

LAWS
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

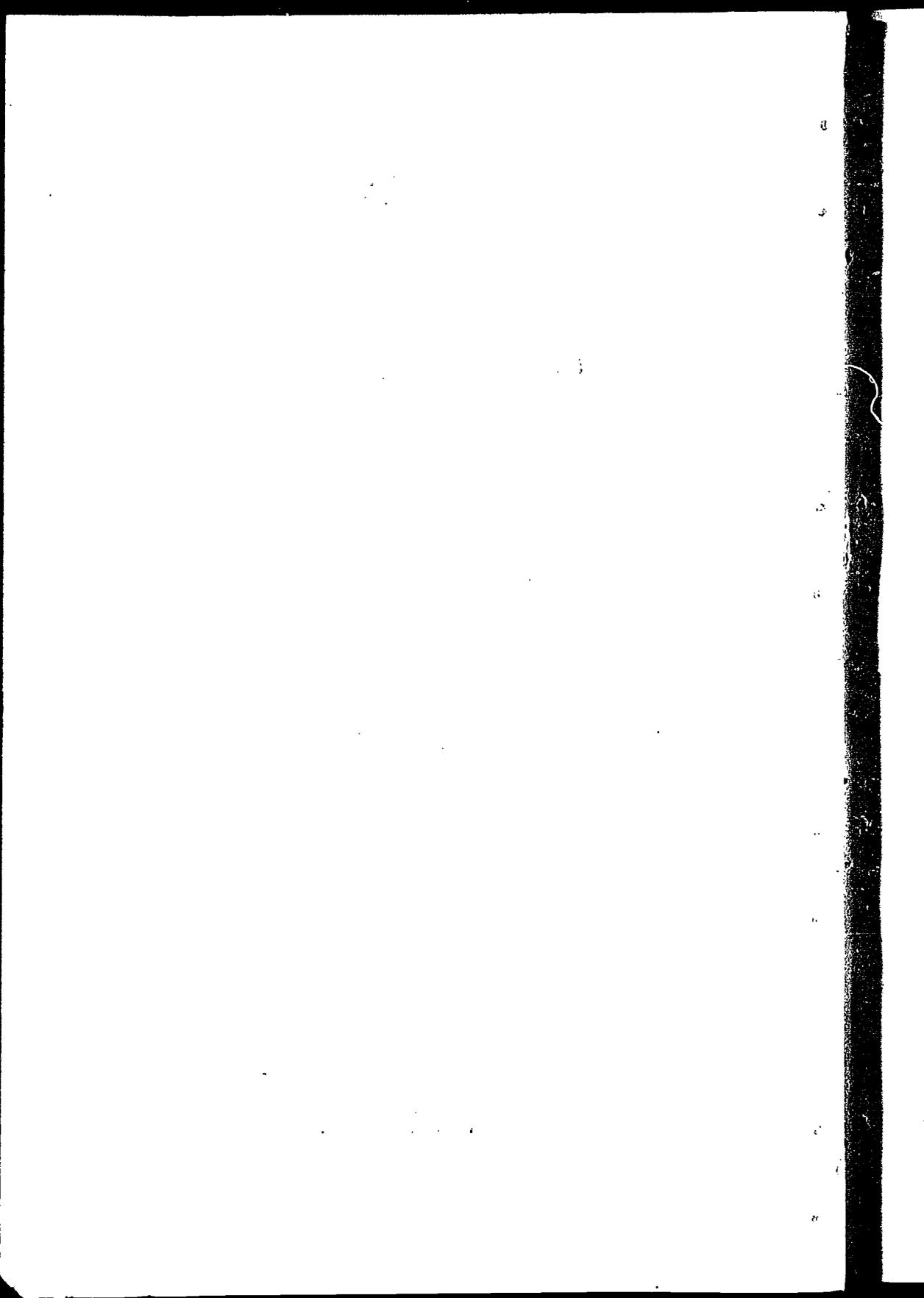
On Tuesday, January 1, A.D. 1901

AND

**IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND TWENTY-FIFTH**

VOLUME XXII—Part I.

