

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

COMMENCED AND HELD AT DOVER

On Tuesday, January 4th, A. D. 1921

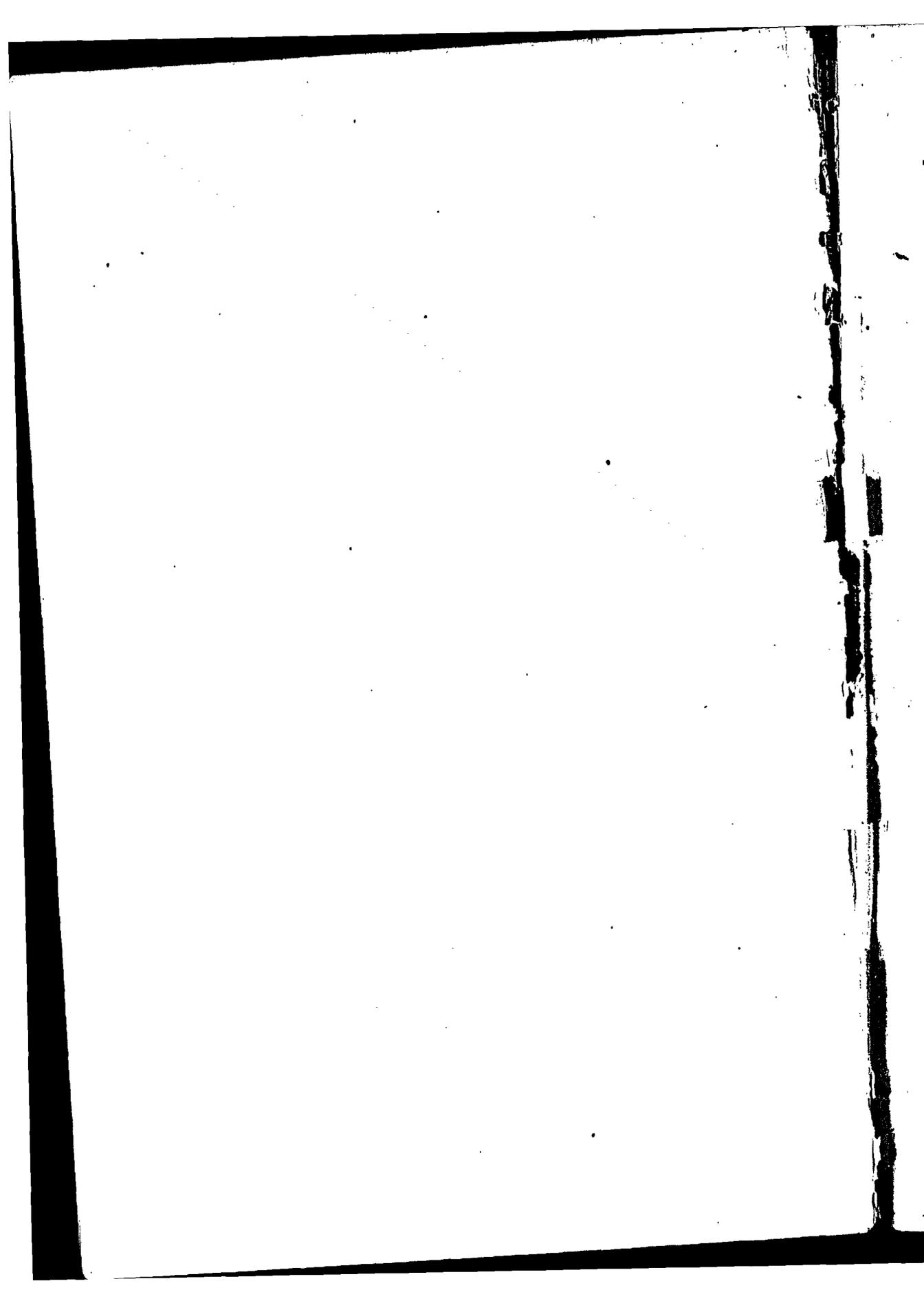
AND

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

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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 4, of the Constitution of the State of Delaware, permitting the Chief Justice or any Judge of the Superior Court of the State of Delaware, to grant restraining orders and preliminary injunctions pursuant to the rules of the Court of Chancery, during the absence from the State or temporary disability of the Chancellor.

