

And was ordered returned to the Senate.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Monday, January 23rd, 1939.

Motion prevailed.

*ELEVENTH LEGISLATIVE DAY*

Dover, Delaware, January 23rd, 1939, 12 o'clock, noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members Present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newman, Pennington, Penuel, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—33.

Clerk proceeded to read the Journal of the previous session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair declared that the House recess until 1:05 o'clock P. M.

Motion prevailed.

Same Day, 1:05 o'clock P. M.

House met at expiration of recess.

Mr. Zebly, on motion for leave, introduced House Bill No. 21, entitled:

An Act to Regulate the Practices of Professional Engineering and Land Surveying; Creating a State Board of Registration for Professional Engineers and Land Surveyors; Defining its Power and Duties; also Imposing Certain Duties Upon the State and Political Subdivisions Thereof in Connection with Public Work; and Providing Penalties.

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

Mr. Zebley, on motion for leave, introduced House Bill No. 22, entitled:

An Act to Amend Chapter 90 of the Revised Code of Delaware, 1935, Relative to the Regulation of the Hours of Employment of Females.

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

Mr. Zebley, on motion for leave, introduced House Bill No. 23, entitled:

An Act Relating to the Inspection of Public Toilets, Regulating the Use Thereof; Appointment of Inspector; Appropriation to State Board of Health for Expenses and Salary; Penalties for the Violation Thereof.

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

Mr. Zebley, on motion for leave, introduced 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, and Providing Penalties for the Violation Thereof.

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

Mr. Zebley, on motion for leave, introduced House Bill No. 25, entitled:

An Act Prohibiting the Use of State Funds for Traveling Expenses and Maintenance in Connection with the Attendance of Conventions.

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

Mr. Zebley, on motion for leave, introduced House Bill No. 26, entitled:

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.

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

Mr. Zebley, on motion for leave, introduced House Bill No. 27, entitled:

An Act to Protect Trademark Owners, Producers, Distributors and the General Public Against Injurious and Uneconomic Practices in the Distribution of Competitive Commodities Bearing a Distinguishing Trademark, Brand or Name, Through the Use of Voluntary Contracts Establishing Minimum Resale Prices and Providing for Refusal to Sell Unless Such Minimum Resale Prices are Observed.

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

Mr. Zebley, on motion for leave, introduced House Bill No. 28, entitled:

Act to Amend Article 4 of Chapter 165 of the Revised Code of the State of Delaware, 1935, Relating to Motor Vehicles by Reducing the License Fee for the Operation Thereof.

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

The Speaker announced he is about to sign:

Senate Concurrent Resolution No. 4.

The Chair presented communications from Milford Neck Methodist Episcopal Church, Trinity Methodist Episcopal Church, Frederica; Ewell's Methodist Church, St. Paul's Methodist Episcopal Church, Wilmington; St. John's M. E. Church, Seaford; and Methodist Episcopal Church, New Castle, to be read.



Protesting against House Bill No. 18.

Relative to legalizing the showing of motion pictures on Sunday.

Mr. Benson moved that the House adjourn until 12 o'clock, noon, Tuesday, January 24th, 1939.

Motion prevailed.

## *TWELFTH LEGISLATIVE DAY*

Dover, Delaware, January 24th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members Present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

Clerk proceeded to read the Journal of the previous session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from Roxana M. E. Church, Delaware Avenue Bethany Baptist Church, Unity and Zoar M. E. Church, Zoar City; Bethel M. E. Church, Marshallton, Ellendale M. E. Church, Centenary M. E. Church, Laurel; Presbyterian Church, Smyrna; Harrison St. M. E. Church, West Presbyterian Church, Wilmington; First Swedish Baptist Church, Milton Goshan M. E. Church, First German Baptist Church, Dover Methodist Protestant Church, Cheswold M. E. Church, Seaford W. C. T. U., Newport M. E. Church, Bellefonte M. E. Church, Kenton M. E. Church, Trinity M. E. Church, Methodist Protestant Church, Harrington, to be read.

Protesting against House Bill 18.

Relative to legalizing the showing of motion pictures on Sunday.

The Speaker announced he is about to sign:

House Concurrent Resolution No. 2.

Mr. Brown moved that the House recess until 1:45 o'clock P. M.

Roll call was ordered.

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Kellum, Leach, Pennington, F. W. Pepper, Reynolds, Rhodes, Woodward, Mr. Speaker—14.

NAYS—Messrs. Bailey, Draper, Gordy, Hartman, McGuigan, Moore, Newnam, Penuel, Fred Pepper, Rambo, A. G. Smith, Staats, Stein, Thawley—14.

So the motion was lost.

Mr. Bailey moved that the Chair declare the recess as in the past.

Motion prevailed.

The Chair declared that the House recess until 1:25 o'clock P. M.

Motion prevailed.

Same Day, 1:25 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the Call of the Chair.

Same day.

House met at expiration of recess.

Mr. Brown, on motion for leave, introduced House Bill No. 29, entitled:

An Act Authorizing an Appropriation for the Service Bureau for Foreign-born Residents.

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

Mr. Benson, on motion for leave, introduced 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.

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

Mr. Benson, on motion for leave, introduced House Bill No. 31, entitled:

An Act to Amend Chapter 165 as Amended of the 1935 Revised Code of the State of Delaware by Providing that the Motor Vehicle Department Shall Be a Department of the State Highway Department.

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

Mr. Woodward, on motion for leave, introduced House Bill No. 32, entitled:

An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to Motor Vehicles, Providing for the Designating Registration Fees Therefor.

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

Mr. Woodward, on motion for leave, introduced House Bill No. 33, entitled:

An Act to Appropriate Certain Money to the Industrial School for Colored Girls of Delaware for the Erection and Equipment of a Dormitory.

*Which was given first and second reading. The second by title only, and referred to the Committee on Revenue and Taxation.*

Mr. Woodward, on motion for leave, introduced House Bill No. 34, entitled:

An Act to Appropriate Certain Money to the Industrial School for Colored Girls of Delaware for the Erection and Equipment of a Chicken House and a Combination Corn Crib and Implement Shed.

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

The Speaker announced he is about to sign:

Senate Concurrent Resolution No. 6.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Wednesday, January 25th, 1939.

Motion prevailed.

### THIRTEENTH LEGISLATIVE DAY

Dover, Delaware, January 25th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—33.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from Dagsboro M. E. Church, St. George M. E. Church, Silverbrook Woman's Christian Temperance Union, First M. P. Church, Milford; Silverbrook M. E. Church, Harrington M. E. Church, Chester Bethel M. E. Church, Richardson Park M. E. Church, Epworth M. E. Church, Wilmington; First Christian Church, Ocean View; Houston and Millwood M. E. Churches, Greenwood M. P. Church, Mt. Lebanon M. E. Church, Union M. E. Church, Bridgeville, Holly Oak M. E. Church, and Grace M. E. Church, Millsboro, to be read.

Protesting against House Bill 18.

Relative to legalizing the showing of motion pictures on Sunday.

The Chair presented communications from Hwijquinck Shooting Club, Silver Run Conservation Club, Rock Gun Club, and Smyrna Duck Club to be read.

Protesting against House Bill 9.

Relative to abolishing the present Board of Game and Fish Commissioners.

The Chair declared that the House recess until 1:10 o'clock P. M.  
Motion prevailed.

Same Day, 1:10 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.  
Motion prevailed.

Same day.

House met at expiration of recess.

The Speaker announced he is about to sign:

House Concurrent Resolution No. 1.

The Chair presented a communication from J. Frank Darling, manager of Hotel Darling, to be read.

Relative to accepting an invitation on February 8th to his hotel.

Mr. Brown moved that the invitation be accepted.

Motion prevailed.

Mr. Zebley, on behalf of the Committee on Miscellaneous to whom had been referred House Bill No. 7, entitled:

An Act to Amend An Act entitled "An Act to provide for the regulation, control and licensing of Horse Racing in the State of Delaware, to create a Delaware Racing Commission, and to prescribe its powers and duties and providing for salaries and expenses therefor, and to provide for the fees to be charged and taxes to be collected, etc."

Reported the same back to the House favorably.

FRANK R. ZEBLEY, *Chairman*  
ABNER WOODWARD  
FRANK H. BUCKINGHAM  
NORMAN A. DRAPER.

Mr. Rhodes, on behalf of the Committee on Public Health to whom had been referred House Bill No. 10, entitled:

An Act to Amend Chapter 28 of the Revised Code of the State 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.

Reported the same back to the House favorably.

GEORGE W. RHODES, *Chairman*  
FRED BROWN  
MANFORD PENUEL  
JOSEPH S. NEWNAM  
C. FRED FIFER.

Mr. Biggs, on behalf of the Committee on Public Highways to whom had been referred 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.

Reported the same back to the House favorably.

WILLIAM BIGGS, *Chairman*  
VERNER P. BURTON  
GEORGE T. BIERLIN  
ELWOOD S. LEACH.

Mr. Manlove, on behalf of the Committee on Revised Statutes to whom had been referred House Bill No. 31, entitled:

An Act to Amend Chapter 165 as Amended of the 1935 Revised Code of the State of Delaware by providing that the Motor Vehicle Department shall be a Department of the State Highway Department.

Reported the same back to the House favorably.

GEORGE MANLOVE, *Chairman*  
HENRY M. CANBY  
FRED PEPPER  
RANDOLPH P. REYNOLDS.



Mr. Kellum, on motion for leave, introduced House Bill No. 35, entitled:

An Act Appropriating Money to the Delaware Industrial School for Girls.

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

On motion for leave, Mr. Benson introduced House Resolution No. 16, entitled:

Authorizing State Librarian to Issue Stamps to Document Clerk.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

NAYS—None.

