TITLE 29

State Government

General Provisions

CHAPTER 1. Jurisdiction and Sovereignty
Part I
General Provisions
Chapter 1
Jurisdiction and Sovereignty

§ 101 Territorial limitation.

The jurisdiction and sovereignty of the State extend to all places within the boundaries thereof, subject only to the rights of concurrent jurisdiction as have been granted to the State of New Jersey or have been or may be granted over any places ceded by this State to the United States.

(Code 1852, § 3; Code 1915, § 2; Code 1935, § 2; 29 Del. C. 1953, § 101.)

§ 102 Consent to purchase of land by the United States.

The consent of the General Assembly is given to the purchase by the government of the United States, or under authority of such government, of any tract, piece or parcel of land, not exceeding 10 acres in any 1 place or locality, for the purpose of erecting thereon lighthouses and other needful public buildings whatsoever and of any tract, piece or parcel of land, not exceeding 100 acres in any 1 place or locality, for the purpose of erecting thereon forts, magazines, arsenals, dockyards and other needful buildings, from any individuals, bodies politic or corporate within the boundaries or limits of the State; and all deeds, conveyances or title papers for the same shall be recorded as in other cases upon the land records of the county in which the land so conveyed may be situated and, in like manner, may be recorded a sufficient description, by metes and bounds, courses and distances of any tracts or legal divisions of any public land belonging to the United States, which may be set apart by the general government for any or either of the purposes before mentioned by an order, patent or other official document or papers so describing such land. The consent herein given is in accordance with clause 18, § 8 of Article I of the Constitution of the United States and with the acts of Congress in such cases made and provided.

(14 Del. Laws, c. 357; 21 Del. Laws, c. 1; Code 1915, § 4; Code 1935, § 4; 29 Del. C. 1953, § 102.)

§ 103 Cession of lands to the United States; taxation; reversion to State.

(a) Whenever the United States shall desire to acquire a title to land of any kind belonging to this State, whether covered by the navigable waters within its limits or otherwise, for the site of any lighthouse, beacon, lifesaving station or other aid to navigation, and application is made by a duly authorized agent of the United States describing the site or sites required therefor, the Governor may convey the site to the United States and cede to the United States jurisdiction over the site. No single tract desired for any lighthouse, beacon or other aid to navigation shall contain more than 10 acres or, for any lifesaving station, more than 1 acre.

(b) All the lands, rights and privileges which may be ceded under subsection (a) of this section and all the buildings, structures, improvements and property of every kind erected and placed on such lands by the United States shall be exempt from taxation so long as the same shall be used for the purposes mentioned in subsection (a) of this section.

(c) The title of any land which may be ceded under subsection (a) of this section shall escheat and revert to the State, unless the construction thereon of the lighthouse, beacon, lifesaving station or other aid to navigation for which it is ceded shall be commenced within 2 years after the conveyance is made and shall be completed within 10 years thereafter.

(15 Del. Laws, c. 5; Code 1915, § 5; Code 1935, § 5; 29 Del. C. 1953, § 103.)

§ 104 Execution of process on ceded territory.

The sovereignty and jurisdiction of this State shall extend over any lands acquired by the United States under §§ 101-103 of this title, to the extent 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 acquired or the buildings or structures thereon erected.

(14 Del. Laws, c. 357, § 3; 21 Del. Laws, c. 1, § 3; Code 1915, § 6; Code 1935, § 6; 29 Del. C. 1953, § 104.)

§ 105 Nanticoke Indians; proof of descent; recognition.

(a) The class of people known as the descendants of the Nanticoke Indians, formerly of Sussex County but at present located in the several counties of this State, who desire to migrate, may appear before any justice of the peace or notary public of this State and, on the evidence and proof that the person belongs to or is a descendant of the Nanticoke Indians, may procure from such justice or notary a certificate reciting such facts.

(b) The descendants of the Nanticoke Indians named in subsection (a) of this section shall be recognized as such within this State.

(22 Del. Laws, c. 470, §§ 1, 2; Code 1915, § 3563; Code 1935, § 4053; 29 Del. C. 1953, § 105; 70 Del. Laws, c. 186, § 1.)

§ 106 Lenape Indian Tribe of Delaware; recognition.

(a) Legislative findings. — The General Assembly finds all of the following:
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(1) The Lenape Indian Tribe of Delaware, referred to as “the Tribe” in this section, has an unbroken history of hundreds of years of settlement and continued residency in the vicinity of the Town of Cheswold in Kent County.

(2) Members of the Tribe preserved, displayed, and manifested close cultural ties with one another by conducting themselves in such a social and economic manner so as to identify themselves as being culturally and ethnically distinct.

(3) The Tribe can date their ancestral ties as far back as the early 1700s.

(4) The Tribe was formerly known as “the Moors” and, for many decades of the twentieth century, state documents such as driver’s licenses designated the Tribe’s race with an “M”.

(5) The Delaware School Code of 1921 provided that the State Board of Education could establish a school “for the children of people called Moors.” As a result, 2 schools were built, 1 in the Town of Cheswold and 1 at Fork Branch on Denney’s Road in Kent County.

(6) There has been unofficial statewide acceptance and recognition of the Tribe for at least 125 years. Through a formal process of reviewing applicable state laws, historical and anthropological references, and previous actions of the General Assembly and State agencies, the Department of State concluded by 2009 that this State has historically acknowledged the Tribe.

(7) The Smithsonian Institute issued an annual report in 1948, in which the Tribe was referred to as the “Moors of Kent County, Delaware,” and identified as a surviving Indian group of the eastern United States.

(8) The United States Census Bureau approved a defined “state designated tribal statistical area” for the Tribe for the 2010 Census.

(9) The Tribe has a constitutional tribal government, and the preamble of its constitution states that its purpose is to:

   a. Preserve the legacy of its ancestors.
   b. Promote the interests of its people.
   c. Affirm its tribal identity.
   d. Establish justice.
   e. Ensure domestic tranquility.
   f. Defend the general welfare.
   g. Exercise its governmental jurisdiction.
   h. Protect its environmental, cultural, and human resources.
   i. Secure its national sovereignty for future generations of its people.

(b) Recognition.— The Lenape Indian Tribe of Delaware is designated and recognized as an American Indian Tribe with a recognized tribal governing body carrying out and exercising substantial governmental duties and powers. The Tribe is recognized as eligible for the special programs and services that the United States provides to Indians because of their status as Indians.

(80 Del. Laws, c. 367, § 1.)

§ 107 Nanticoke Indian Tribe of Delaware; recognition.

(a) The Nanticoke Indian Tribe of Delaware is designated and recognized as an American Indian tribe with a tribal governing body carrying out and exercising substantial governmental duties and powers. The Tribe is recognized as eligible for all programs, services, and other benefits provided to Indian tribes by the United States or any state thereof because of their status as American Indians.

(b) The Nanticoke Indian Tribe of Delaware is designated and recognized as the first state-recognized tribe in Delaware, and has been so recognized since March 10, 1881.

(80 Del. Laws, c. 367, § 1.)

§ 107 Nanticoke Indian Tribe of Delaware; recognition.

(a) The Nanticoke Indian Tribe of Delaware is designated and recognized as an American Indian tribe with a tribal governing body carrying out and exercising substantial governmental duties and powers. The Tribe is recognized as eligible for all programs, services, and other benefits provided to Indian tribes by the United States or any state thereof because of their status as American Indians.

(b) The Nanticoke Indian Tribe of Delaware is designated and recognized as the first state-recognized tribe in Delaware, and has been so recognized since March 10, 1881.

(80 Del. Laws, c. 346, § 1.)