

LAWS
OF THE
STATE OF DELAWARE

PASSED AT THE
NINETY-FOURTH SESSION
OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 7th, A. D. 1913

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND THIRTY-SEVENTH

VOLUME XXVII

THE DELAWARE LEADER
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LAWS OF DELAWARE

TITLE FIRST

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

CHAPTER 1.

AMENDMENT TO CONSTITUTION.

AN ACT proposing an amendment to Section 10 of Article II of the Constitution of the State of Delaware, in relation to the Journals of the Legislature.

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

Section 1. That Section 10 of Article II of the Constitution of the State of Delaware be amended by striking out all of said Section 10 of Article II, and inserting in lieu thereof the following:—

“Section 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy. The names of the members voting for and against any bill or joint resolution, except in relation to adjournment,

Sec. 10 of Article 2 to be amended

Each house to keep a journal and publish the same

Names of members voting to be entered in journal

AMENDMENT TO CONSTITUTION.

No bill, or
joint resolution
to pass unless
final vote be
taken by yeas
and nays, nor
without con-
currence of a
majority of all
members
elected

shall on the final vote be entered on the journal; and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, nor without the concurrence of a majority of all the members elected to each House."

Approved February 28, A. D. 1913.

AMENDMENT TO CONSTITUTION.

CHAPTER 2.

AMENDMENT TO CONSTITUTION.

AN ACT to amend Section 19, Article 2, of the Constitution of the State of Delaware.

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

Section 1. That Section 19, Article 2, of the Constitution of the State of Delaware, be amended by adding to the end thereof the following words "provided, however, that the Geenral Assembly may by a vote of two-thirds of all the members elected to each House pass laws relating to the laying out, opening, alteration or maintenance of any road or highway which forms a continuous road or highway extending through at least a portion of the three counties of the State."

Sec. 19
Article 2, of
Constitution
amended

Approved March 17, A. D. 1913.

AMENDMENT TO CONSTITUTION.

CHAPTER 3.

AMENDMENT TO CONSTITUTION.

AN ACT proposing certain amendments to Article IV of the Constitution of this State, relating to the number of Judges constituting a quorum in the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer, the sessions of said courts, and the distribution of the business therein, respectively.

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

Sec. 5, Article
4, of the
Constitution
amended

Judges to des-
ignate who
shall hold court

No more than
three shall sit

Who shall
preside

Quorum

Section 1. That Section 5 of Article IV of the Constitution of this State be, and the same is, hereby amended by striking out all of said Section after the first paragraph thereof and substituting therefor the following new paragraph, to wit:

“The said five judges shall designate those of their number who shall hold the said Courts in the several Counties. No more than three of them shall sit together in any of the said Courts. In each of the said Courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

One shall constitute a quorum in the said Courts, respectively, except in the Court of Oyer and Terminer, where three shall constitute a quorum, and except in the Superior Court sitting to hear appeals from the Orphans' Court or a Register's Court, when two shall constitute a quorum, and except in the Court of General Sessions sitting to try cases of prosecution under Section 8 of Article V of this Constitution or sitting to hear

AMENDMENT TO CONSTITUTION.

contested applications for license to sell intoxicating liquors, when two shall constitute a quorum. One judge may open and adjourn any of said Courts." One may open and adjourn Court

Section 2. That Article IV of the Constitution of this State be, and the same is, hereby amended by striking out all of Section 6 thereof and substituting therefor the following new Section 6, to wit: Article 4 further amended

"Section 6. Subject to the provisions of Section 5 of this Article, two or more sessions of the Superior Court, or Court of General Sessions, or one or more sessions of each of the said Court, or one Session of the Court of Oyer and Terminer and one or two of either, or one of each of the other of the said courts may at the same time be held in the same County or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively." Two or more sessions may be held at same time

Approved March 12, A. D. 1913.

OF THE SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 4.

OF THE SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT in relation to the title of lands taken or held by Sussex County.

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

Sussex County
to hold title in
name of "The
State of Del.,
for the use of
Sussex Co."

Section 1. Whenever it shall be necessary for the County of Sussex to take or hold the title to any real estate the same shall be taken and held in the name of "The State of Delaware for the use of Sussex County".

Trustee or
Trustees now
holding lands
to convey same

Section 2. Any Trustee or Trustees now holding lands for the use of Sussex County is hereby authorized and directed to convey the same in fee simple to "The State of Delaware for the use of Sussex County."

Approved March 12, A. D. 1913.

OF PUBLIC LANDS.

CHAPTER 5.

OF PUBLIC LANDS.

AN ACT providing for a permanent Public Lands Commission for the State of Delaware, and making an appropriation to carry out the provisions of this Act.

WHEREAS there is a great amount of public land within the State of Delaware the boundaries of which have not been ascertained, and

WHEREAS it is impossible for the State under present conditions to dispose of said lands when an opportunity shall offer, and

WHEREAS there is at present no supervision of said public lands, therefore,

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

Section 1. That Dr. Hiram R. Burton, Richard R. Kenney, Harry J. Anderson and Edward G. Walls be and they are hereby created and constituted a Commission to ascertain the location of the public lands of the State of Delaware and to have the same surveyed and plotted and to have general supervision over said public lands. Said Commission shall, after having the said lands plotted, have said plots recorded in the office of the Recorder of Deeds in the County in which any such land may lie.

Commissioners named

To have public lands surveyed and plotted

Record plots with Recorder of Deeds

Section 2. Of said Commission Dr. Hiram R. Burton and Edward G. Walls shall serve for the term of

Limitations of terms of Commissioners named in this act

OF PUBLIC LANDS.

two years and Richard R. Kenney and Harry J. Anderson shall serve for the term of four years. At the expiration of the term of any of the members of said Commission the Governor shall appoint successors of the same political party as those who previously held said position for a term of four years each, so that not more than two of said Commissioners shall at any one time belong to the same political party.

Governor to
appoint suc-
cessors

No more than
two to be of
same political
party

Compensation
of Commis-
sioners

Authorized to
employ help

Section 3. The said Commission shall receive a compensation of Five Dollars per day for each Commissioner and shall be authorized to employ a Surveyor or Surveyors, Attorney or Attorneys, or any other assistants necessary to carry out the provisions of this Act.

To divide land
into tracts

Empowered to
execute and de-
liver deed for
a tract deemed
advisable to be
sold

Authorized to
acquire expen-
diture on land
purchased. if
advisable

Section 4. Said Commission shall have authority by and with the approval of the Governor to divide said lands into tracts of fifty acres or less, and such Commissioners together with the Governor are hereby authorized and empowered to execute and deliver good and sufficient Deed for any part of said public lands, being fifty acres or less, in extent whenever said Commission and Governor shall deem it advisable to sell such tract or any part of any such fifty acre tract. The said Commission is authorized, if they shall deem it expedient, to require the expenditure of a certain amount of money upon any such tract of land by any person or persons purchasing or of placing on such sale any other conditions which they may deem advisable for the public good.

Commission to
supervise sale
of products
raised on pub-
lic lands

Section 5. The said Commission is hereby authorized and directed to care for the public land of the State of Delaware and supervise the sale of any material product such as hay, which may be grown or may grow upon any such land, and make return of their proceeds, showing the amount of receipts and expenditures to the next General Assembly of the State of Delaware.