

LAWS
OF THE
STATE OF DELAWARE
PASSED AT THE
NINETY-SIXTH SESSION
OF THE GENERAL ASSEMBLY.

COMMENCED AND HELD AT DOVER

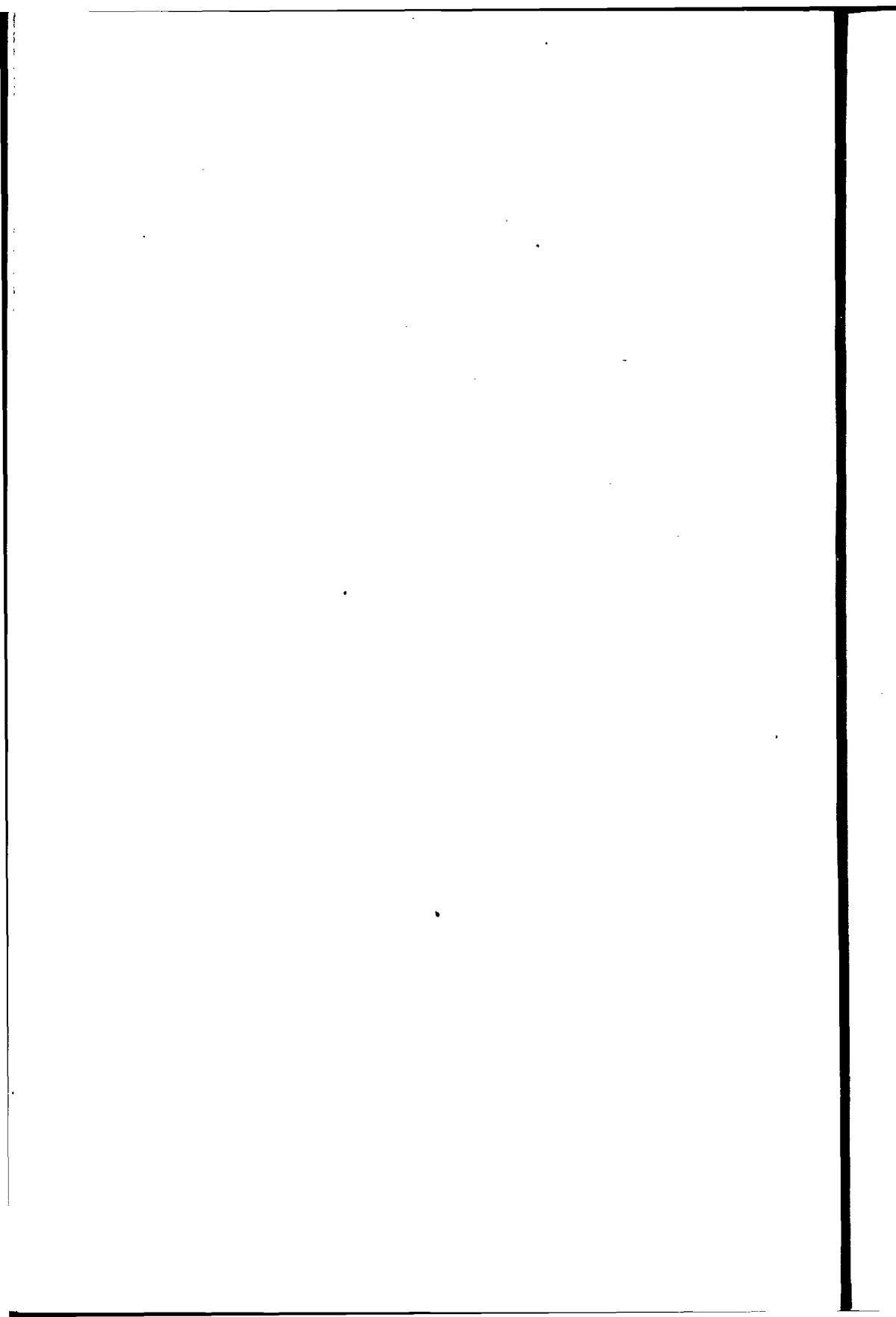
On Tuesday, January 2d, A. D. 1917

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDREDTH AND FORTY-FIRST

VOLUME XXIX

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LAWS OF DELAWARE

TITLE ONE

Construction of Statutes

CHAPTER 1.

