

**LAWS**  
OF THE  
**STATE OF DELAWARE**

ONE HUNDRED AND TWENTIETH  
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 6, A. D.  
1959

AND

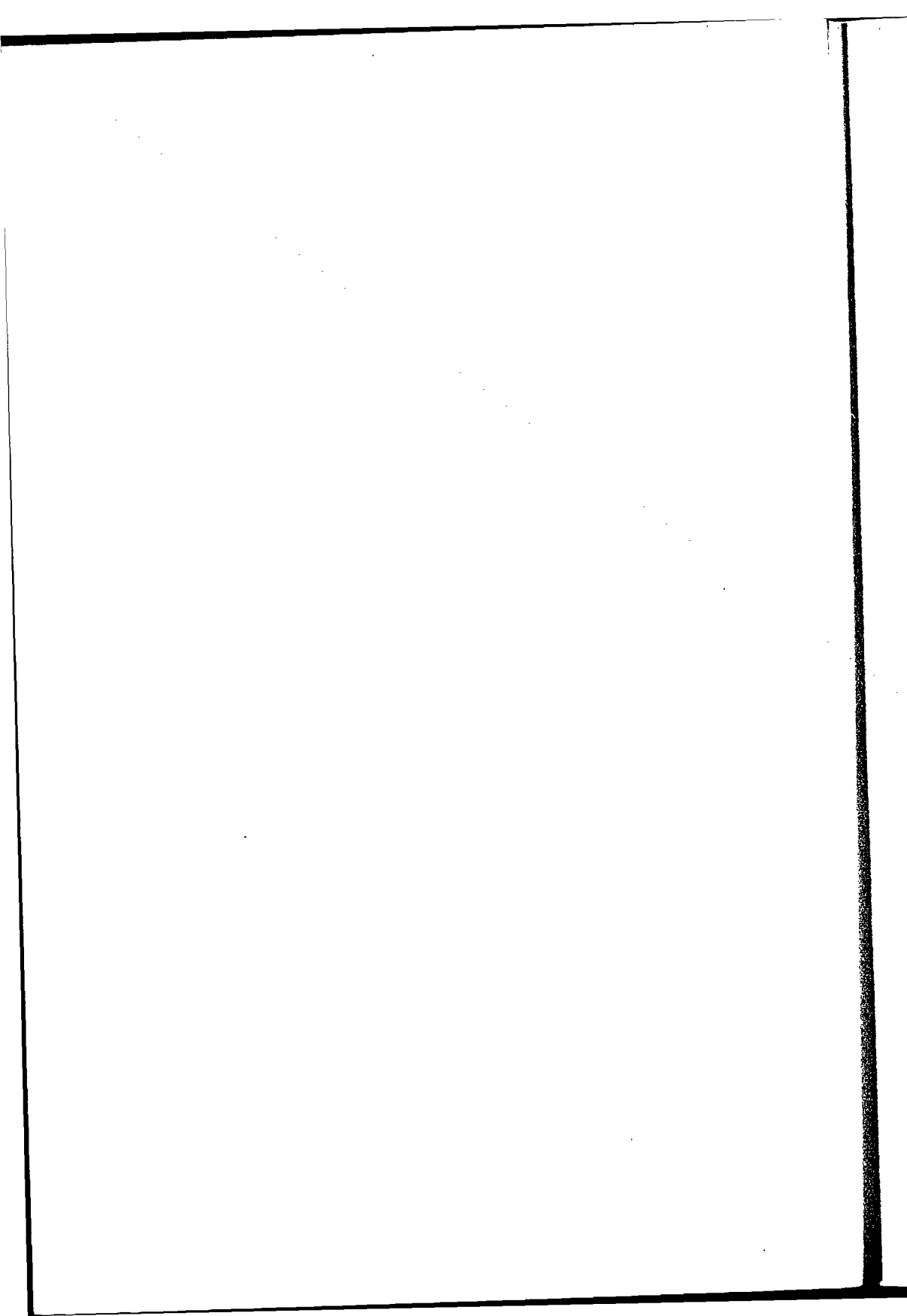
IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
OF AMERICA, THE ONE HUNDRED AND EIGHTY-THIRD

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**VOLUME LII**

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# LAWS OF DELAWARE.

## CHAPTER 1

### **AN ACT AGREEING TO A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO INCREASE THE ANNUAL SALARIES OF THE MEMBERS OF THE GENERAL ASSEMBLY.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 119th General Assembly as follows:

### **AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO INCREASE THE ANNUAL SALARIES OF THE MEMBERS OF THE GENERAL ASSEMBLY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. § 15, Article 2, of the Constitution of the State of Delaware is hereby amended by striking out the words and figures, "One Thousand Dollars (\$1,000.00)" as they appear in lines 2 and 3 thereof and substituting in lieu thereof the following words and figures:

"Three Thousand Dollars (\$3,000.00)",

AND WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 119th General Assembly, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective January 21, 1959.

