LAWS

OF THE

STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 5th, A. D. 1909

AND

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

VOLUME XXV.—PART I.

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1909.
CHAPTER 1.

Of the Sovereignty, Jurisdiction and Limits.

AN ACT IN RELATION TO THE BOUNDARY STONES BETWEEN THE STATE OF DELAWARE AND THE STATE OF MARYLAND.

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

Section 1. That the Governor of Delaware be and he is hereby authorized and requested to communicate with the Governor of the State of Maryland with reference to replacing and resetting the stones marking the boundary line between the State of Delaware and the State of Maryland, and that in pursuance of the arrangement that may be agreed to, the Governor aforesaid is authorized to take such steps as may be necessary to replace any such boundary stones as may have been removed and to reset any of said boundary stones that may need resetting.

Approved April 15, A. D. 1909.
CHAPTER 2.
Of Public Lands.

AN ACT PROVIDING FOR THE CREATION OF A COMMISSION TO SURVEY THE PUBLIC LANDS OF THE STATE, AND FOR AN APPROPRIATION TO PAY THE EXPENSES AND COMPENSATION THEREOF.

Whereas, There was created by Chapter 12, Volume 24, Laws of Delaware, a Commission to ascertain the location and have surveyed certain public lands belonging to the State of Delaware, and,

Whereas, Said Commission has partially performed said duties, and made a return of their proceedings accompanied by a plot or survey to the Governor, and,

Whereas, They were unable to proceed further in said work on account of a lack of funds; therefore,

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

Section 1. That John M. Mendinhall, D. Mifflin Wilson, Ebe W. Tunnell and two other persons to be appointed by the Governor of the State of Delaware within ten days after the passage of this Act, be and they are hereby created and constituted a Commission to ascertain the location of and have surveyed the lands of the State of Delaware lying near the ocean in Sussex County between the State of Maryland on the South and Cape Henlopen on the North. Vacancies in the said Commission by death, resignation or otherwise shall be filled by the Governor.

Section 2. That it shall be the duty of the said Commission to ascertain the location and quantity of said public lands and to cause the same to be surveyed by a careful and skillful surveyor to be by them selected, and to cause a plot of the same to be made, designating the said lands and all lands of adjoining owners, also designating such lands as are now claimed by any persons and such lands as are now occupied and enclosed and the names of the persons by whom they are occupied or
enclosed. For this purpose said Commission shall have authority to engage a surveyor, counsel learned in the law, and such other assistants as it shall deem advisable.

Section 3. Said Commission shall make return of their proceedings, accompanied by a plot or survey of the said lands as aforesaid to the Governor, who shall lay the same before the next session of the General Assembly. Such return shall set out in detail all the proceedings of the said Commission and surveyor and all items of expense connected with the making of such survey.

Section 4. The said Commissioners shall each be paid a compensation of Five Dollars for each day actually spent on said work, and their counsel, surveyor and assistants shall receive for their compensation such sum as shall be fixed and allowed by said Commission.

Section 5. For the payment of the compensation of said Commissioners, their counsel, surveyor and assistants and all other expenses of said Commission, the sum of Five Hundred Dollars is hereby appropriated, and the State Treasurer is hereby authorized to pay, from time to time out of said appropriation, orders on account of said expenditures signed by the President and Secretary of said Commission and approved by the Governor.

Approved April 7, A. D. 1909.
CHAPTER 3.
Of the State House, Library and Public Offices

AN ACT PROVIDING FOR THE ERECTION AND EQUIPMENT OF A FIRE PROOF STATE ADMINISTRATION AND LIBRARY BUILDING AT DOVER, AND FOR THE ALTERATIONS TO THE STATE HOUSE.

