

LAWS
OF THE
STATE OF DELAWARE

PASSED AT THE

**One Hundred and Second
Session of the General Assembly**

COMMENCED AND HELD AT DOVER

On Tuesday, January 1, A.D. 1929

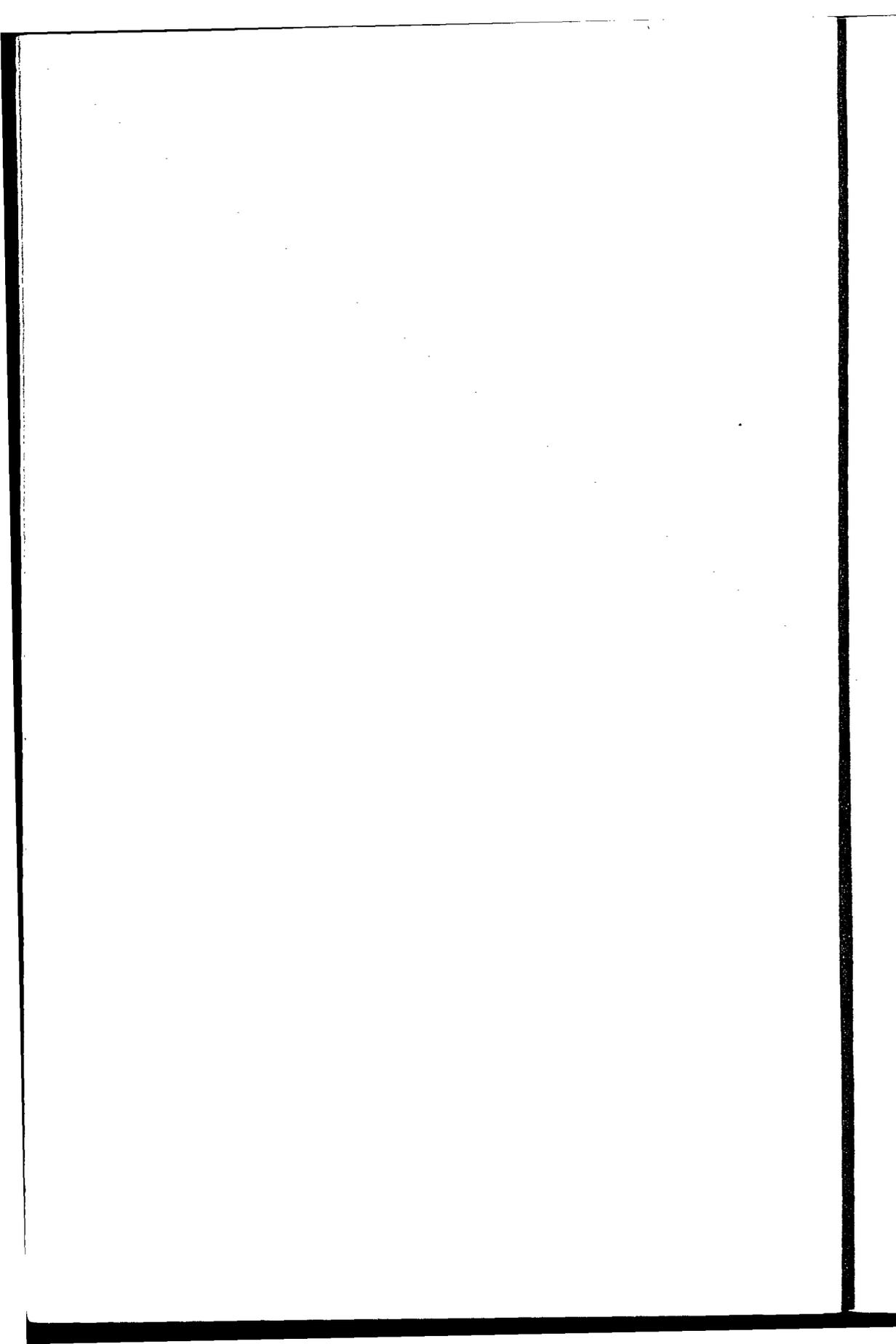
AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES

THE ONE HUNDRETH AND FIFTY-THIRD

VOLUME XXXVI

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LAWS of DELAWARE

TITLE ONE

Construction of Statutes

CHAPTER 1

AMENDMENT TO CONSTITUTION

AN ACT proposing an Amendment to Article Two 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 Two 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 19, 1929.

