

TWENTY-NINTH LEGISLATIVE DAY

February 16, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present—Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Moody, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—14.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Sylvester moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following:

Senate Concurrent Resolution No. 10, entitled:

To commemorate the Birth of George Washington.

And returned the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following:

Senate Bill No. 36, entitled:

An Act appropriating money to the Insurance Commissioner to pay premiums on all insurance on State property.

And returned the same to the Senate.

Mr. Heal moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Lieutenant-Governor Edward W. Cooch presiding.

The following communication was read in the Journal:

**BROTHERHOOD OF PAINTERS, DECORATORS AND
PAPERHANGERS OF AMERICA**

**LOCAL UNION No. 100
WILMINGTON, DELAWARE**

February 15, 1939

To the Officials and Members, State Senate
General Assembly
Dover, Delaware

Honored Sirs:-

At the meeting of Local Union, No. 100, Painters, held Monday evening, February 13, the secretary was directed, unanimously, to write you notifying you that we are unalterably opposed to enactment of the so-called "fair-trade" or price raising bill, offered in the House of Representatives.

As we stated in 1937, and we have had no reason to change our minds, we oppose this unnecessary legislation, along with our wives and families, because we want to encourage free and untrammelled trade between the consumers and the retailers, and we consider an attempt to coerce higher prices by law would result in a boomerang against manufacturers, adding to existing unemployment, because people will not buy if prices are made too high. We also believe that when such proposed legislation is considered the consumers should be given every consideration and full hearings extended, because all thinking consumers are opposed to anti-consumer legislation.

We thank you for your consideration of our official communication, and ask that the committees to which the so-called "fair-trade" bill has been referred, fully consider the real and true facts before they recommend such anti-consumer laws.

Yours very respectfully,

PAINTERS' UNION No. 100

E. J. KELLY
Secretary

Mr. Clark, on behalf of the Committee on Public Health, to whom had been referred, Senate Bill No. 27, entitled:

An Act requiring Prenatal Examination for Syphilis.

Reported the same back to the Senate favorably.

G. R. CLARK
FRANK MOODY
EDWARD ABRAHAMS, JR.
BENJAMIN F. SIMMONS
HAROLD W. T. PURNELL

Mr. Abrahams, on motion for leave, introduced Senate Bill No. 67, entitled:

An Act to amend Chapter 60 of the Revised Code of Delaware, 1935, relating to General Elections by defining Political Party; authorizing Clerk of the Peace to demand Certificate containing signatures and addresses of two hundred fifty voters, certifying their affiliations with said Political Party; requiring a deposit from such Political Party before it is given a place on the Ballot and the refund thereof under certain circumstances.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Substitute for House Bill No. 24, entitled:

An Act to prohibit the use and sale and display or possession of fireworks, fire crackers, sparklers and other pyrotechnics regulating pyrotechnic displays and regulating the having, using, storing and keeping of fireworks, fire crackers, sparklers and other pyrotechnics in the State of Delaware, and further prohibiting the firing and discharging of firearms in or into any street, highway, alley or other public places of the State, etc.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 56, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to fish, oysters and game, providing for the protection of the Oyster Beds in the Broadkilm River and Mispillion River and providing that the Warden employed on Watchboat patrolling Broadkilm River shall be a resident of the Tenth Representative District in Sussex County.

And presented the same to the Senate.

The Chair presented House Bill No. 56, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to fish, oysters and game, providing for the protection of the Oyster Beds in the Broadkilm River and Mispillion River and providing that the Warden employed on Watchboat patrolling Broadkilm River shall be a resident of the Tenth Representative District in Sussex County.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

The Chair presented House Substitute for House Bill No. 24, entitled:

An Act to prohibit the use and sale and display or possession of fireworks, fire crackers, sparklers and other pyrotechnics regulating pyrotechnic displays and regulating the having, using, storing and keeping of fireworks, fire crackers, sparklers and other pyrotechnics in the State of Delaware, and further prohibiting the firing and discharging of firearms in or into any street, highway, alley or other public places of the State, etc.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Clark, on motion for leave, introduced Senate Bill No. 68, entitled:

An Act to Promote Interstate Cooperation for the Conservation and Safeguard of Water Resources in the Delaware River Basin.

Mr. Clark moved that so much be considered the reading of Senate Bill No. 68 and that sufficient copies be typed for each Senator.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Clark, on motion for leave, introduced Senate Bill No. 69, entitled:

An Act to facilitate the Cooperation of the State of Delaware with other Units of Government and to establish an Unpaid Commission for that purpose.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Brown, on motion for leave, introduced Senate Bill No. 70, entitled:

An Act to appropriate certain money to the Town Commissioners of Bridgeville to pay one-half the costs of the construction of a Sewer to connect the Bridgeville Colored School with the Sewer System of the Town of Bridgeville.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Brown, on motion for leave, introduced Senate Amendment No. 1 to Senate Bill No. 33, entitled:

An Act authorizing acceptance of Burial Permits and disposal of bodies of deceased persons in this State.

Which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Hendricks, on behalf of the Committee on Fish, Oysters and Game, to whom had been referred, Senate Bill No. 30, entitled:

An Act assenting to the provisions of the Act of Congress entitled, "An Act to provide that the United States shall aid the States in Wildlife Restoration Projects, and for other purposes," approved September 2, 1937, by authorizing the Board of Game

and Fish Commissioners to engage in Wildlife Restoration Projects as outlined in said Act; providing that funds accruing from license fees shall not be diverted.

Reported the same back to the Senate favorably.

J. B. HENDRICKS
ALDEN P. SHORT
ROBERT A. DERRICKSON
DAVID W. STEELE
BURTON S. HEAL

Mr. Steele, on behalf of the Committee on Miscellaneous, to whom had been referred, House Bill No. 61, entitled:

An Act to provide for the equipping and furnishing the new State Building in the City of Dover known as the "Hall of Records."

Reported the same back to the Senate favorably.

DAVID W. STEELE
ALDEN P. SHORT
J. B. HENDRICKS
JENNINGS H. MOORE
BURTON S. HEAL

Mr. Short, on behalf of the Committee on Public Lands, to whom had been referred, Senate Bill No. 59, entitled:

An Act authorizing the State Forestry Commission to make Rules and Regulations for the use and protection of lands and property under its jurisdiction, and providing penalties for the violation thereof.

Reported the same back to the Senate favorably.

ALDEN P. SHORT
PAUL R. RINARD
DAVID W. STEELE
EDWARD ABRAHAM, JR.
J. H. MOORE

Mr. Short, on behalf of the Committee on Public Lands, to whom had been referred, Senate Bill No. 61, entitled:

An Act to amend 723, Section 15 of the 1935 Revised Code of the State of Delaware by giving to the State Forestry Department the right to lease or assign a right in State Forest Lands for a period not exceeding ten years.

Reported the same back to the Senate favorably.

ALDEN P. SHORT
PAUL R. RINARD
DAVID W. STEELE
EDWARD ABRAHAMS, JR.
J. H. MOORE

Mr. Short, on behalf of the Committee on Public Lands, to whom had been referred, Senate Bill No. 62, entitled:

An Act authorizing the State Forester to appoint State Forest Officers; Duties and Powers.

Reported the same back to the Senate favorably.

ALDEN P. SHORT
PAUL R. RINARD
DAVID W. STEELE
EDWARD ABRAHAMS, JR.
J. H. MOORE

Mr. Heal, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following:

Senate Bill No. 22, entitled:

An Act to amend Chapter 10, Volume 36, Laws of Delaware, entitled "An Act concerning Motor Vehicles and making uniform the law relating thereto," by further defining the word "Vehicle."

Senate Bill No. 23, entitled:

An Act to amend An Act entitled "An Act regulating the use of the Public Highway of the State of Delaware and imposing a tax upon carriers for the use thereof," being Chapter 39 of Volume 40, Laws of Delaware, by further defining the term "Motor Vehicle."

Mr. Heal, on motion for leave, introduced Senate Bill No. 71, entitled:

An Act to authorize Savings Banks and Savings Societies to pension their Officers, Clerks and other Employees.

Which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mr. Purnell, on behalf of the Committee on Labor, to whom had been referred, Senate Bill No. 29, entitled:

An Act to amend Chapter 175 of the Revised Code of Delaware, 1915, relating to the Delaware Workmen's Compensation Law, and effecting the interpretation thereof and definitions therein.

Reported the same back to the Senate favorably.

HAROLD W. T. PURNELL
ALDEN P. SHORT
C. E. BROWN
H. M. HANNAM
EARL SYLVESTER

Mr. Sylvester notified the Senate that the Senate is invited to attend the Eighteenth Annual Convention of the Kent County Teachers' Association to be held in the Harrington High School Auditorium on Friday, February 17, 1939.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 17, 1939.

Motion prevailed.

THIRTIETH LEGISLATIVE DAY

February 17, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present—Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—16.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Simmons moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Steel presented the following communications:

HWIJQUINCK SHOOTING CLUB

RESOLUTION

WHEREAS, a proposed bill would abolish the State Game Commission during the present session of the Legislature, and

WHEREAS, common sense dictates that Delaware had more game birds and animals to hunt last fall than at any time during the past fifteen years. There has to be a reason for this, and

WHEREAS, the present Board of Fish and Game Commissioners not only advocated, but put into effect, long time conservation programs and have enforced the game and fish laws impartially, and

WHEREAS, the present Board should be commended for its good work rather than subjected to adverse criticism.

THEREFORE, be it resolved that the present Board of Game Commissioners be kept in office.

(S) R. B. COOPER
President

Done at Smyrna, Delaware 1/18/39

COOPERATIVE SPORTSMEN CLUB

RESOLUTION

WHEREAS, a bill presented to the General Assembly now in session, would abolish the present three member Board of Game and Fish Commissioners of the State of Delaware, and

WHEREAS, the accomplishments of said Board compare favorably with the more progressive states. Among the more important projects are a three way cooperative plan, *i. e.*, Farmer, Sportsman and Game Commission, a chain of inviolate refuges; the impartial enforcement of the game laws; the equitable distribution of game and fish and an educational department under the supervision of an expert in his line.

NOW THEREFORE, any deviation from the present program would be disastrous to the conservation of Delaware's wildlife resources.

THEREFORE, BE IT RESOLVED, that the present three member Game Commission be kept in office and permitted to continue to conserve and propagate wildlife in Delaware for the benefit of the present and future generations.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Chairman of the Fish, Oysters and Game Committee in each branch of the Assembly and a copy be delivered to our Senator and Representative.

MARK A. LYNCH
Secretary

Done at Claymont, Delaware.

SILVER RUN CONSERVATION CLUB

January 18, 1939

RESOLUTION

WHEREAS, it is proposed by legislative action to abolish the present State Conservation Department of Delaware, and

WHEREAS, the present Game Commission has from the beginning and is now functioning for the benefit of all the people, and

WHEREAS, Delaware's present conservation program is giving good results and no adverse legislative action should be allowed to curtail it. The youth of today are receiving conservation education through its educational department in cooperation with other local and State agencies, so that Delaware's present wildlife resources may be passed along to the youth of tomorrow unimpaired as far as is feasibly possible.

NOW THEREFORE, BE IT RESOLVED, that the present Board of Game Commissioners be kept in office and encouraged to continue to function for the common good.

BE IT FURTHER RESOLVED, that a copy of this resolution be handed to the Fish, Oysters and Game Committee in the Senate and House of Representatives and a copy be sent to our Senator and Representative.

(S) WILLIAM BAXTER, JR.

President

Done at McDonough, Delaware.

Mr. Hannam presented the following communication:

HARMONY GRANGE, NO. 12, P. OF H.

MARSHALLTON, DELAWARE

February 14, 1939

Mr. Hector Hannam, Senator
State of Delaware
Dover, Delaware

Dear Mr. Hannam:

At the regular meeting of the Harmony Grange, No. 12, P. of H., held on February 13th, the following resolution was passed:

"WHEREAS, a bill has been introduced in the House of Representatives of this State, known as House Bill No. 27 entitled 'An Act to protect trademark owners, producers, distribu-

tors and the general public against injurious and uneconomic practices in the distribution of commodities bearing a distinguishing trademark,'

"WHEREAS, if this bill should be enacted into law, all articles bearing a distinct brand must be sold at the same price in all stores, prohibiting a storekeeper from making his own rate of profit,

"WHEREAS, such a law would increase the cost of that commodity to the consumer,

"BE IT RESOLVED: That we, the members of Harmony Grange, No. 12, oppose the passage of such a law as being unfair to the consumer.

"BE IT FURTHER RESOLVED: That a copy of this resolution be forwarded to the Speaker of the House, to the members of the Judiciary and Crime Committee of the House, to the Senator of this district, Hector Hannam, and to the Representative in the House from this District, Frank H. Buckingham.

"BE IT FURTHER RESOLVED: That a copy of this resolution be forwarded to New Castle County Pomona Grange No. 1 at its next meeting to be held at Talleyville on March 1st."

Approved by Resolution Committee:

IRVIN G. KLAIR
ELMA W. MARSHALL
WILLIAM P. NAUDAIN

Yours very truly,

(Seal)

HARMONY GRANGE

C. M. STEPHENSON
Secretary

The President announced he is about to sign:

Senate Bill No. 36.

Senate Concurrent Resolution No. 10.

Mr. Steele moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 67, entitled:

An Act to amend Chapter 58 of the Revised Code of Delaware, 1935, relating to Primary Elections by further defining the duties of the Department of Elections for the City of Wilmington thereto.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 68, entitled:

An Act to amend Chapter 57 of the Revised Code of Delaware, 1935, relating to the Department of Elections for the City of Wilmington and its duties concerning places of Registration and Election.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 71, entitled:

An Act to amend Chapter 36 of the Revised Code of Delaware, 1935, by providing that a copy of all plans for future State Buildings be filed with the State Archives Commission.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 76, entitled:

An Act to amend 3074 Section 9, and 3072 Section 7 of Chapter 76 of the Revised Code of the State of Delaware, 1935, by striking out paragraphs two and three from 3074 Section 9 and re-enacting the same subject matter under 3072 Section 7.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 109, entitled:

An Act authorizing the State Highway Department to convey a certain tract, piece or parcel of land situate in Pencader Hundred, New Castle County, and to set the price for conveyance thereof.

And presented the same to the Senate.

On motion for leave, Mr. Heal introduced Senate Resolution No. 24, entitled:

SENATE RESOLUTION NO. 24

AUTHORIZING PAYMENTS ON ACCOUNT TO MEMBERS OF SENATE AND ATTACHES AND EMPLOYEES OF THE SENATE.

BE IT RESOLVED by the Senate, that the State Treasurer be and he is hereby authorized to pay to any member of the Senate and any attache or employee of the Senate, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total sum of Two Hundred Fifty Dollars to any one person,—any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this Session.

Upon motion the resolution was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution be adopted?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Derrickson, Gooden, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—14.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, was adopted.

Mr. Short, on behalf of the Committee on Public Lands, to whom had been referred, Senate Bill No. 53, entitled:

An Act to declare the sovereignty of the State of Delaware along the Atlantic Ocean and to fix its seacoast boundary and ownership and the boundary of Sussex County accordingly.

Reported the same back to the Senate favorably.

ALDEN P. SHORT
PAUL R. RINARD
EDWARD ABRAHAMS, JR.
J. H. MOORE
DAVID W. STEELE

Mr. Short, on behalf of the Committee on Public Lands, to whom had been referred, Senate Bill No. 39, entitled:

An Act authorizing the conveyance to the Delaware Railroad Company of a parcel of land in New Castle County, Delaware, and ratifying an option granted to said Company to purchase the same and an agreement to relocate railroad platforms and construct an approach thereto.

Reported the same back to the Senate favorably.

ALDEN P. SHORT
PAUL R. RINARD
EDWARD ABRAHAMS, JR.
J. H. MOORE
DAVID W. STEELE

The Chair presented House Bill No. 67, entitled:

An Act to amend Chapter 58 of the Revised Code of Delaware, 1935, relating to Primary Elections by further defining the duties of the Department of Elections for the City of Wilmington thereto.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

The Chair presented House Bill No. 68, entitled:

An Act to amend Chapter 57 of the Revised Code of Delaware, 1935, relating to the Department of Elections for the City of Wilmington and its duties concerning places of Registration and Election.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

The Chair presented House Bill No. 71, entitled:

An Act to amend Chapter 36 of the Revised Code of Delaware, 1935, by providing that a copy of all plans for future State Buildings be filed with the State Archives Commission.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

The Chair presented House Bill No. 76, entitled:

An Act to amend 3074 Section 9, and 3072 Section 7 of Chapter 76 of the Revised Code of the State of Delaware, 1935, by striking out paragraphs two and three from 3074 Section 9 and re-enacting the same subject matter under 3072 Section 7.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

The Chair presented House Bill No. 109, entitled:

An Act authorizing the State Highway Department to convey a certain tract, piece or parcel of land situate in Pencader Hundred, New Castle County, and to set the price for conveyance thereof.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

On motion of Mr. Steele, House Bill No. 61, entitled:

An Act to provide for the equipping and furnishing the new State Building in the City of Dover known as the "Hall of Records."

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Derrickson, Gooden, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—14.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered returned to the House.

Mr. Steele, on motion for leave, introduced Senate Bill No. 72, entitled:

An Act providing for the payment of a portion of the costs by the State Highway Department of the Dredging of the Channel of Indian River.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 73, entitled:

An Act to amend An Act entitled "An Act to establish a system of Unemployment Compensation for the unemployed citizens of the State of Delaware, without liability on the part of the State of Delaware, to be administered by a Commission and its newly created agencies, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls, to provide moneys for the payments of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions, and the payment of such compensation providing for cooperation with the Federal Government and its Agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties for the violation of the provisions of this Act," said Act being Chapter 258 of Volume 41, Laws of Delaware, 1937.

Mr. Rinard moved that so much be considered the reading of Senate Bill No. 73.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 74, entitled:

An Act to amend An Act known and cited as the "Unemployment Compensation Law," being Chapter 258 of the Laws of Delaware, 1937, by providing that in certain cases of disqualification for benefits the unemployment must be due directly to a stoppage of work because of a labor dispute.

Which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 75, entitled:

An Act to relieve certain employers engaged in Interstate Commerce from liability to pay contributions with respect to wages payable for employment occurring after June 30, 1939, pursuant to the provisions of the Unemployment Compensation Law of this State, to exclude individuals employed by such employers from the system of Unemployment Compensation established by the Unemployment Compensation Law of this State with respect to unemployment occurring after June 30, 1939, to provide for the transfer of certain funds from the Unemployment Trust Fund Account of this State in the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Social Security Act of the Congress of the United States of America, as amended, to the Railroad Unemployment Insurance Account established and maintained pursuant to Section 10 of the Railroad Unemployment Insurance Act of the Congress of the United States of America in said Unemployment Trust Fund and for other purposes.