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

Mr. Smith, on motion for leave, introduced House Bill No. 36, entitled:

An Act Authorizing the Publication of the Unpublished Decisions of Josiah O. Wolcott, Late Chancellor of the State of Delaware.

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

The Chair directed to have read the certificate of election of member-elect Edward S. Knight, Fourth Representative District, Kent County.

## THE STATE OF DELAWARE

KENT COUNTY, SS.

BE IT REMEMBERED, That at the Special Election held on Monday, the 23rd day of January, in the year of our Lord one thousand nine hundred and thirty-nine, for Kent County, according to the Constitution and Laws of the State of Delaware, Edward S. Knight was duly elected Representative for the Fourth Representative District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in the Election District of the Fourth Representative District of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, William Watson Harrington and Charles L. Terry, Jr., constituting the Superior Court for Kent County, who have met and ascertained the state of the special election held on Monday, January 23rd, 1939, to elect a Representative for the Fourth Representative District, of Kent County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 25th day of January, A. D. 1939.

WILLIAM WATSON HARRINGTON,

*Chancellor.*

CHARLES L. TERRY, JR.,

*Resident Associate Judge.*

[SEAL]

The Speaker administered the oath of office to the member-elect, Edward S. Knight.

Kent County  
The State of Delaware } ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Delaware from Representative District No. Four, in Kent County (to which office I was elected at the Special Election held in said State in the year A. D. 1939), according

to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

EDWARD S. KNIGHT

Sworn to this 25th day of January, A. D. 1939, before me.

FRANK R. ZEBLEY,  
*Speaker.*

Mr. McGuigan moved that 500 copies be printed of House Bills No. 30 and 31 each.

Motion seconded.

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Bailey, Burris, Gordy, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—12.

NAYS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—21.

So the question was decided in the negative.

On motion for leave, Mr. Benson introduced House Resolution No. 17, entitled:

Authorizing Payments on Account to Attaches and Employees of the House of Representatives.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Canby, Draper, Fifer, Gordy, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—31.

NAYS—None.

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

The Speaker announced the

#### REALLOCATION OF COMMITTEE MEMBERS:

##### ELECTIONS—

Knight, Chairman.

Burton

Kellum

Leach

Smith.

##### EDUCATION—

Knight (in place of Zebley).

##### CHARITY—

Knight (in place of Rhodes).

##### SUPPLIES—

Knight (in place of Pennington).

##### INSURANCE AND BANKING—

Pinder (the minority member).

Mr. Benson moved that the House adjourn until 12 o'clock noon, Thursday, January 26th, 1939.

Motion prevailed.

*FOURTEENTH LEGISLATIVE DAY*

Dover, Delaware, January 26th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll called.

Members Present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the previous session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair declared that the House recess until 2:30 o'clock P. M.

Motion prevailed.

Same Day, 2:30 o'clock P. M.

House met at expiration of recess.

The Chair presented a communication from Vera G. Davis to be read.

Relative to appreciation of the kind thoughts of the House members and attaches of the sudden death of her mother.

Mr. Benson moved that the House recess until 2:45 o'clock P. M.

Motion prevailed.

Same Day, 2:45 o'clock P. M.

House met at expiration of recess.

On motion of Mr. Zebley, House Bill No. 7, entitled:

An Act to Amend An Act entitled "An Act to provide for the regulation, control and licensing of Horse Racing in the State of Delaware, to create a Delaware Racing Commission, and to prescribe its powers and duties and providing for salaries and expenses therefor, and to provide for the fees to be charged and taxes to be collected, etc."

Which was taken up for consideration and read in order to pass the House.

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

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

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

The Speaker announced he is about to sign:

Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 2.

Senate Concurrent Resolution No. 3.

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

An Act to Amend Chapter 28 of the Revised Code of the State 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.

Which was taken up for consideration and read in order to pass the House.

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

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

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Thawley, Woodward, Mr. Speaker—34.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

On motion of Mr. Benson, 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.

Which was taken up for consideration and read in order to pass the House.

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

Mr. McGuigan served notice that whenever a two-third vote or three-fourth vote is needed the minority party of this House will vote in the negative.

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

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Penning-

ton, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

NAYS—Messrs. Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

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

And was ordered to the Senate for Concurrence.

On motion of Mr. Benson, House Bill No. 31, entitled:

An Act to Amend Chapter 165 as Amended of the 1935 Revised Code of the State of Delaware by providing that the Motor Vehicle Department shall be a Department of the State Highway Department.

Which was taken up for consideration and read in order to pass the House.

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

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

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

NAYS—Messrs. Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

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

And was ordered to the Senate for Concurrence.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Friday, January 27th, 1939.

Motion prevailed.



# *FIFTEENTH LEGISLATIVE DAY*

Dover, Delaware, January 27th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll called.

Members Present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the previous session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from Greenwood W. C. T. U., Women's Christian Temperance Union of Dover, Avenue M. E. Church, Milford; First Independent Church of Wilmington, Stanton M. E. Church, Laurel M. P. Church, Epworth League of the M. E. Church, Olivet Presbyterian Church, Newark M. E. Church, Union M. E. Church, Wilmington; The Lillian Cade Union, Milton; Harmony Grange, No. 12, P. of H., Marshallton; Felton Women's Christian Temperance Union, Bethel W. C. T. U., Lebanon M. E. Church, Hoffercker Youth's Temperance Council, First M. P. Church, Wilmington; Brandywine M. E. Church, Georgetown Women's Christian Temperance Union, Wilmington Women's Christian Temperance Union, to be read.

Protesting against House Bill No. 18.

Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair presented communications from Delaware Highway Users Conference to be read.

Relative to Enactment of Civil Service Laws for the Highway and Motor Vehicle Departments.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day, 1:15 P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess for ten minutes.

Motion prevailed.

Same day.

House met at expiration of recess.

Mr. Leach, on motion for leave, introduced House Bill No. 37, entitled:

An Act Providing for Police Pensions for Widows of Members of the Police Force of the City of Wilmington Who Have Died in Active Service.

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

Mr. Brown, on motion for leave, introduced House Bill No. 38, entitled:

An Act to Amend Chapter 176 of the Revised Code of the State of Delaware, 1935, in Relation to Alcoholic Liquors, Wines and Beer by Extending the Time During Which a Holder of a License for the Sale of "Spirits or Wines" in a Store, May Sell or Deliver the Same.

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

Mr. Pinder moved that House Bill No. 11 be stricken from the Calendar.

Motion prevailed.

Mr. Benson moved that House Bill No. 8 and House Bill No. 14 be stricken from the Calendar.

Motion prevailed.

On motion for leave, Mr. Benson introduced House Resolution No. 18, entitled:

Authorizing the State Librarian to Supply the Revised Code of Delaware, 1935, and Volume 41, Laws of Delaware, to Members of the House of Representatives and Certain Officers Thereof.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Brown, Buckingham, Burris, Burton, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, A. G. Smith, Staats, Stein, Woodward, Mr. Speaker—30.

NAYS—None.

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

Mr. Benson, on motion for leave, introduced House Bill No. 39, entitled:

An Act Authorizing and Empowering Any Person, Partnership, Association or Corporation, Domestic and/or Foreign, to Make Loans on Oyster Beds or Grounds in the Delaware Bay and to Hold a Mortgage Against or an Assignment of Said Beds or Grounds as Security for Said Loans.

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

Mr. Benson, on motion for leave, introduced House Bill No. 40, entitled:

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.

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

Mr. Benson, on motion for leave, introduced House Bill No. 41, entitled:

An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, in Reference to Motor Vehicles; Number Plates to be Furnished by the Department; Special Number Plates to be Furnished by the Department; Providing Date of Registration; Renewal of Registration; Registration by Manufacturers and Dealers; Registration by Non-Residents; Suspension of Registration Upon Notice of Theft or Embezzlement.

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

Mr. Benson, on motion for leave, introduced House Bill No. 42, entitled:

An Act Authorizing the Sale of the Old State Armory and Arsenal Building and Property in the City of Milford and Providing for the Use of the Money Received from the Sale Thereof.

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

Mr. Benson, on motion for leave, introduced House Bill No. 43, entitled:

An Act Making an Appropriation to the State Military Board for the Erection of a Suitable Building at the State Rifle Range, Near New Castle, New Castle County, Delaware, to be Used for Storing Equipment and Material, and for Necessary Repairs to Existing Buildings.

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

Mr. Benson, on motion for leave, introduced House Bill No. 44, entitled:

An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, in Reference to Registration Fees of Motor Vehicles.

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

Mr. Smith moved that House Bill No. 36 be stricken from the Calendar.

Motion prevailed.

Mr. Stein, on motion for leave, introduced House Bill No. 45, 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 Corporation Municipal.

The Chair presented a communication from the Chamber of Commerce, Wilmington.

Relative to an Invitation Attending the Annual Dinner, January 31, 1939.

Mr. Brown moved that the invitation be accepted.

Motion prevailed.

On motion for leave, Mr. Leach introduced House Resolution No. 19, entitled:

Authorizing the State Librarian to Furnish, in Sufficient Quantities, Such Stationery to the Members of the House of Representatives, Chief Clerk and Attorneys of the House, as may be required.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Brown, Buckingham, Burris, Burton, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, A. G. Smith, Staats, Stein, Woodward, Mr. Speaker—30.

NAYS—None.

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

Mr. Benson moved that the House adjourn until 12 o'clock noon, Monday, January 30th, 1939.

Motion prevailed.

# *SIXTEENTH LEGISLATIVE DAY*

Dover, Delaware, January 30th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll called.

Members Present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the previous session when Mr. Benson moved so much be considered the reading the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from The Rotary Club, Selbyville; First and Central Presbyterian Church, Wilmington; Rising Sun and Lebanon W. C. T. U.; Milford W. C. T. U., The Presbyterian Church of Dover, Thatcher W. C. T. U., Middletown; Council No. 2, Jr. O. U. A. M., East Lake Methodist Church, Wesley M. E. Church, Newark W. C. T. U, Victory W. C. T. U., Hockessin M. E. Church, Wesley M. E. Church, Dover; Magnolia Women's Christian Temperance Union, Wyoming W. C. T. U., to be read.