WHEREAS, an Amendment to the Constitution of the State of Delaware was proposed in the Senate in the Ninety-seventh session of the General Assembly as follows:

“An Act to Amend Section 17 of Article 4 of the Constitution of the State of Delaware, permitting the Chief Justice or any Judge of the Superior Court of the State of Delaware, to grant restraining orders and preliminary injunctions pursuant to the Rules of the Court of Chancery, during the absence from the State or temporary disability of the Chancellor.

“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 17 of Article 4, of the Constitution of the State of Delaware be, and the same is hereby amend-

AMENDMENT TO CONSTITUTION

ed, by striking out said section and inserting in lieu thereof a new Section, to be known as Section 17, as follows:

"Section 17. The Chief Justice or any Judge of the Superior Court of the State of Delaware shall have power, in the absence of the Chancellor from the County where any suit in equity may be instituted, or during the temporary disability of the Chancellor, to grant restraining orders, and the Chief Justice or any Judge of the Superior Court of the State of Delaware shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant preliminary injunctions, pursuant to the rules, of the Court of Chancery; provided that nothing herein contained shall be construed to confer general jurisdiction over the case."

AND WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each House in the said ninety-seventh session of the General Assembly; and

WHEREAS, the said proposed amendment was published by the Secretary of State three months before the then next general election, to-wit, the general election of 1920, 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.

Approved March 31, A. D. 1921.

CHAPTER 2

AMENDMENT TO CONSTITUTION

AN ACT proposing an Amendment to Section 5 of Article 8 of the Constitution of the State of Delaware, in relation to Capitation Tax.

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 5 of Article 8 of the Constitution of the State of Delaware be amended by striking out all of said Section 5 of Article 8, and inserting in lieu thereof the following:

Section 5. The General Assembly shall provide for levying and collecting a capitation tax from every citizen of the State of the age of Twenty-one years or upwards; but such tax to be collected in any County shall be uniform throughout that County, and such capitation tax shall be used exclusively in the County in which it is collected.

Approved April 2, A. D. 1921.

CHAPTER 3

AMENDMENT TO CONSTITUTION

AN ACT proposing an Amendment to Article 15 of the Constitution of the State of Delaware, and providing that no citizen of the State of Delaware shall be disqualified to hold and enjoy any office, or public trust, under the laws of this State, by reason of sex.

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 Article 15 of the Constitution of the State of Delaware be and the same is hereby amended by adding immediately after Section 9 thereof the following new Section to be known as Section 10:

Section 10. No citizen of the State of Delaware shall be disqualified to hold and enjoy any office, or public trust, under the laws of this State, by reason of sex.

Approved April 4, A. D. 1921.

TITLE TWO

Jurisdiction and Property of the State

CHAPTER 4

BOUNDARY LINE BETWEEN PENNSYLVANIA AND DELAWARE

AN ACT providing for the acceptance, approval and confirmation of the report of the Commission appointed in pursuance of the Act of the General Assembly of the State of Delaware, approved the twenty-fifth day of April, A. D. 1889, authorizing the examination, survey and re-establishment of the circle of New Castle, as the boundary line between Pennsylvania and Delaware.

WHEREAS, by authority of an Act of the General Assembly of the State of Delaware, approved the twenty-fifth day of April, A. D. 1889, the Governor was authorized to appoint three persons as Commissioners to represent the State of Delaware, and, acting in conjunction with a like number of persons appointed as Commissioners to represent the Commonwealth of Pennsylvania, were as a Commission representing the two States, authorized to re-survey and re-establish the boundary line that separates the Commonwealth of Pennsylvania from the State of Delaware, and to mark or indicate the location of such boundary line by the erection of enduring monuments; and

WHEREAS, the Commission, constituted as aforesaid, were authorized and required to make a detailed report of their field work, with descriptions of monuments which might be erected, to indicate the location of the line referred to, which report, together with all correspondence relating thereto, was required to be filed with the Secretary of State of the State of Delaware; and

