

LAWS
OF THE
STATE OF DELAWARE

PASSED AT A
SPECIAL SESSION

OF THE
NINETY-SIXTH GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Monday, March 11th, A. D. 1918

AND

In the Year of the Independence of the United States the One
Hundred and Forty-Second

AND

NINETY-SEVENTH SESSION

OF THE

GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

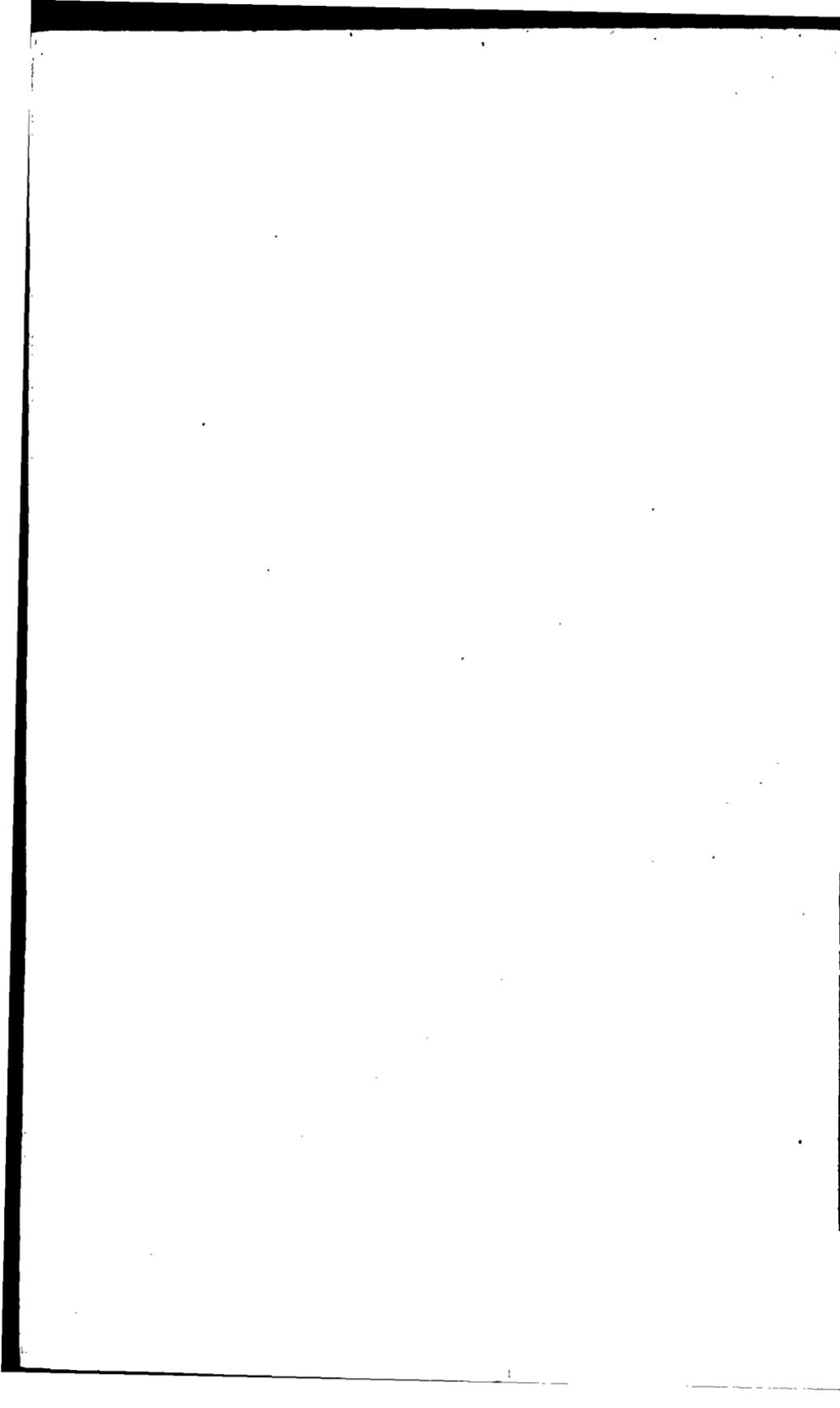
On Tuesday, January 7th, A. D. 1919

AND

In the Year of the Independence of the United States the One
Hundred and Forty-Third

VOLUME XXX

THE STAR PUBLISHING CO.
Star Building
309 Shipley Street
Wilmington, Delaware
1919