Protesting against House Bill No. 18.

Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day, 1:15 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day, 2:10 o'clock P. M.

House met at expiration of recess.

Mr. Draper, on motion for leave, introduced House Bill No. 46, entitled:

An Act to Provide for the Vocational Rehabilitation and Placement of Physically Disabled Persons, and to Make Appropriations for the Same.

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

Mr. Draper, on motion for leave, introduced House Joint Resolution No. 1, entitled:

Authorizing the State Board of Education to Have Printed the School Laws of the State of Delaware.

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

The Honorable Josiah Marvel, Jr., Secretary of State, was admitted with a message from his Excellency the Governor, Richard Cann McMullen.

## STATE OF DELAWARE

### EXECUTIVE DEPARTMENT

*The Honorable Speaker of the House of Representatives and Members  
Thereof:*

Dover, Delaware.

GENTLEMEN:

I am taking this means of communicating with you and forwarding a copy of a letter and report received by me from the Interstate Com-



mission on the Delaware River Basin, and I request your careful consideration of the matter contained therein. You, doubtless, are aware of the organization with headquarters at Chicago, known as the Council of State Governments, of which Council thirty-eight of the states in the Union are members, but this State is not a member thereof.

One of the important divisions of said Council to the people of Delaware is the Interstate Commission on the Delaware River Basin which has, for the past two years, been actively engaged in making surveys of the Delaware River Basin with the view of having the several states, namely, New York, New Jersey, Pennsylvania and Delaware, enact concurrent legislation regulating the pollution of and the taking of water from the Delaware River and its tributaries for distant cities, etc., in the several states. As stated above, our state is not a member of the Council of State Governments, but about two years ago, I was requested to appoint four (4) members to represent Delaware on the Interstate Commission on the Delaware River Basin, and in conformity with their request, I chose a Senator, a Representative, an official of the State Board of Health, and an industrialist. These gentlemen have served without any remuneration and have borne the expenses themselves of attending the meetings in Albany, Trenton, Harrisburg, etc.

Our State has contributed nothing, so far, to the expenses of this Commission, while the States of New York and New Jersey have contributed \$7,500 per annum each, and the State of Pennsylvania \$12,500 per annum. The original apportionment for Delaware's share was \$2,500, but nothing has been contributed by us.

It is understood that bills will be presented to you for your consideration in connection with this State joining the Council of State Governments, thus providing a commission from this state to serve with the commissions of the three other states on the Interstate Commission on the Delaware River Basin. If and when they are presented, I request your careful and mature consideration thereof.

Respectfully submitted,

RICHARD C. McMULLEN,

Dover Delaware,

*Governor.*

January 26, 1939.

THE INTERSTATE COMMISSION ON  
THE DELAWARE RIVER BASIN  
PHILADELPHIA, PENNSYLVANIA

January 16, 1939.

His Excellency, RICHARD C. McMULLEN,  
*Governor of the State of Delaware.*

The undersigned representatives of the State of Delaware, serving under the pleasure of your appointment as members of the Interstate Commission on the Delaware River Basin, respectfully submit the attached report covering the activities and achievements of this interstate agency during the past year.

Your especial attention is directed to the concluding section of this report which includes recommendations for your guidance and that of the members of the State Legislature in order to make participation by the State of Delaware effective on the same bases as that of the States of New York, New Jersey and Pennsylvania. Your support of these recommendations is earnestly solicited.

Respectfully submitted,

(Sgd) NORRIS WRIGHT, *Chairman,*

(Sgd) CHAUNCEY P. HOLCOMB,

(Sgd) CHARLES H. GANT,

(Sgd) R. C. BECKETT, *Secretary.*

THE INTERSTATE COMMISSION ON THE  
DELAWARE RIVER BASIN

*Report to Governor McMullen*

by

*The Delaware Commissioners*

January, 1939.

I

THE COMMISSION'S ORGANIZATION

The Interstate Commission on the Delaware River Basin was organized, in 1936, by the Joint Legislative Commissions on Interstate

Cooperation of New Jersey, New York, and Pennsylvania. The State of Delaware—one of the only eleven remaining states in the nation which has not yet established a Commission on Interstate Cooperation—has participated in this enterprise through special appointments made by former Governor Buck and by yourself.

The Commission outlined as its objectives the formulation and execution of unified planning for the wise use of the interstate Delaware River for water supply, disposal of domestic and industrial wastes, hydro-electric power, preservation of fish and aquatic life, protection of navigation interests, flood prevention, and the control of soil erosion.

## II

### WATER POLLUTION

At this time, from the viewpoint of each of the four states, the foremost problem is that of overcoming the gross pollution of the waters of this interstate stream which has resulted from thoughtlessness and neglect over a long period of time. Speedy and forceful action had to be taken to prevent and control the further abuse of this watercourse as a drainage canal for raw domestic sewage and industrial wastes.

Each state has a deep concern in this matter because the many varied land and water uses in the Delaware Basin are predicated upon a relatively pure stream. The four states—united—are concerned because no one of them acting alone can successfully solve the problem. The State of Delaware is, of course, especially dependent upon a cooperative plan since this state, located at the mouth of the river, receives the final cumulative effect of pollution occurring in the upper portions of the river.

During the past year, the Commission drafted and negotiated a Reciprocal Agreement for the Prevention and Control of Pollution of the Waters of the Interstate Delaware River. The State Board of Health of Delaware, along with the similar boards of the other three states, ratified the agreement in June, 1938. This interstate agreement was the result of extensive study and long deliberation by the Commission and its Advisory Committee on the Quality of Water in the Delaware River Basin. Its final form divides the river into zones, specifying the required standard of purity for each zone.

To make this agreement wholly effective, the Commission has drafted a Uniform Act to Promote Interstate Cooperation for the

## Conservation and Protection of Water Resources in the Delaware River Basin.

### III

#### WATER SUPPLY

The Members of the Incodel Advisory Committee on the Quantity of Water in the Delaware River Basin have devoted themselves to analyzing the prospective water supply needs of the four states. From existing state agencies, essential information has been pooled and new data—basic to the question—prepared. The Commission hopes to crystallize this information and negotiate an interstate agreement prescribing an equitable allocation of the waters of the Interstate Delaware River.

Preliminary surveys show that Delaware stands lowest among the four states in its probable future demands upon the river for water supply. But the interests of the state in this problem go deeper. For Delaware must see that diversions from the main stream and its upper tributaries do not lessen the flow of the river along her boundaries and thus impair her use of the river for navigation, recreation, and the propagation of fish and aquatic life. An equitable apportionment of the Delaware River waters, and the proper regulation of its rate of flow are problems which the states can handle effectively by cooperative means. If handled individually there is certain to be a recurrence of the dissension which arose between New York, New Jersey, and Pennsylvania in the Delaware River Diversion case of 1931.

### IV

#### CONSERVATION OF THE UPPER DELAWARE RIVER VALLEY

The Interstate Commission on the Delaware River Basin, at the instigation of its Advisory Committee on Planning, has embarked upon a program for the conservation and development of the Upper Delaware River Basin which aims to prevent exploitation of this area's rich resources, and to substitute a carefully planned development for the good of the region, the basin, and the nation. The program concerns Delaware in that it involves again the prevention and abatement of pollution in the waters of the upper river and the ensuing benefits to its lower reaches. The

resources of the upper portion of the basin, properly protected and developed will also afford—within a short time—an area of unsurpassed charm and beauty as a recreational center of relatively close proximity to the citizens of Delaware. This program is a demonstration project worthy of attention as an example of what advance planning can mean to such a section in developing its recreational uses, particularly in relation to land and water resources.

## V

### FISH

Shellfish culture and marine fisheries at one time constituted a highly important economic activity in the lower portion of the Delaware River Basin. The great increase in the pollution of these waters has, over the course of time, greatly depleted the quantity and quality of fish life available for marketing purposes and it has correspondingly reduced the recreational values of the lower Delaware River.

The Interstate Commission on the Delaware River Basin now proposes to embark upon a marine fisheries program which has two major features: (1) by improving the quality of the waters of the Delaware River in its lower reaches through active enforcement by each participating state of anti-pollution statutes, reinforced by the interstate agreement to conserve and protect the water resources of the Delaware River Basin, conservation of fish life will follow; (2) the Commission plans to bring together the Fish and Game Commissioners of the States of New Jersey and Delaware in an effort to arrive at some agreement in regulating this industrial and recreational activity. If agreement among these officials can be secured and enforcement followed, to protect spawning areas, to provide for limited escapement periods, and for similar purposes, conservation devices will serve to restore still further the fish and aquatic life of this area, which was at one time a most valuable heritage.

## VI

### RECOMMENDATIONS

1. In view of the accomplishments of the Interstate Commission on the Delaware River Basin since its inception and the subsequent benefits to the State of Delaware, your Commission mem-

bers are convinced of the urgent necessity of interstate cooperation in this and other fields. In this particular instance, any other method of operation would be impracticable, It is respectfully recommended, therefore, that an unpaid Commission on Interstate Cooperation be established in Delaware, patterned after similar agencies which are now functioning in thirty-seven states.

2. The State of Delaware has been receiving the benefits of the work of the Interstate Commission on the Delaware River Basin without assuming its proportionate share of the financial burden. The water pollution programs, the water supply investigation—all programs planned and in progress by the Commission involve Delaware, either directly or indirectly, no less than any of the other states.

The Delaware representatives on the Commission have spent considerable time and personal funds in attending the business meetings of this interstate agency because they judge this work to be a necessary part of the governmental machinery of their state.