AMENDMENT TO CONSTITUTION.

AN ACT Proposing an Amendment to Section 15, of Article II, of the Constitution of the State of Delaware, Relating to the Compensation of the Members and Presiding Officers of the General Assembly.

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 concurring therein):

Section 1. That Section 15 of Article II of the Constitu-^{Sec. 15}tion of the State of Delaware be amended by striking out all ^{Article 2}of the first paragraph of the said Section 15 of Article II, and inserting in lieu thereof the following:

"The members of the General Assembly, except the pre-^{Compensa-}siding officers of the respective Houses, shall receive as ^{tion}compensation for their services a per diem allowance of ten dollars, and the presiding officers a per diem allowance of twelve dollars for each day of the session, not exceeding sixty days; and should they remain longer in session they shall serve without compensation. In case a special or extra session of the General Assembly be called, the members and presiding officers shall receive like compensation for a period not exceeding thirty days."

Approved April 9, A. D. 1917.

AMENDMENT TO CONSTITUTION.

CHAPTER 2.

AMENDMENT TO CONSTITUTION.

AN ACT to Amend Article 3, of the Constitution of the State of Delaware, in relation to the power of the Governor to remove certain officers under certain conditions.

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 concurring therein):

Sec. 13
Article 3

Section 1. That Sec. 13, of Article 3, of the Constitution of the State of Delaware, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof a new section to be styled Section 13, as follows:

Removal
from office

“Sec. 13. The Governor may, for any reasonable cause, remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each House of the General Assembly. Whenever the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Notice and
cause

The Governor shall have power to remove any officer appointed by him, except the Chancellor and the five Law Judges, of his own volition, when the General Assembly is not in session. In such case, however, such removal shall only be made for cause, and the person so removed shall receive from the Governor a statement in writing of the

AMENDMENT TO CONSTITUTION.

cause of causes for which said removal was made within ten days after the removal as aforesaid, and, if this be not done, said removal shall be null and void.

The person or persons so removed shall have the right, ^{Rights of}_{appeal} within thirty days after said removal, to appeal to the Superior Court of the County in which he or they reside at the time of said removal for reinstatement to said office; and, if upon hearing in said Court, the Court should consider that said removal should not have been so made, then and in that case, the person so unjustly removed shall forthwith be reinstated in said office. If the said Court should sustain the Governor in said removal, the same shall stand and the decision shall be final."

Approved March 15, A. D. 1917.

AMENDMENT TO CONSTITUTION.

CHAPTER 3.

AMENDMENT TO CONSTITUTION.

AN ACT Proposing an Amendment to Section 4 of Article IV of the Constitution of the State of Delaware in relation to the time for the payment of the salaries of the Judiciary.

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 concurring therein):

Sec. 4 of
Article 4

Section 1. That Section 4 of Article IV, of the Constitution of the State of Delaware be amended by striking out all of Section 4 of said Article IV and inserting in lieu thereof the following:

Chancellor
and Judges'
Compensa-
tion

"The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services, a compensation which shall be fixed by law, and paid monthly, and shall not be less than the annual sum of Three Thousand Dollars, and they shall not receive any fees or perquisites in addition to their salaries, for business done by them, except as provided by law. They shall hold no other office of profit."

Approved March 22, A. D. 1917.

AMENDMENT TO CONSTITUTION.

CHAPTER 4.

AMENDMENT TO CONSTITUTION.

AN ACT to Amend Section 11, Article IV, of the Constitution of the State of Delaware in relation to the Orphans' Court.

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 11, of Article IV, of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof a New Section to be styled Section 11, as follows:

"Section 11. The Orphans' Court in each County shall consist of the Chancellor and either the resident Judge of the County, or the Associate Judge who may reside in any part of the State. The Chancellor when present shall preside. One of them shall constitute a quorum."

