

LAWS
OF THE
STATE OF DELAWARE

PASSED AT THE

One Hundredth and First Session
of the General Assembly

COMMENCED AND HELD AT DOVER

On Tuesday, January 4th, A. D., 1927

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRETH AND FIFTY-FIRST

VOLUME XXXV

PRESS OF
THE STAR PUBLISHING CO.
WILMINGTON, DEL.



JMS:LBP

LAWS OF DELAWARE

TITLE ONE

Construction of Statutes

CHAPTER 1

AMENDMENT TO CONSTITUTION

AN ACT proposing an amendment to Article 2 of the Constitution of the State of Delaware, authorizing the General Assembly to empower municipal corporations, other than counties, to adopt zoning ordinances.

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

Section 1. That Article 2 of the Constitution of the State of Delaware be amended by adding at the end thereof a new section to be known as Section 25 as follows:

Section 25. The General Assembly may enact laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein buildings and structures, according to their construction, and the nature and extent of their use, and the exercise of such authority shall be deemed to be within the police power of the State.

Approved March 18, A. D. 1927.

TITLE TWO

Jurisdiction and Property of the State

CHAPTER 2

JURISDICTION, LIMITS AND SOVEREIGNTY

AN ACT authorizing the Governor and the Secretary of State of the State of Delaware to convey to the heirs of Samuel J. Wright certain lands in the Town of Newark, Delaware, now belonging to the State of Delaware.

WHEREAS, the United States of America owns a certain lot or piece of land in the Town of Newark, Delaware, bounded on the West by South College Avenue, on the South by Delaware Avenue, and on the East and North by lands of The State of Delaware, and

WHEREAS, said lot, piece or parcel of land was purchased by and is held by the United States of America, for the purpose of erecting thereon a Postoffice Building, and

WHEREAS, negotiations are pending between the United States of America and the heirs of Samuel J. Wright, deceased, for the change of said Postoffice site to another location on lands of the said heirs of Samuel J. Wright, deceased, at the corner of Main Street and Centre Street, in the Town of Newark, Delaware, and

WHEREAS, part of said negotiations are that the United States of America shall convey to The State of Delaware said lot, piece or parcel of land at the corner of South College Avenue and Delaware Avenue, provided that The State of Delaware will convey to the heirs of Samuel J. Wright, deceased, a certain lot owned by the said The State of Delaware, on the South side of Delaware Avenue, in the Town of Newark, Delaware,

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Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (three-fourths of all the members elected to each branch thereof concurring therein).

Section 1. That the Governor and Secretary of State of The State of Delaware and the Trustees of the University of Delaware are hereby authorized and empowered to enter into and make any agreement with the United States of America, and the heirs of Samuel J. Wright, deceased, which the said Governor and Secretary of State of The State of Delaware may determine to be advisable and proper, for the conveyance of said lot, piece or parcel of land belonging to The State of Delaware, on the South side of Delaware Avenue, in the Town of Newark, aforesaid, to John Pilling Wright, Norris N. Wright, Ernest B. Wright, Mary Eliza Wright and Elizabeth W. Proud, the heirs of the said Samuel J. Wright, deceased, in consideration for the conveyance to The State of Delaware by the United States of America of that certain lot, piece or parcel of land in the Town of Newark, aforesaid, at the corner of South College Avenue and Delaware Avenue, recited in the preamble of this Act; and the Governor and Secretary of State of The State of Delaware are hereby further authorized, empowered and directed to execute, in the name of and under the Great Seal of The State of Delaware, a deed conveying to the said John Pilling Wright, Norris N. Wright, Ernest B. Wright, Mary Eliza Wright and Elizabeth W. Proud, their heirs and assigns, any lot, piece or parcel of land belonging to The State of Delaware, on the South side of Delaware Avenue, as aforesaid, which the said Governor, and Secretary of State of The State of Delaware, and the Trustees of the University of Delaware may agree to convey as consideration for the lot, piece or parcel of land to be conveyed by the United States of America to The State of Delaware.