TITLE TWO

Jurisdiction and Property of the State

CHAPTER 2

PUBLIC LANDS

AN ACT relating to the Public Lands of the State of Delaware and the supervision and control thereof.

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

Section 1. On and after July 1, 1929, the Public Lands of the State of Delaware, as ascertained in regard to location, surveyed and plotted under the supervision and direction of the Public Lands Commission, created in accordance with the provisions of Chapter 5, Volume 27, Laws of Delaware, shall be under the supervision and control of the State Highway Department, which Department is hereby authorized and empowered to care for the said Public Lands and all powers given to said Public Lands Commission shall thereafter be exercised by the said Department.

Section 2. The State Highway Department is further authorized to survey such of the said Public Lands that may not have been surveyed, plotted and recorded in the office of the Recorder of Deeds in the County in which any such Lands may lie; to survey and lay off such Public Highways through any such Lands as they may deem advisable and for the public good; to supervise the sale of any material, product or thing which may grow or may be grown upon any such lands; to divide said Public Lands into tracts of fifty (50) acres, or less; and to sell such tracts, or any part of any such tracts, as shall be deemed advisable to sell.

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Section 3. The State Highway Department is also authorized and empowered to construct any road or roads leading to or through any such Public Lands which are under the supervision and control of the said Department; to make plans and specifications for the construction of such road or roads and to secure bids for the construction of the same; to enter into contract or contracts for the construction of such road or roads as may be deemed wise; and to pay the costs of the plans, specifications and construction work incident to the building of such road or roads out of any monies to the credit of said Department in the State Treasury.

Section 4. The State Highway Department, together with the Governor of this State, is hereby authorized and empowered to execute and deliver a good and sufficient deed to any part of said Public Lands of the State of Delaware, and to place upon the sale of such lands a restriction requiring the expenditure by any person or persons purchasing the same of a certain amount of money upon any tract sold to them, or to require any other conditions which the said Department may deem advisable for the public good. Whoever shall purchase any of the said Public Lands under any restrictions or conditions of the said Department, and shall fail for a period of five (5) years to comply with the restrictions or conditions mentioned in the Deed of Grant from said Department, shall forfeit said Lands to the State of Delaware, and the title to same shall thereafter rest in the State.

Section 5. That the State Highway Department may be enabled to carry out the provisions of this Act, all monies kept in the hands of the Public Lands Commission shall be placed in the State Treasury to the credit of the State Highway Department, and any monies, other than appropriated by the General Assembly, realized from the care and supervision of Public Lands of this State shall be deposited with the State Treasurer for the use of the said State Highway Department in carrying out the provisions of this Act; provided, however, no public money shall be expended under the provisions of this Act on any road or roads leading to or through any Public Lands of this State with pri-

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vately owned lands abutting thereon unless and until the owners of said abutting lands shall have reached or entered into an agreement with the said Highway Department as to whether or not a contribution toward the cost of such road or roads shall be made by said owner of such lands.

Section 6. All Acts or parts of Acts inconsistent with this Act are hereby repealed, in so far as the inconsistencies exist.

Approved April 18, 1929.

CHAPTER 3

STATE HOUSE AND STATE OFFICES

AN ACT to amend Chapter 4 of the Revised Code of the State of Delaware in relation 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 Section 1 of Chapter 4 of the Revised Code of the State of Delaware, being Section 16 of the Revised Code of 1915, be amended by striking out all of said Section 1 and by inserting in lieu thereof the following :

16. Section 1. On the Second Tuesday of February, 1929, or at such time thereafter as the approval of this Act will permit, and every four years thereafter on the second Tuesday of February, the Governor shall appoint a Custodian of the State House, who shall hold office for the term of four years or until a successor is duly appointed and qualified. Before entering upon the duties of this office, the said Custodian shall take the oath of office prescribed by the Constitution and give a bond to the State in the sum of Two Thousand Dollars, with sureties approved by the Governor, conditioned for the faithful performance of the official duties and the safe keeping of all State property under his care; such oath and bond shall be filed in the office of the Secretary of State.