Approved April 19, A. D. 1917.

TITLE TWO

Jurisdiction and Property of the State

CHAPTER 5.

STATE HOUSE AND STATE OFFICES.

AN ACT entitled "An Act authorizing the State of Delaware to purchase the Kent County Office Property known as 'The County Building,' and also authorizing the Levy Court of Kent County to sell the said County Building and to alter, remodel and add to the Kent County Court House, and to use such parts of the said Court House as may be necessary for County offices, and to move the County Records thereto."

WHEREAS, a Senate Concurrent Resolution providing for the appointment of a joint committee from the House and Senate to confer with the Levy Court of Kent County with regard to the purchase by the State of Delaware of the Kent County Office Building property, known as "The County Building," situated in the Town of Dover, Kent County and State of Delaware, was passed by the Senate on the Twenty-first day of February, A. D. 1917, and concurred in by the House of Representatives on the Twenty-sixth day of February, A. D. 1917; said Resolution being number three;

AND WHEREAS, it was, also, provided by said Resolution that the committee named therein should make a report, by bill or otherwise, to either House of the General Assembly on or before the Fifth day of March, A. D. 1917;

STATE HOUSE AND STATE OFFICES.

AND WHEREAS, the said Levy Court of Kent County is willing to sell said property at the sum of Twenty-five Thousand Dollars (\$25,000.00), and to give possession of the same on the first day of July, A. D. 1918;

AND WHEREAS, the committee appointed by said Resolution approves of the purchase of said property at said price.

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

Section 1. That the Governor be, and hereby is, authorized, directed and empowered to purchase, on behalf of the State of Delaware, all that certain lot, piece or parcel of land and premises, upon which is erected the Kent County office building, known as "The County Building," and lying on the East side of the Green in the Town of Dover, Kent County and State of Delaware, and on the North side of Court Street of said Town, leading from said Green in an Easterly direction; said lot having a front of about sixty-three and one-half ($63\frac{1}{2}$) feet, and a depth on said Court Street of about seventy-seven and forty-five hundredths ($77\frac{45}{100}$) feet, and being bounded on the North by lands of James A. Downes and other lands of said Kent County; on the East by other lands of said Kent County, on the South by said Court Street, and on the West, in part, by said Dover Green, and, in part, by lands of Walter Morris; provided that said purchase can be effected for the sum of Twenty-five Thousand (\$25,000.00) Dollars. If said property shall be so purchased, the Governor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the Treasurer of Kent County for the amount of said purchase price.

Section 2. The President of the Levy Court of Kent County is hereby authorized, directed and empowered to execute, acknowledge and deliver a good and sufficient deed conveying the above mentioned property to the State of Delaware in fee simple, when duly authorized by a Resolution of the said Levy Court of Kent County.

STATE HOUSE AND STATE OFFICES.

Proviso

The deed herein provided for shall vest in the grantee therein named all of the right, title and interest, whether legal or equitable, of the said Levy Court of Kent County, Delaware, or of the said Kent County, in all of the lands and premises mentioned and described in Section 1 hereof; subject, however, to a reservation or exception, which shall be inserted in said deed, providing that possession of said property shall be retained by the said Levy Court of Kent County until July 1st, A. D. 1918.

Levy Court
authorized
to remodel
Court
House

Section 3. That the said Levy Court of Kent County is hereby authorized and empowered to alter, remodel and add to the Kent County Court House, as it may deem necessary and proper for its use for the County Offices of Kent County, and as a depository for the County records, and the said Levy Court is hereby given full power and authority to do and perform any and all acts, matters and things that may be necessary and proper to carry out the provisions of this section.

Transfer of
County
offices

Section 4. That upon the completion of the said alterations, changes and additions to the said Court House, provided for in Section 3 hereof, the said Levy Court is, also, authorized and empowered to transfer the County Offices, and all of the books and papers pertaining to them, to the said Court House; making such assignments of the offices in the same, as it may deem proper.

Approved April 2, A. D. 1917.