Mr. Rinard moved that so much be considered the reading of Senate Bill No. 75.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 76, entitled:

An Act to amend An Act known and cited as the "Unemployment Compensation Law," being Chapter 258 of the Laws of Delaware, 1937, by changing the definition of "Base Period," changing the definition of "Benefit Year," exempting part-time

officers of certain organizations, changing the definition of "Unemployment," defining "Wages" with reference to jobs, making subject to this Act any employing unit which is an employer under Title IX of the Federal Social Security Act, requiring contributions from certain Fraternal Benefit Societies, giving a new definition of "Weekly Benefit Amount," giving a new definition of the "Duration of Benefits," restating the conditions by which unemployed individuals become eligible for benefits, reducing and making uniform the periods of disqualification for certain causes, providing that no individual may receive duplicate benefits under a State or Federal Unemployment Compensation Law, and by increasing the period within which refunds may be claimed.

Mr. Rinard moved that so much be considered the reading of Senate Bill No. 76.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Labor.

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 11, entitled:

SENATE CONCURRENT RESOLUTION NO. 11

SETTING FRIDAY, MARCH 3, 1939, AS THE FINAL DAY FOR SUBMITTING NEW BILLS.

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that no new bills other than the omnibus Appropriation Bills, and no Joint Resolutions shall be received at the present session of the One Hundred and Seventh General Assembly after 4 P. M., Eastern Standard Time, on Friday, March 3rd, A. D. 1939.

Mr. Heal moved that rules be suspended and that action proceed on Senate Concurrent Resolution No. 11.

Motion prevailed.

Upon motion the resolution was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—15.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Purnell, Senate Bill No. 26, entitled:

An Act to amend Chapter 27 of the Revised Code of Delaware, 1935, as amended, relative to the power and authority of the Medical Council of Delaware.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—15.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 77, entitled:

An Act amending Chapter 197, Laws of Delaware, 1937, regulating the taking of sand from the beaches along the Delaware River and Delaware Bay and Atlantic Ocean by exempting gravel from the provisions thereof.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

On motion of Mr. Purnell, Senate Bill No. 27, entitled:

An Act requiring Prenatal Examination for Syphilis.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—15.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 78, entitled:

An Act to create and establish a State Department of Public Welfare in order to provide a coordinated program of Public Welfare and in so doing merging the activities of the State Board of Charities and the Mothers' Pension Commission under the name "Division of Child Welfare" and changing the name of the Old Age Welfare Commission to Division of Public Assistance.

Mr. Purnell moved that so much be considered the reading of Senate Bill No. 78 and that 500 copies be printed.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 20, 1939.

Motion prevailed.

THIRTY-FIRST LEGISLATIVE DAY

February 20, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Heal moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Heal moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

The President Pro Tem announced he is about to sign:

House Bill No. 61.

On motion of Mr. Clark, House Bill No. 10, entitled:

An Act to amend Chapter 28 of the Revised Code of Delaware, 1935, as amended by Chapter 87, Volume 41 of Laws of the State of Delaware in relation to the qualifications of applicants for licenses as Pharmacists.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—16.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered returned to the House.

On motion of Mr. Clark, House Bill No. 54, entitled:

An Act to amend Chapter 27 of the Revised Code of Delaware, 1935, as amended by Chapter 86, of Volume 41, Laws of Delaware, relating to the Practice and Licensing of Osteopathic Physicians.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered returned to the House.

Mr. Rinard presented the following communications:

LAW OFFICES OF JOSEPH DONALD CRAVEN

WILMINGTON, DELAWARE

February 15, 1939

Senator Paul R. Rinard
State House
Dover, Delaware

My dear Senator:

The questions which your Committee has raised in connection with the educational budget have caused much discussion among the citizenry of our State. Among others, I, as a former teacher, am deeply interested in all questions concerning the welfare of our children and the methods and procedures followed in the training of our youth.

I have long been of the opinion, from the practical experience that I gained as a classroom teacher, that our standards have steadily decreased, until now they are practically non-existent. There is prevalent in our schools a philosophy that discipline, either of conduct or in studies, is antiquated, and that the children should be allowed to a large extent to follow their own bent in the learning process. Drill studies are very unpopular, and as a result studies such as spelling have been entirely eliminated from our high schools, even in the commercial curriculum. Although it is true that the outstanding student will thrive under any system, it is my belief that the average pupil being graduated from our schools does not begin to have the training and knowledge commensurate with the time and money expended on his education; and that our entire system, from the first grade to the twelfth, is badly in need of overhauling; otherwise our children will continue to be turned out into the world woefully unprepared for the stern realities of life.

I am glad to say, in fairness to the teachers, that the results being obtained are far better than one could expect under the prevailing philosophy; because conscientious teachers, many times at the risk of incurring severe criticism, have steadfastly refused to stultify themselves by giving grades that were not earned and by insisting that assigned tasks be properly performed. There are a great many of these teachers who have remained true to themselves and to their responsibilities, and the girls and boys who have been fortunate enough to sit in their classrooms are grateful to them. But it is unfair to ask our teachers, at their peril, to stand against the theory that every child should be promoted, and that if cutting paper dolls is the best that a pupil is capable of doing, he is entitled to promotion and high

grades. I do not see how our educators can with any degree of veracity deny the practices that you and I know have been the rule rather than the exception in many of our public schools. Perhaps the best example of the truth of the assertions here made is the new system of reports now used in the Wilmington Public School System. Under this reportorial system, a pupil is graded, not according to the excellence of his work, but according to whether, in the opinion of the instructor, such pupil is doing his best. I ask you, Senator, what justification a teacher has for failing any pupil when there is no objective way of judging the work that such pupil has performed. The questions you have raised have been brought to the attention of the public none too soon. It is not only our school system, but the society which depends on the products of this school system for its continuance, that is in danger.

From a casual reading of the daily press, I gather that testimony presented before your Committee was to the effect that no coercion of any kind was used on the teachers of the Wilmington System in order to persuade them to revise the curriculum, at their own expense and on their own time. No teacher who has taught in the Wilmington school during the past ten years has been unconscious of the very definite orders that were given to the teachers of the various departments that they must revise the curriculum. As one who steadfastly opposed this tyranny, I know whereof I speak. And as a former President of the Wilmington Teachers Association, I feel that I am in a position to speak with authority on a question that was of universal interest to the teaching body, and almost universally resented. There was a time when the teachers of Wilmington were expending approximately \$40,000 a year of their own money for a purely administrative problem. How much money has been paid, largely to the representatives of Columbia University, during the past nine or ten years has never, to my knowledge, been made public. I think it should be made public, however, and our citizens will then begin to realize what a burden has been placed on our teachers at a time when their salaries had been cut and the annual salary increments withheld.

Inadequate salaries, insecurity in old age, and constant driving from the administrators have played havoc with the morale of our teachers. It is high time part of the money heretofore used for books, buildings, and general administrative purposes be used to rectify injustices to our teachers.

I am hopeful that the members of the General Assembly, regardless of political affiliations, will support legislation providing for the establishment of a sound and adequate pension system and the restoration of salary increments.

"You and your Committee are to be commended for centering public attention on our public school system. But you have only scratched the surface. I strongly urge upon your committee the necessity and desirability of setting up an independent investigation agency composed of representatives of the General Assembly and other public spirited citizens, and that this group sit in various parts of the State for the purpose of examining witnesses and ascertaining the true state of affairs. It will take time, patience, and hard work, but I am sure such an investigation will pay dividends to the State, not only in dollars and cents, but in a greatly improved educational system."

Yours very truly,

JOSEPH DONALD CRAVEN

RICHARDS, LAYTON AND FINGER

WILMINGTON, DELAWARE

February 18, 1939

Hon. Paul R. Rinard
Wilmington Trust Company
Tenth and Market Streets
Wilmington, Delaware

My dear Senator:

I have had the pleasure of reading your articles appearing in the local papers respecting our educational system. I feel that I must compliment you upon your interesting and sane discussion of the educational problem in Delaware. I think all thoughtful people are beginning to realize more and more that we must return to a more fundamental system of education which will furnish a more complete foundation and background for further educational advance than is now pursued rather generally throughout the country. This is a matter which is bound to be of increasing concern to the public and I think you should be complimented and encouraged for your expression of views which have brought the matter into public discussion.

Very truly yours,

C. S. LAYTON

Mr. Steele presented the following communication:

BUILDING AND CONSTRUCTION TRADES COUNCIL
OF WILMINGTON AND VICINITY

February 16, 1939

Mr. David W. Steele, President Pro Tem
State Senate
Dover, Delaware

Dear Mr. Steele:

The above organization has instructed me to write to you in regards to House Bill No. 27 relative to "Fair Trade."

Enclosed you will find a resolution adopted by my organization which explains our stand on this piece of legislation. I would appreciate it very much if you will acquaint your colleagues with its contents.

Very truly yours,

CLAYTON S. HARRISON, JR.
Secretary

RESOLUTION

WHEREAS, there is pending before the House of Representatives House Bill No. 27 to increase retail prices of commodities; and

WHEREAS, it is difficult for the rank and file to meet present price levels in view of present wage scales and unemployment; and

WHEREAS, this Body has given consideration and study to the consequences and significance of House Bill No. 27; therefore

BE IT UNANIMOUSLY RESOLVED that the Building and Construction Trades Council of Wilmington, comprising a membership of approximately Two Thousand citizens of the State of Delaware, express its opposition to House Bill No. 27, and that the Secretary be, and he is hereby authorized to notify the General Assembly at Dover, Delaware, that House Bill No. 27 is designed to increase the price of all types of commodities, and that it is designed for the benefit of a certain class of retailers and that such legislation is not for the benefit of the consumer, and that such legislation will enable any retailer to fix prices which will prevail throughout the State at the expense

of the consumer; that the legislators representing the people and the masses approach such legislation with great caution and that in following the mandates of the people of this State they will reject this class legislation; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the presiding officers of each Branch of this General Assembly and that the original thereof be placed on the records of this Council as its expression of opposition to House Bill No. 27.

The Chair recognized ex-Senator Matthews, who spoke briefly on his pleasure on a visit to the Senate.

Mr. Abrahams presented the following communication:

1308 WEST SIXTH STREET
WILMINGTON, DELAWARE

February 20, 1939

Hon. Edward Abrahams, Jr.,
State Senate,
Dover, Delaware,

My dear Senator:-

I understand that a bill is to be introduced in the General Assembly in re to putting all State Welfare Agencies under one head. I think that this would be a good move if there was a section in the said bill, requiring that all employees from the Director down to the humblest position *must* be residents and voters in the State of Delaware for at least eight years prior to the time of his or her appointment.

As a native born citizen of this State, I am heartily tired of paying taxes to pay the salaries of non-residents who are brought here to fill public jobs and positions in the State Government. *There is no job in the State that can not be filled by a Delawarean.*

My experience in welfare work, as you know, I have had quite a bit, is that they do not understand the people of Delaware. Their methods seem to encourage antagonism instead of cooperation. They do not even know their way about the State much less know the nature of the people with whom they have to deal.

I am not seeking any position, for as you know, I am very happily situated, but I am simply writing to you as a private citizen of this State and as one of your constituents.

I hope that you will present this to the senate. With kindest personal regards, I am

Sincerely yours,

HAROLD S. CREAMER

Mr. Brown, on behalf of the Committee on Municipal Corporations, to whom had been referred, Senate Bill No. 12, entitled:

An Act relating to increasing the Territorial Limits of Cities and Incorporated Towns; providing for Referendum.

Reported the same back to the Senate favorably.

C. E. BROWN
J. B. HENDRICKS
W. J. POORE
H. M. HANNAM
BURTON S. HEAL

Mr. Simmons, on motion for leave, introduced Senate Bill No. 79, entitled:

An Act regulating Food, Drugs and Cosmetics; prohibiting the Manufacture, Sale or Delivery of any Food, Drug or Cosmetic which has been adulterated or misbranded; defining "Adulteration" and "Misbranded" and other terms used herein; penalties therefor; providing for seizure under certain circumstances; State Board of Pharmacy and State Board of Health authorized to enforce this Act and to establish Regulations therefor.

Mr. Simmons moved that so much be considered the reading of Senate Bill No. 79.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

On motion of Mr. Simmons, Senate Bill No. 30, entitled:

An Act assenting to the provisions of the Act of Congress entitled, "An Act to provide that the United States shall aid the States in Wildlife Restoration Projects, and for other purposes," approved September 2, 1937, by authorizing the Board of Game and Fish Commissioners to engage in Wildlife Restoration Projects as outlined in said Act; providing that funds accruing from license fees shall not be diverted.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—15.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 80, entitled:

An Act to amend Chapter 98 of the Revised Code of Delaware, 1935, relative to settlement of Personal Estates by providing for hearing concerning absence and circumstances thereof of persons presumed to be dead; granting of Letters on Estate of such person to party interested; distribution of estate; revocation of Letters of Administration and vacation of decree upon proof that presumed decedent is alive; costs.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following:

Senate Concurrent Resolution No. 11, entitled:

Setting Friday, March 3, 1939, as the Final Day for submitting New Bills.

And returned the same to the Senate.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 21, 1939.

Motion prevailed.

THIRTY-SECOND LEGISLATIVE DAY

February 21, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present—Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—16.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Simmons moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Concurrent Resolution No. 8, entitled:

Expressing the sorrow of the General Assembly of the State of Delaware on the death of Dr. Clarence True Wilson.

And presented the same to the Senate.

The President Pro Tem announced he is about to sign:

Senate Concurrent Resolution No. 11.

House Bill No. 10.

House Bill No. 54.

Mr. Heal presented the following communication:

NEW JERSEY SENATE

February 18, 1939

Secretary of the Senate
Dover, Delaware

Honorable Sir:

I have been advised by one Captain Clifford Maull of the Delaware Bay Pilot's Association that seventeen of the Delaware Senators and several legislative representatives in conjunction with the Secretary of State and the Governor anticipate a visit to Cape May on February 28th, relative to the pending plans concerning the Delaware Cape May-Lewes ferry.

It would be my happy privilege to extend an invitation to your honored body and may I hear from you relative to a definite time when you anticipate arriving that my municipal colleagues may give you a hearty welcome and that we may have an enjoyable discussion of this problem which is of great mutual interest.

For your interest and information, may I advise you that I am attempting to have Governor Moore join your party on this date and will do so, his schedule permitting.

Sincerely yours,

I. GRANT SCOTT

Mr. Heal, on behalf of the Committee on Passed Bills, reported as approved by the Governor, the following:

Senate Bill No. 22—Approved February 20, 1939.

Senate Bill No. 23—Approved February 20, 1939.

Mr. Heal, on motion for leave, introduced Senate Bill No. 81, entitled:

An Act to amend Chapter 115, Volume 41, Laws of Delaware, relating to the Levy Court of New Castle County and providing that the Lien for Sewer Construction shall be fixed as to time and that a Public Record thereof shall be kept.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 82, entitled:

An Act to amend Chapter 45 of the Revised Code of Delaware, 1935, relating to County Treasurers and Collection of Taxes and providing for the amount of the Bond required by the Receiver of Taxes and County Treasurer of New Castle County.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 83, entitled:

An Act to authorize the County Engineer of New Castle County and the Clerk of the Peace of New Castle County to dispose of certain property and records placed in the possession of said officials by the Temporary Emergency Relief Committee for New Castle County.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Heal, on motion for leave, introduced Senate Bill No. 84, entitled:

An Act to amend 1176, Section 30, Chapter 43, Revised Code of Delaware, 1935, relating to Authorizing the Levy Court of New Castle County to Borrow upon the Faith and Credit of New Castle County.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 85, entitled:

An Act to amend Chapter 111, Volume 41, Laws of Delaware, relating to the Authority of the Levy Court of New Castle County appropriating Funds for Public Improvements and providing that the said Levy Court may continue such appropriations from sources other than Road Taxes.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal moved that the Senate recess until 1:45 o'clock P. M.

Motion prevailed.

Same Day, 1:45 o'clock P. M.

Senate met at expiration of recess.

The Sergeant-at-Arms reported the Speaker and the Members of the House of Representatives, who were welcomed by the President Pro Tem.

JOINT SESSION

Mr. Heal moved that the Senate and House of Representatives go into Joint Session in pursuance to Senate Concurrent Resolution No. 10, entitled:

Relative to a Joint Session to commemorate the Birth of George Washington.

Motion prevailed.

Mr. Heal moved that the President Pro Tem of the Senate preside over the Joint Session.

Motion prevailed.

Mr. Heal moved that the Secretary of the Senate and the Chief Clerk of the House act as Secretaries of the Joint Session.

Motion prevailed.

The President Pro Tem called on the Joint Committee in accordance with Senate Concurrent Resolution No. 10, entitled: "Relative to a Joint Session to commemorate the Birth of George Washington," to notify his Excellency, the Governor, that the Joint Session is in order, and to escort his Excellency to the Chamber.

Speaker Zebley introduced the speaker, Dr. Francis Harvey Green.

After the speech the committee escorted his Excellency, the Governor, from the chamber.

Mr. Heal moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals.

Motion prevailed.

The Secretary of the Senate announced that the Secretary of the Senate and the Chief Clerk of the House had compared their Journals and found that they agreed.

Mr. Heal moved that the two Houses do now separate.

Motion prevailed.

Same Day, Later

Senate met in regular session.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 22, 1939.

Motion prevailed.

THIRTY-THIRD LEGISLATIVE DAY

February 22, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Abrahams moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Abrahams, on motion for leave, introduced Senate Bill No. 86, entitled:

An Act to amend Chapter 57 of the Revised Code of the State of Delaware (1935) entitled "Department of Elections for the City of Wilmington" by providing for the establishment of a Department of Elections for New Castle County.

Mr. Abrahams moved that so much be considered the reading of Senate Bill No. 86 and that a copy be typed for each Senator.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

The Chair presented House Concurrent Resolution No. 8, entitled:

Expressing the sorrow of the General Assembly of the State of Delaware on the death of Dr. Clarence True Wilson.

Mr. Heal moved that so much be considered the second reading of House Concurrent Resolution No. 8.

Motion prevailed.

Mr. Heal moved that rules be suspended and that action be taken on House Concurrent Resolution No. 8.

Motion prevailed.

On motion of Mr. Heal, House Concurrent Resolution No. 8, entitled:

Expressing the sorrow of the General Assembly of the State of Delaware on the death of Dr. Clarence True Wilson.

Was taken up for consideration and read in order to pass the Senate.

On the question, "Shall the Resolution pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, passed the Senate.

Ordered returned to the House.

