

LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND SEVENTH
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 3, A. D.

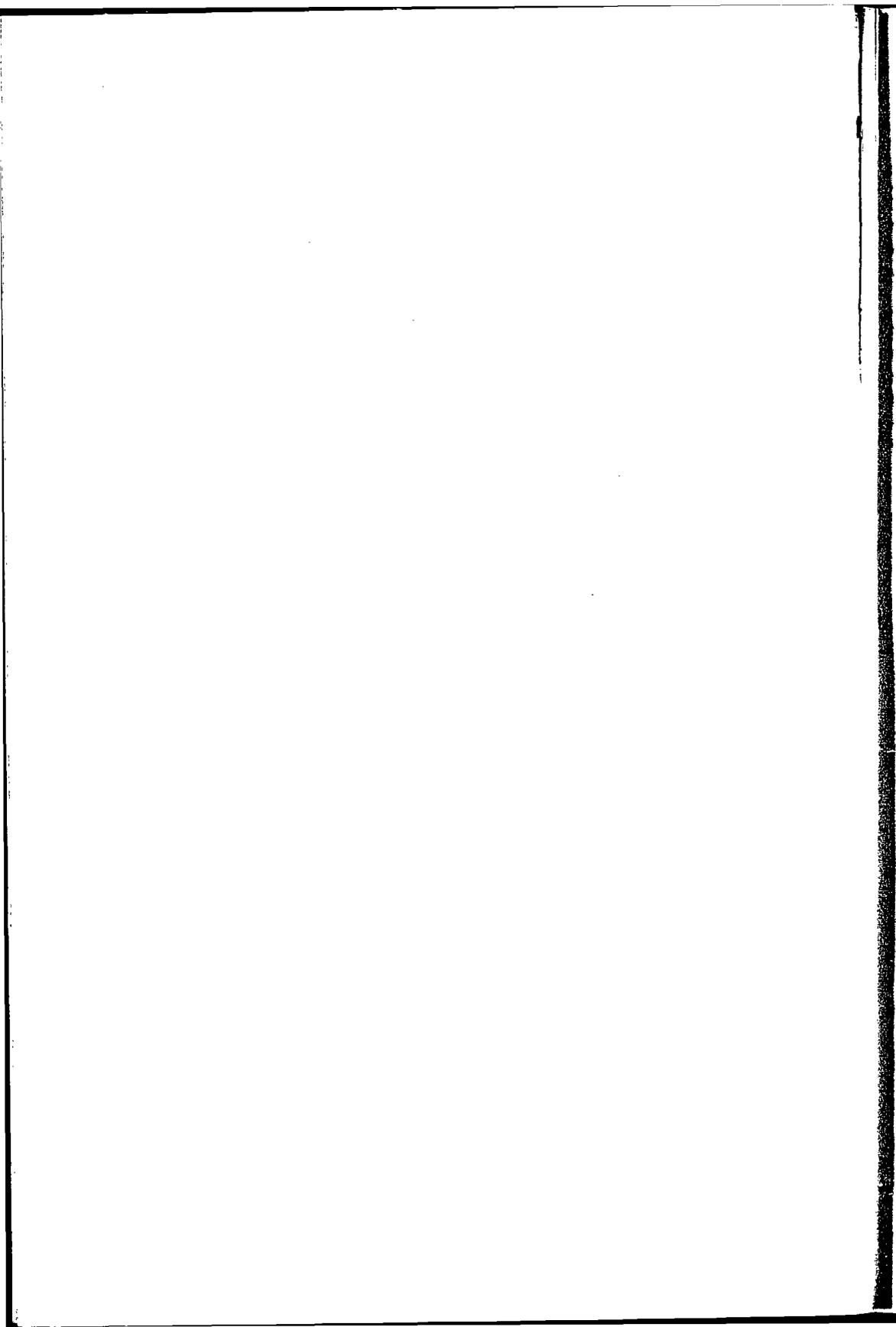
1939

AND

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

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LAWS of DELAWARE

Jurisdiction and Property of the State

CHAPTER 1

TITLE TO LANDS NEAR CAPE HENLOPEN REINVESTED IN THE STATE OF DELAWARE

AN ACT TO REINVEST THE STATE OF DELAWARE WITH TITLE TO LANDS NEAR CAPE HENLOPEN HERETOFORE CONDITIONALLY CONVEYED TO THE UNITED STATES OF AMERICA FOR USE AS A QUARANTINE STATION, AND NOW ABANDONED.