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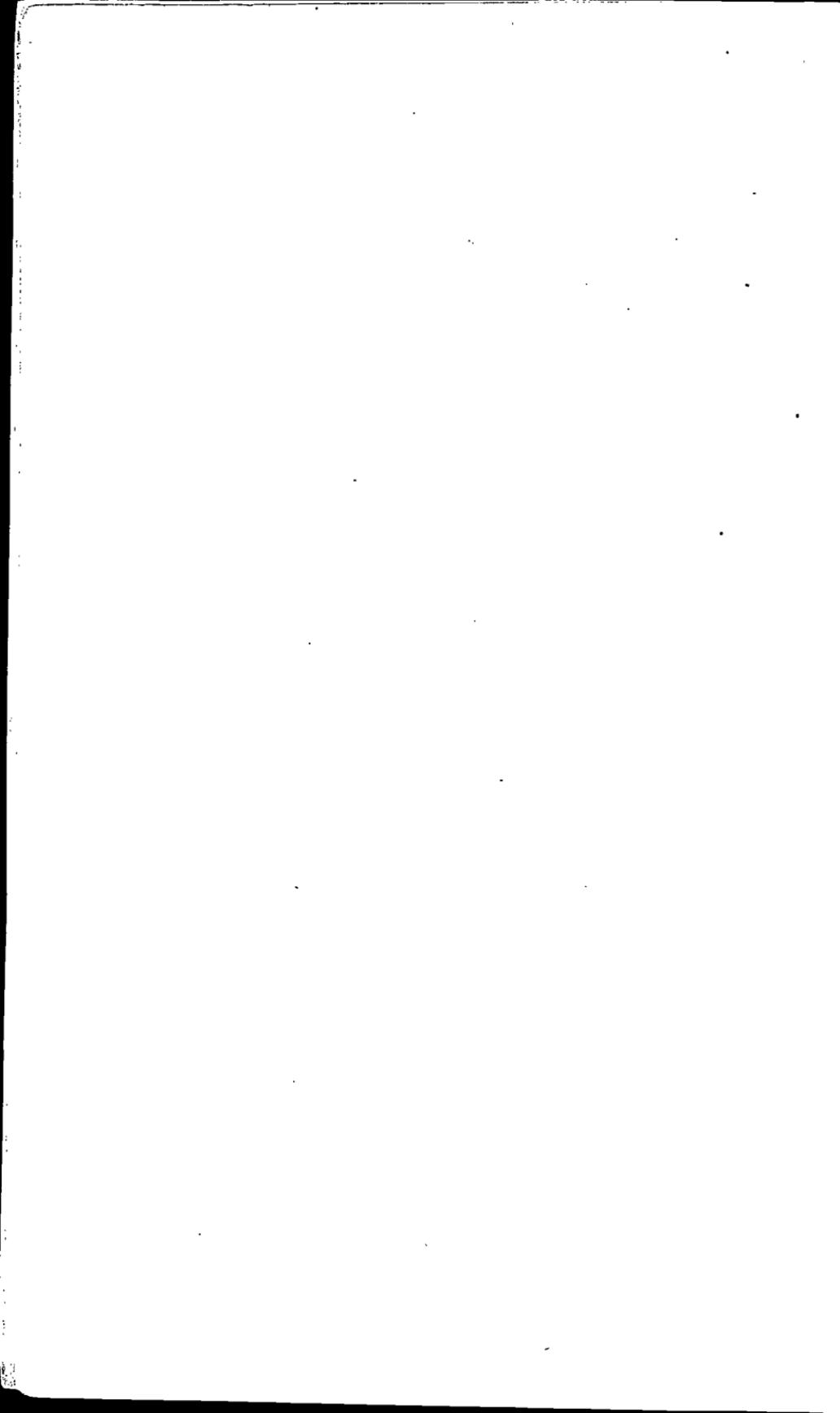
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LAWS OF DELAWARE

TITLE THREE

State Revenue and Supplies

CHAPTER 1.

STATE REVENUE.

AN ACT Appropriating certain money out of the State Treasury of the State of Delaware to pay certain claims against the State.

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

Section 1. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of this State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same as follows:

John M. Walker.....	\$.50
E. L. Jones.....	2.40
H. C. Taylor.....	2.40
Diamond State Telephone Company.....	215.73
Mrs. W. R. Brown, typewriter rent.....	5.00
J. E. Beck.....	2.95
Austin Merritt.....	9.80
Mardelva Electric Co.....	1.50
Wm. Wicks.....	6.00
Chas. Zanders.....	8.25
J. R. Hunter.....	81.35
Delaware Republican.....	14.50
Wm. Mann Co.....	630.35
Wm. Mann Co.....	46.50
Dover Machine Co.....	80.00
Dover Machine Co.....	442.40
F. N. Buckingham.....	1.55
F. N. Buckingham.....	.72

STATE REVENUE.

