

LAWS  
OF THE  
STATE OF DELAWARE,

PASSED AT A

Session of the General Assembly,

COMMENCED AND HELD AT DOVER

ON TUESDAY, JANUARY 4TH, A. D. 1887,

AND IN THE

YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
THE ONE HUNDRED AND ELEVENTH.

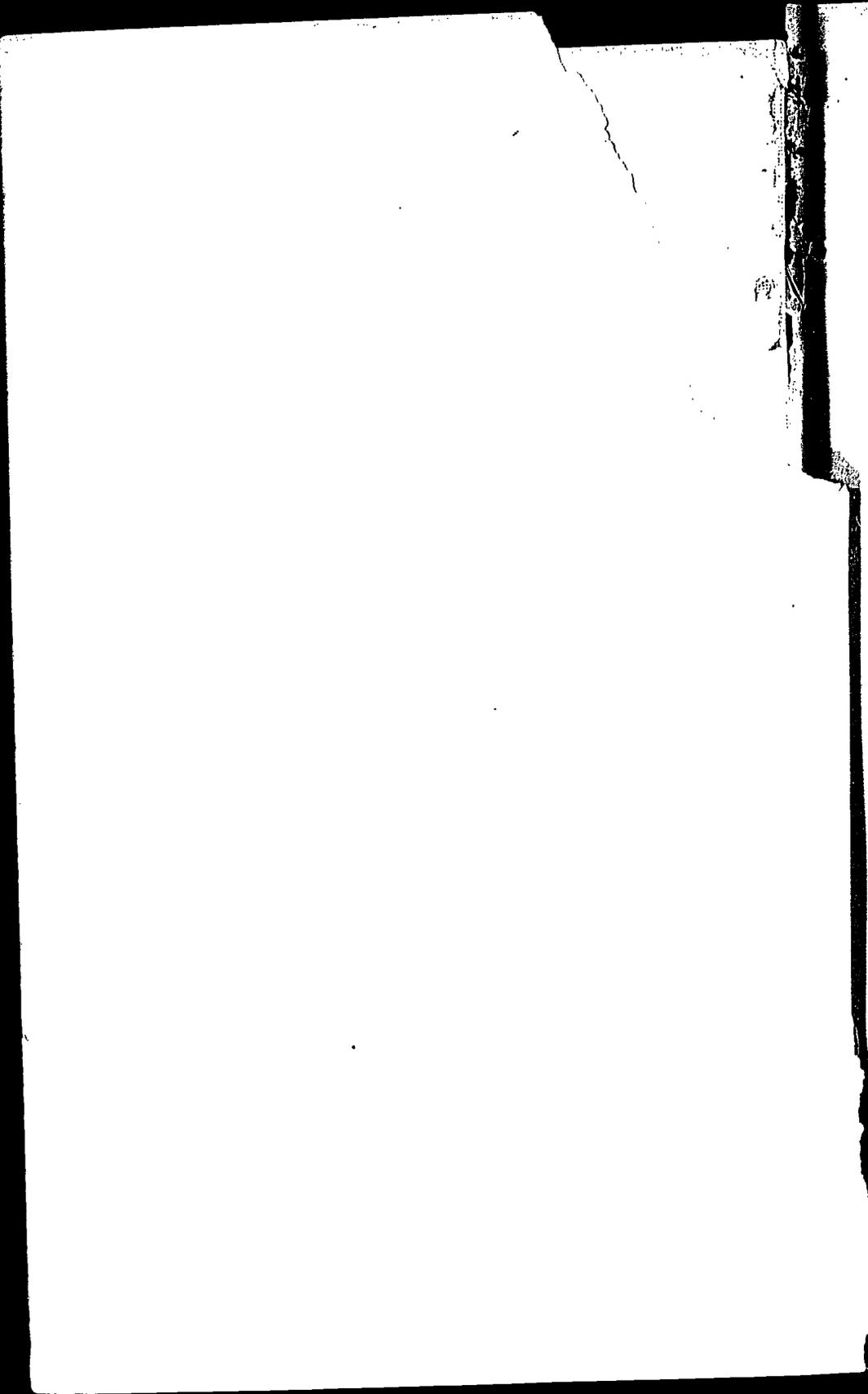
---

VOLUME XVIII—PART I.

---

1887:

PRINTED AT THE OFFICE OF THE DELAWAREAN,  
DOVER, DELAWARE.