WHEREAS, by Chapter 449 of Volume 18, Laws of Delaware, the State of Delaware, by an Act of the General Assembly, ceded to and granted jurisdiction over to the United States of America of a quantity of land belonging to the State of Delaware not exceeding fifteen hundred (1500) feet front and twelve hundred (1200) feet deep from low water mark situate and lying on the Delaware Bay, between the United States Government Iron Pier and the point of Cape Henlopen; and

WHEREAS, The said cession of said land and jurisdiction thereover by the State of Delaware to the United States of America was "upon the express condition that a Quarantine Station shall be located and maintained thereon by the United States"; and

WHEREAS, after having erected and maintained a Quarantine Station thereon for a long space of time, the United States of America has dismantled the Station and has officially notified the Governor of the State of Delaware that it has abandoned the purposes for which this tract of land was ceded to and granted juris-

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diction over and consents to the State of Delaware revesting in itself full title thereto; NOW THEREFORE

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

Section 1. That by the actual and declared abandonment of said tract of land and jurisdiction thereover by the United States of America for the granted purpose of locating and maintaining thereon a Quarantine Station, the United States of America has surrendered, yielded up and quit claimed to the State of Delaware all its right, title, interest, and jurisdiction in, to and over said tract

of land, and the said tract of land has thereby reverted to the State of Delaware clear and free of said cession of land and jurisdiction heretofore granted to the United States of America.

Section 2. That said tract of land ceded by the State of Delaware to the United States of America by said Chapter not exceeding fifteen hundred (1500) feet front and twelve hundred (1200) feet deep from low water mark, situate and lying on the Delaware Bay, between the United States Government Iron Pier and the Point of Henlopen, is now owned in fee simple by the State of Delaware and constitutes a part of the public lands of the State.

Approved April 24, 1939.

CHAPTER 2

UNKNOWN SAILORS' CEMETERY

AN ACT DESIGNATING CERTAIN PUBLIC LANDS NEAR THE COAST GUARD STATION NEAR LEWES, DELAWARE, AS A MEMORIAL CEMETERY AND PROVIDING FOR THE CARE AND SUPERVISION THEREOF.

WHEREAS, certain public lands hereinafter described have for a long period of time been used as a cemetery principally for the burial of sailors, the names of many of whom have always remained unknown; and,

WHEREAS, for a long period of time there has been no provision for the care and maintenance of said land as a cemetery; THEREFORE,

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

Section 1. That the public lands hereinafter described be and they are hereby set aside and designated as a memorial cemetery and shall be maintained solely for that purpose. Said cemetery shall be known as the "Unknown Sailors' Cemetery" and shall include the following described lands:

Beginning at a point on the north edge of the State Highway leading from the Town of Lewes towards the old Henlopen Light-house Reservation, said point being 171 feet east from the lines of Lewes Coast Guard Station and corner for lands in possession of Louis L. Paynter, and thence running along and with one line of said lands 577 feet to a point at high water mark on Delaware Bay, thence along the high water mark of said Bay southeast 350 feet to a point corner for land leased to the Lewes Fertilizer Company, now in possession of Smith Meal Company, thence along and with one line of said lands southwest 568 feet to a point in the north edge of the above described highway, thence along and with the north edge of said Highway 385 feet home to the place of beginning.

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Section 2. That the Delaware Society for the Preservation of Antiquities, a corporation of the State of Delaware, be and the same is hereby appointed and constituted a State agency or authority of the State of Delaware to carry out the provisions of this Act. Said Society shall have full power and authority to provide for the care and maintenance and the reconstruction and restoration of said cemetery, with the power and authority to make application to any Federal Department, board or agency for the performance of any necessary work and to accept any grant which may be available to it as such State agency or to the State of Delaware for the purpose of the reconstruction and restoration of said cemetery.

Approved May 4, 1939.

CHAPTER 3

FORT CHRISTINA STATE PARK

AN ACT NAMING AND DESIGNATING THE PARK CREATED AT "THE ROCKS" ON THE CHRISTINA RIVER IN THE CITY OF WILMINGTON AS "FORT CHRISTINA STATE PARK" IN ORDER TO MARK PERPETUALLY THE FIRST SETTLEMENT OF THE COLONY OF NEW SWEDEN.

