequent annual election the successor of the commissioner whose term shall have expired shall be chosen to serve for the term of three years or until his successor shall be elected and qualified; and if any vacancies shall occur in said board of commissioners by death, resignation, refusal to serve, or otherwise, of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies until the ensuing annual election, at which time said vacancies shall be filled by election of commissioners to fill out the whole of the unexpired term or terms of the commissioners in whose stead they shall be elected.

Section 4. Be it further enacted as aforesaid, That there shall be four stated meetings in every year of the said commissioners, viz: on the second Wednesday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the 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 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 violations of the laws and ordinances, which shall be in writing and signed by the complainants, and present the same to the commissioners, at their first 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 5.- Be it further enacted as aforesaid, 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 on 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 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 the said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning real estate, at least one dollar per head, as tax, provided that all able bodied male citizens, above the age of twenty-one years, aforesaid, shall have the option of paying said poll tax of one dollar or working on the streets of said town ten hours in each and every year, and further provided that any person so liable who

shall fail to pay said tax and shall fail to work on said streets, as aforesaid, or furnish a substitute, after being properly notified, shall be guilty of a misdemeanor, and shall be arrested and brought before some Justice of the peace for Sussex County, upon a warrant issued by said Justice in the name of the State of Delaware, and upon proof of said failure, shall be fined one dollar, and all costs of the suit, and in default of the payment of the same shall be committed to the county jail for five days or until said fine and costs are paid. 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 they will sit together at a certain place, and on a)

certain day, to be designated by them, 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, one dollar 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 commissions and delinquencies, which shall be allowed by the commissioners to the treasurer by the thirtieth day of June next after the receipt of his duplicate. The collector shall have the same powers 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 Delmar that all machinery in any

manufactory now in said town, or that here-
after may be erected, shall be exempted from
taxation for town purposes, and that only
the real estate and buildings belonging to
said factories shall be taxed.

Section 6. - Be it further enacted, as afore-
said, 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 said town, as they may deem
advisable, and all money paid out by
treasurer shall be paid upon the order 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 taxation, and col-
lect from the county.

Section 7. - Be it further enacted, as afore-
said, That any ordinances for the paving
of improving the sidewalks shall apply

only to those persons owning the property, affronting upon them, who, and who alone, shall bear the expense of making the pavements or other improvements when the same shall be ordered. If such ordinance be not complied with in three months, the commissioners may procure the materials, and work to be found and done and collect the expenses of the same, on ten days notice by advertisement, at three of the most 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 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 claim 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 8. - Be it further enacted as aforesaid, That the president and commissioners for the time being shall have the superintendence and oversight of all the roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of any such road or street shall be appointed by the Levy Court of Sussex County, but the said levy court shall annually appropriate for the repair of said roads and streets a sum of money not less than three hundred dollars, and shall make an order for the payment thereof to the treasurer of the town of Delmar for the use of said town.

Section 9. - Be it further enacted as aforesaid, 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 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 offices, give bond to the town of Delmar, with sufficient surety 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 bond and condition 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 moneys 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 each receive 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 10. - Be it further enacted, as aforesaid, 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 Delmar, 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 and qualified, subject however to be removed from office at any time by a vote of two-thirds of all the members of the Board of 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, and all the provisions of Sections three (3) and four (4) of the act to incorporate the town of Milton, passed at Dover, March the third, A. D., 1881 shall apply to and are hereby extended and applied to the said alderman of the town of Delmar.

Section 11.- Be it further enacted, as aforesaid, 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 12.- Be it further enacted, as aforesaid,

That the commissioners shall appoint a town constable.

Section 13.- Be it further enacted, as aforesaid, 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 them or him 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 persons so convicted to pay a fine not exceeding ten dollars,

and may commit the party or parties to prison for a period not exceeding thirty days, or until the 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 or persons 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 or persons 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 the 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 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 fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by the laws of the State to be paid to justices of the peace and constables in like cases.

Section 14. - Be it further enacted, as aforesaid, That this act shall be deemed and taken to be a public act, and shall.

be printed among the laws of this
State.

Theodore F. Clark

Speaker of the House of Representatives

Charles Salmon

President Pro tem of the Senate

Passed at Dover February 28th 1899.

Approved this the ninth day of March A.D.

1899

Chas. W. Amnell

Governor.

House Bill No 94

An Act to incorporate
the Town of Selmar
in Sussex County

(10-73)

Examined and found correct.
March 4 - 99 M. L. Davis

Examined and found correct
March 6th 1899 S. J. Abbott

March 8.

Passed at Dover

February 28th 1899

3-9-1899



er, G. W. Sparrow, Sr., J. E. C. W. Waller, P. K. Ellis, Sr., Townsend. Seated, from left, Port, C. K. Marine and R. O.

Two-in-One Town Aug. 14, 1959 2:31 P.M.

Delmar to Mark First 100 Years

Delmar, the town with the Mason-Dixon line as its main street and two governments that lay more stress on cooperation than competition, is going to spend next week celebrating its first 100 years.

Concentrated in the week will be many months of preparation by a great many of the town's more than 2,700 residents on both sides of the line. A nine-man steering committee is directing the whole effort, which will include an historical pageant Tuesday through Saturday, opening of museum on Tuesday, and a big parade on Saturday, Aug. 29.

Many men of the town have been growing beards these many months, and there will be, naturally, some close shaving during the week. An ominous kangaroo court is waiting to deal with recalcitrants who kept shaving all this while.