1901.
PRESS OF THE MILFORD CHRONICLE,
MILFORD, DELAWARE.



LAWS OF DELAWARE.

CHAPTER 1.

AMENDMENTS TO THE CONSTITUTION.

House Amendment to House Bill No. 217.

Strike out all of the bill after the word "State" in the third line of Section 1 of the bill and insert in lieu thereof the following: Amendment to Section 1 of the Bill.

"First, That all of Section 3 of Article 9 of the Constitution of this State after the word 'Corporation,' where it occurs the second time in Section 3, be stricken out."

Section 2. That Section 6 of said Article 9 be stricken out and in lieu thereof substitute and adopt the following, viz.: Amendment to and Paragraph of Section 1 of the Bill.

Section 6. Shares of the capital stock of corporations created under the laws of this State, when owned by persons or corporations without this State, shall not be subject to taxation by any law now existing or hereafter to be made. Proposed Amendment to Section 6 of Article 9 of the Constitution.

An Act proposing amendments to Article 9 of the Constitution of the State of Delaware concerning Corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House agreeing):

Section 1. That the following amendments be and the same are hereby proposed to Article 9 of the Constitution of this State: Proposed Amendment to Article 9 of the Constitution.

First. That all of Section 3 of Article 9 of the Constitution of this State be stricken out and in lieu thereof substitute and adopt the following, viz.:

AMENDMENTS TO THE CONSTITUTION.

Proposed
Amendment in
lieu of Section
3 of Article 9 of
the Constitution.

"Section 3. Shares of the capital stock of Corporations created under the laws of this State, when owned by persons not residing herein, shall not be subject to taxation by any law now existing or hereafter enacted."

Second. That all of Section 6 of Article 9 of the Constitution of this State be stricken out.

Approved March 9, A. D. 1901.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its
Legislation and Laws.

CHAPTER 2.

OF LIMITS.

AN ACT TO ESTABLISH BULKHEAD, WHARF AND PIER LINES ON THE
DELAWARE RIVER, IN FRONT OF THE CITY OF WILMINGTON AND
VICINITY.

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

Section 1. That the bulkhead line or lines of solid filling, and the pier line in the tide-waters of the River Delaware, lying between the Christiana River and the northerly boundary of Edgemoor, opposite the City of Wilmington and Edgemoor, as fixed, established and adopted, or hereafter to be fixed, established and adopted, by the Secretary of War of the United States, under the acts of Congress in that behalf, are hereby adopted and declared to be fixed and established as the exterior bulkhead and pier lines between the points aforesaid, as such exterior bulkhead and pier lines so fixed, established and adopted, are or may hereafter be shown upon the manuscript map or maps, report or reports, filed in the office of the said Secretary of War or War Department.

Exterior bulkhead and pier lines to be established and adopted by the Secretary of War.

Section 2. That the Secretary of State is hereby authorized and directed to procure duplicate copies of the said manuscript map or maps, report or reports, accompanying the same, from time to time, and file one of said copies in his office at Dover, and the other of said copies in the office of the Recorder of Deeds

Secretary of State to procure duplicate copies of maps, &c.
To file one in his office, another in office Recorder of Deeds, New

OF LIMITS.

Castle County. When filed shall be evidence. for New Castle County; which said copies when so filed, or certified copies thereof, shall be competent evidence for all purposes.

Not lawful to fill in between established points beyond bulkhead lines.

Section 3. That it shall not be lawful to fill in with earth, stone or other solid material in the tide-waters of said river between the aforesaid points, beyond the bulkhead line or lines of solid filling by this act adopted, fixed, established, laid down and exhibited on the aforesaid map or maps, report or reports, except in the construction of duly authorized piers; and no erection or structure of any kind shall hereafter be erected, allowed or maintained beyond or exterior to the aforesaid bulkhead line or lines of solid filling, except duly authorized piers which shall not be less than one hundred and fifty feet distant one from the other, and which shall in no case extend beyond the lines indicated for piers on said map or maps, report or reports.