By investing funds in the maintenance and operation of the interstate Commission on the Delaware River Basin, Delaware would be insuring herself against depreciation in the value of the Delaware River—a major asset. For unless pollution is prevented, water equitably apportioned, stream flow regulated, fish life protected, floods controlled, and soil erosion checked, the value of the river to the five million residents of the basin will continue to depreciate.

An appropriation of \$2,500 per year, for the insurance of the wise use and development of the river, is sound economic policy. It is, moreover, a sound "good-neighbor" policy. The State of Delaware desires to maintain the dignity of its dealings with neighboring states. New York, New Jersey, and Pennsylvania have supported the Commission during the past two years believing that Delaware would eventually recognize the benefits to be derived, and would lend its financial support.

For the sake of economic gain, maintenance of its standing and amity with its neighbors, your Commissioners respectfully recommend that Delaware should at this time appropriate its share of funds in support of the Interstate Commission on the Delaware River Basin.

3. Your Commissioners respectfully recommend the adoption of the Uniform Act to Promote Interstate Cooperation for the Conservation and Protection of water Resources in the Delaware River Basin, which will be submitted to the legislature during the current session. This act is an essential follow-up of the Reciprocal Agreement for the Correction and Control of Pollution already approved and adopted by the Delaware State Board of Health.

In conclusion, your Commissioners would like to point out that—in the absence of a Commission on Interstate Cooperation—Delaware's participation in the activities of the Interstate Commission on the Delaware River Basin has been made possible by the thoughtful interest in the work of the Commission shown by you and your predecessor, Governor C. Douglass Buck. We have welcomed the opportunity to be of service to the chief executive and to the citizens of this state.

Respectfully submitted,

(Sgd) NORRIS N. WRIGHT, *Chairman*,

(Sgd) CHAUNCEY P. HOLCOMB,

(Sgd) CHARLES H. GANT,

(Sgd) R. C. BECKETT, *Secretary*.

January, 1939.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Tuesday, January 31st, 1939.

Motion prevailed.

## *SEVENTEENTH LEGISLATIVE DAY*

Dover, Delaware, January 31st. 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach Manlove McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from Greenwood M. E. Church, Young Peoples' Department, Newark M. E. Church; Claymont M. E. Church, Felton Circuit M. E. Church, Rehoboth W.C.T. U., Epworth League of Goshen M. E. Church, Milton; First Presbyterian Church, Newark; Scott M. E. Church, The Christian and Missionary Alliance, Camden W. C. T. U., Green Hill Presbyterian Church, The First Independent Church, Wilmington; St. Paul's M. E. Church, Odessa; Georgetown Circuit M. E. Church, and Women's Christian Temperance Union to be read.

Protesting against House Bill No. 18. Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.



Same Day 1:15 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the chair motion prevailed.

Same day.

House met at expiration of recess.

Mr. Leach on motion for leave introduced House Bill No. 47 entitled:

An Act appropriating money to the Society for the Prevention of Cruelty to Animals.

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

On motion for leave, Mr. Benson introduced House Resolution No. 20 entitled:

Authorizing State Librarian to issue Stamps to Document Clerk.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Resolution Pass the House."

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

Mr. Benson moved that the House adjourn until 12 o'clock noon, Wednesday, February 1st, 1939.

Motion prevailed.

*EIGHTEENTH LEGISLATIVE DAY*

Dover, Delaware, February 1st, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented a communication from the Kiwanis Club of Georgetown, in reference to building an Armory.

The Chair presented communications from Hockessin M. E. Church, First Baptist Church, New Castle; Laurel W. C. T. U., The Christiana W. C. T. U., Richardson Park W. C. T. U., Delmar M. E. Church, St. Georges M. E. Church, and Blackbird and Townsend M. E. Churches.

Protesting against House Bill No. 18, Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair presented a communication from 4-H Clubs, F. F. A., and Boy Scouts.

Relative to abolishing the present Game Commission.

The Chair presented a communication from Bridgeville.

Protesting against House Bill No. 22, Relative to the regulation of hours of employment of females.

The Chair declared that the House recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day 1:30 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same Day.

House met at expiration of recess.

Mr. Manlove, on behalf of the Committee on Revised Statutes to whom had been referred House Bill No. 16, entitled:

An Act to Amend Chapter 113 of the Revised Code of Delaware, 1935, by providing for exemption from execution on household goods in Sussex County.

Reported the same back to the House favorably.

GEORGE MANLOVE, *Chairman*  
 RANDOLPH P. REYNOLDS  
 FRED PEPPER  
 HENRY M. CANBY  
 JOHN A. HARTMAN

On motion of Mr. Brown, House Concurrent Resolution No. 4 entitled:

Thanking the Wilmington Chamber of Commerce for Hospitality at Reception was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

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

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

Mr. Benson on motion for leave introduced House Bill No. 48 entitled:

An Act making an appropriation to the Delaware Children's Home Society to provide care or services for needy Children not now provided by State Agencies and to provide family service to prevent the break-up of homes.

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

Mr. Benson moved that the House adjourn until 12 o'clock noon, Thursday, February 2nd, 1939.

Motion prevailed.

# *NINETEENTH LEGISLATIVE DAY*

Dover, Delaware, February 2nd, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from McCabe W. C. T. U., Clayton; Union W. C. T. U., Epworth M. E. Church, Ebenezer M. E. Church, Peninsula Methodist Protestant Church, Wilmington, and Rev. W. E. Gunby, Wilmington District Superintendent of M. E. Church to be read.

Protesting against House Bill No. 18. Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair declared that the House recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day 1:30 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same Day.

House met at expiration of recess.

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

House Concurrent Resolution No. 4.

Thanking the Wilmington Chamber of Commerce for hospitality at reception.

And returned the same to the House.

Mr. Canby, on behalf of the Committee on Judiciary and Crime to whom had been referred House Bill No. 2, entitled:

An Act to make valid the Record of Legal Instruments which have not been properly acknowledged.

Reported the same back to the House favorably.

HENRY M. CANBY, *Chairman*  
ELLWOOD S. LEACH  
WM. W. PENNINGTON  
FRED PEPPER  
JOHN A. HARTMAN

Mr. Leach on motion for leave introduced House Bill No. 49 entitled:

An Act To Amend Chapter 12 Of The Revised Code Of Delaware, 1935, By Providing For The Semi-Monthly Payment Of Salaries Of State Officers.

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

Mr. Canby on motion for leave introduced 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.

On motion of Mr. Barr, House Concurrent Resolution No. 5, entitled:

Authorizing The Observance of Flag Week, was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

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

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

On motion of Mr. Stine, House Bill No. 16 entitled:

An Act to Amend Chapter 133 of the Revised Code of Delaware, 1935, by providing for exemption from execution on household goods in Sussex County.

Which was taken up for consideration and read in order to pass



the House.

On the question "Shall the Bill Pass the House?"

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

Yeas—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy Hartman,, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

Mr. Benson moved that the House adjourn until 12 o'clock, noon, Friday, February 3rd, 1939.

Motion prevailed.

*TWENTIETH LEGISLATIVE DAY*

Dover, Delaware, February 3rd, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from Del-Mar-Va Funeral Director's Association, and W. J. Knotts.

The Chair presented communications for and against House Bill No. 27.

The Chair declared that the House recess until 1 :30 o'clock P. M.

Motion prevailed.

Same Day 1 :30 o'clock P. M.

House met at expiration of recess.

The Speaker announced he is about to sign :

## House Concurrent Resolution No. 4.

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same Day.

House met at expiration of recess.

Mr. Canby on motion for leave introduced House Bill No. 51 entitled:

An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to Tariff of Licenses, for the sale of Alcoholic Liquor, Wines and Beer.

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

Mr. Canby on motion for leave introduced House Bill No. 52 entitled:

An act to Amend Chapter 176 of the Revised Code of Delaware, 1935, entitled, "An Act, Creating a Commission for Control of, Manufacture, Distribution, Sale and Transportation of Alcohol Liquor, Wines and Beer," by providing for the regulation of the sale of Fermented Malt beverages in bottles, cans or in other containers for sale at retail within the State of Delaware.

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

Mr. Draper on motion for leave introduced House Bill No. 53 entitled:

An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to School Busses.

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

On motion of Mr. Zebley, House Bill No. 2 entitled:

An Act to make valid the Record of Legal Instruments which have not been properly acknowledged.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Bill Pass the House?"

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

YEAS—Messrs. Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

Mr. Benson moved that the House adjourn until 12 o'clock, noon Monday, February 6th, 1939.

Motion prevailed.

## *TWENTY-FIRST LEGISLATIVE DAY*

Dover, Delaware, February 6th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented a communication from The Community Stores, Inc., Newark.

Favoring the passage of House Bill No. 27. Relative to Fair Trade.

The Chair presented a communication from Rotary Club, Milford.

Relative to the State Armory Commission selling the present State Armory and Arsenal Building and due to lack of facilities and major convenience for the new Armory.

The Chair presented communications from Beaver Dam Methodist Protestant Church, ministers of the Wilmington District of the Wilmington M. E. Conference, Women's Christian Temperance Union,

Wyoming.

Protesting against House Bill No. 18.

Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day 1:15 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same day.

House met at expiration of recess.

Mr. Brown, on behalf of the Committee on Corporation Municipal to whom had been referred House Bill No. 45, entitled:

An Act changing the name of "The Town of Seaford" to "The City of Seaford" and establishing a Charter therefor.

Reported the same back to the House favorably.

FRED BROWN, *Chairman*  
WM. K. PENNINGTON  
ELMER E. BENSON  
NORMAN A. DRAPER  
FRANK W. THAWLEY

Mr. Leach on motion for leave introduced House Bill No. 54 entitled:

An Act to amend Chapter 27 of the Revised Code of Delaware, 1935, as amended by Chapter 96 of Volume 41, laws of Delaware, relating to the practice and licensing of Osteopathic Physicians.