J. S. Godwin.....	1.00
Delaware State News.....	104.00
The Index.....	1.25
Dover Lumber Co.....	7.15
T. K. Jones & Bro.....	10.52
Chas. M. Smith Co.....	37.00
Jas. W. Wise.....	10.32
M. M. Hirons typewriter rent.....	5.00
Chas. M. Smith.....	22.50
John A. Barnard.....	38.00
Aaron Perkins.....	19.00
Miss Mabel Moore.....	25.00
James B. Rice.....	384.00
John Waters.....	55.25
C. H. Molliston.....	15.00
Robt. Smith.....	15.00
Miss Elizabeth Collins, typewriter rent.....	5.00
Milford Chronicle.....	71.50
Oliver A. Newton.....	34.56
Ed. B. Brown.....	43.20
Chas. W. Mitchell.....	59.40
Ira L. Long.....	64.80
Harlan M. Joseph.....	64.80
Robt. H. Hollett.....	11.88
John A. Barnard.....	7.56
Chas. D. Murphy.....	18.36
Jos. Frazier.....	12.96
James B. Hickman.....	55.08
Thos. F. Gormley.....	54.00
John M. Walker.....	64.80
Harvey Hoffecker.....	56.16
Frank R. Poole.....	33.48
Edward Hart.....	20.52
Lt. Gov. Lewis E. Eliason.....	123.00
Lt. Gov. Lewis E. Eliason.....	45.36
Hervey P. Hall.....	12.96
Walter Rash.....	48.34
Andrew L. Cross.....	48.34
Henry C. Downward.....	48.34
John E. McNabb.....	48.34

STATE REVENUE.

Wm. M. Connelly.....	48.34
Geo. W. Webster.....	59.40
Willard S. Gregg.....	62.64
R. G. Buckingham.....	64.80
W. Truxton Boyce.....	59.48
Harry P. Ahern.....	45.36
Thos. J. Green.....	43.20
J. Griffith Ellison.....	35.64
Martin B. Burris.....	23.76
Joseph C. Hutchinson.....	23.76
John Tarburton.....	18.00
Daniel F. Loose.....	6.48
Edward C. Daly.....	19.60
Cooper Gruwell.....	17.28
Geo. B. Kersey.....	10.80
John W. Killen.....	11.62
G. W. Swain.....	18.36
Albert B. Peet.....	29.16
John Prettyman.....	36.76
Coulter Messick.....	34.56
Edwin H. Tindall.....	50.76
James T. Chipman.....	46.18
Samuel N. Culver.....	54.00
Silas J. Lewis.....	71.28
Daniel C. Hall.....	71.28
Geo. D. Marvel.....	61.28
Thos. J. Pritchett.....	43.20
Wm. H. Welch.....	52.92
State Board of Education, Contingent Fund.	1000.00
The Trustees of Delaware College for the Maintenance of the Summer School for Teachers, a Contingent Fund.....	1000.00

Approved April 25, A. D. 1918.

STATE REVENUE.

CHAPTER 2.

STATE REVENUE.

AN ACT prohibiting the sale or gift of intoxicating liquors of any kind to any person who is in the service of the United States, either Army or Navy, or anyone wearing the uniform of the United States Army or Navy service, and providing penalties for the violation of the same.

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

Section 1. That it shall be unlawful for any person or persons to sell, or to give away by any shift or device whatsoever, any intoxicating liquors of any kind to any person who is in the service of the United States, either Army or Navy, or anyone wearing the uniform of the United States Army or Navy service. Anyone violating the provisions of this Act shall be guilty of a misdemeanor and, upon conviction shall, for the first offense be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and the cost of prosecution, and shall be imprisoned for a term not exceeding six months; and for each and every subsequent offense, shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) and the cost of prosecution, and shall be imprisoned for a term not less than six months, nor more than one year.

Section 2. That all prosecutions for any and all violations of the provisions of this Act shall be upon presentment and indictment to the Court of General Sessions of the several counties of this State, and any Justice of the Peace shall have the same authority to receive information for any violation thereof, and to hold to bail for appearance to said court, as is now exercised under the laws of this State in other matters of criminal nature.

Approved April 10, A. D. 1918.

TITLE FOUR

Public Arms and Defense

CHAPTER 3.

STATE COUNCIL OF DEFENSE.

AN ACT relating to the maintenance of the public safety and the vital enterprises within the State during the war period, and for that purpose creating the State Council of Defense and defining its powers and prescribing the duties under this Act of persons resident within the State during the said period, and fixing penalties for the non-observance of the provisions of this Act.

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

Section 1. In order to provide effective means of defense and preserving order within the State, and to insure the maximum output of agricultural and industrial products and the maintenance of vital enterprises during the period of the war in which the United States is now engaged, a council of defense for this State is hereby established, which shall be known as "The State Council of Defense" which shall consist of the Governor and six or more suitable persons, not to exceed fifteen, residents of this State, who shall be appointed by the Governor.

Section 2. The State Council of Defense shall continue in existence throughout the duration of the present war, and for six months after the said war shall be terminated by treaties duly ratified by the Senate of the United States, at which time the said Council shall be dissolved by proclamation of the Governor. All vacancies occurring in the said Council shall be filled by the Governor.

Section 3. The powers and duties of the said Council during its existence and until it shall be dissolved shall be:

STATE COUNCIL OF DEFENSE.