Mr. Abrahams moved that 200 copies of Senate Bill No. 86 be printed.

Motion prevailed.

Mr. Heal moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Hannam, on behalf of the Committee on Finance, to whom had been referred, Senate Bill No. 43, entitled:

An Act appropriating money out of the State Treasury for the payment of claim of Frank S. Webb against the State.

Reported the same back to the Senate favorably.

H. M. HANNAM
PAUL R. RINARD
HAROLD W. T. PURNELL
BENJAMIN F. SIMMONS
J. H. MOORE

Mr. Hannam, on behalf of the Committee on Finance, to whom had been referred, Senate Bill No. 56, entitled:

An Act for the restoration of the MacDonough Family Burial Plot and other similar purposes.

Reported the same back to the Senate favorably.

H. M. HANNAM
PAUL R. RINARD
HAROLD W. T. PURNELL
BENJAMIN F. SIMMONS
J. H. MOORE

Mr. Hannam, on behalf of the Committee on Finance, to whom had been referred, Senate Bill No. 52, entitled:

An Act to appropriate to Justus Davidson the sum of Three Hundred Fifty-Eight Dollars and Seventy-Five Cents (\$358.75) to refund said sum improperly collected as a part of the Inheritance Tax under the Will of Joseph Davidson.

Reported the same back to the Senate favorably.

H. M. HANNAM
PAUL R. RINARD
HAROLD W. T. PURNELL
BENJAMIN F. SIMMONS
J. H. MOORE

On motion of Mr. Hannam, Senate Bill No. 12, entitled:

An Act relating to increasing the Territorial Limits of Cities and Incorporated Towns; providing for Referendum.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Hendricks, on behalf of the Committee on Revised Statutes, to whom had been referred, Senate Bill No. 85, entitled:

An Act to amend Chapter 111, Volume 41, Laws of Delaware, relating to the Authority of the Levy Court of New Castle County appropriating Funds for Public Improvements and providing that the said Levy Court may continue such Appropriations from sources other than Road Taxes.

Reported the same back to the Senate favorably.

J. B. HENDRICKS
PAUL R. RINARD
EDWARD ABRAHAM, JR.
C. E. BROWN
ROBERT A. DERRICKSON

Mr. Hendricks, on behalf of the Committee on Revised Statutes, to whom had been referred, Senate Bill No. 81, entitled:

An Act to amend Chapter 115, Volume 41, Laws of Delaware, relating to the Levy Court of New Castle County and providing that the Lien for Sewer Construction shall be fixed as to time and that a public record thereof shall be kept.

Reported the same back to the Senate favorably.

J. B. HENDRICKS
PAUL R. RINARD
EDWARD ABRAHAMS, JR.
C. E. BROWN
ROBERT A. DERRICKSON

Mr. Hendricks, on behalf of the Committee on Revised Statutes, to whom had been referred, Senate Bill No. 84, entitled:

An Act to amend 1176, Section 30, Chapter 43, Revised Code of Delaware, 1935, relating to Authorizing the Levy Court of New Castle County to Borrow upon the Faith and Credit of New Castle County.

Reported the same back to the Senate favorably.

J. B. HENDRICKS
PAUL R. RINARD
ROBERT A. DERRICKSON
EDWARD ABRAHAMS, JR.
C. E. BROWN

Mr. Hendricks, on behalf of the Committee on Revised Statutes, to whom had been referred, Senate Bill No. 82, entitled:

An Act to amend Chapter 45 of the Revised Code of Delaware, 1935, relating to County Treasurers and Collection of Taxes and providing for the amount of the bond required by the Receiver of Taxes and County Treasurer of New Castle County.

Reported the same back to the Senate favorably.

J. B. HENDRICKS
PAUL R. RINARD
EDWARD ABRAHAMS, JR.
C. E. BROWN
ROBERT A. DERRICKSON

On motion for leave, Mr. Hannam introduced Senate Resolution No. 25, entitled:

SENATE RESOLUTION NO. 25

APPROPRIATING CERTAIN MONEY OUT OF THE STATE TREASURY FOR PART PAYMENT OF THE PRINTING EXPENSES CONNECTED WITH THE PRESENT SESSION.

BE IT RESOLVED by the Senate of the One Hundred and Seventh General Assembly, that the following amount be and it is hereby appropriated out of the General Fund of the State for part payment of printing expenses of the Present Session of the Senate, and the State Treasurer is hereby authorized and directed to pay to the claimant hereinafter named, on account, the amount set opposite the name of said claimant, namely:

Milford Chronicle Publishing Co.....\$4,500.00

Upon motion the resolution was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution be adopted?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, was adopted.

On motion of Mr. Brown, Senate Bill No. 24, entitled:

An Act to amend 509, Section 48 of Chapter 20, Revised Code of Delaware, 1935, relative to Insurance Department, providing as to effect of warranties in application for insurance when accompanying policy.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Brown, Senate Bill No. 25, entitled:

An Act to amend the Revised Code of Delaware, 1935, by defining "Gross Premiums" when referring to Insurance Companies on Insurance Policies.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 50, entitled:

An Act to amend Chapter 72 of the Revised Code of Delaware, 1935, prohibiting the Sale of Alcoholic Liquors to Students of the University of Delaware by repealing same.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 78, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to selling Alcoholic Liquors during certain hours on certain days and in certain places.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 57, entitled:

An Act to amend Chapter 71 of the Revised Code of Delaware, 1935, relating to Bonds for School Building programs for Free Public Schools by providing for the amount of Bonds, Text of Bonds, Maturity of Bonds.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 106 with House Amendment No. 1, entitled:

An Act authorizing the appointment of a Commission to consider the feasibility of an appropriate crossing of the Delaware River.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 84, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, relating to the cancellation or suspension of licenses for the sale of Alcoholic Liquor, Wines and Beer and the disposition of Alcoholic Liquor, Wines and Beer by the Commission.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 105, entitled:

An Act to amend Chapter 47, Volume 41, Laws of Delaware, 1937, entitled "An Act appropriating certain money for the construction and equipment of a new State Armory in the City of Milford.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 80, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, relating to the sale of Alcoholic Liquor in quantities larger than one bottle to individuals practicing medicine, surgery, obstetrics and dentistry, or any individual practicing the profession of a veterinary surgeon.

And presented the same to the Senate.

On motion of Mr. Simmons, Senate Bill No. 29, entitled:

An Act to amend Chapter 175 of the Revised Code of Delaware, 1915, relating to the Delaware Workmen's Compensation Law, and effecting the interpretation thereof and definitions therein.

Was taken up for consideration and read in order to pass the Senate:

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Heal, Senate Bill No. 39, entitled:

An Act authorizing the conveyance to the Delaware Railroad Company of a parcel of land in New Castle County, Delaware, and ratifying an option granted to said Company to purchase the same and an agreement to relocate railroad platforms and construct an approach thereto.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Heal, Senate Bill No. 53, entitled:

An Act to declare the sovereignty of the State of Delaware along the Atlantic Ocean and to fix its seacoast boundary and ownership and the boundary of Sussex County accordingly.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—15.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Purnell, Senate Bill No. 59, entitled:

An Act authorizing the State Forestry Commission to make Rules and Regulations for the use and protection of lands and property under its jurisdiction, and providing penalties for the violation thereof.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—15.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Purnell, Senate Bill No. 61, entitled:

An Act to amend 723, Section 15 of the State of Delaware by giving to the State Forestry Department the right to lease or assign a right in State Forest Lands for a period not exceeding ten years.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion of Mr. Purnell, Senate Bill No. 62, entitled:

An Act authorizing the State Forester to appoint State Forest Officers; Duties and Powers.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Brown, on behalf of the Committee on Municipal Corporations, to whom had been referred, Senate Bill No. 66, entitled:

An Act to amend Chapter 161, Volume 41, Laws of Delaware, having to do with changing the name of "The Town of Rehoboth" to "City of Rehoboth Beach" establishing a charter therefor, and repealing Chapter 247 of Volume 27, Laws of Delaware, et cetera.

Reported the same back to the Senate favorably.

C. E. BROWN
J. B. HENDRICKS
BURTON S. HEAL
W. J. POORE
H. M. HANNAM

Mr. Heal, on motion for leave, introduced Senate Bill No. 87, entitled:

An Act to amend Chapter 18 of the Revised Code of the State of Delaware, 1935, relating to State Detectives by repealing 455 Section 1 of said Chapter and the Offices of State Detectives created thereby, by enacting a new Section in lieu thereof providing for the appointment of State Detectives by the Attorney General and for the assignment of the State Detectives to the Attorney General's Department, by amending 457 Section 3 of said Chapter with reference to the removal of State Detectives; and repealing all Acts or parts of Acts inconsistent therewith.

Mr. Poore moved that so much be considered the reading of Senate Bill No. 87.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 88, entitled:

An Act proposing an amendment to Article X of the Constitution of the State of Delaware, relating to the creation of a Public School Trust Fund.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 89, entitled:

An Act for the organization of the Attorney General's Department of the State of Delaware, providing for the Appointment by the Attorney General of Deputy Attorneys General including, in addition to those now authorized by Law, an additional Deputy Attorney General to the State Tax Department, a Deputy Attorney General to the State Highway Department, a Deputy Attorney General to the Delaware Liquor Commission and certain additional or Special Deputies, providing for the Salaries of such Deputy Attorneys General and the manner of payment thereof, providing for the Supervision, Direction and Control by the Attorney General of all the Legal Business and Affairs of the State Government, providing the Respective Duties of the Attorney General's Department and of the several Agencies of the State Government, prohibiting the employment

of Attorneys to transact Legal Business for the several Agencies of the State of Delaware, except with the approval of the Attorney General, and repealing all Acts or parts of Acts inconsistent therewith.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 90, entitled:

An Act to amend 3867. Section 69, Chapter 98, of the Revised Code of Delaware of 1935, relating to Distribution of the Estates of Decedents.

Mr. Rinard moved that so much be considered the reading of Senate Bill No. 90.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 91, entitled:

An Act making Appropriations for the Payment of certain School Bonds maturing during the Fiscal Years beginning July 1, 1939, and ending June 30, 1941.

Mr. Simmons moved that so much be considered the reading of Senate Bill No. 91.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 23, 1939.

Motion prevailed.

THIRTY-FOURTH LEGISLATIVE DAY

February 23, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Heal moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Steele presented the following communication:

February 22, 1939

Mr. David W. Steele
President Pro Tem of Senate

Dear Sir:

The bill introduced by Representative Fred Brown giving Wilmington the arbitrary right to absorb any suburb without the consent of the residents of the suburb was opposed yesterday at a meeting of the Blue Rock Community Club, and attended by over one hundred members.

As Chairman of Legislation of our club, I was instructed to write you voicing our opposition to this bill.

Yours very truly,

MRS. FRED J. QUERIPEL

The following communications were read and spread on the Journal:

THE AMERICAN LEGION
DEPARTMENT OF DELAWARE
WALTER L. FOX POST, NO. 2
DOVER, DELAWARE

February 20, 1939

Lt. Governor Edward W. Cooch
President of the Senate
Legislative Hall
Dover, Delaware

Dear Sir:

I have been instructed by the members of the Walter L. Fox Post No. 2 of the American Legion to take this opportunity to express to you and your colleagues our sincere appreciation for the splendid testimonial celebration which you held for the local G. A. R. veterans on Lincoln's Birthday.

The magnificent floral tokens which your body presented were a great joy and delight to the recipients, Mr. Augustus Owens, Mr. Henry Banzetti, and Mrs. Thomas Hammond of Cheswold.

Infirmities and advanced age prevented these men from responding, but you can be assured that your gracious gesture was exceedingly appreciated by them.

It was a most impressive occasion and one which we are confident will long be cherished in the memories of those whom you honored.

Yours sincerely,

GEO. W. AYARS

Adjutant

DELAWARE BRANCH NATIONAL WOMAN'S PARTY
MIDDLETOWN, DELAWARE

February 16, 1939

Hon. Edward W. Cooch
Lieutenant-Governor
State House
Dover, Delaware

Dear Governor Cooch:

Will you please have the following resolution read before the members of the Senate:

RESOLUTION

WHEREAS, A bill (House Bill No. 22) has been introduced in the General Assembly restricting the hours of employment of females to 44 hours a week and making it illegal to employ females at night "in any mechanical or manufacturing establishment, office or dressmaking establishment between the hours of 10 o'clock P. M. and 6 o'clock A. M. the following day," and

WHEREAS, Males not so restricted are placed in a preferred class.

RESOLVED, That the National Woman's Party oppose legislation for one sex only as it works a hardship wherever these restrictions exist; and be it

FURTHER RESOLVED, That the National Woman's Party requests the General Assembly to adopt only equalizing legislation which affords the same opportunities for male and female that they may obtain and keep employment according to his and her individual ability and necessity and not according to his or her sex, and that the nature of the work rather than the sex of the worker should be the basis for legislation.

Thanking you for this courtesy, I am

Very truly yours,

ROSLYN LEVINSON

*Secretary, Delaware Branch
National Woman's Party*

Mr. Heal presented the following communication:

LADIES AUXILIARY OF THE
PUGH-LENDERMAN-CHALFONTE POST NO. 2907
VETERANS OF FOREIGN WARS OF UNITED STATES OF AMERICA
-
BELLEFONTE, DELAWARE

202 Rodman Road
Gordon Heights
Wilmington, Delaware
February 21, 1939

Senator Burton S. Heal
Senate, General Assembly
Legislative Hall
Dover, Delaware

Dear Mr. Heal:

As secretary of the Ladies Auxiliary of the Pugh-Lenderman-Chalfonte Post No. 2907, Veterans of Foreign Wars, I have been instructed to write you regarding Representative Fred Brown's House Bill, No. 97. As you know, this bill would repeal an Act appearing in Chapter 168, Vol. 41, 1937, making it mandatory to hold a referendum in any district before it can be taken into the City of Wilmington. Representative Brown's repealer would make it possible for Wilmington to take in certain sections adjacent to Wilmington without consent of the residents in these sections.

Most of our members are property owners living throughout Brandywine Hundred, and we are strongly opposed to Representative Brown's repealer H. B. 97 and request your assistance in defeating his bill.

There are several reasons why we oppose this repealer:

1. It is our sincere conviction that the real reason Wilmington wishes to take in these sections is to improve the city's financial condition at the expense of the proposed new sections of the city; we are also convinced Wilmington has little interest at heart in the welfare of the sections it proposes to annex.

2. (a) Most of the people in the suburbs around Wilmington constructed homes on the expectation of the county tax enduring at or near its present rate. The very drastic increase of tax which would result from Wilmington taking over any of the suburban communities would cause a severe financial problem for the residents and, in some cases, even result in forcing them to move even farther away from Wilmington.

(b) The majority of the people established their homes in rural communities within easy commuting distance of the city so they could have enough ground for gardens, both flowers and vegetable, by which they could gratify their love of nature in that respect, a practice which is impossible except to the wealthy in the City of Wilmington because of its high taxes.

3. (a) Many residents of suburban communities have received sewers and street lights through the New Castle County Levy Court. Some receive city water, paying double the city rate, while others are supplied by private companies.

(b) Suburban roads and streets maintained by the State Highway Department are equal, and in some cases, superior to many of the streets in Wilmington.

4. The City of Wilmington would be unfairly placing upon residents outside of the city a share in a large city debt which the suburban residents are not responsible for having created.

5. The repealer would deprive residents of the communities any voice in the matter of whether or not they are taken into the city regardless of their wishes in the matter.

6. Sight should not be lost of the fact that should Representative Brown's repealer be passed and the city start taking over adjacent sections, severe and immediate hardships would be placed on all the home owners of average means in these communities.

7. A large percentage of the residents of these communities surrounding Wilmington are moderately salaried persons and wage earners whose entire income is expended in the maintenance of their homes and families.

Relying on you as representative of this district for considerate support in this important matter, I am,

Respectfully yours,

CATHERINE R. CUNINGHAM

*Secretary, Ladies Auxiliary of
Pugh-Lenderman-Chalfonte
Post V. F. W.*

Mr. Sylvester presented the following communication:

ELECTRICAL TRADES ASSOCIATION

WILMINGTON, DELAWARE

Mr. Earl Sylvester
Delaware Avenue
Harrington, Delaware

Dear Sir:

WHEREAS, We consider that suitable legislation should be passed to protect the business houses of Delaware against unfair practices now in use and which eventually will spell financial ruin to the merchants, and

WHEREAS, Forty-three of the States have Fair Trade Acts many of which have been in effect for several years, therefore,

RESOLVED, That the Electrical Trades Association of Wilmington, Delaware, go on record as urging the immediate passage of the Fair Trade Bill known as House Bill No. 27. Also be it

RESOLVED, That a copy of this resolution be mailed to each member of the Delaware State Legislature and the Governor requesting their favorable vote on this very important bill.

ELECTRICAL TRADES ASSOCIATION

T. A. KEELEY

President

Mr. Heal moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Steele, on motion for leave, introduced Senate Bill No. 92, entitled:

An Act directing State Board of Agriculture to provide Laboratory and Pathologist for protection of the Broiler Industry in Sussex County; authorizing State Board of Agriculture to acquire land therefor, by gift, bequest, purchase or condemnation; appropriation therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

On motion of Mr. Purnell, Senate Bill No. 66, entitled:

An Act to amend Chapter 161, Volume 41, Laws of Delaware, having to do with changing the name of "The Town of Rehoboth" to "City of Rehoboth Beach" establishing a charter therefor, and repealing Chapter 247 of Volume 27, Laws of Delaware, et cetera.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Mr. Sylvester moved that so much be considered the reading of Senate Bill No. 66.

Motion prevailed.

Upon request the privilege of the floor was given to John M. LaCato.

On the question, "Shall the Bill pass the Senate?"

Mr. Sylvester asked that action on Senate Bill No. 66 be deferred until tomorrow.

Request was granted.

Mr. Rinard, on behalf of the Committee on Judiciary, to whom had been referred, Senate Bill No. 60, entitled:

An Act giving to the Justices of the Peace and Common Pleas Courts jurisdiction to try, hear and determine all charges and offenses set forth in Chapter 23 of the 1935 Revised Code of the State of Delaware and all other Penal Laws enacted to protect trees, forest, wild lands or vegetation thereon.

Reported the same back to the Senate favorably.

PAUL R. RINARD
HAROLD W. T. PURNELL
W. J. POORE
BENJAMIN F. SIMMONS
GEORGE R. CLARK

On motion of Mr. Rinard, Senate Bill No. 43, entitled:

An Act appropriating money out of the State Treasury for the payment of claim of Frank S. Webb against the State.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

Mr. Sylvester requested that action on Senate Bill No. 43 be deferred until tomorrow.

Request was granted.