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

Mr. Woodward on motion for leave introduced House Bill No. 55 entitled:

An Act making it a misdemeanor for any railroad company or companies to blow or cause to be blown a whistle or whistles on any locomotive, steam, electric, or otherwise, while passing through the limits of any incorporated town within the State of Delaware.

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

Mr. F. W. Pepper on motion for leave introduced 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 Broadkiln River and Mispillion River and providing that the warden employed on watchboat patrolling Broadkiln 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, Oyster and Game.

Mr. Benson moved that the House adjourn until 12 o'clock, noon Tuesday, February 7th, 1939.

Motion prevailed.

*TWENTY-SECOND LEGISLATIVE DAY*

Dover, Delaware, February 7th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from: Pencader Presbyterian Church, Red Lion M. E. Church, The Presbyterian Society for Missions, Red Clay Creek Presbyterian Church.

Protesting against House Bill No. 18.

Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair presented a communication from Milford Post No. 3, American Legion.

Relative to the State Armory Commission selling the present State Armory and Arsenal Building.

The Chair presented communications for and against House Bill No. 27.



Relative to Fair Trade.

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

Senate Concurrent Resolution No. 7.

Resolution in reference to Federal Tax on Motor Fuel and Lubricating Oils.

And presented the same to the House.

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

Senate Concurrent Resolution No. 8.

Authorizing a Joint Committee to investigate the Board of Game and Fish Commissioners.

And presented the same to the House.

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

House Bill No. 7.

An Act to amend An Act entitled "An Act to provide for the regulation, control and licensing of Horse Racing in the State of Delaware, to create a Delaware Racing Commission, and to prescribe its powers and duties and providing for salaries and expenses therefor, and to provide for the fees to be charged and taxes to be collected, etc.

And returned the same to the House.

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

Senate Substitute for Senate Bill No. 4.

An Act defining the Crime of being a Habitual Offender and providing the Penalty.

And presented the same to the House.

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

Senate Bill No. 19.

An Act authorizing the Council of the Town of Blades to borrow a sum of money not to exceed Fifteen Thousand (\$15,000.00) Dollars and to issue Bonds therefor for the purpose of installing a Water Plant and the laying of water mains in the Town of Blades and equipment therefor; providing for referendum.

And presented the same to the House.

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

Senate Bill 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."

And presented the same to the House.

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

Senate Bill 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 Vehicle."

And presented the same to the House.

The Chair declared that the House recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day 1:30 o'clock P. M.

House met at expiration of recess.

The Chair presented Senate Concurrent Resolution No. 7, entitled:

Resolution in reference to Federal Tax on Motor Fuel and Lubricating Oils.

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

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

Authorizing a Joint Committee to investigate the Board of Game and Fish Commissioners.

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

The Chair presented Senate Substitute for Senate Bill No. 4, entitled:

An Act defining the Crime of being a Habitual Offender and providing the Penalty.

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

The Chair presented Senate Bill No. 19, entitled:

An Act authorizing the Council of the Town of Blades to borrow a sum of money not to exceed Fifteen Thousand (\$15,000.00) Dollars and to issue Bonds therefor for the purpose of installing a Water Plant and the laying of water mains in the Town of Blades and equipment therefor; providing for referendum.

Which was given first and second reading, the second by title

only, and referred to the Committee on Corporations Municipal.

The Chair presented 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."

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

The Chair presented 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."

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

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same day.

House met at expiration of recess.

Mr. Brown, on behalf of the Committee on Corporations Municipal to whom had been referred Senate Bill No. 19, entitled:

An Act authorizing the Council of the Town of Blades to borrow a sum of money not to exceed Fifteen Thousand (\$15,000.00) Dollars and to issue Bonds therefor for the purpose of installing a Water Plant and the laying of water mains in the Town of Blades and equipment therefor; providing for referendum.

Reported the same back to the House favorably.

FRED BROWN, *Chairman*  
WM. K. PENNINGTON  
NORMAN A. DRAPER  
ELMER E. BENSON

Mr. Buckingham, on behalf of the Committee on Temperance to whom had been referred House Bill No. 51, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to Tariff of Licenses, for the Sale of Alcoholic Liquor, Wines and Beer.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*  
ELMER E. BENSON  
ABNER WOODWARD  
HARVEY E. MOORE  
GEORGE MANLOVE

The Chair presented fifty Telegrams to be read.

Protesting against House Bill No. 27.

Relative to Fair Trade.

Mr. Canby on motion for leave introduced 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 Insurance and Banking.

Mr. Brown on motion for leave introduced House Bill No. 58, entitled:

An Act to amend Chapter 67 of the Revised Code of Delaware, 1935, in reference to the compensation of the superintendent of the public building commission of the City of Wilmington and New Castle County.

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

The Speaker announced he is about to sign :

House Bill No. 7.

Mr. McGuigan on motion for leave introduced House Bill No. 59, entitled :

An Act to amend Chapter 153 of the Revised Code of Delaware 1935, by legalizing bowling on Sundays.

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

Mr. Woodward on motion for leave introduced House Bill No. 60, entitled :

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.

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

Mr. Rhodes on motion for leave introduced 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."

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

Mr. Benson on motion for leave introduced House Bill No. 62, entitled :

An Act making an appropriation to the State College for Colored Students for the erection, equipment, replacement and repairs of necessary buildings and for the erection, installation and equipment of a central heating plant.

THE MEMORANDUM  
OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF  
PUBLIC SAFETY  
IN RESPONSE TO A  
RESOLUTION OF THE  
HOUSE OF REPRESENTATIVES  
PASSED MAY 1, 1935  
RELATIVE TO THE  
PROPOSED  
REVISION OF THE  
PENAL CODE OF  
DELAWARE

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

On motion for leave, Mr. Benson introduced House Resolution No. 21, entitled:

Authorizing payments of account to attaches and employees of the House of Representatives.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Resolution Pass the House."

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

Mr. Manlove on motion for leave introduced House Bill No. 63, entitled:

An Act directing the Board of Game and Fish Commissioners of the State of Delaware to pay a bounty on Hawks, Crows, Owls, Weasels, and Gray Foxes, and making it lawful to sell Gray Fox hides.

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

Mr. Benson moved that the House adjourn until 12 o'clock noon, Wednesday, February 8th, 1939.

Motion prevailed.

*TWENTY-THIRD LEGISLATIVE DAY*

Dover, Delaware, February 8th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communications from Milton M. P. Church, and St. Paul M. E. Church, Clayton.

Protesting against House Bill No. 18.

Relative to Legalizing the Showing of Motion Pictures on Sunday.

The Chair presented a communication.

Protesting against House Bill No. 22.

Relative to the regulation of the hours of employment of females.

The Chair presented communication two hundred and five against



House Bill No. 27, and twenty-five for House Bill No. 27.

Relative to Fair Trade.

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

Senate Concurrent Resolution No. 9.

Relative to a Joint Session on Monday, February 13, 1939, to commemorate the birth of Abraham Lincoln.

And presented the same to the House.

The Chair declared that the House recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day 1:30 o'clock P. M.

House met at expiration of recess.

The Chair presented Senate Concurrent Resolution No. 9, entitled:

Relative to a Joint Session on Monday, February 13, 1939, to commemorate the birth of Abraham Lincoln.

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

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same day.

House met at expiration of recess.

Mr. Draper, on behalf of the Committee on Education to whom had been referred Senate Concurrent Resolution No. 9, entitled:

Relative to a Joint Session on Monday, February 13, 1939, to commemorate the Birth of Abraham Lincoln.

Reported the same back to the House favorably.

NORMAN A. DRAPER, *Chairman*  
WILLIAM BIGGS  
HENRY M. CANBY

On motion of Mr. Draper, Senate Concurrent Resolution No. 9, entitled:

Relative to a Joint Session on Monday, February 13, 1939, to commemorate the birth of Abraham Lincoln.

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

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

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

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered returned to the Senate.

The Chair appointed Messrs, Brown, Draper, and McGuigan in compliance with Senate Concurrent Resolution No. 9.

Mr. Brown, on behalf of the Committee on Corporations Municipal to whom had been referred House Bill No. 58, entitled:

An Act to Amend Chapter 67 of the Revised Code of Delaware, 1935, in reference to the Compensation of the Superintendent of the Public Building Commission of the City of Wilmington and New Castle County.

Reported the same back to the House favorably.

FRED BROWN, *Chairman*  
WM. K. PENNINGTON  
NORMAN A. DRAPER  
ELMER E. BENSON  
FRANK H. THAWLEY

Mr. Woodward, on behalf of the Committee on Fish, Oysters and Game to whom had been referred Senate Concurrent Resolution No. 8, entitled:

Authorizing a Joint Committee to investigate the Board of Game and Fish Commissioners:

Reported the same back to the House favorably.

ABNER WOODWARD, *Chairman*  
WM. K. PENNINGTON  
F. W. PEPPER  
RANDOLPH P. REYNOLDS

Mr. Rhodes, on behalf of the Committee on Public Health to whom had been referred 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.

Reported the same back to the House favorably.

GEORGE W. RHODES, *Chairman*  
FRED BROWN  
MANFORD PENUEL  
C. F. FIFER, JR.  
JOSEPH B. NEWNAM

Mr. Kellum, on behalf of the Committee on Revenue and Taxation to whom had been referred Senate Concurrent Resolution No. 7, entitled:

Resolution in reference to Federal Tax on Motor Fuel and Lubricating Oils.

Reported the same back to the House favorably.

THOMAS A. KELLUM, *Chairman*  
 GEORGE W. RHODES  
 MANFORD PENUEL  
 VERNER P. BURTON  
 JOHN W. RAMBO

Mr. Kellum, on behalf of the Committee on Revenue and Taxation to whom had been referred 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."