Approved February 25 A. D., 1927.

CHAPTER 3

JURISDICTION, LIMITS AND SOVEREIGNTY

AN ACT to cede to the United States certain lands under water in the Delaware River, for the purpose of aiding in the improvement of said river.

WHEREAS, The Federal Government is engaged in dredging and otherwise improving the bed of the Delaware River under authority of Congress, and in the course of such improvement it has been found necessary for the Government to construct a bulkhead around portions of what are known as "Dan Baker" and "Stony Point" shoals, so as to form a basin within which the material dredged from the channel was deposited, thereby forming an island; and,

WHEREAS, The Legislature of the State of Delaware, by an Act approved April fourth, one thousand nine hundred and seven, ceded jurisdiction over and conveyed to the United States all right, title, interest and property of the State of Delaware in and to the aforesaid area, except that the State of Delaware retained its sovereignty and jurisdiction over the land conveyed so far as that all civil and criminal process issued under any law of the State of Delaware might be executed in any part of the premises conveyed; and

WHEREAS, A stone dike has been constructed by the United States from the southerly end of the aforesaid island to the New Jersey shore of the Delaware River at Stony Point, thereby forming a basin between the aforesaid island and the New Jersey shore of the Delaware River within which it is the intention of the United States to deposit material dredged from the channel; and,

WHEREAS, When filled this area will form solid land above high water connecting the aforesaid island with the New Jersey shore of the Delaware River, which it is thought important to have in the possession and under the control of the United States; and,

WHEREAS, The Government of the United States desires to acquire title to that portion of the river bottom of the Delaware River on which the aforesaid land is to be constructed: therefore,

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

Section 1. That all the right, title, interest, and property of this State in and to certain submerged land in the Delaware River between the States of Delaware and New Jersey, the location of said land, with reference to the United States Engineer Department triangulation of the said river, being more specifically described as follows:

Beginning at a point A, distant four thousand three hundred and fifteen (4,315) feet from triangulation station Stony Point on a line South sixty-five degrees forty-one minutes West (S 65° 41' W) therefrom, and distant ten thousand eight hundred fifteen and nine-tenths (10,815.9) feet from triangulation station Hope on a line North sixty-two degrees fifty minutes and twenty-six seconds West (N 62° 50' 26" W) therefrom, this point A being also the point of beginning of the boundary of a parcel of land formerly ceded to the United States by the States of Delaware and New Jersey by acts approved April fourth, one thousand nine hundred and seven, and March twenty-ninth one thousand nine hundred and seven, respectively; thence from A along the east boundary of the said land ceded to the United States by the following courses and distances; North seven degrees thirty-three minutes West (N 7° 33' 0" W) two thousand and six and two-tenths (2,006.2) feet to B; thence North five degrees forty-seven minutes West (N 5° 47' 0" W) three hundred and eighty-two and six-tenths (382.6) feet to C; thence North three degrees fifty-three minutes West (N 3° 53' 0" W) eight thousand one hundred and fifty-five (8,155) feet to D; thence North seven degrees forty-nine minutes and twenty seconds West (N 7° 49' 20" W) four thousand five hundred and nineteen (4,519) feet to E, the beginning of a curve the degree of which is thirty degrees, eleven minutes and twenty-five seconds (30° 11' 25"); thence along said curve a distance covered by a central angle of fifty-nine degrees five minutes and eleven seconds (59° 5' 11") to F; the bearing and length of the chord from E to F being North thirty-seven degrees twenty-one minutes and fifty-eight seconds West (N 37° 21' 58" W) one hundred and eighty-nine and thirty-four hundredths (189.34) feet;