On motion of Mr. Rinard, Senate Bill No. 52, entitled:

An Act to appropriate to Justus Davidson the sum of Three Hundred Fifty-Eight Dollars and Seventy-Five Cents (\$358.75) to refund said sum improperly collected as a part of the Inheritance Tax under the Will of Joseph Davidson.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

Mr. Sylvester requested that action on Senate Bill No. 52 be deferred until February 24.

Request was granted.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following:

Senate Bill No. 27, entitled:

An Act requiring Prenatal Examination for Syphilis.

And returned the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following:

Senate Bill No. 26, entitled:

An Act to amend Chapter 27 of the Revised Code of Delaware, 1935, as amended, relative to the power and authority of the Medical Council of Delaware.

And returned the same to the Senate.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 93, entitled:

An Act to amend Chapter 31 of the Revised Code of Delaware, 1935, relative to Delaware State Board of Examiners in Optometry; qualifications for examination; increasing fee for re-examination; providing for compensation and expenses; increasing annual registration fee and revocation of certificate for non-payment.

Which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 94, entitled:

An Act to amend Chapter 131 of the Revised Code of Delaware, 1935, relative to Juries; providing for the exemption of legally licensed practicing Optometrists from service as Jurors.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Heal, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following:

Senate Bill No. 36, entitled:

An Act appropriating money to the Insurance Commissioner to pay premiums on all insurance on State property.

The Chair presented House Bill No. 50, entitled:

An Act to amend Chapter 72 of the Revised Code of Delaware, 1935, prohibiting the Sale of Alcoholic Liquors to Students of the University of Delaware by repealing same.

Which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

The Chair presented House Bill No. 57, entitled:

An Act to amend Chapter 71 of the Revised Code of Delaware, 1935, relating to Bonds for School Building programs for Free Public Schools by providing for the amount of Bonds, Text of Bonds, Maturity of Bonds.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented House Bill No. 78, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to selling Alcoholic Liquors during certain hours on certain days and in certain places.

Which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

The Chair presented House Bill No. 80, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, relating to the sale of alcoholic liquors in quantities larger than one bottle to individuals practicing medicine, surgery, obstetrics and dentistry, or any individual practicing the profession of a veterinary surgeon.

Which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

The Chair presented House Bill No. 84, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, relating to the cancellation or suspension of licenses for the sale of alcoholic liquor, wines and beer and the disposition of alcoholic liquor, wines and beer by the Commission.

Which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

The Chair presented House Bill No. 105, entitled:

An Act to amend Chapter 47, Volume 41, Laws of Delaware, 1937, entitled "An Act appropriating certain money for the construction and equipment of a new State Armory in the City of Milford."

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

The Chair presented House Bill No. 106 with House Amendment No. 1, entitled:

An Act authorizing the appointment of a Commission to consider the feasibility of an appropriate crossing of the Delaware River.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 24, 1939.

Motion prevailed.

THIRTY-FIFTH LEGISLATIVE DAY

February 24, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the House Chaplain, Rev. Windsor.

Roll called.

Members Present—Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Heal moved so much be consider the reading of the Journal and the Journal be approved.

Motion prevailed.

The President Pro Tem announced he is about to sign:

Senate Bill No. 26.

Senate Bill No. 27.

Mr. Heal presented the following communication:

102 Rodman Road, Penny Hill
Wilmington, Delaware,
February 23, 1939

Senator Burton S. Heal,
Senate, General Assembly,
Legislative Hall,
Dover, Delaware

Dear Mr. Heal:

I have been instructed as secretary of the Mother's Group of the Mount Pleasant School to communicate with you regarding Representative Fred Brown's House Bill No. 97. We all fully realize this bill, if passed, would repeal an act of 1937 appearing in Chapter 168, Vol. 41, which makes it mandatory to hold a referendum in certain suburban sections and districts

before it can be taken into the City of Wilmington. If Representative Brown's repealer bill is passed it would make it possible for Wilmington to annex any of these certain sections and communities to the city without the consent of the residents of these particular communities.

Our organization which is composed of mothers of students attending Mount Pleasant School in School District No. 2 in Brandywine Hundred, represent more than 600 children who attend this school from Holly Oak, Gwynhurst, Bellevue, Cragmere, Bellefonte, Lindamere, Gordon Heights, Hillcrest, Carcroft, High Point, Villa Monterey, and Arden.

The members of our group are strongly opposed to Representative Brown's repealer H. B. 97 and below are a few reasons why we are opposing this bill:

1. We are thoroughly convinced the main reason the City of Wilmington desires to have a bill passed whereby they would be given the privilege to annex certain suburban sections surrounding the city, is for the purpose of increasing their source of revenue without very little if any regard for the residents living in the sections they propose to annex.

2. (a) The majority of us have built or have purchased homes in the suburban communities within a close commuting distance of the City of Wilmington in order to provide for our children the advantages of a suburban or country environment which we feel is very essential for the proper growth of children into good citizens and also for their health and welfare.

- (b) We will only be able to provide our present homes and environment for our children as long as the taxes we pay remain near the present rate, as it would be entirely impossible for the most of us to pay the drastic increase in tax which would result through the annexation of our communities to the City of Wilmington.

3. The incomes of the majority of persons living in these suburban sections are very moderate and is in most cases completely expended on the upkeep of homes and families, thereby making it prohibitive for us to continue to maintain homes in certain suburban sections if Representative Brown's bill is passed, due to the large increase in our taxes which would result. In some cases it would make it compulsory for families to move even farther away from the City of Wilmington than they now live.

4. (a) In some of the suburban sections we have already received a number of improvements, among them, sewers and street lights through the New Castle County Levy Court, and

water and fire hydrants supplied by private companies. A few of the sections are receiving city water for which they are paying double the city rate.

(b) We feel it is very unfair for the City of Wilmington to place upon the residents of the suburban communities the large city debt which they now have and which the residents of these suburban sections did not create.

5. The State Highway Department keeps the streets and roads in the suburbs in most cases in excellent condition, equal to those in the city if not better, and we cannot see any benefits we would derive from the annexation to the City of Wilmington. The most we would receive would be a drastic increase in our taxes.

We are requesting you as representative of our district to do all within your power to help defeat Representative Brown's H. B. 97. Thanking you for your assistance in this important matter, I am,

Respectfully yours,

REBECCA C. DOLDE

*Secretary, Mother's Group
Mount Pleasant School*

Mr. Gooden presented the following communication:

5 South State Street
Dover, Delaware
February 23, 1939

Hon. Leslie Gooden
Dover, Delaware

Dear Mr. Gooden:

I am asking your support of the Consolidated Welfare Bill which the State Board of Charities has presented to the Legislature. I am cognizant of the arguments for and against this measure and except for the inclusion of the State Hospital at Farnhurst, I believe it would be a decided step in the right direction to vote for its passage.

In my relief work in Kent County—as Chairman of Red Cross for Dover—I find great difficulty in getting assistance through the proper channels. There seems to be much overlapping, confusion and unnecessary expense which would be obviated if Delaware would use the same plan which other states are using effectively with a responsible Department of Public Welfare in charge.

I appreciate the difficulty in getting a bill passed which voids the authority vested in several ready-made Bureaus. However, the most that anyone can do, is to vote for a measure which promotes the best interests to the most people at a minimum cost to the State. Without doubt, the welfare program now in force needs re-vamping and I therefore ask your support of this bill.

Thanking you for your kind attention, I am

Very truly yours,

WINIFRED M. McCOSH

Chairman, Dover Red Cross

Mr. Heal moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 65, entitled:

An Act to amend Chapter 6 of the Revised Code of Delaware, 1935, in relation to State Revenue by providing for Occupational Licenses for Transient or Itinerant Photographers.

And presented the same to the Senate.

Mr. Hannam rose to a point of personal order and requested the reading by the clerk of the following, and the spreading of such communication on the Senate Journal:

Mr. President:

I arise to a matter of personal privilege in order that an opportunity may be taken to answer certain aspersions made against the Republican members of this Senate, and in so doing I would like to recall some of the political history of this State of about fifteen years or more ago. The distinguished Senator from Dover, in a statement given to the press and published in

the newspapers of last Saturday, is reported to have said "Unless real leaders and statesmen bring pressure to bear the Highway Department is to be made the plaything of politicians. After that, the plan is to make of the Motor Vehicle Department plaything number two." How short is the memory of man or the knowledge of affairs of a little more than a decade ago, for if the distinguished Senator from Dover and any of his Democratic friends would look into the efforts of the Democratic Party in the General Assembly of this State in 1923, I feel sure that the distinguished Senator from Dover would not have made the remarks above quoted.

Following the General Election of 1922 the Democratic Party of the State, assisted by a group of Republicans who were opposed to the re-election of Senator T. Coleman duPont, was overwhelmingly in control of both branches of the General Assembly. Within a few days after the 1923 session convened the Democratic members organized a Steering Committee, which was composed of the leaders of the Party and included in their number the late State Senator Murphy, Speaker Daniel N. Culver, J. Rodger Holcomb who wanted to be the Speaker, and Senator Charles W. Hardesty and other active members of the Democratic Senate.

On the occasion of the very first meeting of this Committee on January 9, 1923, the Committee formulated its plans, which received rather wide publicity. Among its very first proposals was the change of the personnel of the State Highway Department, of which at that time C. Douglass Buck was the Chief Engineer, and it was the plan of the Democrats to accomplish this change by the addition of more Democrats to the State Highway Department. They also proposed to take the State Highway Police and put that body into the hands of a so-called State Military Board. And further, an attack was made on the Motor Vehicle Department then under the direction of Secretary of State Benson. I have had the files of the Old Legislative Bills searched in order that I might have full details of these bills to show to the distinguished Senator from Dover, but while these bills were introduced, for some mysterious reason they are not now to be found in the files, but if any one will look at the Journals of the General Assembly for the 1923 session, they will find that such bills were introduced, and the newspapers of that day continually commented thereon.

But once again, as seems always true, before the General Assembly was in session two weeks differences developed among the leaders of the Democratic Party and a split resulted between the followers of Speaker Culver and Mr. Holcomb who was made the Democratic floor leader after his unsuccessful attempt to be Speaker, and thereupon the so-called "real leaders and states-

men" of the Democratic Party were called in. Those called in were known as the Advisory Committee of the Democratic Party, and of which Robert Kenney was the Chairman and among active members were Senator-elect Thomas F. Bayard, Congressman-elect William W. Boyce, the now U. S. Senator James H. Hughes and Andrew J. Lynch, who were recognized as five of the leading Democrats of that day.

The plan for the elimination of the Republicans from office went ahead. A bill was introduced changing the personnel of the Industrial Accident Board, it being the intention of the Democratic Party to require the appointment of a Democrat thereto and the bill also sought to reduce the salary of the then Republican members. This policy of the Democrats also provided that the State Board of Education was to be reorganized and also that the laws providing for the State Detectives and Automobile Inspectors were to be revamped with the intention that all Republicans holding office, as far as could be accomplished, were to be ousted.

Such were the plans of the "real leaders and elder statesmen" of the Democratic Party in real action. The Democratic Party was hungry then, as it is now for jobs, and their intent was to get them at any cost in order to reward their followers for their political activities in the General Election of 1922, and the only reason their efforts were in vain was due to the fact that they were unable to override the objections of a Republican Governor, although desperate efforts to do so were made.

The distinguished Senator is further quoted as saying: "They would legislate from our Democratic Governor the appointing power, the power that Republican Governors have exercised for generations." The General Assembly cannot legislate from any Governor, whether Democrat or Republican, any appointing power that is conferred upon him by the Constitution, but it is within the power of the General Assembly, as representatives of the people, to say as to all statutory officers by whom they shall be appointed, whether to be named in any act or to be appointed by a particular officer, be he Governor, Judge, or someone else in whom the General Assembly feels should be endowed with the power of appointment.

The Senator further says: "They would establish a precedent by giving to the legislative and judicial departments of the State Government those appointive powers that our forefathers had always intended for the executive."

I feel that the distinguished Senator never maintained a close relationship with his forefathers or he does not know of many provisions of the statutes of the State.

It is a fact that the several Assemblies of this State have assumed the power of appointment whenever it thought it was necessary and to the best interest of the State.

Does the Senator not know that the Judges of our Courts, and not the Governor, have been making appointments for at least a generation, and while I do not attempt to enumerate them all I direct his attention to the fact that our Judges appoint the Deputy Judge for the Municipal Court of Wilmington, Old Age Welfare Commission, the Park Commissioners of Wilmington, the Commissioners entrusted with the supervision of the New Castle County Workhouse, the members of the State Parole Board, the Probation Officers, and last but not least all the trustees of our schools throughout the State.

The Senator further states: "Now is the time for the public to protest," and I am happy to be able to agree with my distinguished friend in this remark; and I say to him the public has and is now protesting, as is witnessed by the last election in this State and the two special elections for members of this General Assembly, in which Republicans were elected although the Districts were considered Democratic strongholds. I am convinced that the action of the Republicans are "voicing the views" of our constituents, and the members of this General Assembly in their proposed actions are honestly endeavoring to carry out the "mandate" given to them by the citizens of this State.

On motion for leave, Mr. Heal introduced Senate Resolution No. 26, entitled:

SENATE RESOLUTION NO. 26

AUTHORIZING PAYMENTS ON ACCOUNT TO MEMBERS OF SENATE AND ATTACHES AND EMPLOYEES OF THE SENATE.

BE IT RESOLVED by the Senate that the State Treasurer be and he is hereby authorized to pay to any member of the Senate and any attache or employee of the Senate, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total sum of Three Hundred Dollars (\$300.00) to any person, any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this session.

Upon motion the resolution was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution be adopted?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, was adopted.

Mr. Heal moved that the Senate recess for 15 minutes.

Motion prevailed.

Same Day, 4:30 o'clock P. M.

Senate met at expiration of recess.

On motion of Mr. Clark, Senate Bill No. 56, entitled:

An Act for the restoration of the MacDonough Family Burial Plot and other similar purposes.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 12, entitled:

SENATE CONCURRENT RESOLUTION NO. 12

RELATIVE TO THE NATIONAL OBSERVANCE OF
"AMERICANISM WEEK."

WHEREAS, the week of March first to March eighth has been set aside and dedicated by the Benevolent Protective Order of Elks for the National observance of "Americanism Week;" and

WHEREAS, throughout our beloved country today, subversive influences are at work undermining the principles as set forth by our forefathers in our beloved Constitution; and

WHEREAS, this General Assembly of the State of Delaware is heartily in accord with this work;

NOW THEREFORE BE IT RESOLVED by the Senate and House of Representatives of the State of Delaware in General Assembly met that a joint session be held on Wednesday, March 1, 1939, at 12:00 o'clock noon for the purpose of observing "Americanism Week;" and

BE IT FURTHER RESOLVED, that the Honorable George McIntyre be invited to address the said Assembly.

Mr. Heal moved that the rules be suspended and that Senate Concurrent Resolution be read a third time and action be taken thereon.

Motion prevailed.

Was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Resolution pass the Senate?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, passed the Senate.

Ordered to the House for concurrence.

Mr. Sylvester rose to a point of personal privilege and discussed the reading of the paper previously presented by Mr. Hannam.

Mr. Moore, on motion for leave, introduced Senate Bill No. 95, entitled:

An Act to authorize a Highway Crossing at Grade in Seaford Hundred, Sussex County, over the Cambridge Division of the Pennsylvania Railroad.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Rinard moved that action on Senate Bill No. 43, entitled:

An Act appropriating money out of the State Treasury for the payment of claim of Frank S. Webb against the State.

And also Senate Bill No. 52, entitled:

An Act to appropriate to Justis Davidson the sum of Three Hundred Fifty-Eight Dollars and Seventy-Five Cents (\$358.75) to refund said sum improperly collected as a part of the Inheritance Tax under the Will of Joseph Davidson.

Be deferred.

Motion prevailed.

Mr. Purnell moved that action on Senate Bill No. 66, entitled:

An Act to amend Chapter 161, Volume 41, Laws of Delaware, having to do with changing the name of "The Town of Rehoboth" to "City of Rehoboth Beach" establishing a charter therefor, and repealing Chapter 247 of Volume 27, Laws of Delaware, et cetera.

Be deferred.

Motion prevailed.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 27, 1939.

Motion prevailed.

THIRTY-SIXTH LEGISLATIVE DAY

February 27, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present—Abrahams, Brown, Clark, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Abrahams moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented the following communication:

RESOLUTION

To the State Senate of the General Assembly
Of the State of Delaware

WHEREAS, at the regular meeting of the Dover Century Club on Wednesday, February 22, 1939, a motion was passed that the Club Legislative Committee send you a resolution;

THEREFORE, We, the Legislative Committee of the Dover Century Club submit the following:

BE IT RESOLVED, That the Dover Century Club go on record as opposing any deduction in the budget of the State Department of Public Instruction which would bring about any curtailment in the present program pertaining to the teaching of Music and Art.

It was the consensus of opinion that the teaching of reading, writing, arithmetic and spelling have not been neglected due to the presence of a State Music or Art program.

DOVER CENTURY CLUB

By MRS. ROBERT E. LEWIS
Chairman, Legislative Committee

Mr. Hannam moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

The Chair presented House Bill No. 65, entitled:

An Act to amend Chapter 6 of the Revised Code of Delaware, 1935, in relation to State Revenue by providing for Occupational Licenses for Transient or Itinerant Photographers.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

Senate Substitute for House Bill No. 30, with the Governor's veto message, entitled:

An Act to amend Chapter 166 of the 1935 Revised Code of the State of Delaware providing for reorganization of the State Highway Department.

And presented the same to the Senate.

The clerk read the Governor's veto message as applying to Senate Substitute for House Bill No. 30, entitled:

An Act to amend Chapter 166 of the 1935 Revised Code of the State of Delaware providing for reorganization of the State Highway Department.

The Chair requested that the Governor's veto message be placed in the Journal.

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

February 24, 1939

To the Honorable, The House of Representatives,
The 107th General Assembly, State of Delaware,
Dover, Delaware.

Gentlemen:

I return herewith, without my approval, Senate Substitute for House Bill No. 30, entitled, "An Act to amend Chapter 166 of the Revised Code of Delaware, 1935, providing for Reorganization of State Highway Department."

This bill, if enacted into law, would amend the present legislation relating to the Highway Department by increasing the members thereof and establishing a Board consisting of seven members together with the Governor of the State. The bill itself proceeds to name the persons who shall be members of the Department. I can see no reason for this legislation. It is purely partisan in its nature and political in all of its aspects. It is designed solely for the purpose of benefiting a certain group of office seekers and is not in any way beneficial to the citizens of the State as a whole. Its sole purpose can be characterized as an attempt to oust from office the present personnel of the State Highway Department. The desire expressed in my message at your convening and mentioned in the Republican platform that the welfare of the people of our State must be foremost has been forgotten in the quest for political patronage at public expense.