The railroad will have an important role in the celebration, because Delmar, after all, owes its existence to the railroad.

Railroad Tradition

The Delaware Railroad, established after years of preparation—John M. Clayton and Samuel M. Harrington, two great Delaware names, were among its prime movers—reached what is now Delmar in 1859.

The spot was a pine wilderness, but not for long. Elijah Freeny built the town's first house; E. E. Jackson, later a governor of Maryland, built the first store, and was the town's first postmaster.

It didn't take long for the town to grow. The first schoolhouse was built in 1865. The railroad, later extended to Cape Charles, put shops there and up until recent times was by far the town's biggest employer.

Delmar's ground, of course, goes back beyond a hundred years. Its streets are laid on grants deeded originally to the Calverts, when Little Creek Hundred was considered a part of what is now Somerset County. It was Mason and Dixon and their line that brought part of that section into Delaware. The line is now Delmar's State Street.

Bold Ben

There are other traditions besides the railroad in Delmar. The wilderness in which the town grew was reputed to have been one of the innumerable hideouts in colonial days of "Big Bad Bold Ben Allen," since romanticized in legend and ballad.

Delmar was the point where the invading Union armies entered Delaware during the Civil War. Their purpose: To keep Delaware with the Union. Through Delmar fled hundreds of prospective riflemen for the Confederacy.

The town has had its tragedy. Twice—Aug. 16, 1892, and Oct. 27, 1901—it was virtually destroyed by fire.

Up until a generation ago, Delmar was called the "strawberry capital of the nation," but now the strawberry growers are more concentrated in Pittsville, Md., not far away.

The railroad is still the big employer in Delmar, but the number employed no longer compares to the heyday of the old Delaware road. Other industries now employ many of the residents.

The car and engine shops still operate, Diesels are serviced and dispatched at Delmar, a number of freights come in from both Wilmington and Cape Charles; but there is only one passenger train a day—No. 454, which leaves Delmar at 6:15 p. m. and arrives in Wilmington at 9:45 p. m., and No. 455, which leaves Wilmington at 12:15 a. m. and arrives in Delmar at 3:15 a. m.

Two Governments

Separated throughout its hundred years, Delmar is governed on its Maryland side by a commission president and four commissioners, and on its Delaware side by a mayor and four councilmen. They don't act independently, though. Police, water, schools, are all consolidated.

"We wouldn't have it any other way," says Delmar's (Delaware) Mayor A. E. Hantwerker.

Both sides of the town are certainly united on their birthday celebration next week. With a costume ball Monday night, the historical pageant every night during the rest of the week, they plan to have something doing every minute of the day. They are doing it for their own enjoyment, naturally, but—visitors will be welcome.

The Delaware Pilot.

LEWES, SUSSEX COUNTY, DELAWARE, NOVEMBER 2, 1901

Delmar's Awful Fire.

Sixty-three buildings and the major portion of their contents were consumed in Delmar Saturday afternoon by the most disastrous fire that ever visited a Delaware town. The loss is reported at over one hundred and sixty thousand dollars. Flames started in ex-Speaker William L. Sirman's stables. Burning hay blew about and a heavy wind spread the flames until for ten acres' space all the buildings were a gigantic field of fire. Men fought its progress like demons while women and children grasped cherished property from their homes, only to see much of it destroyed before they could get it away.

Delmar had voted down the legislative plan for a water system because it would create a heavy bonded indebtedness.

From the lack of modern fire-fighting facilities the town has suffered a loss many times the cost of the water system.

The population is composed largely of railroad men who earn fair salaries. Many men there who last week were counted well-to-do are now mental and financial wrecks.

Delmar's Great Fire.

50 DWELLINGS AND ALL THE STORES, SHOPS AND BUSINESS PLACES GONE UP IN SMOKE.

About 1:30 P. M., last Tuesday a fire broke out in Archie Morris' candy store in rear of the post office, which lasted till near midnight, destroying 51 dwellings, 14 stores, two blacksmith shops, one cabinet maker's shop, one wheelwright shop, and all of the railroad buildings except the round house and the tank shed, which were a little north of the town proper.

The depot, freight station, trainmaster's office and the crew's bank shed are completely burned down.

The fine M. E. Church and Parsonage are among the buildings destroyed. Fully 300 people are homeless and were compelled to camp out in the open air during the night.

James Venn, a colored man, was killed by the falling of a chimney, and a number of others were injured and some are missing.

The following is the list of the missing:

Mrs. Anna Rogers, 30 years old and bed-ridden, who was alone in one of the houses when it caught fire.

The 18-months-old daughter of George F. Owens.

Charles McCann, a fireman, who is supposed to be buried in the ruins of German's house.

Frank Gear.

Edward Vert.

Caroline Smith, a school teacher.

LIST OF THE INJURED.

The following is a list of the injured:

George Gordon, Jr.

Samuel Thomas.

Mrs. Hurst.

Charles Hicks.

David Van Houtan.

Mrs. Hurst was taken to Wilmington and will probably die.

In regard to the cause of the conflagration one of the theories is that it had been smouldering since Monday when some men were playing cards in the building in which the fire started.

People moved their goods out as fast as they could and these articles covered an acre of ground.

LOSS.

It is estimated that the loss will be \$200,000. Insurance probably \$85,000 covered by home and foreign companies such as the Royal Lancashire, American, Farmers Mutual and Kent County Mutual.

B. F. Wagaman, of this town had written much of the insurance and went at once to the scene of the disaster, and from him we received most of the above report on the next morning, which may be considered reliable.