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

Section 1. That Simeon S. Pennewill, Preston Lea, Thomas M. Monaghan, Alexander P. Corbit, Alvin B. Conner, Ebe W. Tunnel, Timothy E. Townsend, James F. Lafferty and Thomas O. Cooper be and are hereby appointed and constituted a commission and are hereby authorized, empowered and directed to construct, build, and complete a fire proof State Administration and Library Building for the State of Delaware, at Dover, and for the alterations to the State House of sufficient capacity and to satisfactorily supply the needs of State offices and departments and the State Library. Said Commissioners shall receive no compensation whatever for their services, and shall be reimbursed for actual expenses incurred in connection with the duties of said commission. Any vacancies occurring in the number of the commission shall be filled by appointment by the then Governor of the State. The duties of said commission shall include the erection and completion of a fire proof Administration and Library Building upon a location in the Town of Dover selected by said commission, the equipment of said building with necessary fixtures for heating, lighting and furnishing the same, and the destruction and removal of any building now occupying the said site selected for said new building, excepting the present State House Building.

Section 2. On the passage of this Act and the organization of said commission, said commission shall employ a capable architect and proceed as speedily as possible to have necessary drawings and specifications prepared and to let contracts for the execution of the work authorized by this Act. Said Com-
mission shall let contracts by public advertising to the lowest, best and most responsible bidder and shall have the right to reject any and all bids; and shall require all contractors to give bonds, satisfactory to said commission, equal to one-half the amount of the respective contracts.

Section 3. The total aggregate cost for the construction of said Administration and Library Building, and for the alterations to the State House, the performance of all other work hereby authorized, including all fees, commissions, salaries and expenses of all kinds for the commission, counsellors and attorneys, engineers, experts, architects, superintendents, clerks and other employees shall not exceed the sum of sixty-two thousand and five hundred dollars. All payments on account of said work shall be made by the State Treasurer upon warrants drawn by the State Auditor from time to time upon the presentation to him of specifically itemized vouchers, approved by the proper officers of said commission.

Section 4. Said commission shall use its best endeavor to complete said Administration and Library Building, and for the alterations to the State House by the first day of January, 1911, and shall render to the next General Assembly sitting in the year 1911 a full report of its proceedings under the provisions of said Act.

Section 5. To supply the necessary funds to perform the work hereby authorized, the State Treasurer, as the Sinking Fund Commissioner, is hereby authorized, empowered and directed to transfer the sum of sixty-two thousand five hundred dollars from the sinking fund to the general fund.

Section 6. The said sum of sixty-two thousand five hundred dollars transferred as aforesaid to the general fund is hereby appropriated to carry out the provisions of this Act, and the State Treasurer is hereby authorized and directed to pay the same or so much thereof as is necessary to carry out the provisions of this Act, upon the warrants of the State Auditor as is hereinbefore provided.

Approved April 5, A. D. 1909.
CHAPTER 4.

Of the Passing and Publication of Laws.

AN ACT TO REVIVE AND EXTEND THE TIME FOR RECORDING PRIVATE ACTS.

Whereas, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely such as are not of a public nature or published as such) shall be recorded in the Recorder's Office in one of the counties of this State within twelve months after their passage or they shall be void; and

Whereas, A number of private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore

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

Section 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force for the period mentioned in the original acts, and to have the same force and effect as if the said acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said acts and property and other rights approved thereunder, shall have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law; provided, that this enactment shall not take effect in the case of any act
that has become void as aforesaid, until a certified copy there-of shall be duly recorded in the Recorder’s Office of one of the Counties of this State; and, provided further, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

Section 2. That this act shall be deemed and taken to be a Public act public act and shall be published as such.

Approved February 10, A. D. 1909.
CHAPTER 5.
Of the Passing and Publication of Laws.

AN ACT IN RELATION TO THE PUBLICATION OF CERTAIN EQUITY CASES, AND JUDICIAL REPORTS WHEN NOT PUBLISHED BY THE CHANCELLOR OR ASSOCIATE JUDGE RESIDENT IN KENT COUNTY, RESPECTIVELY.

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

Section 1. That the cases and decisions which the Associate Judge of the Superior Court resident in Kent County, or the Chancellor, shall not have published during their respective terms of office, shall be published by them respectively within the period of two years after the expiration, either by resignation or limitation, of their respective terms of office.

Section 2. That all provisions of law relating to the publication of judicial reports by the Associate Judge resident in Kent County and of equity cases by the Chancellor shall hereafter apply to reports published by them individually as aforesaid, after the expiration of their respective terms of office.

Approved April 5, A. D. 1909.
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