Reported the same back to the House Favorably.

THOMAS A. KELLUM, *Chairman*  
 GEORGE W. RHODES  
 MANFORD PENUEL  
 VERNER P. BURTON  
 JOHN W. RAMBO

Mr. Manlove, on behalf of the Committee on Revised Statutes to whom had been referred 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."

Reported the same back to the House favorably.

GEORGE MANLOVE, *Chairman*  
RANDOLPH P. REYNOLDS  
FRED PEPPER  
HENRY M. CANBY  
JOHN A. HARTMAN

Mr. Leach on motion for leave introduced House Bill No. 64, entitled:

An Act to change the name of "The Rocks" located in the City of Wilmington, New Castle County.

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

Mr. Brown on motion for leave introduced House Joint Resolution No. 2, entitled:

Authorizing the commemoration of the anniversary of the landing of the Swedes upon the soil of Delaware.

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

On motion of Mr. Benson, Senate Bill No. 19, entitled:

An Act authorizing the Council of the Town of Blades to borrow a sum of money not to exceed Fifteen Thousand (\$15,000.00) Dollars and to issue Bonds therefor for the purpose of installing a Water Plant and the laying of water mains in the Town of Blades and equipment therefor; providing for referendum.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Penning-

ton, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Mr. Speaker—20.

NAYS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley, Woodward—14.

So the question was decided in the negative and the bill not having received the required constitutional majority was lost.

And was ordered returned to the Senate.

On motion of Mr. Benson, Senate Concurrent Resolution No. 7, entitled:

Relative to Federal Tax on Motor Fuel and Lubricating Oils.

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

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

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

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered returned to the Senate.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Thursday, February 9th, 1939.

Motion prevailed.

*TWENTY-FOURTH LEGISLATIVE DAY*

Dover, Delaware, February 9th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented a communication from Delaware Chapter of the National Society, The Daughters of Founders and Patriots of America.

Relative to adopting the Blue Hen's Chicken as the State bird.

The Chair presented a communication favoring the passage of House Bill No. 24.

Relative to the sale and display or possession of Fireworks or Pyrotechnics.

The Chair presented communications from Kingswood M. E. Church, Marshallton W. C. T. U., Hilles Union W. C. T. U., and The Round Table Club of Wyoming.

Protesting against House Bill No. 18.

Relative to legalizing the showing of Motion Pictures on Sunday.

The Chair presented sixty-eight communications.

Relative to House Bill No. 27, Fair Trade.

Forty-two for and 26 against the Bill.

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

Senate Bill No. 10.

An Act for the Relief of the Indigent Sick resident in New Castle County.

And presented the same to the House.

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

Senate Bill No. 36.

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

And presented the same to the House.

The Chair declared that the House recess until 1 :30 o'clock P. M.

Motion prevailed.

Same Day 1 :30 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.



Motion prevailed.

Same day.

House met at expiration of recess.

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

House Bill No. 31 with Senate Substitute for House Bill No. 31.

An Act to amend Chapter 165 as amended of the 1935 Revised Code of the State of Delaware by providing that the Motor Vehicle Department shall be a Department of the State Highway Department.

And returned the same to the House.

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

House Bill No. 30 with Senate Substitute for House Bill No. 30.

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 returned the same to the House.

Mr. Zebley, 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 House favorably.

FRANK R. ZEBLEY, *Chairman*  
ABNER WOODWARD  
FRANK H. BUCKINGHAM  
NORMAN A. DRAPER

The Chair presented Senate Bill No. 10, entitled:

An Act for the Relief of the Indigent Sick resident in New Castle County.

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

The Chair presented Senate Bill No. 36, entitled:

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

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

The Chair presented 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.

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

The Chair presented Senate Substitute for House Bill No. 31, entitled:

An Act to amend Chapter 165 as amended of the 1935 Revised Code of the State of Delaware by providing that the Motor Vehicle Department shall be a Department of the State Highway Department.

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

Mr. Zebley, on behalf of the Committee on Miscellaneous to whom had been referred 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.

Reported the same back to the House favorably.

FRANK R. ZEBLEY, *Chairman*  
 ABNER WOODWARD  
 NORMAN A. DRAPER  
 FRANK H. BUCKINGHAM

Mr. Zebley, on behalf of the Committee on Miscellaneous to whom had been referred Senate Substitute for House Bill No. 31, entitled:

An Act to amend Chapter 165 as amended of the 1935 Revised Code of the State of Delaware by providing that the Motor Vehicle Department shall be a Department of the State Highway Department.

Reported the same back to the House favorably.

FRANK R. ZEBLEY, *Chairman*  
 ABNER WOODWARD  
 FRANK H. BUCKINGHAM  
 NORMAN A. DRAPER

Mr. Brown on motion for leave introduced 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 Revenue and Taxation.

On motion of Mr. Leach, 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.

Which was taken up for consideration and read in order to pass the House.

On request the privilege of the floor was given to Dr. Nason.

On the question "Shall the Bill Pass the House?"

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

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

On motion of Mr. Zebley, Senate Concurrent Resolution No.8, entitled :

Authorizing a Joint Committee to investigate the Board of Game and Fish Commissioners.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Resolution Pass the House?"

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

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—25.

NAYS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, A. G. Smith, Staats, Stein, Thawley—10.

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

And was ordered returned to the Senate.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Friday, February 10th, 1939.

Motion prevailed.

*TWENTY-FIFTH LEGISLATIVE DAY*

Dover, Delaware, February 10th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Bailey, Barr, Benson Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented communication from Wilmington Typographical Union No. 123.

Protesting against House Bill No. 27.

Relative to Fair Trade.

The Chair presented fifty-eight communications.

Fifty-one against and seven for.

Relative to Fair Trade.

The Chair presented communications from Official Board of People's Church of Dover, Cedars M. E. Church, and Frances E. Willard Union of the W. C. T. U., Wilmington.

Protesting against House Bill No. 18.

Relative to legalizing the Showing of Motion Pictures on Sunday.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day 1:15 o'clock P. M.

House met at expiration of recess.

The Honorable Josiah Marvel, Jr., Secretary of State, was admitted with a message from his Excellency the Governor, Richard Cann McMullen.

## STATE OF DELAWARE

### EXECUTIVE DEPARTMENT

*TO the Honorable, the Members of The House of Representatives,  
107th General Assembly.*

Gentlemen:

About the middle of 1938 I was approached as to the desirability and possibility of constructing a suitable crossing over the Delaware River below Wilmington to the New Jersey side, said facility to be operated under the control of our State for public benefit. The subject crystallized in a request from the Wilmington Chamber of Commerce that I appoint an informal Commission to prepare further information for the use of the General Assembly and myself.

The attached report is the result of the labors to date of this body of citizens representing all sections of our State and both major political parties. I urge your most serious consideration of and early action on the recommendations contained in the report of this Commission for the following reasons:

1. The preliminary information indicates that all the rights to build a tunnel should be secured within a comparatively short time.
2. The project should be fully financially self-supporting by 1942,

the first year it could be placed in full operation providing construction is started by the fall of 1939.

3. I am informed that this construction work would provide employment for upwards of 2,000 skilled mechanics and workmen for a period approximating two years, and this is highly desirable to assist the unemployment situation within our State and to bring around the distribution of many millions of dollars received through payrolls among the merchants and other business interests in our midst.

4. It is highly desirable to prepare as promptly as possible for the heavier traffic which is steadily increasing at this crossing location, by providing a high-speed route which will cut down the average time of crossing from about twenty minutes to about two and one-half minutes and to make the crossing safe and dependable under all weather conditions, regardless of wind, ice and fog.

5. It appears possible, if prompt approval is given by the General Assembly and an active commission completes the work recommended in the attached report, that a PWA application to Washington would secure a grant of four to five million dollars from funds that the present Congress may make available for additional gifts for public work. Since there is much work for the proposed investigating commission to complete to prepare the essential plans for an application to the Public Works Administration, time is an important factor.

6. It appears probable that if an Authority is established by your subsequent action after you have received final recommendations from the commission herein proposed, the business-like operation of this Authority will produce substantial net earnings for the benefit of our State Treasury. This, likewise, is an issue of considerable importance to assist our State's income.

I, therefore, present for your early consideration the important features of the attached report and sincerely hope that this project for the welfare of our citizens and for the general good of the State may be quickly developed without complication from partisan politics. To this end I offer my active co-operation to secure the prompt passage of this special legislation and to assure the appointment of high-class



commissioners competent to carry forward the program recommended in this report.

Very Respectfully,

RICHARD C. McMULLEN,

*Governor.*

DELAWARE RIVER CROSSING COMMISSION

February 2, 1939.

Honorable RICHARD C. McMULLEN  
*Governor of Delaware*  
*Dover, Delaware*

Dear Sir:

The undersigned Commission was appointed by you a few months ago to study the problem of a high-speed crossing of the Delaware River, either a bridge or a tunnel, to be constructed probably at some location between Wilmington and New Castle.

Your Commission has not had available the funds necessary thoroughly to investigate all of the engineering, legal, and financial phases, the facts concerning which are requisite to presenting a final and conclusive report. We have had available, however, all of the essential information secured by the efforts of various citizen groups and engineers who have been working on bridge and tunnel projects for this locality for several years.

We have been particularly assisted by Mr. John Meigs, of Philadelphia, an engineer with tunnel experience, former Director of Wharves, Docks and Ferries of the City of Philadelphia, who has for several years studied intensively the problem of a tunnel crossing in our locality; and by Mr. Clifford E. Paine, Chicago, Illinois, a prominent bridge engineer who has been identified for many years with the study of a bridge crossing in our locality. Mr. Meigs has been advised in this work by Mr. Ole Singstad, who is probably the principal tunnel engineer in the United States, serving at this time as Chief Engineer of the New York Port Authority, which has constructed and is managing the vehicular tunnels in that area.

