

Delaware Laws 16100  
125

# LAWS

OF THE

# STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 3rd, A. D. 1911

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED  
STATES THE ONE HUNDRED AND THIRTY-FIFTH

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## OF CITIES AND TOWNS.

## CHAPTER 214.

## OF CITIES AND TOWNS.

**AN ACT to Authorize "The Mayor and Council of New Castle" to Acquire or Construct, and to Maintain and Operate a System of Water Supply for the use of the City of New Castle and its Inhabitants.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members of each House of the General Assembly):*

Authorized  
to construct  
water works.

Section 1. That it shall and may be lawful, and it is hereby authorized and empowered so to do, for "The Mayor and Council of New Castle," acting in this behalf, by and through the Commission hereafter provided for, to build, construct, maintain and operate, under such rules and regulations as said Commission may deem necessary and proper, a water plant, water supply or water works, for the use and benefit of the city of New Castle and its inhabitants:—Or it is, in like manner, authorized and empowered to acquire by purchase, lease or otherwise from the corporation known as the "Delaware Water Improvement Company," all the property, franchise, real and personal estate and fixtures belonging to the said company, and to hold, operate and use the same, through and by said Commission for the use and benefit of the said City of New Castle and its inhabitants, under such regulations and rules as the said Commissioners shall appoint and establish. And upon such acquisition the said "The Mayor and Council of New Castle," shall succeed to and enjoy all the rights and be clothed with all the corporate powers conferred upon and now belonging to the said "Delaware Water Improvement Company," by virtue of any law or authority whatsoever, in respect to its water rights.

May acquire  
by purchase.

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Section 2. That for the purposes set forth in section 1 of this act, the said "The Mayor and Council of New Castle," shall be and they are hereby authorized and empowered to borrow, upon the credit of the said city, such sum or sums of money as may be deemed necessary, not exceeding the sum of one hundred thousand dollars; and for that purpose may issue certificates of indebtedness of such denominations, in such form, payable at such time, not exceeding thirty years from the date thereof, and bearing such rate of interest, not exceeding five per cent per annum, as the said city council may deem expedient. Which said sums of money as soon as the same are raised, shall be paid over to the five commissioners hereinafter to be elected and appointed under the provisions of this act, to be drawn out and used, by the said commissioners for the purposes of this act only. Provided, however, that the said "The Mayor and Council of New Castle," shall not at any time have the right or power to issue said certificates of indebtedness or any of them, until a special election of the citizens of New Castle has been held by three persons appointed so to do, by the said City Council, not of their body, and a majority of the votes cast at such election has been ascertained to be in favor of the issuance thereof. That the persons holding said election shall be paid a reasonable fee to be fixed by the said city council out of the monies of the city. Any person, male or female, who has been assessed and paid a property or poll tax for the year next preceding any such election shall be entitled to vote, (and no others,) one vote for every one hundred dollars of assessment (no fraction of one hundred dollars to be taken into consideration). A city tax receipt shall be the best evidence that such tax has been paid. The city council of New Castle shall furnish the election officers, so holding said election, with the assessment book or a certified copy of the same, of the next preceding year to which any such election is held, pursuant to the provisions of this section. As many elections may be held in the manner aforesaid as the City

Power to borrow money.

Not to exceed \$100,000.

Interest.

Commissioners.

Special election.

Fee.

Right to vote.

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Council may deem necessary to accomplish the objects and purposes of this act.

Annual tax. Section 3. In order to provide for the payment of the interest on said certificates of indebtedness, the city council of New Castle shall raise annually, by taxation of the persons and property within the limits of said city, (according to the provisions of the Act of Assembly, entitled, "An Act to incorporate the City of New Castle," passed at Dover, February 25th, 1875, and any amendments or supplements thereto in relation to the assessment and collection of taxes within said City,) such sum as may be necessary for the purpose of paying said interest; and should there be any surplus of said taxes, after paying said interest, it shall be paid into the City \*Treasurer and their held, as a sinking fund to assist in the payment and liquidation of said certificates of indebtedness as they may become due and payable.

Sinking fund.

Time of holding election. Section 4. The said city council of New Castle shall by proclamation designate a day, hour and place to be fixed by them upon and at which an election shall be held to elect five commissioners to carry into effect the provisions of this act. At said election five persons receiving the greatest number of votes shall be declared elected. Any person who has been assessed and paid a property or poll tax for the year next preceding the year in which any election is held under the provisions of this Act, shall on personally appearing before the election officers provided for in this Act to be entitled to one vote for every one hundred dollars of assessment (no fraction of one hundred dollars to be taken into consideration). A city tax receipt to be the best evidence that such tax has been paid. The said city council shall furnish such election officers, so holding said election, with the assessment book or a certified copy of the same of the next preceding year to which any such election is held. The city council shall appoint an inspector and two judges to hold such elec-

Who entitled to vote.

Inspector, judges, compensation of.

\*So enrolled.

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tion and shall fix and pay to them a reasonable compensation out of monies belonging to the city.

Section 5. That said commissioners within thirty days after their election as aforesaid shall draw lot for the different terms to wit: of one, two, three, four and five years, the highest number to take the longest term, and so on down to the lowest term. When successors shall be elected for a period of five years at an annual election of taxpayers of said city, male and female, and with the same property qualifications as is herein provided for the first election under this Act. Said election shall be held each year under and by authority of said commissioners or a majority of them at the old Court House, on a day, hour and place named by said commissioners, and annually thereafter on the same day. If any vacancy shall occur in said commission before any next annual election provided for, by death, resignation, removal or otherwise, said vacancy shall be filled by the remaining commissioners, until the next annual election when the term or terms of said commissioners shall be filled by an election in the same manner, and at the same time, as provided for the election of a member for five years.

Terms of office.

Time and place of holding election.

Vacancies.

Section 6. The City Council is authorized to demand and take from the collector of taxes additional security to cover the amount to come into his hands under the provisions of this Act; and upon his failure so to do, to appoint another in his place.

Collector to give additional security.

Section 7. This shall be deemed and taken to be a public Act.

Approved March 30, A. D. 1911.