The State Highway Department was created by an Act of the Legislature on April 2, 1917, Volume 29, Chapter 63 of the Delaware Laws and consists of four members and the Governor of the State. This Act further provided that appointments to membership must be made by the Governor so that not more than two members of the Department shall belong to the same political party and in the case of a vacancy in the Department the Governor shall fill such vacancy for the unexpired term. The Act further provided that the Governor should have no vote except in the event of a tie vote in the Department. The obvious purpose of this Act was to have a bi-partisan Department and the removal of politics from it as far as possible. This Act has remained the same with the exception of two amendments. In

1921, Volume 32, Chapter 52 of the Delaware Laws, the Secretary of State replaced the Governor as a member of the Department, but in 1929, Volume 36, Chapter 79 of the Delaware Laws, this provision was repealed and the Governor again took his position on the Department, replacing the Secretary of State. It is not until this present session of the General Assembly therefore that any attempt has been made to depart from the bi-partisan theory of the administration of this Department which was apparent from its inception.

Senate Substitute for House Bill No. 30 disregards this theory and openly proposes to place one major political party in control of the personnel of the Department by naming as members of the Department persons known as political partisans.

Nor can this legislation be justified as an economic measure. It is only since 1936 that the State Highway Department has constructed and maintained all of the highways throughout the State including those heretofore constructed and maintained by the respective counties. In 1936, when the State Highway Department was controlled by persons affiliated with the Republican Party inasmuch as the then Governor was a Republican, the cost of maintenance was \$1,086,894.78. For the year 1937 the cost of maintenance of the highways of the State was \$908,245.78, and in 1938 this cost was \$1,011,059.24. Thus it is seen that the maintenance cost under the domination of the Republican Party was the highest during the three-year period.

As I have pointed out, this is the first attempt by any General Assembly to change the personnel of a State Department. This bill is what is commonly known as a "Ripper" bill, and if enacted into law sets a most dangerous precedent. This One Hundred Seventh General Assembly should hesitate before establishing such a precedent and the members should have in mind that in the immediate years to come there is the strong possibility of a change in the dominating political party in this State, which then by the precedent attempted here to be adopted might be tempted to add to or change immediately after an election the personnel of every State Department. The members of every General Assembly hereafter should not be called upon or expected to assume such dangerous responsibility. Without such precedent, such danger disappears. It is not for the best interest of the people of this State to have an ever shifting policy and an ever shifting personnel of its departments. The desires of some members of this Legislature should not penalize the public interest by disrupting the orderly administration of the people's business.

The people of this State are entitled to efficient, economical operation of their Departments and the personal desire of those seeking political power to perpetuate themselves in office should not be permitted to prevail over the general welfare of the State.

It is clear to me that no legislation should be approved that has for its purpose the utilization of a Department for partisan purposes and not for the benefit of the people of the State as a whole. Both parties should recognize that all Departments of our State should be operated solely in the interest of all the people and not as a political adjunct or instrumentality for first one party and then the other.

Many things vital to our State and people await the attention of this General Assembly. It is only by removing completely and absolutely this bill and others of like character from the Legislative calendar can the welfare of our State receive the undivided and non-political consideration its deserves.

But aside from the purely partisanship character of this bill it strikes at a very fundamental principle of our State Government. Section 9 of Article 3 of the State Constitution contemplates that the appointing power of the offices created by the Constitution or by law shall reside in the Governor. One of the duties of the Executive of this State is to make such appointments and to fill any vacancies no matter how occurring. This bill deprives the Executive not only of the power of appointment, but also of the power of filling vacancies. This bill departs from the word and spirit of our State Constitution in a manner never before attempted in this State. How can our constitutional system be preserved unless it is respected in all of its aspects? By the provisions of this bill one aspect of our constitutional system is entirely disregarded. The inauguration of such a tendency to disregard our constitutional system by the enactment of such legislation as is proposed by this bill can lead only to the breaking down of the checks and balances set up in our State Constitution.

I am certain that the people of the State will not be benefited by purely partisan legislation that is foreign to our constitutional system and I ask that greater thought be given to the welfare of the State in your re-consideration of this bill.

Respectfully yours,

RICHARD C. McMULLEN
Governor

Mr. Heal moved that Senate Substitute for House Bill No. 30, entitled:

An Act to amend Chapter 166 of the 1935 Revised Code of the State of Delaware providing for reorganization of the State Highway Department.

Be restored to the Index.

Motion prevailed.

Mr. Gooden rose to a point of personal privilege and presented the following paper, which was read by the clerk:

I was very much interested in reading an article appearing in the Saturday issue of the Journal-Every Evening regarding the statement made last Friday by the Senator from the Fourth Senatorial District, New Castle County, with the heading, "Democrats Tried to Oust G. O. P. in 1923."

In conversation with a former Senator, who served as an active member of the 1923 session, I am informed that the above article is misleading and is not a true statement of the facts upon which the article is based.

Several charges are made in the statement which may be classified under three groups as follows:

1. They proposed changes in the Highway Department and suggested putting the State Police under a State Military Board.
2. They attacked the Motor Vehicle Department.
3. They introduced a bill to appoint a Democrat to the Industrial Accident Board.

These accusations like many others are partly true, but a clear explanation of the circumstances surrounding the proposed legislation will enable the public to make a fair comparison of the motives involved in the 1923 session and the present.

Let us analyze these charges as above outlined:

First:

The changes suggested in the Police Department would have removed the Police from the control of the Highway Department and provided for a Police Commission, the members of which would be equally divided between the two dominant political parties. The Superintendent must be a member of the force and all promotions were to be made on merit.

The idea was to provide a type of State Constabulary similar to that then in existence in New York and Pennsylvania, as it was the consensus of opinion that the force had increased to such an extent numerically and the scope of their duties had expanded to the point where a separate department was deemed advisable.

The first suggestion for this change came from Governor William D. Denney, who was instrumental in assisting in the preparation of the bill. It passed the Senate with the vote of 4 Republicans and 9 Democrats, 2 Republicans and 1 Democrat voting against it. It was finally lost in the House due to the fact that the Republican factions were unable to agree on their members of the Commission.

The proposed legislation had no political aspects whatever.

Second:

Many rumors were current to the effect that public funds were being wasted in the Motor Vehicle Department and a Resolution was passed by the vote of 4 Republicans and 8 Democrats instructing the Secretary of State to submit a detailed report of the payroll of his office. The report divulged the fact as reported, that some persons were receiving a salary from more than one department, and as a consequence a bill was later passed by a unanimous vote of the Senate prohibiting the payment of Salaries or compensation by more than one branch of the Executive Department of the State Government to any person.

This Resolution and Bill were not political in any respect and certainly the matter was in the interest of the public.

Third:

When the Industrial Accident Board legislation was proposed an agreement was entered into between the representatives of both the Republican and Democratic parties whereby a member of the minority party should always be a member of the Industrial Accident Board. The legislation was enacted naturally with the support of the Legislative Members of both parties and Governor John G. Townsend recognized this agreement by the appointment of the late Harry Mayer, a Democrat, as a member of the board. However since that time no Democrat has been appointed to this board by a Republican Governor, and can any fair person deny that the Democratic members of the Legislature were not justified in attempting to regain that which was lost through false promises?

Political Yes but also Justifiable.

So much for the accusations and in closing I am glad that the Senator has called the public's attention to the 1923 session for the reason that some very interesting figures are to be found in the Senate Journal of that session. The sum of \$7,700 was expended in the payment of the salaries of all the attaches distributed as follows:

Secretary	\$1,250.00	
Printing	500.00	(Journal)
Reading Clerk	800.00	
Bill Clerk	725.00	
Sergeant-at-Arms	675.00	
Phone Messenger	350.00	
Chaplain	300.00	
Page	200.00	
Stenographers	1,200.00	(3)
Attorney	1,700.00	
	<hr/>	
	\$7,700.00	

I am quite sure the people of Delaware will be interested in comparing these expenditures with those contemplated by the present session as well as the number of attaches (11), as compared with (38) which I understand we now have.

(Signed) G. LESLIE GOODEN

Former Lieutenant-Governor Corley was invited to the rostrum and spoke his appreciation of being again present at a session of the Senate.

Former President Pro Tem W. A. Simonton was invited to the rostrum and spoke warmly of the pleasure of again being present in the Senate.

Mr. Heal, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following:

Senate Bill No. 26, entitled:

An Act to amend Chapter 27 of the Revised Code of Delaware, 1935, as amended, relative to the power and authority of the Medical Council of Delaware.

Senate Bill No. 27, entitled:

An Act requiring Pre-natal Examination for Syphilis.

Mr. Rinard, on behalf of the Committee on Judiciary, to whom had been referred, Senate Bill No. 3, entitled:

An Act to amend Chapter 116 of the 1935 Revised Code of the State of Delaware, as amended, relative to the Jurisdiction and Powers of the Juvenile Court of Kent and Sussex Counties.

Reported the same back to the Senate favorably.

PAUL R. RINARD
GEORGE R. CLARK
BENJAMIN F. SIMMONS
HAROLD W. T. PURNELL
W. J. POORE

Mr. Heal, on motion for leave, introduced Senate Bill No. 96, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game; relative to Hunting, Sale or Possession of Beaver and providing a penalty for violation thereof.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 97, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game; providing for the Distribution of Rabbits and Quail.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 98, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game; permitting Members of Board of Game and Fish Commissioners and Game Wardens to carry Deadly Weapons under certain circumstances.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 99, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game; protecting the Killing, Selling or Possession of Hungarian Partridge, Chukar Partridge and Ruffled Grouse.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 100, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game; defining Residents as used in said Chapter.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 101, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, prohibiting the Possession or Killing of any Wild Bird or Wild Animal taken or killed on Sunday; possession of firearm while training dog on Sunday prima facie evidence of offense; proviso that this Section shall not apply to use of firearm by farmer to protect livestock.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced by request, Senate Bill No. 102, entitled:

An Act proposing an amendment to Article II of the Constitution of the State of Delaware, providing for the Initiative and Referendum.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 103, entitled:

An Act to provide Mileage Fees to be charged for privately owned vehicles used in the State's business.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 104, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game; providing that Adjoining or Neighboring Freeholders may Hunt, Fish or Trap on adjoining or neighboring freeholds without a License.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 105, entitled:

An Act authorizing the Board of School Trustees of each School District to provide for the Moral Instruction of Pupils attending the Public Schools; directing the Board of School Trustees to make a survey of Religious Affiliations of all pupils; providing for the consent of Parent or Guardian for Moral Instruction; authorizing Board of School Trustees to adopt Rules and Regulations; pupils receiving Moral Instruction shall be credited therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 106, entitled:

An Act defining an Extraordinary Forest Fire Hazard and declaring the making and maintenance of such a Public Nuisance; providing for the determination and abatement thereof; and providing Penalties for failure to abate such Public Nuisance.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 107, entitled:

An Act to appropriate Five Hundred Dollars (\$500.00) for a Special Commission to study Sex Education in the Public Schools and to report its Findings and Recommendations to the General Assembly meeting in 1941.

Which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Clark, on motion for leave, introduced by request, Senate Bill No. 108, entitled:

An Act appropriating Certain Moneys to Waller Paving Company, Inc., a Corporation of the State of Maryland, to pay Certain Claims against the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Heal moved that the Senate adjourn until 11:30 o'clock A. M., Wednesday, March 1, 1939.

Motion prevailed.

THIRTY-SEVENTH LEGISLATIVE DAY

March 1, 1939, 11:30 o'clock A. M.

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Simmons moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Moore presented the following communication:

February 23, 1939

To the Legislators
State House
Dover, Delaware

Gentlemen:

We realize the important task and grave responsibility placed upon the legislators of the State of Delaware. We have read with interest the check-up on non-fundamentals taught in our schools and their expenditures. We, the citizens of this beloved State, have faith and confidence in what you are doing for all concerned.

Yet, we the Colored citizens of Sussex County, are forced to call your attention to the urgent need of a "Standard High School" for Colored boys and girls of Sussex County.

The following facts may give some light of the High School conditions as they exist in Sussex County for Colored children. There is not a four year high school in the County. There are five schools giving ninth grade work; two schools, Laurel and Seaford giving three years work. These schools are handicapped, especially in library books and science equipment to do the best work.

It is necessary for many pupils of the County to change three or four times to different schools to complete a high school education. The inconveniences to obtain a high school education results in many pupils giving up in despair. It is a State law that pupils attend the nearest school providing their grade. To complete the fourth year, pupils are compelled to go to State College or Wilmington. These same pupils were charged \$26.00 to enter State College up until a year ago, now they enter or pay \$15.00. The State very generously pays their board, yet there is a cost to the parents who send their children away for high school completion. It takes more money, clothing and traveling expenses. The sad part about it, nearly half of the pupils are left home to roam the streets and oftentimes become a parasite to society, where parents are not able to send them away. The State claims to provide a free public high school education for its citizens. Is this true?

We feel that a standard high school centrally located would increase our high school enrollment from 25% to 35%.

Sometime ago a statement was made in the Journal-Every Evening paper that Howard High was crowded and that outside pupils would be left to the districts from which they came. What will our pupils do who have to attend school there?

May we solicit your consideration and investigation into the High School conditions for Colored children in Sussex County?

Thanking you for any consideration you might give.

Yours very truly,

WILLIAM C. MOORE

Seaford, Delaware

Post Office Box 65

JOINT SESSION

Mr. Heal moved that the Senate and House go into Joint Session in pursuance to Senate Concurrent Resolution Number 12, entitled:

Relative to the National Observance of Americanism Week.

Motion prevailed.

Mr. Heal moved that the President of the Senate preside over the Joint Session.

Motion prevailed.

Mr. Heal moved that the Secretary of the Senate and Chief Clerk of the House act as secretaries of the Joint Session.

Motion prevailed.

Lieutenant-Governor Edward W. Cooch introduced the speaker, Hon. George McIntyre, who addressed the Joint Session.

Mr. Heal moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals.

Motion prevailed.

The Secretary of the Senate announced that the Secretary of the Senate and the Chief Clerk of the House had compared their Journals and found that they agreed.

Mr. Heal moved that the two Houses do now separate.

Motion prevailed.

Same Day, Later

Senate met in regular session.

Mr. Heal moved that the Senate recess until 2 o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

The Senate was presented with a fine hamper of apples, such donation for the pleasure of the members was made to the Senate by that body known as the "Third House."

The Chair presented the following communication:

THE STATE OF DELAWARE
STATE HIGHWAY DEPARTMENT
DOVER, DELAWARE

March 1, 1939

To the Honorable President and
Members of the Senate,
Dover, Delaware

Gentlemen:

I am directed by the Chairman of the Highway Department to address you and say that at a meeting of the State Highway Department held on Monday, February 27th, various bills introduced in your Senate and in the House affecting this Department were considered in detail as to their effect on this Department if enacted into law, and, after carefully considering and weighing the advantages and disadvantages of the several bills, adopted a resolution in which several of the bills were recommended for passage, while several were looked upon unfavorably, and in the case of several others, no recommendations were made.

I am also directed by the Department to say that their sole purpose in making such recommendations to you is, that they believe their recommendations are for the advantages of our State, and are not actuated by selfish motives. Hence, it is hoped that you will receive the recommendations in the spirit which actuated the Members of the Department in taking the attitude they have, and I may add that the action taken was a unanimous one excepting the Governor, who stated that as he may be called on to approve or disapprove the measures proposed, he did not feel he should take part in the matter.

Attached hereto you will find a list of the various bills mentioned above, with notations showing the action of the Department.

Yours respectfully,

C. P. HOLCOMB
Secretary

Bills Recommended by Department with Amendment

- H. B. No. 77—As Amended—An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, entitled: "Motor Vehicles," and to clarify and make more uniform the law relating to traffic subject matter of the said Chapter. (Approved with amendment that the speed limit be increased to 55 miles per hour from sunrise to sunset.) Zebley—Miscellaneous.
- H. B. No. 100—An Act to require all Telephone Companies transacting business in the State of Delaware to furnish names of subscribers to, and telephone numbers of, non-published telephones in the State of Delaware unto the Attorney General of the State of Delaware and unto the Department of Public Safety of the Mayor and Council of Wilmington. (Approved with amendment that the State Police be included.) Brown—Private Corporations.

Bills Recommended by Department

- H. B. No. 107—An Act authorizing the appointment of a Commission to consider the feasibility of an appropriate crossing of the Delaware River. McGuigan—Miscellaneous.
- H. S. for H. B. No. 118—An Act appropriating certain moneys to Socony-Vacuum Oil Company, Inc., a Corporation of the State of New York, to pay a certain claim against the State of Delaware, arising from an erroneous payment of Gasoline Taxes. Brown—Claims.
- H. B. No. 134—An Act to appropriate the sum of Nine Hundred and Seventy-three Dollars and Eighty-seven Cents to Pure Oil Company to reimburse it for penalty paid to the State of Delaware on Motor Fuel Taxes. Benson—Claims.
- S. B. No. 39—An Act authorizing the conveyance to the Delaware Railroad Company of a parcel of land in New Castle County, Delaware, and ratifying an option granted to said Company to purchase the same and an agreement to relocate railroad platforms and construction an approach there-to. Heal—Public Lands.
- S. B. No. 40—An Act authorizing and directing the State Treasurer to pay out of the State Highway Fund upon warrants signed by the Motor Vehicle Commissioner, such sum or sums as shall be necessary to defray the expenses of the annual Motor Vehicle Inspection Campaign, not to exceed in the aggregate, the sum of Ten Thousand Dollars (\$10,000.00) per year. Heal—Finance.

S. B. No. 41—An Act authorizing and directing the State Treasurer to pay out of the State Highway Fund any appropriations that may hereafter be made for the operation and maintenance of the Motor Vehicle Department of the State of Delaware. Heal—Finance.

S. B. No. 63—An Act proposing an amendment to Article VIII of the Constitution of the State of Delaware and creating a State Highway Fund. Heal—Buildings and Highways.

Bills Opposed by Department

H. B. No. 26—An Act to amend Chapter 165 of the Revised Code of the State of Delaware, 1935, relating to Motor Vehicles by reducing the Registration Fees therefor. Zebley—Revenue and Taxation.

H. B. No. 28—An Act to amend Article 4 of Chapter 165 of the Revised Code of the State of Delaware, 1935, relating to Motor Vehicle by reducing the License Fee for the operation thereof. Zebley—Revenue and Taxation.

H. B. No. 32—An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, relating to Motor Vehicles, providing for the designating of certain trucks as farm trucks and reducing the rate of Registration Fees therefor. Woodward—Revenue and Taxation.