1. To enroll men not in the national army for carrying on agriculture and industries, and all necessary enterprises within the State, and with power to compel the performance of such labor, when they are violators of Section 4 of this Act, and to impose upon them such military or other services as shall be necessary to carry out the objects of this Act.
2. To encourage the production of all things necessary for the supplying of the national army and the civilian population, the maintenance of agriculture and all industries and enterprises essential to the interests of the State and Nation throughout the war, and until the said council shall be dissolved as aforesaid.
3. To co-operate and assist the council of national defense in the execution of its duties.
4. To co-operate with councils of defense and similar agencies in other states in so far as co-operation is in harmony with the council of national defense.
5. To promote within the State of Delaware such plans of national defense as are mutually agreed upon between it and the council of national defense.
6. To adopt, or if it shall see fit, to cause to be taken, a census and inventory of the resources of the State in men and materials, to make investigation and report to the Governor the location and availability of military supplies, and the location and capacity of railroads, automobiles and all other means of transportation and conveyance within the State so as to determine their availability for military purposes of the State, and to render possible the expeditious mobilization and concentration of State troops, and supplies at points of defense and military advantage.
7. To give information to producers of materials as to supplies needed by such military forces.
8. And in general to take such steps as may be, in the opinion of said council, necessary or advisable for the public defense

STATE COUNCIL OF DEFENSE.

and security; for the protection of routes of communication; for the public care and assistance of individuals and classes upon whom the hardships of war would fall most heavily; for the development of those resources of the State from which will be derived the supplies of food and other commodities upon which the conduct of war makes a special drain; and such other measures as may be necessary to meet the exigencies of all situations occasioned by war, if not in conflict with any rule promulgated by the National Council of Defense.

9. To appoint an advisory council within the State and such committees and local councils as it shall find expedient, which shall have such powers as the said council shall determine subject to be terminated at the discretion of the Council.

Section 4. It shall be the duty of every male resident of this State between the ages of eighteen and fifty-five years, who shall not be in the national army or a public officer, to be employed in a useful or lawful occupation during the said period, and every such person who shall not be so employed shall be subject to be assigned by the said council to such employment as the said council shall from time to time determine and at such compensation to be paid by the employer as the said council and employer shall agree to be reasonable and proper, provided, that the provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers, nor to bona fide students during the school term, nor to persons fitting themselves to engage in trade or industrial pursuits.

Section 5. Any resident of this State who shall refuse to obey or shall fail to comply with any order of the said Council relating to any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars, or imprisoned not exceeding three months, or both, at the discretion of the Court, provided that all prosecutions under the provisions of this Act shall be in the nature of an appeal, in which any matters which could have been urged by the Defendant against the issuance of said order by the State Council of Defense may be used as a defense

STATE COUNCIL OF DEFENSE.

in said prosecution, the right of a waiver of hearing and to bail being preserved in all cases, and all such prosecutions shall be handled expeditiously by the prosecuting officers and the Court.

Section 6. The said council shall have the power to subpoena witnesses and require their testimony, compel the production of account books and files and all documents relative to any investigation or matter which may be under consideration by it.

Section 7. It shall be the duty of every public officer in this State, excepting the members of the general assembly and of the judiciary, whenever directed by the said council to execute any of its orders for the preservation of the peace or the carrying out of any of the objects of this act.

Section 8. The said council shall employ such agents, assistants and clerical force as it shall find necessary or expedient.

Section 9. The members of the said Council shall serve without pay, and their expense while serving shall be paid by warrants drawn on the State Treasurer, when accompanied by proper vouchers specifying the expenditures, and countersigned by the Governor.

Section 10. The said Council is hereby authorized and empowered to draw upon the State Treasurer warrants, when accompanied by proper vouchers specifying the expenditures, countersigned by the Governor for such amounts as shall be necessary to effect the objects of this Act, which warrants shall be paid by the State Treasurer out of any unappropriated moneys in the treasury, provided that no outlay of money by the said Council or its Agencies shall be made or contracted for until approved by the Governor.

Approved April 8, A. D. 1918.

TITLE EIGHT

Elections

CHAPTER 4.

REGISTRATION OF VOTERS.

AN ACT to amend Chapter 56 of the Revised Code of the State of Delaware by providing for the appointment by the Governor of a number of Auxiliary Registrars for the purpose of registering Delaware boys in the Military Service, for election purposes.

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

Section 1. That 1650 Sec. 32, 1651 Sec. 33, 1652 Sec. 34, 1653 Sec. 35, 1654 Sec. 36, 1655 Sec. 37, 1656 Sec. 38, 1657 Sec. 39, be, and the same are hereby amended by striking out all of the said numbers, and inserting in lieu thereof, the following to be known as 1650 Sec. 32, 1651 Sec. 33, 1652 Sec. 34, 1653 Sec. 35, 1654 Sec. 36, 1655 Sec. 37, 1656 Sec. 38, 1657 Sec. 39.