WHEREAS, by an act of the General Assembly, Chapter 235 of Volume 41, Laws of Delaware, approved April 28, 1937, the State Highway Department was authorized and directed to acquire land at "The Rocks" on the Christina River in the City of Wilmington for the purpose of creating there a State Park to mark perpetually the place where the first Swedish settlers landed and the site of Fort Christina, the first permanent settlement in the State of Delaware as well as the first permanent settlement in the entire Delaware River Valley, and

WHEREAS, in said act no name was given to the proposed park, and

WHEREAS, said park was completed in the year, 1938, and a monument therein, modelled by the sculptor, Carl Milles, and presented to the people of America by the people of Sweden, was dedicated on June 27, 1938, in the presence of the President of the United States, the Crown Princess Louise and Prince Bertil of the Kingdom of Sweden, the Foreign Minister of the Republic of Finland, the Governor of the State of Delaware, and many other distinguished guests, therefore

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

Section 1. That on and after the passage and approval of this Act, the land acquired at "The Rocks" on the Christina River in the City of Wilmington, for the purpose of creating there a State Park to mark perpetually the place where the first Swedish settlers landed and the site of Fort Christina, the first permanent settlement

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in the State of Delaware as well as the first permanent settlement in the Delaware River Valley, thereafter be known and designated as "Fort Christina State Park."

Approved April 24, 1939.

CHAPTER 4

AUTHORIZING THE CONVEYANCE OF STATE LANDS

AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS OWNED BY THE STATE OF DELAWARE SITUATED IN SOUTH MURDERKILL HUNDRED, KENT COUNTY, IN EXCHANGE FOR CERTAIN OTHER LANDS IN SAID HUNDRED REQUIRED FOR STATE HIGHWAY PURPOSES, AND NOW OWNED BY CLARENCE T. POSTLES AND ANNA-BELLE POSTLES, HIS WIFE.

WHEREAS, the State of Delaware is the owner of a small tract of land, situated in South Murderkill Hundred, Kent County and State of Delaware, and described as follows:

All that certain lot or tract of land situated in South Murderkill Hundred, Kent County and State of Delaware, and more particularly described as follows, to wit:

BEGINNING at the intersection of the center line of the old county road leading from Plymouth to Barratt's Chapel, and the division line between the lands of George F. McGinnis and said lands of the State of Delaware, thence by and with the lands of George F. McGinnis and other lands of the State of Delaware north thirty (30) degrees fourteen (14) minutes east two hundred sixty (260) feet more or less to a point in the southerly right of way line of the new state road leading from Plymouth to Barratt's Chapel; thence along said right of way line south eighty-two (82) degrees twenty-four (24) minutes west one hundred eighty-four (184) feet more or less to a point; thence, tangent to the right three hundred sixty-five (365) feet more or less along an arc of nine hundred eighty and thirty-seven-hundredths (980.37) feet radius, to the point of the intersection of the southerly right of way line of the aforementioned new state road and the center line of the old county road; the aforescribed arc being parallel to and twenty-five (25) feet from the center line of the new state road leading from Plymouth to Barratt's Chapel; thence along the center line of the old county road and by and with the lands of Clarence T. Postles south sixty-two (62) degrees one (1) minute east

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five hundred (500) feet more or less to the place of beginning; and containing one and two-hundred-sixty-two-thousandths (1.262) acres, more or less; and

BEING a part of the same lands which were conveyed to The State of Delaware in and by the deed of Samuel H. Lingo and wife, dated March 16, 1936, and recorded in the Recorder's Office at Dover, in and for Kent County aforesaid, in Deed Record Book W. Vol. 14, Page 188.

AND WHEREAS, the State Highway Department of the State of Delaware desires to acquire for The State of Delaware for state highway purposes, certain other lands situated in the Hundred aforesaid, and now owned by Clarence T. Postles and Annabelle Postles, his wife.

AND WHEREAS, the said Clarence T. Postles and Annabelle Postles are willing to make, execute and deliver a good and sufficient deed for the lands owned by them and so desired for highway purposes in exchange for the tract of land owned by the State of Delaware above described, and the State Highway Department desiring to effect said exchange,

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

Section 1. That the Governor and the Secretary of State of the State of Delaware be, and they are hereby authorized and fully empowered to execute, and to acknowledge a deed of conveyance conveying to the said Clarence T. Postles and Annabelle Postles, his wife, the tract of land above described, the said deed to be delivered by the State Highway Department of the State of Delaware to the said Clarence T. Postles and Annabelle Postles in exchange for a good and sufficient deed conveying to The State of Delaware the lands of the said Clarence T. Postles and Annabelle Postles desired by the State of Delaware for highway purposes, free and clear of liens.

Approved May 1, 1939.