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thence from F South sixty-six degrees fifty-four minutes and thirty-one seconds East (S 66° 54' 31" E) five thousand four hundred and forty-three and sixteen hundredths (5,443.16) feet to G, on the south side of Alloway Creek; thence South five degrees thirty-six minutes and thirty-five seconds East (S 5° 36' 35" E) thirteen thousand four hundred and fifty-two and ninety-five hundredths (13,452.95) feet, approximately parallel to the present shore line and between it and the high water line to H at Stony Point; thence South eighty-nine degrees fifty-six minutes and three seconds West (S 89° 56' 3" W) five thousand and eighty-four and three-tenths (5,084.3) feet to K on a sixteen degree twenty-five minute and thirty-six second (16° 25' 36") curve, which point is on the boundary of the above-mentioned land formerly ceded to the United States; thence along said curve a distance covered by a central angle of ninety-seven degrees twenty-nine minutes and three seconds (97° 29' 3") to the point of beginning; the bearing and length of the chord from K to A, the place of beginning being North forty-one degrees eleven minutes and twenty-seven seconds East (N 41° 11' 27" E) five hundred and twenty-six and twenty-two hundredths (526.22) feet; this tract of submerged land covering an area of one thousand five hundred and forty-one (1,541) acres, more or less, shall be, and hereby are, ceded to and vested in the United States of America as fully, absolutely, and to the same extent as this State now holds and is entitled to the same, together with the jurisdiction thereof.

Section 2. The sovereignty and jurisdiction of this State over the land herein conveyed, to such extent as existing at the present time, is hereby retained so far as that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so conveyed.

Section 3. This act shall take effect immediately.

Approved February 21 A. D., 1927.

CHAPTER 4

PUBLIC LANDS

AN ACT establishing a permanent park for the use and enjoyment of the people of this State, out of or from certain public lands situated at Rehoboth, Delaware, and East of Surf Avenue in said Town.

WHEREAS, pursuant to the authority of an act of the General Assembly approved April 2, 1913, the Public Lands Commission for the State of Delaware caused to be made a survey of public lands bordering along the Atlantic Ocean at the Town of Rehoboth, Sussex County, State of Delaware, which said survey shows certain lots or pieces of land east of Surf Avenue and between Surf Avenue and the Ocean, as said Avenue is designated on the plot of lots of The Rehoboth Beach Camp Meeting Association of the Methodist Episcopal Church, said plot being of record in the office of the Recorder of Deeds, in and for Sussex County, in Deed Book 84, at page 603, etc., to be within the lines of said survey of said public lands; and

WHEREAS, it is deemed advisable to preserve the said lands between said Surf Avenue and the Atlantic Ocean as a Public Park; now, therefore

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

Section 1. That that part of the public lands at or near the Town of Rehoboth, Sussex County, and State of Delaware, which lies east of Surf Avenue in said town and south or southeast of a line running with the south line of Henlopen Avenue in the said town extended to high water of the Atlantic Ocean, and running thence in a southerly direction with high water of the said Atlantic Ocean to a point in the north line of Pennsylvania Avenue in the said town extended, and thence in a westerly course with the said line to a point at the intersection of the east line of Surf Avenue and the north line of Pennsylvania Avenue in said town and thence with the east line of Surf Avenue to the place of beginning, be the contents thereof what they may, be and they are hereby declared dedicated to be a permanent park for the enjoyment of the people of this state and their

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guests forever, or so long as it seems to the General Assembly of this state from time to time to be fit and proper to be so maintained.

Section 2. The care and protection of the said tract of land hereinbefore dedicated as a public park, shall be under the control and management of the Public Lands Commission for the State of Delaware, and the Commissioners of the Town of Rehoboth, Delaware, jointly, and the said joint commission shall take care of the said public park by improving and beautifying the same and it shall have full and complete policing powers over the said park and may from time to time arrange for the policing thereof.

Section 3. Whatever funds may be necessary for the proper care, improvement, beautifying and policing of the said park by the said Public Lands Commission for the State of Delaware and the Commissioners of the Town of Rehoboth, Delaware, acting jointly, shall be taken from funds which shall be provided by the Commissioner of the said Town of Rehoboth.

Approved March 30 A. D., 1927.