Littoral proprietors may erect bulkheads, etc.

Section 4. That the littoral proprietors abutting on the River Delaware, between Christiana River and the northerly boundary of Edgemoor, are hereby respectively authorized and empowered to erect bulkheads, wharves and piers on the line or lines now or hereafter to be fixed, established and adopted as provided in Section one (1) of this act, opposite their respective littoral holdings on said river, between said Christiana River and the northerly boundary of Edgemoor; and to fill in with earth, stones or other material, the space or spaces between said bulkhead line or lines of solid filling, shown or exhibited on the map or maps, report or reports aforesaid, and the westerly bank of said river, (designating the high water mark thereof), between said Christiana River and the northerly boundary of Edgemoor aforesaid.

United States may utilize space for deposit of dredging material.

Provided, that nothing herein contained shall operate to prevent the United States from utilizing all or any portion of the space between said bulkhead and the westerly bank of said river for the deposit of dredged material taken from said River Delaware in the progress of the improvement thereof, not exceeding twelve feet in height above mean low water. And provided, further, that the filling in of said space between said lines by any littoral proprietor shall be under and subject to the regulations of the War Department of the United States.

Filling in subject to regulations of War Department.

Land so made to vest in fee in littoral proprietors.

Section 5. That the land under the waters of said river, within the limits aforesaid as hereafter determined, on the front of the littoral holdings of said littoral proprietors respectively, and between the bulkhead line or lines of solid filling, as shown and exhibited on the maps aforesaid, and the westerly bank of said

OF LIMITS.

river, (designating the high water mark thereof), shall vest in fee in said littoral proprietors, their heirs, executors, administrators, successors and assigns, respectively. And when a suitable bulkhead shall have been constructed front of any of said littoral holdings, of any of said littoral proprietors, it shall be the duty of the Attorney General, upon satisfactory evidence to him of that fact, and the tender to him of the reasonable and necessary expenses of preparing the conveyance or conveyances hereinafter named, to seasonably prepare, and of the Secretary of State to forthwith execute under the seal of the State, a grant assuring to said littoral proprietors, respectively, their heirs, executors, administrators, successors and assigns, the lands under water in front of their respective littoral holdings aforesaid, between said bulkhead line and the said river bank.

Attorney General and Secretary of State to prepare grants therefor.

Section 6. The breadth of water front appertaining to each littoral proprietor or owner of land abutting on the said river bank shall be determined by protracting the line of the land to the bulkhead line established under this Act, wherever the protraction of said lines would not result in giving the said owner more, or to any other littoral proprietor less, than his proportionate share of frontage on said bulkhead line; and in case of a conflict arising from the divergence or convergence of the lines of said littoral proprietors, or of the public streets, the Attorney General is hereby authorized and empowered to settle the said lines outside of said river bank so that equal justice shall be done to all concerned.

Lengths of water front determined by extending lines of lands to bulkhead line.

Attorney General to have jurisdiction in case of dispute.

Section 7. That it may and shall be lawful for the said littoral proprietors, respectively, to own and hold all bulkheads, docks, wharves, buildings and piers that hereafter may be erected pursuant to this act on the front of their littoral holdings respectively; and to use, possess, repair, and keep the same in order, and to lay any steamboat, vessel, or other craft at the same; and to demand, take, sue for, and recover reasonable wharfage, demurrage, rent or dockage of and from any steamboat, vessel, or other craft using the same, and from all persons who may use said bulkhead, docks, wharves, buildings and piers in any way whatsoever, and shall also be authorized to sue for and recover any damage that may be done to the same.

Littoral proprietors may own bulkheads and recover wharfage, &c.

Section 8. This act shall be deemed and taken to be a public act and shall be published as such; and that all acts and parts of

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acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 8, A. D. 1901.