# LAWS OF DELAWARE.

## CONSTITUTIONAL CONVENTION.

### CHAPTER I.

#### CALLING OF A CONSTITUTIONAL CONVENTION.

AN ACT to provide an unexceptionable mode of ascertaining the sense of the people upon the question of calling a Constitutional Convention. Constitutional convention.

WHEREAS, The subject of a Convention to revise and amend the Constitution of this State has been agitated among the people; and Preamble.

WHEREAS, This General Assembly, without expressing any opinion as to the necessity of a Convention, deems it to be right and proper to afford an opportunity to the people to make their sense known by enacting such legislation as will better enable them to declare their will in relation thereto; therefore,

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

SECTION 1. On the first Tuesday in November next, a special election shall be held for the purpose of ascertaining the sense of the people of this State upon the question of calling a Convention to change, alter and amend the Constitution of the State. At the said election the citizens of the State entitled to vote for Representatives may have written or printed on their ballots the words "For a Convention," or "Against a Convention." Such ballots may be of any size and form, not exceeding the size now provided by law. Time of holding special election.

SECTION 2. That at said special election to be held as prescribed in Section 1 of this act, the inspectors and judges chosen in the several hundreds throughout the State to hold Kind of ballot used.

Inspectors and judges.

## CONSTITUTIONAL CONVENTION.

the last general election, shall hold said special election. Any vacancy in the said offices shall be filled in the same manner as now prescribed by law.

Place and manner of holding the special election.

SECTION 3. Said election shall be held at the same places, in the same manner and according to the same regulations, so far as they are applicable to the purpose of this act, as are prescribed concerning the general election, and all votes cast shall be tallied, canvassed and certified at the same times, \* in the same manner, at the same places and by the same persons as is prescribed in the act entitled, "An Act regulating the General Election," and any amendments and supplements thereto, for certificates of the result of the General Election. The certificates shall contain a specific statement of the number of votes cast "For a Convention" and "Against a Convention."

Certificates, where returned.

SECTION 4. The certificates of said election shall be returned to the General Assembly in the same manner, by the same persons and in the same way as the certificates of the election of Governor are now returned.

Duty of the General Assembly.

SECTION 5. The General Assembly, to whom the said certificates have been delivered, shall, on the second Wednesday after its organization, meet in joint session in the hall of the House of Representatives and ascertain the result of the vote cast upon the calling of a Convention; and, if it shall appear from the certificates so returned as aforesaid, that a majority of all the citizens in the State, having \* right to vote for Representatives, have voted for a Convention, such majority to be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a Convention, except when they may be less than the whole number of votes voted both for and against a Convention, in which case the said majority to be ascertained by reference to the number of votes given on the day of voting for or against a Convention shall call a Convention and provide by law for the holding of an election for delegates to said Convention.

Duty of the Sheriff and other officers.

SECTION 6. It shall be the duty of the sheriffs or other officers to whom the ballot-boxes used at said election are delivered according to law, to keep the said boxes and the ballots therein contained safely until after the meeting of the General Assembly next after the said election, and to hold the said boxes with the ballots therein, subject to the order of said General Assembly.

*Passed at Dover, April 6, 1887.*

\*So enrolled.

## OF PASSING AND PUBLISHING LAWS.

## CHAPTER 2.

## OF THE PASSING AND PUBLICATION OF LAWS.

## AN ACT to Revive and Extend the Time of Recording Private Acts.

WHEREAS, by Chapter 4 of Section 3 of the Revised Statutes of the State of Delaware it is provided that private statutes (namely, such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they will be void; and,

WHEREAS, a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore,

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

SECTION 1. That all unpublished acts heretofore passed which have not by special acts been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof procured of the Secretary of State shall be duly recorded in the Recorder's Office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act and be published as such.

*Passed at Dover, April 21, 1887.*

## TITLE FIRST.

Of the Public Revenue and the Assessment, Collection  
and Appropriation of Taxes.

### CHAPTER 3.

OF THE REVENUE OF THE STATE.

AN ACT to Provide a Mode for the Refunding of a Part of the Public  
Debt of this State at a Lower Rate of Interest.