H. B. No. 40—An Act to amend Chapter 6 of the Revised Code of Delaware, 1935, in reference to Taxation and Distribution of Gasoline by decreasing the Rate of Tax per Gallon on all Motor Fuel as defined in said Chapter. Benson—Revenue and Taxation.

H. B. No. 60—An Act to amend Chapter 166 of the Revised Code of Delaware, 1935, relating to the State Highway Department with reference to the Installation and Maintenance for Suitable Lighting in all Rural and Suburban Communities. Woodward—Public Highways.

H. B. No. 106—As Amended—An Act authorizing the appointment of a Commission to consider the feasibility of an appropriate crossing of the Delaware River. Zebley.

H. B. No. 127—An Act to create a Commission to determine any damage that might have been sustained by property owners of Newark, Delaware, as the result of the creation of an overhead bridge. Bierin—Appropriations.

- S. B. No. 2—An Act to amend Chapter 165 of the Revised Code of the State of Delaware, 1935, relating to Motor Vehicles by changing the Registration Date thereof. Simmons—Buildings and Highways.
- S. B. No. 11—An Act to amend An Act entitled "An Act regulating the use of the Public Highway of the State of Delaware and imposing a tax upon carriers for the use thereof," being Chapter 39 of Volume 40, Laws of Delaware. Clark—Buildings and Highways.
- S. B. No. 22—An Act to amend Chapter 10, Volume 36, Laws of Delaware, entitled "An Act concerning Motor Vehicles and making uniform the law relating thereto," by further defining the word "Vehicle." Clark—Buildings and Highways.
- S. B. No. 23—An Act to amend An Act entitled "An Act regulating the use of the Public Highway of the State of Delaware and imposing a tax upon carriers for the use thereof," being Chapter 39 of Volume 40, Laws of Delaware, by further defining the term "Motor Vehicles." Clark—Buildings and Highways.
- S. B. No. 50—An Act directing the State Highway Commission to provide for Lighting of Streets and Highways within the Limits of any Town or Municipality or Thickly Settled Rural Section of this State forming part of a continuous road or highway. Hannam—Buildings and Highways.
- S. B. No. 65—An Act conferring on the State Highway Department jurisdiction of Streets of Municipalities and Incorporate Towns forming part of a continuous road or highway and requiring the maintenance thereof. Hannam—Buildings and Highways.
- S. B. No. 72—An Act providing for the payment of a portion of the Costs by the State Highway Department of the Dredging of the Channel of Indian River. Steele—Finance.
- S. B. No. 77—An Act amending Chapter 197, Laws of Delaware, 1937, regulating the taking of sand from the beaches along the Delaware River and Delaware Bay and Atlantic Ocean by exempting gravel from the provisions thereof. Purnell—Miscellaneous.

Bills, No Action Taken by Department

- H. B. No. 44—An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, as amended, in reference to Registration Fees of Motor Vehicles. Benson—Revenue and Taxation.

H. B. No. 72—An Act creating Liability upon the State, Counties, and Incorporated Municipalities, for the negligent operation of a Motor Propelled Vehicle operated by their agents or employees. Zebley—Revenue and Taxation.

H. B. No. 73—An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, relating to the Speed of Motor Vehicles, and providing for Suspension of License. Zebley—Revenue and Taxation.

S. B. No. 20—An Act to amend Chapter 4 of the 1935 Revised Code of the State of Delaware in relation to the State House by changing the Days and Hours during which the State House shall be kept open. Gooden—Buildings and Highways.

S. S. for H. B. No. 31—An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, as amended, by providing that the Motor Vehicle Department shall be a Department of the State Highway Department. Benson—Miscellaneous.

Mr. Heal, on motion for leave, introduced Senate Bill No. 109, entitled:

An Act to amend Article I of Chapter 60 of the Revised Code of Delaware, 1935, relative to General Elections, by providing for the Number of Official Ballots and Envelopes to be prepared and the Distribution thereof.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Heal, on motion for leave, introduced Senate Bill No. 110, entitled:

An Act providing any person whom the Senate shall refuse to confirm to any Statutory Office in this State shall not be reappointed to the same office.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 111, entitled:

An Act providing for the Participation by the State of Delaware in the World's Fair in New York City in 1939 and making an appropriation thereof.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Gooden, on motion for leave, by request, introduced Senate Bill No. 112, entitled:

An Act adopting the "Great Blue Heron" as the Official Bird of the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Heal, on motion for leave, introduced Senate Bill No. 113, entitled:

An Act to require and provide for the issuing of a License to Persons, Firms and Corporations for the Construction, Maintenance and Use of Billboards or other Structures for Outdoor Advertising outside of the Incorporated Cities and Towns of this State.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Heal, on motion for leave, by request introduced Senate Bill No. 114, entitled:

An Act to amend Chapter 44 of the Revised Code of Delaware, 1935, relative to Valuation and Assessment of Property; providing for Separate Assessment of Buildings and Land and Graduated Tax thereon.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Heal, on motion for leave, by request introduced Senate Bill No. 115, entitled:

An Act to amend Chapter 44 of the Revised Code of Delaware, 1935, relative to Valuations and Assessment of Property; providing for the Certification by Assessors of the Aggregate Valuation of all Property subject to Taxation and the Exemption from Taxation of all Erected Buildings and Improvements under conditions herein set forth.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 116, entitled:

An Act to amend Chapter 8 of the Revised Code of Delaware, 1935, relative to Public Arms and Defense by providing for the Qualifications of the Adjutant General.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 117, entitled:

An Act to amend Chapter 8 of the Revised Code of Delaware, 1935, relative to Public Arms and Defense by providing for the Qualifications of the Aides-de-Camp of the Staff of the Commander-in-Chief.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 118, entitled:

An Act to amend Chapter 8 of the Revised Code of Delaware, 1935, relative to Public Arms and Defense by providing Allowances to Officers for Uniform and Equipment.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 119, entitled:

An Act appropriating Money to Arthur Hauber for the payment of his Claim against the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 120, entitled:

An Act to amend Chapter 65 of the Revised Code of Delaware of 1935, relating to Corporations, by providing for the Method of transferring Shares or Certificates of Stock.

Mr. Rinard moved that so much be considered the reading of Senate Bill No. 120.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Private Corporations.

Mr. Brown, on behalf of the Committee on Elections, to whom had been referred, Senate Bill No. 86, entitled:

An Act to amend Chapter 57 of the Revised Code of the State of Delaware (1935) entitled "Department of Elections for the City of Wilmington" by providing for the Establishment of a Department of Elections for New Castle County.

Reported the same back to the Senate favorably.

C. E. BROWN
BURTON S. HEAL
H. M. HANNAM
BENJAMIN F. SIMMONS
G. LESLIE GOODEN

Mr. Hannam rose to a point of personal privilege and requested the reading of the following paper, and further that such paper be included in the Journal:

EDITORIAL

"FICTION *vs.* FACTS"

TO APPEAR IN

THE DOVER STATE SENTINEL, WEDNESDAY, MARCH 1, 1939

IN ANSWER TO

GOVERNOR McMULLEN'S VETO MESSAGE

TO

HIGHWAY REORGANIZATION ACT

NOW BEFORE

THE DELAWARE GENERAL ASSEMBLY

To those loyal Republicans, standing there battling to carry out the will of their constituency, against grossly exaggerated misstatements of facts presented to the public, we have dedicated hours of research since the delivery of the Governor's veto message on the Highway Reorganization Bill, so that their loyal support of the party may be justified. We stake our reputation for truth and veracity on the accuracy of the following statements. Their cause is a just one and the fact that we are able to champion it gives us great pleasure. (Editor's note).

“FICTION vs. FACTS”

We feel that the issue as to either Democratic or Republican control of the Highway Department is so important to all Delawareans at this time, that it justifies our giving any amount of time and space to this all-important issue.

Since he started with a false promise, which gets him nowhere, no matter how good the argument, we will take up the Governor's veto message, paragraph by paragraph, and show the taxpayers where a Republican Party, which has, at the recent election, been given a mandate to control the State, is justified in taking over a Democratic controlled machine which smugly prates about bi-partisanship while all the time it is using the forces and the money of the gasoline and car users to override the wishes of the people as expressed at the last election.

First it must be borne in mind that the question involved isn't whether we have a non-partisan Highway Commission—the question is whether the Highway Department, as now constituted, remains a potent Democratic political machine, to be used to carry Delaware in 1940 or whether it is to be taken over by the Republicans, so that it cannot be used ruthlessly against the Republican Party at the coming election to further the interest of New Deal partisan Democrats for their own personal aggrandizement. That is the question and the only question—it isn't a question of idealism—of bi-partisanship—of non-partisanship or anything of the sort—it's a question whether it is to remain a Democratic partisan machine or whether it is to become a Republican partisan machine—the issue is a simple one. It's narrow and easily analyzed.

At the hazard of being criticized for being verbose, we will take up paragraph by paragraph the Governor's message, giving his quotations in regular face type and ours in *italic face* type, the facts in answer to his partisan accusations.

THE GOVERNOR'S STATEMENT

“I return herewith, without my approval, Senate Substitute for House Bill No. 30, entitled, “An Act to Amend Chapter 166 of the Revised Code of Delaware, 1935, providing for Reorganization of State Highway Department.”

OUR ANSWER

Just perfunctory—no reply necessary.

THE GOVERNOR'S STATEMENT

“This bill, if enacted into the law would amend the present legislation relating to the Highway Department by increasing the members thereof and establishing a board consisting of seven members together with the Governor of the State. The bill

itself proceeds to name the persons who shall be members of the department. I can see no reason for this legislation. It is purely partisan in its nature and political in all of its aspects. It is designed solely for the purpose of benefiting a certain group of office seekers and is not in any way beneficial to the citizens of the State as a whole. Its sole purpose can be characterized as an attempt to oust from office the present personnel of the State Highway Department. The desire expressed in my message at your convening and mentioned in the Republican platform that the welfare of the people of our State must be foremost has been forgotten in the quest for political patronage at public expense.

OUR ANSWER

As to benefiting a certain group of office seekers, what has his control done but that? Has it looked to efficiency? Hasn't it replaced experienced employees with partisan workers who know nothing about the conduct of the department? As to the welfare of the State, the Highway Department for years was conducted efficiently and economically under Republican administration, and to assume that novice Democratic regime which has never shown any efficiency is God's anointed is just laughable.

Certainly it would amend the present legislation. What does each Legislature do generally but amend other legislation. Does the Governor assume that the acts of one Legislature can't be changed by another? We would ask the Governor if he presumes he has any right of appointment except to choose constitutional officers, except the right given him by the Legislature of a sovereign State and whether that right can't be taken away from him and whether it hasn't been taken away from him on innumerable occasions. We would ask him whether he considers it a "divine right" or whether he realizes it is merely a consideration on the part of the Legislature which may be revoked at any time.

Just why Governor McMullen should raise the question of "spoils," "job seekers" is hard to understand, since he himself laid down the rule "that to the victor goes the spoils," see his word of sympathy (in his inaugural address) for those in office who should be displaced (regardless of efficient service or qualification) by Democrats, but now that the Democrats have been checked in their ruthless spoilation of State Departments, the Republicans applying the brakes are venal and very unjust.

THE GOVERNOR'S STATEMENT

"The State Highway Department was created by an Act of the Legislature on April 2, 1917, Volume 29, Chapter 63 of the Delaware Laws and consists of four members and the Governor of the State. This Act further provided that appointments to

membership must be made by the Governor so that not more than two members of the department shall belong to the same political party and in the case of a vacancy in the department the Governor shall fill such vacancy for the unexpired term. The Act further provided that the Governor should have no vote except in the event of a tie vote in the department. The obvious purpose of this Act was to have a bi-partisan department and the removal of politics from it as far as possible."

OUR ANSWER

Sure, that's correct, the obvious purpose of the Act was to have a bi-partisan board, but the Governor certainly doesn't feel that the public is so gullible that it now feels that it has a bi-partisan board. It is three to two Democratic—with the Democrats using it as a political machine. Whether it was intended to be doesn't matter and it's a reflection on the intelligence of the electorate to prate about what was intended, in a veto message, when same has developed into a political machine three to two and the public knows it.

THE GOVERNOR'S STATEMENT

"This Act has remained the same with the exception of two amendments. In 1921, Volume 32, Chapter 52 of the Delaware Laws, the Secretary of State replaced the Governor as a member of the department, but in 1929, Volume 36, Chapter 79 of the Delaware Laws, this provision was repealed and the Governor again took his position on the department, replacing the Secretary of State. It is not until this present session of the General Assembly therefore that any attempt has been made to depart from the bi-partisan theory of the administration of this department which was apparent from its inception."

OUR REPLY

If the Governor could be replaced by the Secretary of State and then the Secretary of State could be replaced by the Governor, why, pray tell us, is that argument an excuse against additions to the board?

The statement that it was not until this present General Assembly, that any attempt was made to change the department. That statement is contrary to fact. In 1923, or thereabouts a Democratic House of Representatives with an Independent Republican faction in the Senate sponsored a bill, introduced in the Senate by a Democratic member to name Highway Commissioners in the bill which only failed because they couldn't get the votes, the bill itself would be available in the vaults of the Legislative Building, were it not for the fact that same has been removed by someone interested in its destruction, but the journal will verify the statement.

Granting that if the Governor's statement, "It is not until this present session of the General Assembly therefore that any attempt has been made to depart from the bi-partisan theory of the administration of this department which was apparent from its inception" were true. We are pleased that he admits such efficient administration under Republican control that no changes were necessary. However, when inefficiency and extravagance crept into the department, owing to qualification and experience being displaced by inability and lack of experience (brought about by the Governor adding his determining vote to his two Democratic members of the Commission) it became necessary for some change to be undertaken. Last November the voters of Delaware indicated such a change and elected a Republican Assembly (with a mandate) to act.

Had the Governor used his vote to prevent the discharge of qualified and experienced personnel (not all of whom were Republicans) no action would now be necessary to bring back the efficiency and economy the Governor so truly implies in the statement.

THE GOVERNOR'S STATEMENT

Senate Substitute for House Bill No. 30 disregards this theory and openly proposes to place one major political party in control of the personnel of the department by naming as members of the department persons known as political partisans.

Nor can this legislation be justified as an economic measure. It is only since 1936 that the State Highway Department has constructed and maintained all of the highways throughout the State including those heretofore constructed and maintained by the respective counties. In 1936, when the State Highway Department was controlled by persons affiliated with the Republican Party inasmuch as the then Governor was a Republican, the cost of maintenance was \$1,086,894.78. For the year 1937 the cost of maintenance of the highways of the State was \$908,245.78, and in 1938 this cost was \$1,011,059.24. Thus it is seen that the maintenance cost under the domination of the Republican Party was the highest during the three-year period.

OUR REPLY

We submit, which is more partisan, to let the department remain partisanly Democratic or make it partisanly Republican. In this paragraph, if you will read it carefully, it will be seen the Governor himself at the beginning would have us believe that to change the personnel will take the department out of the non-partisan class and later brazenly a few lines down, admits party control for the last three years, two of which have been Democrats.

As to his figures as to maintenance cost, the books are in the hands of a Democratic Commission, operation cost and maintenance cost interwoven with a Democratic W. P. A. set-up which could easily be juggled. We make no comment on these figures, but the whole force couldn't be paid more, have more employees working, in some instances shorter hours, and yet do the job efficiently at a lower figure. It might be well to look carefully into this! The books are in their hands, not ours!

HITS RIPPER BILL

THE GOVERNOR'S STATEMENT

As I have pointed out, this is the first attempt by any General Assembly to change the personnel of a State department. This bill is what is commonly known as a "Ripper" bill, and if enacted into law sets a most dangerous precedent. This One Hundred Seventh General Assembly should hesitate before establishing such a precedent and the members should have in mind that in the immediate years to come there is the strong possibility of a change in the dominating political party in this State, which then by the precedent attempted here to be adopted might be tempted to add to or change immediately after an election the personnel of every State department.

OUR REPLY

We respectfully submit to the Governor that his research when he wrote this paragraph must have been grossly inadequate. In 1923 or thereabouts the Democratic Party attempted this very thing with the highway department and the only reason it didn't succeed was because it didn't have the votes. There is no inherent right in a Governor to make appointments, except constitutional ones, and time after time the Legislature has elected to have someone other than the Governor make the appointments. Look at many of your departments which appoint the personnel? Look at commission after commission ordering resident judges to make the appointment or naming the State Treasurer or State Auditor or some other individual in bills. Look at the money appropriated out of State funds to individually named commissions chosen by the Legislature often with or without the consent of Governor.

THE GOVERNOR'S STATEMENT

The members of every General Assembly hereafter should not be called upon or expected to assume such dangerous responsibility. Without such precedent, such danger disappears. It is not for the best interest of the people of this State to have an

ever shifting policy and an ever shifting personnel of its departments. The desire of some members of this Legislature should not penalize the public interest by disrupting the orderly administration of the people's business.

OUR REPLY

This paragraph is exceedingly high sounding, nonsensical and mere verbage. To assume that this Legislature could bind the next by precedent is ridiculous. In the one breath he asks this Legislature to be bound by no precedent, in the paragraph before, and now he appears fearful that this one by an Act, within its constitutional rights, will bind the next. Where does that reason take us? Just here—we can't do something because it hasn't been done in the past (but it has) because we might keep a Legislature to come from doing something it and the people wanted done. It has often been said that the mind of the average "New Dealer" is a weird and wonderful thing!

THE GOVERNOR'S STATEMENT

The people of this State are entitled to efficient economical operation of their Departments and the personal desire of those seeking political power to perpetuate themselves in office should not be permitted to prevail over the general welfare of the State.

OUR REPLY

Correct—the people of the State should have efficient economical operation of departments. But that is just what they are not getting and because they knew they were not getting it, they repudiated the present Democratic regime at the last election in no unmistakable terms. They knew that hundreds of experienced State employees had been thrown out of office and replaced by inexperienced Democrats at higher salaries just to make places for hungry ward heelers. And they said they didn't like it in the only way they could say it, and now the party whose policy has been repudiated, blatantly assumes to speak for the people. To say this attitude is audacious is expressing it mildly!

SHOULD BENEFIT ALL

THE GOVERNOR'S STATEMENT

It is clear to me that no legislation should be approved that has for its purpose the utilization of a Department for partisan purposes and not for the benefit of the people of the State as a whole. Both parties should recognize that all Departments of our State should be operated solely in the interest of all the people and not as a political adjunct or instrumentality for first one party and then the other.

OUR REPLY

Just another paragraph of high sounding sentences, all of which are true, but none of which are the exclusive property of a Democratic regime. The egotism shown in this message is astounding. It's the old attitude of the smug New Dealer that everything we do is by Divine Right for we are God's chosen agents to look after His flock and anything the Republicans do is strictly partisan and grossly political.