1650 Sec. 32. The Governor of this State shall designate and appoint at the same time of appointing other registration officers of this State, as many qualified citizens of the State as Auxiliary Registrars of Voters, as he may deem necessary for the purposes herein prescribed, who shall qualify as other Registrars are required to do and whose duty it shall be to visit some time before the last Saturday in September, in any year in which a general election is held, all Military or Naval Encampments in this State or the United States, or in whatever part of the world they may be located, wherein citizens of this State shall be enlisted or engaged in the discharge of military duty, for the purpose of registering, as hereinafter provided for such citizens as voters of the Hundred or Election District in which they are entitled to be registered, as designated in Sec. 31

REGISTRATION OF VOTERS.

of this Chapter, *Provided*, that in the appointment of said Auxiliary Registrars by the Governor, the same number shall be appointed from each of the two principal political parties of the State, and in performing the duties herein prescribed, they shall work and travel in Boards of two, one from each of the said political parties.

1651. Sec. 33. APPLICATION FOR REGISTRATION DEEMED A PERSONAL APPLICATION WITHIN SECTION 4, ARTICLE V OF CONSTITUTION:—Upon application being made to be registered as a voter of any Hundred or Election District of this State, by any officer or enlisted man of any military organization, before any of said Auxiliary Registrars of Voters as provided for in the foregoing Section of this Chapter, such application shall be deemed and taken to be a personal application within the meaning of paragraph 3, Section 4, of Article V. of the Constitution.

1652. Sec. 34. NOTICE OF TIME OF VISITING CAMPS:—The Auxiliary Registrars herein provided for, shall notify the encampment or encampments of the time they will visit them for the purpose of registering voters, and they shall sit for registering during such hours of the day as shall be arranged to suit the convenience of such military organization.

1653. Sec. 35. RECORD OF APPLICANTS; HOW KEPT:—The Auxiliary Registrars shall make and keep a complete list of the names of all those applying to them to be registered, together with their qualifications as to age, birth, nativity, etc., in the same manner and detail as is required to be done on the books of registration kept by the Registrars sitting in the various Hundreds or Election Districts of this State.

1654. Sec. 36. SEPARATE LISTS FOR EACH ELECTION DISTRICT:—The Auxiliary Registrars shall make a separate and distinct list for each Hundred or Election District of this State of all those applying to them to be registered in such Hundred or Election District.

1655. Sec. 37. RETURN OF AUXILIARY REGISTRAR:—Immediately upon the completion of these lists of registration and

REGISTRATION OF VOTERS.

not later than the third Saturday next preceding the day of the next General Election, the Auxiliary Registrars shall make and certify under oath, and forward by registered mail or personal delivery, to the Registrars of the various Hundreds or Election Districts of this State, the names and qualifications as recorded by them of all those who applied to them to be registered in such Hundreds or Election Districts.

1656. Sec. 38. REGISTRARS OF ELECTION DISTRICTS TO ENTER ON REGISTRATION BOOKS THE NAMES RETURNED BY AUXILIARY REGISTRAR; CHALLENGE; REGISTRAR TO KEEP LIST; SUBJECT TO INSPECTION; REGISTRAR TO MAKE LIST OF THOSE REGISTERED AND NOT REGISTERED; APPEALS:—The Registrars of and for the respective Hundreds or Election Districts of this State, who shall receive any such list from any Auxiliary Registrars as herein provided for, shall open such list of voters during the first hour of the next succeeding meeting of the officers of registration for the purpose of registering. Then and there the Registrar shall in a clear and distinct voice, audible to those in the room and as well as those about the window, where voters are gathered for the purpose of being registered, read the name of each voter so returned by the Auxiliary Registrars for registration. Every name shall be entered upon the books of registration kept in and for such Hundred or Election District, if it is found that the person represented by such name would have been qualified to have appeared there in person and been registered. But any member of the Board of Registration or any qualified voter of the Election District may challenge the registering of the names upon the book of registration, for the Hundred or Election District; and the question of the right to register such name shall be determined by the registration officers just as they are authorized to determine like questions concerning those who present themselves before them there in the Election District. The Registrar shall keep complete and inviolate the list of names and qualifications just as he received them from the Auxiliary Registrars, but such list shall always be subject to the inspection of the qualified voters of the Election District, provided it shall not be taken from the possession of the Registrar.

REGISTRATION OF VOTERS.

The Registrar of the Election District shall also make and keep for the inspection of the voters of his Election District a list of all those names which he has received from the Auxiliary Registrars and which have been granted registration on the books of that Hundred or Election District, and he shall also keep another separate list of all the names so received by him which have been denied registration upon said books, and those lists shall in like manner be at all times subject to the inspection of the qualified voters of that Hundred or Election District. And from the action of the Registration officers in so granting or refusing registration to any name received from the Auxiliary Registrars any Registration officer or interested person may appeal as provided for in Section 4 of Article V of the Constitution.