**Preamble.** WHEREAS, it is apparent that the revenues of the State will be insufficient to provide the means for payment, at maturity, of the whole of that part of the public debt of this State represented by the three hundred bonds, of one thousand dollars each, designated as Series "B," by the act passed March 16, 1881, under authority of which they were issued, and

**Further preamble.** WHEREAS, in view of the low rates of interest now prevailing on the public obligations of States whose public faith and credit have been maintained inviolate, it is considered probable that this State may negotiate a loan at the rate of interest of three per centum per annum; and it is therefore deemed judicious to provide a method for refunding two hundred and fifty (250) of the bonds of said Series "B" at the rate of three per centum interest per annum, so that the necessary authority may exist to effect such refunding in the event it shall prove practicable to do so; therefore,

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

**Proposal for loan.** SECTION 1. That if any individual, firm, or corporation shall, on or before the twenty-fifth day of May, A. D. 1887, signify in writing to the State Treasurer a willingness and purpose to loan to the State the sum of two hundred and fifty thousand dollars at a rate of interest of three per centum; and shall also accompany such written signification

## OF THE REVENUE OF THE STATE.

with a certified check for the sum of five thousand dollars to the order of the State Treasurer as an earnest of the *bona fides* of such purpose and intention; and shall, also, on the said twenty-fifth day of May, A. D., 1887, and before the hour of three o'clock P. M., on that day deposit with the said State Treasurer at his office in the town of Dover the further sum of two hundred and forty-five thousand dollars, either in cash or a check or checks duly certified, the said sum shall be received and accepted as a loan to the State of Delaware at the rate of three per centum per annum; and such loan shall be secured, principal and interest, by the bonds of the State, to be prepared, issued and delivered to the party so loaning the said sum, in the manner and subject to the condition hereinafter prescribed.

SECTION 2. Immediately after the whole of said sum of two hundred and fifty thousand dollars shall have been received by the said State Treasurer as provided by the preceding Section, it shall be and is hereby expressly made his duty forthwith to cause to be prepared two hundred and fifty bonds of the State of Delaware of the denomination of one thousand dollars each with coupons or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 250 inclusive, shall be dated the first day of June, A. D. 1887, and shall bear interest from and after that date at the rate of three per centum per annum, payable semi-annually on the first days of June and December in each and every year while they remain unpaid, at the Philadelphia National Bank, in the city of Philadelphia, on presentation of the coupon representing such semi-annual instalment of interest. The principal of the said bonds shall be payable on the first day of June, A. D. 1907, at the said Philadelphia National Bank on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of June or first day of December in or after the year A. D. 1897, upon thirty days' notice published in one newspaper in the city of Philadelphia and one newspaper in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed. *Provided, however,* that in every call or calls so to be made by the said State Treasurer the bonds lowest in number shall be first called. The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer on behalf of the State, and shall have the Great Seal impressed thereon or affixed thereto. The signature of the State Treasurer shall be engraved or printed on

Guarantee.

Payment of whole amount, when and how made.

Preparation of State bonds by State Treasurer.

Denomination and character of bonds. Date of bonds. Rate of interest.

When and where payable.

Redemption, when made.

Notice given of calling in of bonds, how made.

How signed and executed.

## OF THE REVENUE OF THE STATE.

each coupon, and the coupons attached to each bond shall be consecutively numbered from 1 to 40 inclusive.

SECTION 3. The said bonds authorized to be issued by this act, shall be in the following form, to wit:

Form of  
bond.

UNITED STATES OF AMERICA,  
STATE OF DELAWARE.

No. \_\_\_\_\_ Loan of 1887.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at "The Philadelphia National Bank," in the city of Philadelphia, on the first day of June, A. D. 1907, with interest at the rate of three per centum per annum, likewise payable at the said "The Philadelphia National Bank" on the first days of June and December in each and every year whilst the said principal sum remains unpaid, on the presentation of the coupon hereto annexed representing such semi-annual instalment of interest. *Provided, however,* and it is expressly stipulated, that the said State reserves the right and power at its option to call in, pay and redeem this bond on any first day of June or December in or after the year A. D. 1897, pursuant to the notice in that behalf prescribed by act of Assembly under authority of which this bond is issued: *And provided further,* that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of June or December (as the case may be) next succeeding the date of such notice.

Dated at Dover, the first day of June, A. D. 1887.

Witness the Great Seal of the said State and  
[GREAT SEAL.] the hands of the Governor, Secretary of  
State and State Treasurer, the day and  
year aforesaid.

\_\_\_\_\_, Governor,  
\_\_\_\_\_, Secretary of State,  
\_\_\_\_\_, State Treasurer.

And the coupon shall be in the following form, to wit:

"No. \_\_\_\_\_,"

"The State of Delaware will pay to bearer at the Philadelphia National Bank, in the City of Philadelphia, on the first day of \_\_\_\_\_ A. D. \_\_\_\_\_, the sum of fifteen dollars for six months interest on bond No. \_\_\_\_\_, loan of 1887, dated June 1, 1887.