We only ask our readers to remember names of Democrats who have been put on the Highway payroll—we don't want to mention them—then read the above paragraph and see whether or not we are correct when we call it Bunk!

THE GOVERNOR'S STATEMENT

"Many things vital to our State and people await the attention of this General Assembly. It is only by removing completely and absolutely this bill and others of like character from the legislative calendar can the welfare of our State receive the undivided and non-political consideration it deserves."

OUR REPLY

A veiled threat! The nineteen Democratic members of the General Assembly have said to the thirty-three Republican members, if you don't leave everything in Democratic hands throughout the State, notwithstanding the fact that the people spoke otherwise at the last election as your numbers here show, we will hold up all appropriations to all hospitals, institutions, fire companies, etc. And the Governor reiterates that threat in this paragraph. How does he reconcile this with the two previous ones! Read the two previous paragraphs of the Governor's message. Can you reconcile them? If the first two are sincere, "Solely in the interest of the people" is the phrase much used, yet to keep Democratic control, he and his party threaten to black jack our poor unfortunates and other worthy beneficiaries and make them cannon fodder to protect the Democratic army of office-holders and trough feeders.

STRIKES AT CONSTITUTION

THE GOVERNOR'S STATEMENT

But aside from the purely partisanship character of this bill it strikes at a very fundamental principle of our State Government. Section 9 of Article 3 of the State Constitution contemplates that the appointing power of the offices created by the Constitution or by law shall reside in the Governor.

OUR REPLY

This statement of the Governor's Constitutional right of appointment is very carefully worded you will notice. The Constitution does not "contemplate." The Constitution "states" and everything that is not denied the General Assembly from doing by its Constitution is reserved to itself to do. The Constitution does give the Governor power to make certain appointments, known as "constitutional offices" but the Highway Department doesn't happen to be one of them. The "by-law" takes care of that and who, pray tell us, is the "by-law" in this case except the Legislature itself. Because a Governor has been given power of appointment by one Legislature, doesn't mean that another Legislature can't come along and take that power away from him. He would have you believe evidently that the executive office shall for all times be the recipient of power, without the right of revocation ever being used against it. What a colossal structure it would become!

THE GOVERNOR'S STATEMENT

One of the duties of the Executive of this State is to make such appointments and to fill any vacancies no matter how occurring. This bill deprives the Executive not only of the power of appointment, but also of the power of filling vacancies.

This bill departs from the word and spirit of our State Constitution in a manner never before attempted in this State. How can our constitutional system be preserved unless it is respected in all of its aspects?

By the provisions of this bill one aspect of our constitutional system is entirely disregarded. The inauguration of such a tendency to disregard our constitutional system by the enactment of such legislation as is proposed by this bill can lead only to the breaking down of the checks and balances set up in our State Constitution.

OUR ANSWER

We think we covered this thoroughly in the last paragraph. The only duty to make appointments, except constitutional offices as we noted above, is a duty or privilege handed the Chief Executive by the Legislature. If it cares to give him that power, it gives it to him. If it wants to take it away from him, it does that. In the original formation of our government, the Executive's job was to administer our laws, not make them, he was merely a Chief of Police as it were and any growth in power has been a usurpation. The checks and balances which the Governor refers to only gave him the veto power and gave the Legislature the power to pass legislation over his veto, and to even suggest

that there would be anything irregular, unethical, unconstitutional or unfair to have any act passed over a Governor's veto would be to say that one man's judgment was paramount to that of thirty or more who have been chosen by the people to represent them since he was chosen.

THE GOVERNOR'S STATEMENT

I am certain that the people of the State will not be benefited by purely partisan legislation that is foreign to our constitutional system and I ask that greater thought be given to the welfare of the State in your reconsideration of this bill.

Respectfully yours,

RICHARD C. McMULLEN
Governor

OUR ANSWER

As to the benefit to the people and as to the Governor's constitutional rights, I think we have made the latter very clear, and as to the former, at the last election they repudiated his administration by the largest legislative majority against him in the history of the State.

—=—

“RIPPER!!”

The word is but a mockery used by Delaware Democrats to perpetuate themselves in power against the mandate of the people at the last election. What, when the Democrats stole the constitutional convention which framed the Constitution about which the Governor is so solicitous—and we speak advisedly because a Democratic Court so decided—was that a ripper?

What about Democratic tax receipt laws which disfranchise hundreds of Republicans and kept the Democrats in control of the State for forty or more years, were they “rippers?”

What about the bills Democrats introduced in 1923—and now missing from the State files, and upon very good authority said to have been pilfered by a high Democratic State official,—which purported to name Democrats and Independent Republican members of the Department in bills, were they rippers?

When Democrats threw Republicans out physically who had been duly elected to the Legislature in 1896—and so the Courts later decided—that couldn't possibly be called ripping, could it?

What about their fairy god-father Roosevelt's attempt to pack the Supreme Court of the United States which is the highest tribunal in the country, deciding on a man's life, liberty and pursuit of happiness, was that a "ripper?"

How about the Governor's own ousting of members of the Industrial Accident Board and the replacing of Republicans before their terms were out by Democrats, were those "rippers?"

Two years ago a Democratic House of Representatives tried scores of so-called "ripper" legislation only to be stopped by a Republican Senate and a Democratic Governor replaced dozens of efficient State employees with Democrats in no wise competent to fill the jobs—but no mention is made of that in the Governor's message as "ripping."

For the Democratic Governor of the State of Delaware to use the term is ludicrous. That party has sort of a smug idea that everything Democratic is non-partisan and everything Republican is partisan. At least, they would have the public so believe.

Take your Social Security Act passed at the last session—was it bi-partisan as appointed by the Governor—No- Two Democrats and two Independent Republicans who had aided the Governor for election, were appointed by him.

When the last two selections of dozens of motor cops for the Highway Department all turned up as deserving Democrats, wasn't it a remarkable coincidence that only one Republican could pass the test. That wasn't "ripper" of course!

When payrolls were padded by the help of W. P. A. projects dozens of voting employees were placed on the payroll to carry close districts for Democrats and lanes were slugged in order to carry control of close precincts by a Democratic Highway Department, that couldn't be called a "ripper," could it?

It's too bad the Governor used the term, if he had been smartly advised, we know he would not have done so.

WAS THIS RIPPING?

(Just Some of His "Purges"!)

1. Replacing experienced Democratic Highway Commissioner with inexperienced one.
2. Replacing most efficient Tax Commissioner, serving without pay with one receiving a handsome salary.
3. Replacing experienced Liquor Control Commissioner

4. Replacing experienced Superintendent of State Police, with deserving Democrat with no police experience.
5. Replacing Deputy Highway Engineer of Kent County, likewise same in New Castle, as well as Testing Engineers, Right of Way Engineers and hundreds of other minor employees with many years of efficient service to their record.
6. Partisan coup in ousting Republican members of State Accident Board and replacing them with his Democratic henchmen.

His Excellency, the Governor, has lost an opportunity to place office-seeking Democrats by discharging efficient State officers and employees regardless of the impairment of the public service and economy, even to the extent of curtailing the authority of executive officers such as Chief Engineer of State Highway who is no longer permitted to employ or discharge or have any decision in the procuring of rights of way.

The issue isn't one as to whether the Highway Department shall be a non-partisan one, as originally contemplated, but the question is whether it shall remain an active Democratic partisan machine which will probably grab the Governorship in 1940 for that party or whether it shall be taken over by the Republican Party, according to the mandate of the people at the last election, when they elected three-fifths of both branches of the Legislature to do the job. And don't let smug Democrats throw sand in your eyes by yelping Democratic cries of "ripper." It's too apparent to fool even the most gullible! The present Democratic "holier-than-thou" attitude, to everyone who knows Delaware's past political history, is ludicrous in the extreme!

What the Governor, through his Secretary of State, actually said in that smooth, self-satisfied manner is this: "Now be good little boys you members of the General Assembly and let us New Dealers keep your Highway Department under our thumb and we will call it non-partisan. If you bad Republicans got hold of it, it would be political and that just wouldn't do."

"Stay in my parlor" said the spider to the fly, "honestly we won't do a thing to you—we won't even consider eating you"—not yet! not yet!

The Chair remarked that he was perfectly willing to permit the Senators to go on record on personal privilege, but felt that editorials, particularly those which spoke disrespectfully of the Governor should not be included in such privilege and requested that there be no repetition of such.

The Sergeant-at-Arms reported the presence of the Secretary of State, who on being admitted, delivered a nomination from the Governor.

EXECUTIVE SESSION

Mr. Heal moved that the Senate go into Executive Session.

Motion prevailed.

Same Day, Later

Senate met in regular session.

Mr. Poore moved that the rules be suspended and that all bills presented for the balance of the day be read by title only, such reading to constitute the first reading.

Motion prevailed.

Mr. Heal, on motion for leave, introduced Senate Bill No. 121, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game, making it Unlawful to Take or Kill Wild Birds and Wild Animals on Sunday; permitting farmers to protect Poultry and Live Stock on farm and permitting the exercising of dog or dogs.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 122, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game, regulating the Sale and Transportation of Game outside of this State.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 123, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game, regulating the Number of Game which it may be lawful to Kill and the Possession of Game after the close of the Season.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 124, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, as amended, relative to Fish, Oysters and Game; providing for the Open Seasons during which it shall be lawful to Catch, Kill or Pursue certain Birds and Animals.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 125, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game, permitting Occupants of farms in this State to obtain Licenses to Hunt, Fish and Trap upon Payment of a License Fee of Twenty-five Cents.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Heal, on motion for leave, introduced Senate Bill No. 126, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game, making it Unlawful to Mutilate or Deface any Wild Bird, Wild Animal or Wild Waterfowl so that Identification of Species becomes impossible; penalty therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 127, entitled:

An Act to create the Office of Medical Examiner of the State of Delaware, to define the Powers, Duties and Salary thereof and to abolish the Office of Coroner's Physician for New Castle County.

Which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 128, entitled:

An Act proposing an Amendment to Article III and Article XV of the Constitution of the State of Delaware to Abolish the Offices of Coroners.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 129, entitled:

An Act to amend Article 2 of Chapter 25 of the Revised Code of the State of Delaware, 1935, by making Certified Copies or Protostatic Copies of Births, Deaths and Marriages prima facia evidence in Courts; Fees to be charged by the State Registrar for furnishing the same.

Which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Clark, on motion for leave, introduced Senate Bill No. 130, entitled:

An Act to amend Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, relating to Fees for Registration of Motor Vehicles, by providing for the Fees to be charged for Motor Vehicles used solely for Well Digging or Drilling purposes and repealing the Special Fee for Motor Vehicles propelled by Diesel Engines.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Simmons, on motion for leave, by request introduced Senate Bill No. 137, entitled:

An Act to amend Chapter 166 of the Revised Code of Delaware, 1935, relating to Traffic Officers of the State Highway Department by bringing Mechanics directly affiliated with the State Police under the provisions thereof.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 132, entitled:

An Act appropriating certain moneys to Harvey B. Biggs to pay Claim against the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Simmons, on motion for leave, by request introduced Senate Bill No. 133, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware of 1935, relating to Motor Vehicles by providing for an increase in the Combined Gross Weight of Certain Vehicles and Loads.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Simmons, on motion for leave, by request introduced Senate Bill No. 134, entitled:

An Act to amend Chapter 20, of the Revised Code of Delaware, 1935, as amended by Chapter 79, Volume 41, Laws of Delaware, relating to Insurance Department and providing Additional Requirements for Certificate of Authority.

Which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mr. Steele moved that the Senate adjourn until 12 o'clock, noon, March 2, 1939.

Motion prevailed.

THIRTY-EIGHTH LEGISLATIVE DAY

March 2, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the Chaplain, Rev. Frank A. Baker.

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Heal moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Substitute for House Bill No. 91, entitled:

An Act to regulate and control the construction of water and sewer systems, building and house drainage systems, gas lines and oil burning equipment and air conditioning; the registration of persons engaged in the work and supervision thereof in the several Counties of the State of Delaware outside the City of Wilmington.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 79, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to the authority of Delaware Liquor Commission to negotiate agreements with other states of the United States with regard to the manufacture, importation, sale and transportation of alcoholic liquors.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

House Bill No. 99, entitled:

An Act to amend Chapter 54 of the Revised Code of Delaware, 1935, relating to the State Old Age Welfare Commission and State Welfare Home, by providing for the deferment of the collection of taxes and assessments on the properties of aged persons to whom assistance has been allowed under said Chapter.

And presented the same to the Senate.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following:

Senate Bill No. 39, entitled:

An Act authorizing the conveyance to the Delaware Railroad Company of a parcel of land in New Castle County, Delaware, and ratifying an option granted to said Company to purchase the same and an agreement to relocate railroad platforms and construct an approach thereto.

And returned the same to the Senate.

Mr. Poore moved that rules be suspended and that first reading of bills presented today be by title only, such reading by title to constitute the first reading.

Motion prevailed.

Mr. Steele presented the following communication:

UNITED FARMERS AND SPORTSMEN OF DELAWARE

Honorable David W. Steele
President Pro Tem
State Senate, Dover, Del.

RESOLUTION

WHEREAS: Our Delaware Farmers are the real custodians of our upland game and all progress made or to be made in its conservation and propogation is due to their care and cooperation, and

WHEREAS: Our City Sportsmen are dependent upon the generosity and cooperation of our Farmers in providing them a place to hunt or go gunning, and

WHEREAS: House Bill Number 9, which is now before the Legislature provides for equal farmer representation on our Board of Game and Fish Commissioners, and

WHEREAS: Said Bill has received the endorsement and approval of thousands of Farmers and Sportsmen throughout our State,

NOW, THEREFORE, BE IT RESOLVED: That we, the undersigned Members of the United Farmers and Sportsmen of Delaware do hereby go on record as giving our unqualified approval to House Bill number nine (9) and request the Members of the State Senate and House of Representatives to vote for its adoption.

BE IT FURTHER RESOLVED: That a copy of this Resolution be sent to both the State Senate and House of Representatives.

Very respectfully yours,

DOVER CHAPTER

HARRY MAAG, President

SMYRNA CHAPTER

T. M. LORDING, President

MIDDLETOWN CHAPTER

PAUL B. MESSICK, President

DEL-BAY CHAPTER

GEORGE HAGGERTY, President

SUSSEX COUNTY BRANCH

WILLIAM FRIEDEL, President

CLAYMONT CHAPTER

R. H. BANE, President

CHRISTIANA CHAPTER

PAT MORGAN, President

NEW CASTLE CHAPTER

WILLIAM F. GREER, President

LEWES CHAPTER

LEWIS J. TULL, President

NEW CASTLE COUNTY BRANCH

CHARLES C. BARRETT, Secy. & Treas.

LAUREL CHAPTER

CHARLES R. POWELL, President

KENT COUNTY BRANCH

GEORGE HAGGERTY, President

The Chair presented the following communication:

CENTRAL LABOR UNION OF WILMINGTON
AND VICINITY

February 28, 1939

Mr. Edward W. Cooch
President of the Senate
Dover, Delaware

Dear Mr. President:

The above organization at a regular meeting passed the embodied resolution with the thought that your body would give consideration to the same.

RESOLUTION

WHEREAS, The Central Labor Union of Wilmington, Delaware, believes in freedom in trade as well as for the individual; and

WHEREAS, it is the belief of this organization that the chief objective of business should be to deliver better values at a fair profit to the consumer; and

WHEREAS, this organization is opposed to the retailer securing greater profits at the expense of the consumer; and

WHEREAS, it is the desire of the average consumer to get more for his money and enjoy a higher standard of living and is opposed to the rocketing of prices of almost everything from toothpaste to farm machinery;

BE IT RESOLVED that the membership of this organization give expression to its determined opposition to H. B. No. 27 which tends to give certain retailers and manufacturers a market for unrestrained exploitation;

AND BE IT FURTHER RESOLVED that this organization is cognizant of the subtle implications of this Act which is class legislation for a chosen group and that we believe that the greatest service a retailer can give the consumer is a reasonable price and not one that is fixed and frozen for him and the manufacturer by statutory enactment.

AND BE IT FURTHER RESOLVED that a copy of this resolution be sent to the presiding officer of each branch of the General Assembly and that the original thereof be placed on the records of this organization as its definite stand on this form of legislation.

Sincerely yours,

JAMES T. HOUGHTON

Secretary, Central Labor Union

The Chair presented House Bill No. 79, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to the authority of Delaware Liquor Commission to negotiate agreements with other states of the United States with regard to the manufacture, importation, sale and transportation of alcoholic liquors.

Which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

The Chair presented House Bill No. 99, entitled:

An Act to amend Chapter 54 of the Revised Code of Delaware, 1935, relating to the State Old Age Welfare Commission and State Welfare Home, by providing for the deferment of the collection of taxes and assessments on the properties of aged persons to whom assistance has been allowed under said Chapter.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

The Chair presented House Substitute for House Bill No. 91, entitled:

An Act to regulate and control the construction of water and sewer systems, building and house drainage systems, gas lines and oil burning equipment and air conditioning; the registration of persons engaged in the work and supervision thereof in the several Counties of the State of Delaware outside the City of Wilmington.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Steele, on motion for leave, introduced Senate Bill No. 135, entitled:

An Act to amend Section 22, Chapter 165, Revised Code of Delaware, 1935, being a part of Section 6, Chapter 63, Volume 29, Laws of Delaware, An Act entitled "An Act to create a State Highway Department establishing a system of State Highways and providing for the improvement and maintenance thereof, and the appropriating and borrowing money therefor," as amended, relating to the Elimination of Grade Crossings.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Steele, on motion for leave, introduced Senate Bill No. 136, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, relative to Fish, Oysters and Game, making it unlawful for any person to catch, offer for sale or have in his possession more than ten dozen Hard Shell Crabs under six inches in length; making it unlawful to sell Hard Shell Crabs less than six inches in length taken from the Waters of the Indian River, Rehoboth Bay or Tributaries.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Steele, on motion for leave, introduced Senate Bill No. 137, entitled:

An Act directing the State Board of Agriculture to select a Pathologist for the protection of the Broiler Industry in Sussex County; appropriation for salary and expenses of the same.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Steele, on motion for leave, introduced Senate Bill No. 138, entitled:

An Act to amend Chapter 121 of the Revised Code of Delaware, 1935, relative to Justices' Jurisdiction in Civil Cases for Debt; providing that Lien of a Levy made by virtue of Execution shall not continue as against subsequent Execution Creditors for a longer period than Six Months.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Steele, on motion for leave, introduced Senate Bill No. 139, entitled:

An Act to amend Chapter 133 of the Revised Code of Delaware, 1935, relative to Executions; providing that no Levy upon goods and chattels shall be a Lien for a longer period than Six Months.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Brown, on motion for leave, introduced Senate Bill No. 140, entitled:

An Act to Reincorporate the Town of Bridgeville.