1657. Sec. 39. COMPENSATION OF AUXILIARY REGISTRARS; HOW PAID:—The Auxiliary Registration officers provided for by this Chapter shall receive such compensation per day as is allowed to Registrars sitting in the various districts of this State, and he shall be allowed and paid by the State Treasurer such an amount for traveling expenses as shall be approved by the State Auditor upon vouchers presented him, *Provided*, that all appeals for an absent member of the military force may be taken by his attorney, as effectually as by himself, and in all appeals from the registration of any citizen absent in the military service, defense can be made as effectually by his attorney as if he were present in person.

Approved April 10, A. D. 1918.

TITLE NINE

Corporations

CHAPTER 5.

RENEWAL AND REVIVAL OF CHARTERS.

AN ACT in relation to the renewal of the Charters of corporations.

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 of the General Assembly concurring therein):

Section 1. That any corporation whose charter has expired by reason of failure to renew the same through oversight or inadvertence, or whose charter has been renewed but through failure to comply strictly with the provisions of the General Corporation Law, the validity of the renewal has been brought into question, may, at any time before the first day of January, A. D. 1919, procure a renewal and revival of its charter or a confirmation of the renewal and revival of its charter for any period, together with all the rights, franchises, privileges and immunities and subject to all its duties, debts and liabilities which had been secured or imposed by its original charter and all amendments thereto, by filing with the Secretary of State a certificate of its last or acting President and Secretary, or the officers performing the functions of President and Secretary, or by such officers to be elected as hereinafter provided, duly sworn or affirmed to by such officers.

Such certificate shall set forth:

1. The name of the corporation, which name shall be the same name it bore when the charter expired or was attempted to be renewed.
2. The name of the city, town or place within the county in which its principal office or place of business is located in this State.

RENEWAL AND REVIVAL OF CHARTERS.

3. The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the charter which it is desired to renew, or prior to the date when it was attempted to renew the charter; whether or not such renewal is to be perpetual, and if not perpetual, the time for which such renewal is to continue.

4. That the corporation desiring to renew and so renewing its charter was duly organized and carried on the business authorized by its charter until the _____ day of _____ 1_____, at which time its charter expired by limitation through inadvertence and oversight on the part of the corporation, or in the case of a corporation whose charter has been renewed but not in strict compliance with the provisions of the General Corporation Law, that it was duly organized and carried on the business authorized by its charter until the _____ day of _____ 1_____, at which time its charter was renewed but not in strict compliance with the provisions of the General Corporation Law; and that this certificate is filed by the authority of those who were directors or managers of the said corporation at the time its charter expired and who under the laws of this State and by virtue thereof became its trustee, or who were elected Directors of said corporation as hereinafter provided.

Section 2. Such certificate shall be filed, copied, recorded and dealt with, and in all respects shall have the same force and effect as if such certificate had been filed by such corporation before the expiration of its charter, under the provisions of Chapter 65, Revised Statutes of the State of Delaware.

Upon such revival and renewal, or confirmation of renewal, all acts, matters and things done and performed by such corporation within the scope of its charter, since the expiration of the same, or since the attempted renewal of its charter, shall be and hereby are expressly ratified and approved, and all real and personal property, rights and credits, which were of the said corporation at the time of the expiration of its charter, and which have not been disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as

RENEWAL AND REVIVAL OF CHARTERS.

they were held by said corporation at and before the time when its charter expired or was attempted to be renewed.

Section 3. Any corporation seeking to renew or to confirm the renewal of its charter under the provisions of this Act shall first pay all City, County, State and franchise taxes and charges which it would by law have been liable to pay and chargeable with, if its said Charter had not expired; and said corporation shall file the certificate mentioned in Section 1 of this act a statement executed and sworn or affirmed to by its last or acting President and Secretary, or the officers performing the functions of President and Secretary. Said statement shall contain the amount of said taxes, and charges so paid, the date of payment, to whom paid, and the period of time covered by said taxes and during which they accrued.

Section 4. Before the charter of any corporation shall be renewed and revived, or the renewal of any charter confirmed, under the provisions of this Act, the said corporation shall file under the seal used by it immediately prior to the expiration of the charter of said corporation, and duly attested by its last or acting Secretary, or the officer performing the function of Secretary, an acceptance of the provisions of the present Constitution of this State.