\_\_\_\_\_, State Treasurer."

## OF THE REVENUE OF THE STATE.

As soon as the said bonds shall have been signed and sealed as by this act authorized, the State Treasurer shall forthwith deliver the same to the party who shall have deposited with him the said sum of two hundred and fifty thousand dollars, taking his receipt therefor, and shall deliver such receipt to the Secretary of State to be recorded in the official register and filed in his office. It shall also be the duty of the State Treasurer to provide a record of proper size and proportions, to be retained in his office, so ruled as to afford a separate space for each coupon and a space at the top of each page of said record for each bond when paid or redeemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is intended to be therein preserved. As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "paid," cut each of them in two lengthwise, and paste the pieces in the appropriate space for such coupon in the record aforesaid; and, as the said bonds shall be paid or redeemed, the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof, in red ink, the following words: "This bond paid (or redeemed as the case may be) this \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_, by the payment of the sum of \$1,000 principal and \_\_\_\_\_ dollars interest represented by coupon No. \_\_\_\_\_ by \_\_\_\_\_, State Treasurer."

Delivery of bonds by the State Treasurer to successful bidder.

Record of State Treasurer.

Cancelling of coupons.

Bonds, how and when cancelled.

And all coupons unmatured and surrendered with each bond redeemed shall each likewise be endorsed "Cancelled by the redemption of bond No. \_\_\_\_\_" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate spaces in the record aforesaid, and all coupons paid or surrendered shall likewise be pasted in their appropriate space in such record.

Pasting of cancelled bonds and coupons in proper record.

SECTION 4. In case more than one person, firm, or corporation shall signify a willingness and purpose to make the loan to the State by this act invited and authorized, and shall accompany such signification by a deposit of five thousand dollars, as provided by Section 1 of this act, the party whose written signification and deposit shall be first delivered after the passage of this act to the State Treasurer, shall have preference and priority, and shall, upon making the further deposit on the twenty-fifth day of May, A. D. 1887, and not otherwise, be entitled to receive the whole of the bonds authorized by

In case of like bids how award shall be made.

## OF THE REVENUE OF THE STATE.

Upon failure or non-compliance forfeiture of guarantee to the State.

Duty of State Treasurer upon receipt of application.

State Treasurer shall give receipt.

Form of receipt.

this act to be issued. But if the party who would otherwise be entitled to such preference and priority shall fail to make the deposit of two hundred and forty-five thousand dollars as required by Section 1 of this act, the sum of five thousand dollars so deposited by him shall be absolutely forfeited to the State for and on account of such default. The State Treasurer shall, immediately on receiving any written signification of willingness to make the loan by this act invited and authorized, accompanied by the deposit of five thousand dollars, give to the party so signifying and depositing an acknowledgment in writing, under his hand as State Treasurer, of the fact of the receipt by him of such signification and deposit and stating therein, as to the party making the first signification and deposit, that it is the first received by him, and that such party will, on making the further deposit of two hundred and forty-five thousand dollars, be entitled to receive the whole of the bonds authorized to be issued by this act. When such party shall have made the whole deposit of two hundred and fifty thousand dollars, the State Treasurer shall give such party an acknowledgment therefor in the following form:

STATE TREASURER'S OFFICE, STATE OF DELAWARE,  
DOVER, DEL., May 25, 1887.

I, \_\_\_\_\_, State Treasurer of the State of Delaware, do hereby certify that I have received on behalf of the said State from \_\_\_\_\_, of \_\_\_\_\_, the sum of *Two Hundred and Fifty Thousand Dollars*, loaned to the said State pursuant to the provisions of the act of \_\_\_\_\_ A. D., 1887, and to secure the said loan the bonds of the said State to the said amount to be dated June 1st, 1887, and to bear interest from and after that date at the rate of three per centum per annum, as provided for by said act will be delivered to the said \_\_\_\_\_ as soon as they can be prepared and executed in accordance with the terms of the said act.

\_\_\_\_\_, *State Treasurer.*

Public faith pledged.

Bonds exempt from taxation.

SECTION 5. That the public faith is hereby expressly pledged for the full and complete payment of the loan, principal and interest, by this act invited and authorized, and the bonds hereby authorized to be issued to secure the same; and that the said bond shall be exempt from taxation by this State for any purpose, and the State Treasurer is hereby authorized and directed to cause all blanks in the forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled.