

# LAWS

OF THE

## STATE OF DELAWARE

ONE HUNDRED AND FIFTH  
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 1, A. D.  
1935

AND

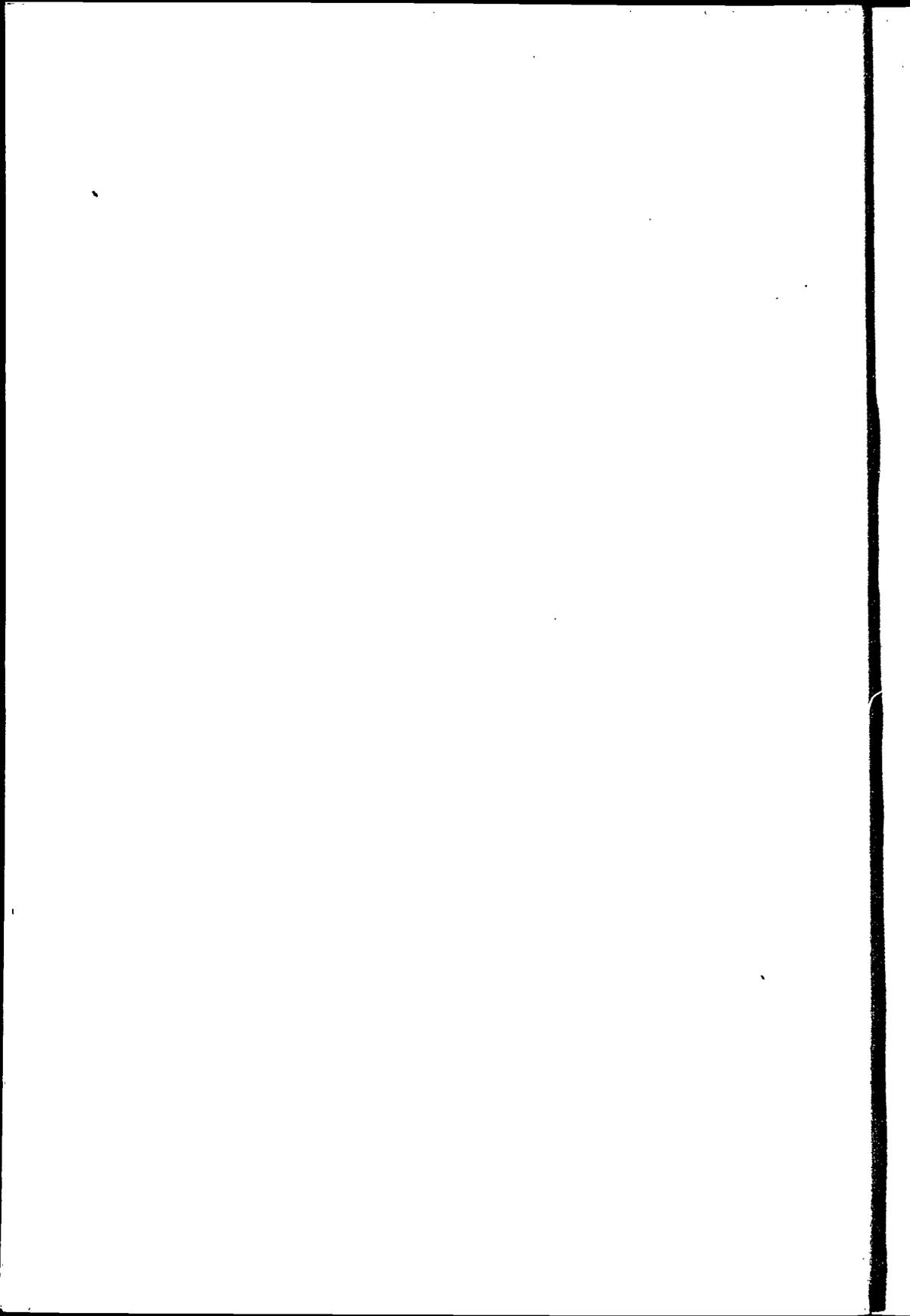
IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
THE ONE HUNDRED AND FIFTY-NINTH

---

### VOLUME XL

---

Printed by  
WILLIAM E. TAYLOR, INC.  
Wilmington, Delaware



# LAWS of DELAWARE

---

## Title One

---

### Construction of Statutes

---

#### CHAPTER 1

#### AMENDMENT TO CONSTITUTION

AN ACT AGREEING TO THE PROPOSED AMENDMENT OF SECTION 17, OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATIVE TO THE SALE OF LOTTERY TICKETS, POOL SELLING AND OTHER FORMS OF GAMBLING.

WHEREAS, an Amendment to the Constitution of the State of Delaware was proposed in the Senate in the One Hundred and Fourth Session of the General Assembly, as follows:

"AN ACT proposing an Amendment to Section 17, of Article 2, of the Constitution of the State of Delaware, relating to the sale of Lottery Tickets, Pool Selling and other forms of Gambling.

*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 Article 2 of the Constitution of the State of Delaware be and the same is hereby amended, by striking out all of section 17, of Article 2 thereof, and by inserting in lieu thereof a new Section 17, in the following language, viz:

## AMENDMENT TO CONSTITUTION

Section 17. Lotteries:—The sale of Lottery Tickets, Pool Selling and all other forms of gambling are prohibited in this State; except wagering or betting on races at race tracks by the use of pari-mutuel machines or totalizators in connection therewith. The General Assembly shall enforce this section by appropriate legislation.”

AND WHEREAS, the said proposed Amendment was agreed to by two-thirds of all the members elected to each House in the said One Hundred and Fourth Session of the General Assembly; and

WHEREAS, the said proposed Amendment was published by the Secretary of State three months before the next general election, to-wit: the general election of 1934, in three newspapers in each County in the State of Delaware; NOW, THEREFORE,

*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 agreeing thereto):*

Section 1. That the said proposed Amendment be and it is hereby agreed to and adopted and that the same shall forthwith become and be a part of the Constitution.

## CHAPTER 2

## AMENDMENT TO CONSTITUTION

## AN ACT AGREEING TO THE PROPOSED AMENDMENT TO SECTION 28 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO WRIT OF ERROR.

WHEREAS, an Amendment to the Constitution of the State of Delaware was proposed in the Senate in the One Hundred and Fourth Session of the General Assembly, as follows:

"AN ACT proposing an Amendment to Section 28 of Article IV of the Constitution of the State of Delaware, relating to Writ of Error.

*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 28 of Article IV of the Constitution of the State of Delaware be amended so as to read as follows:

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered or upon any judgment hereafter to be confessed, entered or rendered, but within six months after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, non compos mentis, or a prisoner, and then within six months exclusive of the time of such disability."

AND WHEREAS, the said proposed Amendment was agreed to by two-thirds of all the members elected to each House in the said One Hundred and Fourth Session of the General Assembly; and

WHEREAS, the said proposed Amendment was published by the Secretary of State three months before the next general election; to wit: the general election of 1934, in three newspapers in each County in the State of Delaware; Now Therefore,

## AMENDMENT TO CONSTITUTION

*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 agreeing thereto):*

Section 1. That the said proposed Amendment be and it is hereby agreed to and adopted and that the same shall forthwith become and be a part of the Constitution.

## CHAPTER 3

## AMENDMENT TO CONSTITUTION

AN ACT PROPOSING AN AMENDMENT TO SECTION 15 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPENSATION OF THE MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, AND FIXING AND LIMITING THE AMOUNT FOR CLERKS, EMPLOYEES AND ATTACHES.

*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 2 of the Constitution of the State of Delaware, as amended by Chapter 15, Volume 30, Laws of Delaware, be amended by striking out all of the first paragraph of the said Section 15 of Article 2, and inserting in lieu thereof the following:

The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of Fifteen Dollars (\$15.00), and the presiding officers a per diem allowance of Seventeen Dollars (\$17.00), 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.

In addition to the per diem compensation next hereinabove provided for, each Member living within a radius of twenty miles of the corporate limits of the City of Dover shall receive One Hundred Dollars (\$100.00) to cover such Members traveling expenses in full and each Member living more than twenty miles from the corporate limits of the City of Dover but not more than forty miles therefrom, shall receive an additional sum of Two Hundred Dollars (\$200.00) to cover such Members traveling expenses in full, and each Member living at a greater distance than forty

## AMENDMENT TO CONSTITUTION .

miles from the corporate limits of the said City of Dover shall receive an additional sum of Three Hundred Dollars (\$300.00) to cover the traveling expenses of such Member in full.

Except as in this Section 15 expressly provided, the members of the General Assembly shall receive no allowance or payment for services, traveling expenses, supplies or other expenses while attending or in connection with Sessions of the General Assembly.

The expenses of the Senate during any biennial Session of the General Assembly for clerks, employees and attaches shall be limited to the sum of Twelve Thousand Dollars; and the expenses of the House of Representatives during any biennial Session of the General Assembly for clerks, employees and attaches shall be limited to the sum of Eighteen Thousand Dollars.

The expenses of the Senate during any special or extra Session of the General Assembly for clerks, employees and attaches shall be limited to the sum of Six Thousand Dollars; and the expenses of the House of Representatives during any special or extra Session of the General Assembly for clerks, employees and attaches shall be limited to Nine Thousand Dollars.

## Title Two

---

# Jurisdiction and Property of the State

---

### CHAPTER 4

#### CESSION OF LANDS TO THE U. S. GOVERNMENT

AN ACT TO AMEND AN ACT ENTITLED "AN ACT GRANTING THE CONSENT OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO THE ACQUISITION BY THE UNITED STATES OF LANDS AT THE MOUTH OF MISPELLION RIVER IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE," BEING CHAPTER 6, VOLUME 38, LAWS OF DELAWARE.

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

Section 1. That the Act entitled "AN ACT granting the consent of the General Assembly of the State of Delaware to the acquisition by the United States of Lands at the mouth of the Mispillion River in Cedar Creek Hundred, Sussex County, State of Delaware" being Chapter 6, Volume 38, of the Laws of Delaware, be and the same is hereby amended by striking out Section 2 and by substituting in lieu thereof a new Section 2 as follows:

"Section 2. Jurisdiction over the said lands, which have heretofore been acquired or which shall hereafter be acquired, is hereby granted and ceded to the United States; provided, that the sovereignty and jurisdiction of this State shall extend over the said lands so far as that all civil process and such criminal process as may issue

## CESSION OF LANDS TO U. S. GOVERNMENT

under the authority of this State against any person or persons charged with crimes or other offenses committed without such lands may be executed thereon in the same way and manner as if this consent had not been given."

Approved March 13, 1935.