Messrs, Meigs and Paine joined forces to assist our commission as consulting engineers and in giving us freely of their files of engineering, traffic and other pertinent data. We wish to take this opportunity of expressing our appreciation of the valuable contribution these engineers have made in supplying us with exhaustive data developed from their work of the past few years.

From the records available it appears that:

1. The traffic crossing the river on various ferries now in service in this area is steadily increasing. In 1938, according to filed reports, the public ferries carried between points in New Jersey and Wilmington and New Castle 1,075,000 vehicles, and in addition thereto the du-Pont Company ferries carries approximately 400,000 footpassagers, the estimated equivalent of another 160,000 vehicles. It is believed that the normal growth of traffic over existing facilities should indicate a traffic in excess of 1, 500,000 units by 1942. If a high-speed crossing is established a further vertical increase in traffic should result. The amount of this increase, which always accompanies the establishment of quicker service, will depend on many factors which we are not able to diagnose. For instance, it must be obvious that this vertical increase would be less if the new toll rates were established at about present ferry rates rather than at a substantial reduction in tolls at the start.

In this connection we find among the records submitted to us an estimate of Coverdale and Colpitts, engineers of New York City, that with a tunnel in this location traffic should show a vertical increase of 50 per cent providing the toll rates are maintained at about the same level as the ferry rates. These engineers, who have a high standing in their profession, believe this 50 per cent figure to be conservative. On the other hand, Clarence E. Myers, an engineer of Philadelphia and a former Director of Transit in that city, estimates that the vertical increase upon the opening of a high-speed crossing at this location should amount to 100 per cent providing the toll rates are cut approximately in half. For the purpose of preliminary estimates hereinafter submitted, we are applying a forecast of 20 per cent increase with no change in toll rates, believing that this is a most conservative basis to use under the circumstances.

As another factor stimulating the traffic increase on this route, we call attention to the plans of the Highway Department of the State of Maryland to build a new highway bridge across the Susquehanna

River at Havre de Grace, and to complete the dual highway from Aberdeen to the Delaware State line. This will provide the best low-grade, high-speed, dual-highway route for all traffic from Baltimore to Delaware's dual highway just east of Elkton, Md. Maryland's program is scheduled for completion by 1941 and should further increase the traffic flow to the north and east via a Delaware River crossing in the Wilmington locality.

## 2. Bridge versus Tunnel.

A group of Wilmington businessmen, headed by George A. Casey, and the Chamber of Commerce, pioneered efforts for a much needed high-speed crossing over the Delaware River at Wilmington, starting some eleven years ago. Their efforts were directed principally to a bridge crossing as that type of crossing appeared to be the most desirable and economical. Strong opposition was had from special interests and also opposition was had from the War Department. The latter based on grounds of national defense. This opposition still exists.

We are not convinced that a bridge project is not feasible from a financial or structural standpoint, nor do we feel that by a proper and continued demonstration of the merits of this type of crossing that it could not be achieved, either through state or a private control. However, as it appears that there would be at this time less opposition to a tunnel project and as it appears that a tunnel project is financially feasible, we will proceed to a discussion of the commercial practicability of constructing a tunnel.

3. Recent estimates of engineers and contractors indicate that a tunnel suitable for this crossing with its terminal buildings should be built for about \$11,000,000. To this must be added the costs of land, engineering and legal services, interest on capital during construction, and the purchase of the existing public ferries, if such can be negotiated by a permanent commission at a reasonable figure. It is indicated that all of these expenditures may aggregate some \$15,000,000 for the full completion of the project and to place it in commission on a non-competitive basis. With our incomplete data this is the best estimate we can submit to you at this time, but we fully realize that such an estimate cannot reach a safe and conclusive stage until further engineering, business surveys, and negotiations have been exhaustively undertaken.

4. While we have not the exact facts, we are informed that the average ferry rates on vehicles show a yield of about 75 cents per unit at this time, based upon including in car revenue all revenue from riding passengers exclusive of chauffeurs. If a new tunnel commission should only slightly reduce the rates to start with, until the gross income is safely established substantially in excess of all costs for operation, maintenance, interest, and sinking fund, it is probable that the original vertical traffic increase upon the opening of the facility would not be very large. However, if average tunnel toll rates should be set at the start, to yield about 70 cents per unit, (including vehicle passengers), and if the vertical increase in traffic upon opening should amount to not more than 20 per centum, it is still indicated that the gross revenue for the first year of operation would be in excess of operating and maintenance costs, plus interest and amortization on a tax-exempt bond issue at an average aggregate cost of 6 per centum per annum. Applying the estimate of 1,500,000 vehicle crossings by 1942, plus a 20 per cent vertical increase upon opening the tunnel, times 70 cents per unit, would provide a gross cash return on the first year of operation of \$1,260,000. The two main items of expense are operating and maintenance, estimated by experts at \$200,000 per annum and interest and sinking fund (6 per centum on \$15,000,000, assuming no PWA grants) of \$900,000, a total of \$1,100,000 per annum. Normal increase in traffic thereafter will add to the gross revenue with practically no increase in operating costs, hence the spread or net profits should improve gradually.

This view is based upon adopting the policy hereinafter outlined, of eventually organizing a Delaware Tunnel Authority, an agency of the State of Delaware but without any major financial obligation on the part of the State. If PWA grants may be subsequently secured for a portion of the \$15,000,000, either further reductions in toll rates may be safely established or larger profits accrue to the credit of the Authority from its operations.

To reduce the financial aspects of this project to a more exact basis unquestionably requires the more complete studies we have indicated and which this Commission is not in position to carry out for lack of funds.

5. So far as we can see, the only economical basis for managing and financing such a project rests upon the establishment of a tunnel authority under public control, with an unquestioned legal right to issue its bonds (without State guarantee) on a tax-exempt basis. The

cost of interest and amortization of this debt is a large proportion of the total cost of running the project, hence the necessity of financing with tax-exempt bonds and the further desirability of securing a Government grant if such be possible.

Since over 80 per cent of the length of the tunnel would be within the State of Delaware (the Delaware State line running to low water mark on the New Jersey side of the River) and a larger proportion of the capital investment involved in its complete construction would be in Delaware, it appears to be primarily the responsibility of the State of Delaware to see that this improvement is carried out. This justifies Delaware in assuming full control of the project so far as legalities will permit and hence indicates that eventually a Delaware Tunnel Authority should be established by legislative act, the Commissioners thereon to be subject to legislative and/or gubernatorial appointment.

We believe this responsibility may likewise constitute an opportunity to secure profits from the operations of such a tunnel authority over and above all operating, maintenance, interest and amortization charges, which profits should be paid into the Delaware State Treasury from time to time as the Authority has surplus funds available. The extent to which our State Treasury may enjoy profits from this source will be largely dependent upon the increase in traffic and the toll rates charged. We believe we can safely leave such business problems to a Commission of prominent Delawareans who will operate the proposed Authority, so that the interest of the State and that of the citizens may be properly balanced as conditions develop in the future.

6. To carry this program forward to a stage of greater accuracy, with all the final facts developed from engineering and traffic surveys, from accurate cost estimating, from negotiations with the existing ferry lines for acquisition, from negotiations with the State of New Jersey and with bankers for handling bonds, it appears necessary for the State of Delaware to officially establish a Commission for these further investigations and negotiations and to provide such a Commission with necessary funds. It should be further provided that these funds be returned to the State Treasury if and when the permanent financing of the Authority is accomplished through federal and/or private financing by sale of tax-exempt bonds.

We cannot accurately estimate the funds that will be necessary to complete this investigation, but since it must be done with the utmost

thoroughness and care we do recommend that you request the General Assembly to appropriate \$35,000 to this end.

We attach hereto our suggestions as to a bill that should be considered by the General Assembly at its present session in order to carry forward this program. This bill provides that the investigating commission must submit through the Governor to the General Assembly the completed reports and final recommendations as soon as possible. Since this work to be done thoroughly will require several months, it is apparent the completed report cannot be ready for the present Legislative session. Therefore, final action thereon will have to be had at some subsequent session of the General Assembly, either regular or special as the need develops.

Respectfully submitted,

J. WARREN MARSHALL, *Chairman*

GERRISH GASSAWAY, *Secretary*

Members of the Commission:

Messrs. RICHARD C. McMULLEN, *Ex-officio*

J. WARREN MARSHALL,

THOMAS F. BAYARD,

HUGH M. MORRIS,

FRANK V. DUPONT,

GEORGE A. CASEY,

A. FRANK FADER,

J. HENRY HAZEL,

CHARLES W. CULLEN,

ROWLAND G. PAYNTER,

GEORGE S. WILLIAMS,

C. L. HARMONSON,

CHARLES WARNER,

GERRISH GASSAWAY.

Approved except as to the appropriation:

Messrs. C. DOUGLASS BUCK,

WILLIAM P. RICHARDSON.

Mr. Zebbley moved that five hundred copies of the Delaware River Crossing Commission be printed.

Motion prevailed.

Mr. Leach on motion for leave introduced House Bill No. 66, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, in reference to financial responsibility required upon conviction of certain offenses.

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

Mr. Zebbley on motion for leave introduced 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.

Mr. Zebbley on motion for leave introduced 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.

Mr. Zebbley on motion for leave introduced 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, and providing penalties for the violation thereof.

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

Mr. Zebley on motion for leave introduced House Bill No. 69, entitled:

An Act to amend Chapter 178 of the Revised Code of Delaware, 1935, in reference to the Closing Hours of Licensees authorized to sell Alcoholic Liquor, Wines and Beer off the premises.

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

Mr. Zebley on motion for leave introduced House Bill No. 70, entitled:

An Act to amend Chapter 74 of the Revised Delaware Code of 1935 relating to Fish, Oysters and Game, by providing for Open Season for Bow and Arrow Hunting.