WHEREAS, such report, together with maps, details of field work and descriptions of monuments erected, was filed in the

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office of the Secretary of State on the first day of June, A. D. 1898, and a duplicate thereof filed with the Secretary of Internal Affairs for the Commonwealth of Pennsylvania, which report was signed by the Commissioners on the part of the Commonwealth of Pennsylvania, and by the Commissioners on the part of the State of Delaware, and which report indicates that the line of the circle of New Castle was surveyed and re-established in substantially the same location as it had, and that enduring monuments were erected to indicate the location of the line of the circle, all in conformity with the provisions of the Act of the General Assembly of the State of Delaware authorizing the formation of the Commission aforesaid. Therefore,

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

Section 1. That the report of the Commissioners appointed under the provisions of the Act of the General Assembly of the State of Delaware, approved the twenty-fifth day of April, A. D. 1889, to examine, survey and re-establish the line of the circle of New Castle, as the boundary between Pennsylvania and Delaware, be and the same is hereby accepted, approved and confirmed, and that the line established by and under the authority of said Commissioners, which is now marked by the erection of monuments to show its location, be and the same is hereby accepted, approved and confirmed as the proper and acceptable line to indicate the limits of the respective states of Pennsylvania and Delaware, with reference to each other.

Approved March 28, A. D. 1921.

CHAPTER 5

INDIAN RIVER INLET

AN ACT creating a Commission and appropriating Ten Thousand Dollars to open an Inlet from the Ocean to Indian River and Rehoboth Bay.

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

Section 1. That a Commission is hereby appointed consisting of Harry E. Clendaniel and Harry Prettyman of Sussex County, Delaware, and Charles Hopkins of Kent County, Delaware, and Jefferson A. Staats of New Castle County, Delaware, to be known as the Commission for opening Indian River Inlet.

Section 2. That the said Commission shall as soon as may be after the passage of this Act make necessary contracts and employ the necessary means and the assistance, in their discretion, of a competent engineer for the opening of an Inlet from the Ocean to Indian River and Rehoboth Bay at some point to be chosen by the said Commission north of the present Inlet and South of the United States Life Saving Station No. 142, provided that the whole amount expended shall not exceed the sum of Ten Thousand Dollars.

Section 3. That the said Commission shall organize by electing a Chairman and Vice-Chairman and Secretary, and all actions of the Commission shall be by majority vote.

Section 4. That the sum of Ten Thousand Dollars is hereby appropriated out of the Treasury of the State of Delaware to pay the expenses of the said Commission and the said work which shall be paid by the State Treasurer upon warrants signed by the Chairman and Secretary or Vice-Chairman and Secretary of said Commission; provided that any moneys unexpended by said Commission shall revert to the General Fund.

Approved March 31, A. D. 1921.

CHAPTER 6

REHOBOTH BEACH JETTIES

AN ACT creating a Commission and appropriating Thirty-five Thousand Dollars to erect Groins or Jetties at Rehoboth Beach.

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

Section 1. That within ten days after this Act goes into effect, the Speaker Pro Tempore of the Senate shall appoint two members of the Senate, and the Speaker of the House of Representatives shall appoint two members of the House, and the Governor shall appoint from among the citizens of this State a citizen of this State, and the persons so appointed shall be and constitute a commission for the purpose of carrying out the provisions of this Act.

Section 2. That the said Commission, as soon as may be after the appointment as aforesaid, shall erect such groins or jetties at Rehoboth Beach as will in the judgment of said Commission prevent a further erosion of the shore at said Beach. That for this purpose the said Commission shall have authority to employ all necessary labor, skilled and unskilled, purchase such materials, enter into such contracts, as may be necessary to do the said work; provided, that the whole amount expended shall not exceed the sum of Thirty-five Thousand Dollars.

Section 3. That immediately after the appointment as aforesaid, the said Commission shall organize by electing a Chairman, a Vice-Chairman and a Secretary.

Section 4. That all actions of the Commission shall be by a majority vote, and no bill shall be paid by the State Treasurer unless it bear the approval of the Chairman and Secretary, or the Vice-Chairman and Secretary.