## CHAPTER 2

AN ACT TO FURTHER AMEND AN ACT ENTITLED "AN ACT TO RENEW THE ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK AND THE ACTS SUPPLEMENTARY THERETO", BY PROVIDING FOR AN INCREASE IN THE NUMBER OF MANAGERS AND BY PROVIDING FOR THE DESIGNATION AND POWERS OF COMMITTEES AND FOR THE ELECTION OF VICE PRESIDENTS, ONE OF WHOM SHALL BE A MANAGER, AND TO ESTABLISH AND OPERATE BRANCHES OR BRANCH OFFICES.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch concurring therein):*

Section 1. Section 2 of the Act entitled, "An Act to Incorporate the Artisans' Savings Bank", passed at Dover on the 28th day of February, A. D. 1861, as heretofore renewed and amended, be and the same is hereby further amended by striking out said Section 2 and amendments thereto and substituting in lieu thereof a new Section 2, as follows:

"That the said Corporation shall annually on the second Tuesday in February in the City of Wilmington, or at such other time or place as by the By-laws may be appointed, elect by ballot from the members of said corporation not less than thirteen nor more than seventeen Managers to serve for one year or until their successors shall be chosen, the number to be selected to be determined each year at the last meeting of the Board of Managers prior to giving notice to the members of the corporation of the annual meeting. In order to increase the number of Managers to the number of seventeen permitted by this Amendment, the Board of Managers, as now constituted, shall have the right, upon approval of this Amendment, to select from the members of said corporation an additional member, or members, to become a Manager, or Managers, to serve until the next annual election. The Managers, during their term of office, shall have the sole management and direction of the affairs of said corporation. They shall elect one of their number to be President and elect one or more Vice Presidents, one of whom shall be a Manager, and shall also appoint a Treasurer and a Sec-

retary, and such other officers as may be necessary for the conducting of the business of the corporation. The Managers may, by resolution passed by a majority of the whole Board, designate and name one or more committees, each committee to consist of three or more of the Managers of the corporation, which to the extent provided in the By-laws of the corporation shall have and may exercise the powers of the Board of Managers in the management of the business and affairs of the corporation and may authorize the seal of the corporation to be affixed to all papers which may require it. The Managers shall have power to fill vacancies in their own body and to make such By-laws and Regulations for the government of the corporation as they may deem expedient and to repeal or amend the same at pleasure. Provided that no such By-laws or Regulations shall be repugnant to the Constitution or Laws of this State or of the United States."

Section 2. Section 3 of the Act entitled, "An Act to Incorporate the Artisans' Savings Bank", passed at Dover on the 28th day of February, A. D. 1861, as heretofore renewed and amended, be and the same is hereby further amended by adding to said section the following words and punctuation, to-wit:

In addition to its principal office, the said Corporation may establish, maintain and operate such branches or branch offices, at such place or places, as it may deem to be advantageous.

Section 3. This Act shall be deemed and taken to be a private Act.

Approved March 6, 1959.

## CHAPTER 3

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE (KNOWN AS THE FAMILY COURT ACT) BY REQUIRING THE COURT TO KEEP ITS EXPENSES WITHIN GENERAL ASSEMBLY APPROPRIATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend Title 10, Delaware Code, by striking out subsections (b) and (c) of § 909 of Chapter 9 thereof, and by enacting and inserting in lieu a new sub-section (b) to read:

(b) It shall be the duty of the State Treasurer to pay all salaries of the Court semi-monthly and all expenses thereof monthly within the limit of the amounts appropriated to the Court by the General Assembly.

Approved March 9, 1959.

## CHAPTER 4

**AN ACT TO AMEND CHAPTER 457, VOLUME 50, LAWS OF DELAWARE, BY PROVIDING ADDITIONAL PROJECTS WHICH MAY BE ACQUIRED AND FINANCED THEREUNDER; AUTHORIZING THE EXECUTION OF LEASES AND PURCHASE AGREEMENTS WITH RESPECT TO ANY SUCH PROJECTS; PROVIDING FOR THE SALE OF BONDS ISSUED THEREUNDER; PROVIDING THAT NO APPROVAL OF THE PROCEEDINGS OF "THE COUNCIL" AND THE BOARD OF HARBOR COMMISSIONERS THEREUNDER SHALL BE REQUIRED; PROVIDING FOR THE SECURITY OF BONDS ISSUED THEREUNDER; DECLARING THE CARRYING OUT OF THE POWERS THEREIN AUTHORIZED TO CONSTITUTE A STATE AND PUBLIC PURPOSE; EXEMPTING PROPERTY ACQUIRED AND BONDS ISSUED THEREUNDER FROM TAXATION; PROVIDING FOR THE MANNER OF THE CONSTRUCTION OF PROJECTS THEREUNDER; LIMITING THE INSTITUTION OF ACTIONS ATTACKING PROCEEDINGS THEREUNDER; AND MAKING OTHER PROVISIONS IN CONNECTION WITH THE FOREGOING.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members elected to each Branch thereof concurring therein):*

Section 1. Paragraph (a) of Section 2 of Chapter 457, Volume 50, Laws of Delaware, is hereby amended by striking out and repealing the said paragraph (a) and inserting in lieu thereof a new paragraph (a) to read as follows:

Section 2. DEFINITIONS.