Section 5. That if the last President and Secretary, or the officers performing the functions of President and Secretary, or either of them, of any such corporation so desiring to renew its existence, should be dead at the time of such renewal, the directors of such corporation, or the survivors of them, if not less than three, may elect a successor to such deceased president or secretary, or the officers performing the functions of president and secretary, or successors to both, if both be dead, and if less than three directors of such corporation shall be living when it is desired to effect a renewal of such corporate existence, then the stockholders of such corporation may elect as many directors as may be necessary (together with the surviving directors or director, if any) to constitute a board of three directors; and such board may elect a successor to the deceased president or secretary, or the officers performing the

RENEWAL AND REVIVAL OF CHARTERS.

functions of president and secretary, or successors to both, if both be dead, and may authorize the execution of the Certificate of Renewal, as hereinbefore provided, but may not perform or exercise any other office or function. A meeting of the directors of the corporation, or of the survivors of them, or of the board, as elected wholly or partly by the stockholders as provided in this Section, may be called by any director upon ten days' written notice, delivered personally to, or mailed to the last known postoffice address of, every other director; and a meeting of the stockholders for the purpose of electing directors, as aforesaid, may be called by any stockholder upon ten days' written notice, delivered personally to, or mailed to the last known postoffice address of, every other stockholder. The President and Secretary, or the officers performing the functions of president and secretary, so elected may take all steps and do all things necessary and proper to be done for the renewal of the existence of such corporation as hereinbefore provided, and their acts in furtherance of such renewal shall be as valid and effective as if performed and done by the last president and secretary, or the officers performing the functions of president and secretary, of such corporation. After a renewal of the existence of such corporation shall be effected, the last president, or the officer performing the functions of president, or his successor, elected as provided in this Section, shall forthwith call a meeting of the stockholders of such corporation, upon such notice as is required by the Certificate of Incorporation, Charter or by-laws, for a regular meeting thereof, and at such meeting the stockholders shall elect a full board of directors, in accordance with the Certificate of Incorporation or Charter. Such board shall thereupon elect officers, and assume control of the business and affairs of the corporation, as prescribed by the Certificate of Incorporation or Charter.

Section 6. Provided, however, that this Act shall not apply to any Life or Fire Insurance Company, or other Company engaged in the insurance business.

Approved April 25, A. D. 1918.

CITIES AND TOWNS.

CHAPTER 6.

CITIES AND TOWNS.

AN ACT to amend Chapter 193, Volume 23, Laws of Delaware, as amended by Chapter 163, Volume 29, Laws of Delaware, by giving additional powers to the Council of "The Town of Milton."

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 to each branch concurring therein):

Section 1. That Chapter 163 of Volume 29, Laws of Delaware, be and the same is hereby stricken out, and the following inserted in lieu thereof :

"At the first meeting of the Council, after the annual election, the Town Council of "The Town of Milton" may, by a majority vote, elect an Alderman with the same judicial powers that the Mayor of said "The Town of Milton" now has.

At said first meeting of the Town Council, after the annual election, the said Town Council shall also elect a President Pro Tempore, who shall preside at all meetings of the Town Council, during the absence of the Mayor."

Approved April 8, A. D. 1918.

TITLE ELEVEN

Education

CHAPTER 7.

FREE SCHOOLS.

AN ACT prescribing physical training for the school children of the State and creating the Physical Training Commission to inaugurate a system of physical training for school children.

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

Section 1. That from and after the passage of this act, the school children of this State shall receive physical training, the character and method of which shall be as prescribed from time to time by the State Board of Education, and a Commission is hereby created to be known as "The Physical Training Commission," whose duty shall be to devise a system of physical training, and inaugurate the same in the schools of this State, subject to the direction of the State Board of Education.

Section 2. The said Commission shall consist of the Governor and four suitable persons, to be appointed by the Governor, who shall serve without pay.

The functions of the said Commission shall cease when a system of physical training shall have been inaugurated, as provided in Section 1 of this Act.

Approved April 10, A. D. 1918.

FREE SCHOOLS.

CHAPTER 8.

FREE SCHOOLS.

AN ACT to authorize the Board of Education of the Newark Public Schools to determine the amount to be raised by taxation for school purposes.

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):

That Chapter 170 of the Laws of Delaware, approved March 15th, A. D. 1915, be and the same is hereby amended by repealing Section 1 thereof and inserting in lieu thereof the following:

Section 1. That the Board of Education of The Newark Public Schools be, and it is, hereby authorized and empowered to determine and fix the amount of money to be raised by taxation for school purposes, in school Districts Nos. 39, 39½, 41 and 41½, of New Castle County, united and incorporated under the name of The Newark Public Schools.

Approved April 8, A. D. 1918.

TITLE NINETEEN

Courts

CHAPTER 9.

GENERAL PROVISIONS CONCERNING COURTS.

AN ACT in relation to the compensation of the Bailiffs of the Courts of the State, holding such office in New Castle County.

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

Section 1. That on and after the first day of April, A. D. 1918, the Bailiffs of the Courts of the State of Delaware, holding such offices in New Castle County shall each receive a salary of six hundred dollars (\$600.00) per year, payable semi-monthly, in the same manner as the salaries of other county officers are paid, in lieu of four hundred and twenty dollars (\$420.00) now allowed them.