Section 2. That Section 2 of Chapter 4 of the Revised Code of the State of Delaware, being Section 17 of the Revised Code of 1915, be amended by striking out all of said Section 2 and by inserting in lieu thereof the following :

17. Section 2. The Custodian of the State House shall have general charge of the State House and Administration Buildings and shall see that the same are properly cared for. He shall assign all rooms in the State House and Administration Buildings by and with the consent of the Governor for such uses and purposes as they may designate. At any time, when the said Cus-

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odian shall fail to perform the duties of the office, the Governor may remove such official and appoint some competent person to fill the unexpired term.

Section 3. That Section 3 of Chapter 4 of the Revised Code of the State of Delaware, being Section 18 of the Revised Code of 1915, be amended by striking out all of said Section 3 and by inserting in lieu thereof the following:

18. Section 3. The Custodian of the State House shall appoint two or more persons, one of whom shall be known as the Chief Janitor for the State Buildings, who shall hold office at the pleasure of the said Custodian. He shall direct the work of the said Janitor, whose duty it shall be to care for the property belonging to the State, to keep clean and in good order all the rooms, offices, apartments, library and furniture, halls, stairways and cellars in said buildings, to attend to the heating of same, and to look after the pavements and grounds attached thereto, and to perform the duties and to do any and all things directed to be done by the Custodian, which may be incident to the office of Janitor. The Custodian and Janitors, for the purpose of enforcing this Section, shall be clothed with all the powers of a police officer of the Town of Dover, Delaware.

Section 4. That Section 4 of Chapter 4 of the Revised Code of the State of Delaware, being Section 19 of the Revised Code of 1915, be amended by striking out all of said Section 4 and by inserting in lieu thereof the following:

19. Section 4. The Custodian of the State House shall receive an annual salary of Fifteen Hundred Dollars (\$1,500.00), and is authorized and empowered to draw upon the State Treasurer at the end of each month for the same. The Chief Janitor shall be paid for his services a monthly salary of Ninety Dollars (\$90.00) and the others shall receive Eighty Dollars (\$80.00) per month for their services, such monies to be paid by the State Treasurer on warrants signed by the said Custodian. There shall also be allowed to defray the expenses incident to the care of

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State property such amounts as may from time to time be appropriated in the Budget Appropriation Bill.

Section 5. That Section 5 of Chapter 4 of the Revised Code of the State of Delaware, being Section 20 of the Revised Code of 1915, be amended by striking out all of said Section 5 and by inserting in lieu thereof the following:

20. Section 5. The Custodian of the State House shall make a written report to the State Treasurer every six months as to the condition of the State property in his care and of the manner in which the janitors are performing the duties incumbent upon them. Should any report show the need of repairs to the buildings or improvement to the grounds, or that the janitors are not performing the duties of their respective offices faithfully, the State Treasurer shall bring such matter to the attention of the Board of State Repairs or to the Governor, as the condition may warrant.

Section 6. That Section 6 of Chapter 4 of the Revised Code of the State of Delaware, being Section 21 of the Revised Code of 1915, be amended by striking out all of said Section 6 and by inserting in lieu thereof the following:

21. Section 6. The Custodian of the State House shall keep the State House and Administration Buildings open each day, except Sundays and legal holidays, from eight o'clock A. M. to five o'clock P. M., with the exception of Saturdays, when the said buildings shall be closed at one o'clock P. M., provided, however, that during the period of the sessions of the General Assembly, the State House shall be open from eight o'clock A. M. to ten o'clock P. M. on the days that sessions are being held.

Section 7. That Section 7 of Chapter 4 of the Revised Code of the State of Delaware, being Section 22 of the Revised Code of 1915, be amended by striking out all of said Section 7 and by inserting in lieu thereof the following:

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22. Section 22.* The Custodian of the State House is hereby authorized to appoint during any biennial or special session of the General Assembly a night watchman for the State House, who shall hold office for or during the said session, unless sooner removed by the Custodian. It shall be the duty of such night watchman to go on duty at seven o'clock P. M. and remain on duty until seven o'clock A. M., and to permit no one to enter the State House between the hours of ten o'clock P. M. and seven o'clock A. M., except State officials, their representatives and persons accompanying them. The compensation of said night watchman shall not exceed the sum of Five Dollars per diem of actual service during the session of the General Assembly.

Approved April 17, 1929.

* So enrolled.