Whenever used in this Act, unless a different meaning clearly appears from the context:

(a) The term "undertaking" shall mean wharves, piers, docks, ships, bulkheads, terminals, warehouses, structures, appliances, cranes, machinery, equipment, elevators, compresses, refrigeration storage plants, buildings, structures and facilities to be used in the manufacturing, processing, assembling, storing

or handling of any agricultural or manufactured produce or produce of mining or industry which in the judgment of the board will result in the increased use of the harbor facilities of the municipality, tracks, rails, railways or railroad lines, or any part or combination thereof, used or useful in connection with the improvement of the water front, the harbor, terminal and shipping facilities of the municipality. Any undertaking may include other structures and any facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of roads, bridges and causeways necessary or useful in connection therewith and including any public utility facilities designed to supply public utility services to other parts of the undertaking or to the users of any of the facilities of the board. There may be included as part of any undertaking all apparatus, equipment and machinery of every nature necessary or desirable for the full utilization of the undertaking. Nothing in the foregoing shall be construed to authorize the construction or maintenance of telephone and telegraph facilities which are normally owned by public utility companies.

Section 2. Section 3 of Chapter 457 aforesaid is hereby amended by adding to said section a new and additional paragraph to be known as paragraph (f) and to read as follows:

(f) Any buildings, structures or facilities acquired by the municipality hereunder which are to be utilized in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, which may be acquired for operation by a corporation, entity or persons other than the board, as distinguished from buildings, structures or facilities acquired by the municipality for operation by the board as harbor, terminal and allied facilities for the direct use of the public, shall be acquired and financed hereunder only if prior to the issuance of bonds therefor the municipality, acting through the board shall have entered into a lease or leases thereof or an agreement or agreements for the sale thereof pursuant to the terms of which the lessees or purchasers shall pay to the municipality such rentals or installment purchase payments, or both, as upon the basis of determinations and findings to be made by the board, will be fully sufficient to pay principal of and interest on the bonds



issued for the financing thereof, to build up and maintain any reserves deemed by the board to be advisable in connection therewith, and to pay the cost of maintaining the buildings, structures and facilities in good repair and keeping them properly insured, unless the leases or agreements obligate the lessees or purchasers to pay for such insurance or maintenance. The board is granted full power and discretion to enter into any such agreements or leases as may in its judgment be desirable for the best interests of the municipality. Any such agreement or lease may provide that any surplus capacity of the buildings, structures or facilities which are the subject matter thereof may be utilized by and for the benefit of the general public, in which event such surplus capacity may be maintained or operated, or both, by either the board or by the lessee or purchaser under the lease or agreement, or in part by each, all as may be provided in the lease or agreement. Any undertaking may include in part one or more buildings, structures or facilities or combinations thereof to be leased or sold as provided in this paragraph, and in part other buildings, structures or facilities to be operated by the board, the revenues of the whole being allocated and pledged to the financing of the undertaking as a whole, and in such event, the requirements of this paragraph applicable to buildings, structures or facilities to be leased or sold shall be applicable only to the part of the undertaking which consists of the buildings, structures or facilities to be so leased or sold.

Section 3. Section 4 of Chapter 457 aforesaid is hereby amended by striking out and repealing the said Section 4 and inserting in lieu thereof a new Section 4 to read as follows:

**Section 4. AUTHORIZATION OF UNDERTAKING;  
FORM AND CONTENT OF BONDS.**

The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be undertaken by the board under this Act and bonds may be authorized under this Act by ordinance or ordinances of the governing body adopted by a majority of all members thereof then in office, and such bonds may be issued from time to time as may be determined by such ordinance or ordinances. Said bonds shall bear interest at such rate or rates, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their re-

spective dates, may be payable in such medium of payment, at such place or places, may carry such registration, privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance or subsequent ordinances may provide. After such bonds shall have been authorized by ordinance adopted by the governing body, the bonds shall be sold by the board in such manner and on such terms as the board may prescribe, provided only that the price at which the bonds are sold shall never be such as to make the interest cost to the municipality exceed six per cent per annum computed to maturity according to standard tables of bond values. Pending the preparation of the definite bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this Act.

All powers granted the municipality and all things authorized to be done by the governing body and by the board under the provisions of this Act may be exercised and done without the necessity for approval thereof by any other board, agency, instrumentality, department, or political subdivision of the municipality or of the State of Delaware.

. Nothing contained in this Act shall be so construed as to prevent the execution of leases and agreements by the board for the lease or sale of all or any part of any undertaking, as long as it is expressly found by the board that the revenues to be derived from such lease or agreement, together with the other revenues of the undertaking, will be sufficient to carry out the requirements of Sections 9 and 10 of this Act. All rentals and payments received by the municipality under the provisions of any such lease or agreement shall be regarded as revenues of the undertaking within the meaning of paragraph (d) of Section 3 of this Act.

Section 4. Section 5 of Chapter 457 aforesaid is hereby amended by adding to said Section 5 an additional paragraph to read as follows:

In the discretion of the governing body, any issue of bonds hereunder may be secured by a trust indenture by and between