Which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Steele, on motion for leave, introduced Senate Bill No. 141, entitled:

An Act authorizing and directing the Trustees of the University of Delaware to establish a Poultry Experimental Farm in Sussex County; providing an appropriation therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Steele, on motion for leave, introduced Senate Bill No. 142, entitled:

An Act to amend Chapter 121 of the Revised Code of Delaware, 1935, relative to Justices' Jurisdiction in Civil Cases for Debt, increasing compensation of Referees to One Dollar.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Steele, on motion for leave, introduced Senate Bill No. 143, entitled:

An Act directing the State Board of Agriculture to acquire land, erect a building and purchase necessary equipment for the work of a Pathologist for protection of the Broiler Industry in Sussex County; appropriation therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Steele, on motion for leave, introduced Senate Bill No. 144, entitled:

An Act to amend Chapter 121 of the Revised Code of Delaware, 1935, relative to Justices' Jurisdiction in Civil Cases for Debt; providing for the issuance of Attachment Process against State Employees.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Steele, on motion for leave, by request introduced Senate Bill No. 145, entitled:

An Act appropriating certain moneys to the Able Ableman Estate, Maurice Ableman, Executor, of Millsboro, Delaware, to pay a Certain Claim against the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Steele, on motion for leave, introduced Senate Bill No. 146, entitled:

An Act to amend Chapter 133 of the Revised Code of Delaware, 1935, relative to Executions; providing that the Wages or Salaries of all Employees of any Board, Bureau, Commission or Department of the State of Delaware, or any Political Subdivision thereof, shall be subject to Attachment Process; service of such process shall be made upon the State Treasurer.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Steele, on motion for leave, introduced Senate Bill No. 147, entitled:

An Act to amend Chapter 121 of the Revised Code of Delaware, 1935, relative to Justices' Jurisdiction in Civil Cases for Debt; giving Justices of the Peace jurisdiction where the Matter in demand shall not exceed Twenty-five Hundred Dollars.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Hannam, on motion for leave, introduced Senate Bill No. 148, entitled:

An Act to amend Chapter 160 of the Revised Code of Delaware, 1935, relative to the Housing Authority Law by repealing the authority to make loans from the General Fund of the State.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Hannam, on motion for leave, introduced Senate Bill No. 149, entitled:

An Act to amend Chapter 82 of the Revised Code of Delaware, 1935, relative to Weights and Measures; abolishing appointments of Regulators of Weights and Measures and placing the regulation of weights and measures under the management and control of the State Highway Commission.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Hendricks, on motion for leave, introduced Senate Bill No. 150, entitled:

An Act to amend Article 7 of Chapter 74 of the Revised Code of Delaware, 1935, relative to the Uniform Laws regulating the catching and taking of Fish in the Delaware River and Bay between the State of Delaware and the State of New Jersey by providing new Uniform Laws to regulate the catching and taking of Fish in the Delaware River and Bay between the State of Delaware and the State of New Jersey, including provisions regulating the carrying of Fishing Parties for hire and licensing the catching and taking of Menhaden in said River and Bay.

Which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 151, entitled:

An Act providing that information acquired by a Physician, Surgeon, Professional or Registered Nurse while attending a patient in a professional capacity shall be privileged.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 152, entitled:

An Act to amend Chapter 153 of the Revised Code of Delaware, 1935, relative to offenses against Religious by legalizing Motion Pictures on Sunday after Two O'clock P. M. in Incorporated Cities having a population of more than 25,000; providing that this Act shall not become effective unless ratified at next Municipal Election.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 153, entitled:

An Act authorizing the State Treasurer to deduct from the Salaries of any person paid by State check upon written direction any sum of money for Hospitalization Insurance and to pay the same to any Hospital as so directed.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 154, entitled:

An Act appropriation money out of the State Treasury to pay a Claim of the Estate of William Winder Laird, deceased, against the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 155, entitled:

An Act to amend Chapter 82 of the Revised Code of the State of Delaware, 1935, as amended, relating to Weights and Measures, by specifying and defining Solid Fuels covered herein and the legal standard ton of Solid Fuels and the sale of same by weight in this State, and providing for the furnishing of weight or delivery tickets, and the reweighing of same, and for the appointment of Licensed Weighmasters in connection therewith, and providing for the marking of all vehicles transporting Solid Fuels, and providing for the place of weighing Solid Fuels brought into the State by motor truck, and providing for the issuance and signing of certificates of origin for Solid Fuels brought into the State by motor truck, and providing for the appointment of Deputy Regulators of Weights and Measures for the several Counties and further providing for the enforcement and penalties for violations of this Act relating to the transportation, sale and delivery of Solid Fuels within this State.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Clark, on motion for leave, introduced Senate Bill No. 156, entitled:

An Act to repeal Chapter 227, Volume 27, Laws of Delaware, relating to the Reincorporation of the Town of St. Georges in New Castle County, and providing for the forfeiture of the Charter of said Town, and for winding up its affairs.

Which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Heal moved that the Senate recess until 2:30 o'clock P. M.

Motion prevailed.

Same Day, 2:30 o'clock P. M.

Senate met at expiration of recess.

The President announced he is about to sign:

Senate Bill No. 39.

On motion for leave, Mr. Heal introduced Senate Resolution No. 27, entitled:

SENATE RESOLUTION NO. 27

BE IT RESOLVED by the Senate of the State of Delaware in General Assembly met:

That the State Librarian be and she is hereby directed to deliver to the Document Clerk postage stamps in an amount up to and including One Hundred Dollars (\$100.00).

Upon motion the resolution was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution be adopted?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Moody, Poore, Purnell, Rinard, Sylvester, Mr. President Pro Tem—13.

NAYS—None.

So the question was decided in the affirmative and the resolution having received the required constitutional majority, was adopted.

On motion for leave, Mr. Heal introduced Senate Resolution No. 28, entitled:

AUTHORIZING PAYMENTS ON ACCOUNT TO MEMBERS OF SENATE AND ATTACHES AND EMPLOYEES OF THE SENATE.

BE IT RESOLVED by the Senate that the State Treasurer be and he is hereby authorized to pay to any member of the Senate and any attache or employee of the Senate, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total sum of Three Hundred and Fifty Dollars (\$350.00) to any person, any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this session.

Upon motion the resolution was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution be adopted?"

The yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Brown, Clark, Derrickson, Gooden, Hannam, Heal, Moody, Poore, Purnell, Rinard, Simmons, Sylvester—12.

NAYS—None.

So the question was decided in the affirmative and the motion having received the required constitutional majority, was adopted.

Mr. Heal, on motion for leave, introduced Senate Bill No. 157, entitled:

An Act providing for the mailing of Statements of County and other Taxes by the Receiver of Taxes of each County; time of mailing; failure to receive Tax Statement not to relieve Taxable from payment of Taxes due.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Steele, on motion for leave, by request introduced Senate Bill No. 158, entitled:

An Act to amend Chapter 133 of the Revised Code of Delaware, 1935, relative to Executions, providing that Attachment Process may issue for all Debts incurred by Debtor.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 159, entitled:

An Act to Reincorporate the Town of Lewes.

Which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 160, entitled:

An Act to amend 1445. Section 105, Revised Code of Delaware, 1935, by providing the procedure to be followed in cases where the purchaser of Real Estate sold at Tax Sale dies before receiving a Deed therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 161, entitled:

An Act to amend An Act entitled, "An Act to amend Chapter 92 of the Revised Code of Delaware, 1935, in reference to the time for Recording of Deeds," (being Chapter 190, Vol. 41, Laws of Delaware), by eliminating certain provisions concerning Leases.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 162, entitled:

An Act to provide for the protection from Erosion of the Beach Front opposite the City of Rehoboth Beach, Sussex County, Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Heal, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following:

Senate Bill No. 39, entitled:

An Act authorizing the conveyance to the Delaware Railroad Company of a parcel of land in New Castle County, Delaware, and ratifying an option granted to said Company to purchase the same and an agreement to relocate railroad platforms and construct an approach thereto.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 163, entitled:

An Act to provide for the Repair, Replacement, Extension and Protection of the Boardwalk along the Beach Front or Strand to the East of the City of Rehoboth Beach, Sussex County, Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Hendricks, on motion for leave, introduced Senate Bill No. 164, entitled:

An Act appropriating certain moneys to Major James W. Cannon to pay Claim against the State of Delaware.

Which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 165, entitled:

An Act providing for the Restoration of the Principle of Salary Increments for Satisfactory Service of Public School Employees of this State; and making appropriations therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Purnell, on motion for leave, by request introduced Senate Bill No. 166, entitled:

An Act to appropriate Two Hundred Thirty-six Thousand Dollars (\$236,000.00) for the erection and construction of cottages for Rehabilitation of Delinquent Mental Defectives, a school building and a central water system at the Institute for Feeble-Minded near Stockley.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Hendricks, on motion for leave, by request, introduced Senate Bill No. 167, entitled:

Action was delayed on the reading of Senate Bill No. 167.

Mr. Steele moved that the Senate recess until the call of the Chair.

Motion prevailed.

Same Day, Later

Senate met at the call of the Chair.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 168, entitled:

An Act authorizing the Adjutant General to appoint a full time personnel and recruiting officer for the Delaware National Guard.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 169, entitled:

An Act to create a Family Court in and for New Castle County.

Which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Heal, on motion for leave, introduced Senate Bill No. 170, entitled:

An Act to amend An Act known and cited as the "Unemployment Compensation Law," being Chapter 258 of the Laws of Delaware, 1937, by changing the method of determining the contribution rates of certain employers for each year after December 31, 1941.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 171, entitled:

An Act to appropriate the sum of One Hundred Dollars in Part Payment of the Burial Expenses of John H. Millis, a Civil War veteran.

Which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Heal, on motion for leave, introduced Senate Bill No. 172, entitled:

An Act to amend Chapter 78 of the Revised Code of Delaware, 1935, entitled "Negotiable Instruments," relating to Armistice Day and Election Day.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Heal, on motion for leave, introduced Senate Bill No. 173, entitled:

An Act relative to the Observance of American Education Week.

Which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Brown, on motion for leave, introduced Senate Bill No. 174, entitled:

An Act creating a New Election District by dividing the Second Election District of the Second Representative District in Sussex County.

Which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Heal moved that the Senate adjourn until 11 o'clock A. M., March 3, 1939.

Motion prevailed.

THIRTY-NINTH LEGISLATIVE DAY

March 3, 1939, 11 o'clock A. M.

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the House Chaplain, Rev. Windsor.

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—17.

Secretary proceeded to read the Journal of the Previous Session, when Mr. Simmons moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Abrahams, on motion for leave, introduced Senate Bill No. 175, entitled:

An Act appropriating Money to the American Legion, Department of Delaware.

Mr. Hannam moved that rules be suspended and that first reading of bills presented today be by title only, such reading by title to constitute the first reading.

Motion prevailed.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Abrahams, on motion for leave, introduced Senate Bill No. 176, entitled:

An Act appropriating Money to the Wilmington Chapter No. 1, Disabled American Veterans of World War.

Which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 177, entitled:

An Act to amend Chapter 175 of the Revised Code of Delaware, 1935, relative to Duty of the Employer to furnish Hospital Services, Medicine and Supplies, etc., to Employees.

Which was given first and second reading, the second by title only, presented in skeleton form.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 178, entitled:

An Act to amend Chapter 175 of the Revised Code of Delaware, 1935, by providing that Chapter 48 of the Revised Code of Delaware, 1935, shall not apply to the Employer and Employee in any Employment in which less than three employees are engaged.

Which was given first and second reading, the second by title only, presented in skeleton form.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 179, entitled:

An Act to amend Chapter 175 of the Revised Code of Delaware, 1935, by providing for Total Disabilities, Compensation for; Schedule for; Partial Disabilities, Schedules for; Death, Compensation to Defendants.

Which was given first and second reading, the second by title only, presented in skeleton form.

Mr. Heal, on motion for leave, introduced Senate Bill No. 180, entitled:

An Act creating a State Bureau of Identification within the State Police.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Heal, on motion for leave, introduced Senate Bill No. 181, entitled:

An Act authorizing and directing State Highway Department to construct at its own cost a Drainage Sewer along right of way of State Highway through Unincorporated Town or Development known as Stockdale.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Moore, on motion for leave, introduced Senate Bill No. 182, entitled:

An Act changing the name of "The Town of Seaford" to "The City of Seaford" and establishing a Charter therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Moore, on motion for leave, introduced Senate Bill No. 183, entitled:

An Act to amend Chapter 155, Laws of Delaware in 1915, as amended, entitled "An Act to Incorporate the Town of Blades;" imposing penalty on Unpaid Taxes and directing Collector to collect same.

Which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 184, entitled:

An Act adopting the American Holly as the State Tree.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 185, entitled:

An Act amending, revising and consolidating the Charter of the Town of Georgetown.

Which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Purnell, on motion for leave, by request introduced Senate Bill No. 186, entitled:

An Act to amend Chapter 182 of the Revised Code of Delaware, 1935, entitled "Mosquito Control Commission of the State of Delaware" by eliminating the existing limitation on the Monthly Expenditures of such Commission, changing the Date on which it shall report to the Governor in each year, granting further Powers unto said Commission, including the Power to Acquire Lands in the name of the State, by condemnation or otherwise, and making unlawful certain Acts detrimental to the work of said Commission.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Purnell, on motion for leave, by request introduced Senate Bill No. 187, entitled:

An Act extending Jurisdiction of Harbor Master of Port of Lewes and Lewes and Rehoboth Canal to include Indian River Inlet, Rehoboth Bay and Delaware Breakwater; authority to stop and board any vessel within his jurisdiction suspected of violation of Law; authority to make arrests on view; salary and expenses.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Purnell, on motion for leave, by request introduced Senate Bill No. 188, entitled:

An Act to repeal Chapter 38, Revised Code of Delaware, 1935, and to enact in lieu thereof a new Chapter 38 creating a Department of Labor and Industry, administered by a Commission of Labor and Industry, and establishing therein a Labor and Industry Board, the executive officer of which shall be the secretary of Labor and Industry; abolishing the Labor Commission and conferring all its duties upon the Labor and Industry Board; dissolving the Board of Boiler Rules, the Industrial Accident Board, and the Unemployment Compensation Commission, and conferring upon the Secretary of Labor and Industry the Executive and Administrative Functions and upon the Labor and Industry Board the Quasi-Legislative and Quasi-Judicial functions of these agencies; prescribing in detail the Powers and Duties of the Secretary of Labor and Industry, and of the Labor and Industry Board, under Chapter 38 and requiring employers to keep employments and places of employment safe and to keep

certain records; providing penalties for violation of the provisions of Chapter 38, or of Rules or Orders made pursuant thereto; to repeal Laws or parts of Laws in conflict with Chapter 38 as re-enacted; and for other purposes.

Which was given first and second reading, the second by title only, presented in skeleton form.

Mr. Heal, on motion for leave, introduced Senate Bill No. 189, entitled:

An Act to amend Chapter 25 of the Revised Code of Delaware, 1935, relative to the Department of Health, by requiring Certified Copies of Birth, Death and Marriage Certificates to be furnished without cost to Service Officer and Assistant Service Officer.

Which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Clark, on motion for leave, introduced Senate Bill No. 190, entitled:

An Act to provide for Commercial Courses in the Delaware City High School and to appropriate funds therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Hendricks, on motion for leave, introduced Senate Bill No. 191, entitled:

An Act providing for the Restoration of the Burial Vaults at Barratt's Chapel of Governor George Truitt and Family, and appropriating Funds therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Hannam moved that the Senate recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day, 1:30 o'clock P. M.

Senate met at expiration of recess.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 192, entitled:

An Act requiring the Reporting of Handicapped Children in every School District to the State Board of Education and requiring Special Training therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Steele, on motion for leave, by request introduced Senate Bill No. 193, entitled:

An Act requiring Inspection of Boats carrying Fishing Parties for hire; providing for equipment thereof and specifying Inspection Fee.

Which was given first and second reading, the second by title only, presented in skeleton form.

Mr. Hendricks moved that Senate Bill No. 167 be stricken from the Index.

Motion prevailed.

Mr. Hendricks, on motion for leave, by request introduced Senate Bill No. 194, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, relating to the Sale and Delivery of Alcoholic Liquors, those entitled to purchase, resell or dispense Alcoholic Liquors, purchase for personal use, cancellation and suspension of license, tariff of license fees, seizures and transportation of Alcoholic Liquors, sale to certain individuals, or over a counter, places where Alcoholic Liquors may be kept.

Which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Abrahams, on motion for leave, introduced Senate Bill No. 195, entitled:

An Act to amend 150, Section 116, Chapter 6, Revised Code of Delaware, 1935, pertaining to State Revenue, by providing for the Clarification of the basis for ascertaining gain or loss from the sale or exchange of certain property.

Which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Brown, on motion for leave, introduced Senate Bill No. 196, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, relative to Motor Vehicles, by regulating the use of Dealers' Tags.

Which was given first and second reading, the second by title only, presented in skeleton form.

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 197, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, relating to Motor Vehicles, by providing that immediate family of deceased person after notice to the Motor Vehicle Department may continue to operate Motor Vehicle of deceased upon deceased's license plates.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 198, entitled:

An Act authorizing the Secretary of State to procure a new Press and Seal of Office.

Which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 199, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, relating to Hearings by the Motor Vehicle Department for Revocation of Licenses of Residents of this State who have been convicted of an offense in another State which would be grounds for suspension or revocation of license in this State; and prescribing a Penalty for operating a Motor Vehicle by any person whose license has been revoked.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Sylvester, on motion for leave, introduced Senate Bill 200, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, relative to Motor Vehicles, relieving any person whose license has been suspended from furnishing proof of Financial Responsibility, Insurance or Bond after three years from date of suspension herein set forth.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 201, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, entitled "Motor Vehicles" by repealing 5682, Section 144 thereof relating to penalties for violations of Sections 107 and 108 of the Chapter aforesaid, and by providing for new penalties therefor.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Hannam, on motion for leave, introduced Senate Bill No. 202, entitled:

An Act to provide aid to certain Incorporated Cities and Towns of the State of Delaware in the Building and Maintenance of Highways in said Cities and Towns.

Which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Hannam, on motion for leave, introduced Senate Bill No. 203, entitled:

An Act to amend Section 3, of Chapter 195, of Volume 24, Laws of Delaware, relating to the Territorial Limits of the Town of Newport.

Which was given first and second reading, the second by title only, presented in skeleton form.