Section 2. That each person who has been acting as Bailiff of the Courts of the State of Delaware, holding office in New Castle County, shall receive in addition to his salary of thirty-five dollars (\$35.00) per month, the further sum of fifteen dollars (\$15.00) per month, covering the period from the first day of July, A. D. 1917, until the first day of April, A. D. 1918, or such part of said period as he shall have held said office, the same to be paid in the same manner as the salaries of County officers are paid.

Approved April 8, A. D. 1918.

RESOLUTIONS

CHAPTER 10.

Joint Resolution Ratifying the proposed Amendment to the Constitution of the United States of America, Prohibiting the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all Territory subject to the jurisdiction thereof for beverage purposes, and giving to the Congress and the several States concurrent power to enforce the same by appropriate legislation.

WHEREAS, the Congress of the United States has proposed an Amendment to the Constitution of the United States of America, as follows:

“Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by The Congress.”

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

RESOLUTIONS.

That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the legislature of the State of Delaware.

And be it further resolved, that certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Approved March 26, A. D. 1918.

RESOLUTIONS.

CHAPTER 11.

SENATE CONCURRENT RESOLUTION No. 1.

WHEREAS, since the creation of the State Highway Department, the country has become involved in the European War and the new Department has found itself confronted by a scarcity of labor and materials and unexpected high cost of carrying out its work; and

WHEREAS, it is uncertain how long such conditions may continue and how seriously the welfare of the people may be affected by a long delay in the improvement of our roads, and it is considered to the public advantage that the State Highway Department should have some expression of the views of the people of the State through their representatives in the General Assembly;

Now, therefore, be it resolved, by the Senate (the House of Representatives concurring therein) that the State Highway Department shall be expected to proceed as rapidly as possible with the carrying out of its program and especially with the improvement of such roads as shall be of use for military purposes or for the transportation of food and supplies to and from the State, notwithstanding the difficulties and extraordinary expense which may be involved therein as a consequence of the War.

Approved April 10, A. D. 1918.

RESOLUTIONS.

CHAPTER 12.

SENATE CONCURRENT RESOLUTION No. 2.

A Concurrent Resolution authorizing the State Librarian to furnish and transmit to the Attorney-General of the State of Delaware copies of the State Judicial Reports, and State Chancery Reports.

Be it resolved by the Senate, the House concurring therein, that the State Librarian be, and he is, hereby authorized and directed to furnish, and transmit to the Attorney-General of the State of Delaware, at his office in New Castle County, copies of all the State Judicial Reports, and also copies of all the State Chancery Reports now in the office of said State Librarian, or hereafter to be received in his office, said books to be and remain in the office library of the Attorney-General, and not to be removed therefrom.

Approved April 25, A. D. 1918.

RESOLUTIONS.

CHAPTER 13.

HOUSE CONCURRENT RESOLUTION No. 3.

Be it resolved by the House of Representatives, the Senate concurring therein:

That no Bill shall be received and no subject considered by either House of the General Assembly during the present Special Session of the General Assembly, except Bills with reference to the subjects embodied in the Proclamation of the Governor, convening the General Assembly in Special Session.

Approved March 19, A. D. 1918.

RESOLUTIONS.

CHAPTER 14.

HOUSE CONCURRENT RESOLUTION No. 4.

Be it resolved by the House of Representatives, the Senate concurring therein:

That the General Assembly on Friday, the 29th day of March, A. D. 1918, at 2 o'clock P. M., adjourn *sine die*.

Approved April 10, A. D. 1918.

PROCLAMATION OF THE GOVERNOR

PROCLAMATION.

STATE OF DELAWARE.

By virtue of that authority granted in Section 16 of Article III of the Constitution of the State of Delaware, providing that

“He (the Governor) may on extraordinary occasions, convene the General Assembly by proclamation;”

I, John G. Townsend, Jr., Governor of the State of Delaware, do issue this, my Proclamation :

That the General Assembly of the State of Delaware shall convene at Dover, the Capitol of the State, on Monday, the eleventh day of March, A. D. 1918, at 12 o'clock noon, to consider and act upon the following matters of State and National importance:

I. To consider ways and means whereby the State of Delaware can better co-operate with the National Council of Defense and more effectively render assistance to the National Government in the prosecution of the War now existing, and further to provide for and fix definitely the appropriations of funds to meet the expenses necessarily incident thereto.

II. To consider and act upon a Joint Resolution, proposing an Amendment to the Constitution of the United States, viz.:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following Amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

PROCLAMATION.

"ARTICLE

"Section 1. After one year from the ratification of this Article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"Sec. 2. The Congress and the several States shall have concurrent power to enforce this Article by appropriate legislation.

"Sec. 3. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

III. To consider and effect into legislation such laws whereby all citizen labor may be made available for the production of foods and materials, so essential in this emergency.

[GREAT SEAL] IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be hereto affixed this fifth day of March, in the year of our Lord, one thousand nine hundred and eighteen and of the Independence of the United States of America the one hundred and forty-second.

By the Governor:

EVERETT C. JOHNSON,

JOHN G. TOWNSEND, JR.

Secretary of State.