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

Mr. Zebley on motion for leave introduced 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 State Archives Commission.

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

Mr. Zebley on motion for leave introduced House Bill No. 72, entitled:

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.

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

Mr. Zebley on motion for leave introduced House Bill No. 73, entitled:

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.

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

Mr. Zebley on motion for leave introduced House Bill No. 74, entitled:

An Act authorizing the State of Delaware to borrow seven hundred fifteen thousand dollars and issue bonds therefor for the purpose of erecting and equipping certain buildings at the Delaware State Hospital, at Farnhurst.

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

Mr. Zebley on motion for leave introduced House Bill No. 75, entitled:

An Act to create a retirement plan for the employees of the Delaware State Hospital, at Farnhurst.

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

Mr. Zebley on motion for leave introduced 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.

Mr. Zebley on motion for leave introduced House Bill No. 77, entitled:

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 on streets and highways and the subject matter of the said chapter.

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

The Speaker Announced He Is About to Sign:

Senate Concurrent Resolution No. 7.

Senate Concurrent Resolution No. 8.

Senate Concurrent Resolution No. 9.

Mr. Canby on motion for leave introduced 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.

Mr. Canby on motion for leave introduced 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.

Mr. Canby on motion for leave introduced 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 practising medicine, surgery, obstetrics and dentistry, or any individual practising 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.

Mr. Canby on motion for leave introduced House Bill No. 81, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to a salary to be paid to the member of the Delaware Liquor Commission.

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

Mr. Canby on motion for leave introduced House Bill No. 82, 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, tariff of license fees, seizures and transportation of alcoholic liquors.

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

Mr. Canby on motion for leave introduced House Bill No. 83, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to portable and non-portable alcohol from a distillery to a manufacturer.

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

Mr. Canby on motion for leave introduced 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 liquors, wines and beer and the disposition of alcoholic liquor, wine and beer by the commission.

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

Mr. Brown on motion for leave introduced House Bill No. 85, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, entitled "Alcoholic Liquor, Wines and Beer" relating to the days and hours of selling alcoholic liquor by manufacturers.

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

Mr. McGuigan on motion for leave introduced House Bill No. 86, entitled:

An Act to amend Chapter 71 of the Revised Code of Delaware, 1935, by providing for the election of boards of Education and boards of School Trustees.

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

Mr. McGuigan on motion for leave introduced House Bill No. 87, entitled:

An Act to amend Chapter 169 of the Revised Code of Delaware, 1935, in reference to the right of an accused person to elect to be tried by the Court of Common Pleas of New Castle County; duty of the justice of the peace and the arresting officer to advise the accused of his right to so elect; effect upon jurisdiction.

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

Mr. McGuigan on motion for leave introduced House Bill No. 88, entitled:

An Act creating the office of Vice-Chancellor of the State of Delaware, defining his duties, powers, term, qualifications, and salary.

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

Mr. McGuigan on motion for leave introduced House Bill No. 89, entitled:

An Act to amend Chapter 56, Revised Code of Delaware, 1935, relating to the registration of voters.

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

Mr. McGuigan on motion for leave introduced House Bill No. 90, entitled:

An Act defining teachers in the public schools of the State of Delaware and providing for their continuous employment: the making and cancelling of contracts of employment: causes for removal and appeal.

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

Mr. Woodward on motion for leave introduced 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 Public Health.

Mr. Benson moved that the House recess until the call of the chair.

Motion prevailed.

Same day.

House met at expiration of recess.

On motion of Mr. Benson, 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.

Which was taken up for consideration and read in order to pass the House.

Mr. McGuigan, at the conclusion of the reading of Senate Substitute for House Bill No. 30, offered House Amendment No. 1 to Senate Substitute for House Bill No. 30, which was read.

Mr. Benson moved that House Amendment No. 1 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.

Be laid on the table.

On the question "Shall the Motion Pass the House?"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

NAYS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

So the question was decided in the affirmative and the motion having

received the required constitutional majority, was adopted, and House Amendment No. 1 to Senate Substitute for House Bill No. 30 was laid on the table.

Mr. McGuigan offered House Amendment No. 2 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.

Which was read.

Mr. Benson moved that House Amendment No. 2 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.

Be laid on the table.

On the question "Shall the Motion Pass the House?"

The Yeas and the Nays were ordered, which being taken were as follows:

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

NAYS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

So the question was decided in the affirmative and the motion having received the required constitutional majority, was adopted, and House Amendment No. 2 to Senate Substitute for House Bill No. 30 was laid on the table.

Mr. McGuigan appealed from the decision of the Chair.

Relative to the House Rules.

On the question "Shall the Chair be sustained?"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

NAYS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

So the question was decided in the affirmative and the Chair's decision was sustained.

On the question "Shall the Bill Pass the House?"

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

NAYS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

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

Mr. Benson moved that the vote on 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 reconsidered.

On the question "Shall the Motion Pass the House?"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley—13.

NAYS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

So the question was decided in the negative and the motion not having received the required constitutional majority, was lost.

On motion of Mr. Rhodes, 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."

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Bill Pass the House?"

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

On motion of Mr. Brown, 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."

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Thawley, Woodward, Mr. Speaker—34.

NAYS—Mr. Stein—1.

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

And was ordered returned to the Senate.

On motion of Mr. Brown, 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."

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Bailey, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—35.

NAYS—None.

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

And was ordered returned to the Senate.

Mr. McGuigan moved that the House adjourn until 12 o'clock noon, Monday, February 13th, 1939.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Motion Pass the House?"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Bailey, Burris, Gordy, Hartman, McGuigan, Moore, Newnam, Pinder, Rambo, A. G. Smith, Staats, Stein, Thawley, —13.

NAYS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Pennington, Penuel, Fred Pepper, F. W. Pepper, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—22.

So the question was decided in the negative.

Mr. Bierlin on motion for leave introduced House Bill No. 92, entitled:

An Act to amend Chapter 135 of Volume 29, Laws of Delaware, in relation to curbstone markets in the City of Wilmington.

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

Mr. Benson moved that the House adjourn until 12 o'clock noon, Monday, February 13th, 1939.

Motion prevailed.

*TWENTY-SIXTH LEGISLATIVE DAY*

Dover, Delaware, February 13th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—33.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented a communication from The Town of Newark.

Protesting against reduction in State Gasoline Tax.

The Chair presented a communication from Sussex Post No. 8, American Legion.

Relative to building an Armory in Georgetown.

The Chair presented a communication from Highway Truck Drivers and Helpers, Local Union No. 107.

Protesting against House Bill No. 27.

Relative to Fair Trade.

The Chair presented a communication from Florence Bayard Hilles.

Protesting against House Bill No. 22.

Relative to the regulation of the hours of employment of females.

On motion of Mr. Benson, House Concurrent Resolution No. 6, entitled:

Relating to Joint Session for hearing of Delaware River Crossing Commission.

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

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

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

YEAS—Messrs, Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Thawley, Woodward, Mr. Speaker—32.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day 1:15 o'clock P. M.

House met at expiration of recess.

Mr. Brown on motion for leave introduced House Bill No. 93, entitled:

An Act to amend Chapter 113, Volume 32, Laws of Delaware,

entitled "An Act providing for a Police Pension Fund for members of the Police Force of the City of Wilmington."

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

Mr. Brown on motion for leave introduced House Bill No. 94, entitled:

An Act to abolish the Office of Inspector of Oils and Fluids used for illuminating purposes within the limits of the City of Wilmington.

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

Mr. Brown on motion for leave introduced House Bill No. 95, entitled:

An Act to amend the Charter of the Mayor and Council of Wilmington by more specifically defining the boundaries of the Northern and Southern Tax Districts of the Mayor and Council of Wilmington.

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

Mr. Brown on motion for leave introduced House Bill No. 96, entitled:

An Act to amend Chapter 188 of Volume 18, Laws of Delaware entitled "An Act in relation to the Streets and Sewers of the City of Wilmington" by providing for the appointment of directors by the Mayor of the Mayor and Council of Wilmington in the event of death, resignation or removal.

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

Mr. Brown on motion for leave introduced House Bill No. 97, entitled:

An Act to repeal An Act entitled "An Act relating to the territorial limits of the Sixth, Seventh and Tenth Representative Districts in New Castle County and the territorial limits of the City of Wil-

mington," the same being Chapter 168, Volume 41, Laws of Delaware.

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

Mr. Brown on motion for leave introduced House Bill No. 98, entitled:

An Act to amend Chapter 205, Volume 17, Laws of Delaware, being An Act entitled "An Act to establish a Board of Water Commissioners for the City of Wilmington and for other purposes," by providing that water rents shall be a lien on Real Estate.

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

Mr. Brown on motion for leave introduced 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 Charity.

Mr. Benson moved that the House recess until 1:50 o'clock P. M.

Motion prevailed.

Same Day 1:50 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House prepare to go to the Senate for Joint Session.

Motion prevailed.

Mr. Heal moved the Senate now go into Joint Session with the House pursuant to Senate Concurrent Resolution No. 9.



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 the Chief Clerk of the House act as Secretaries of the Joint Session.

Motion prevailed.

Remarks by President of the Senate.

Song—Battle Hymn of the Republic.

Song Leader Mrs. Vera G. Davis.

Prayer—Rev. Lester E. Windsor, Chaplain of House.

Music—Dover High School Band.

Address—Mr. John G. Leach.

Presenting Messrs. Henry Banzette, 96; Augustus Owens, 95; and Thomas Hammond by Senator Paul R. Rinard.

Presentation of flowers to the three members of the G. A. R. by Senator Paul R. Rinard.

Remarks by Lt.-Gov. Edward W. Cooch.

Song—America the Beautiful.

Music—Dover High School Band.

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

Motion prevailed.

Mr. Heal moved the two Houses now separate to reconvene in their respective Chambers.

Motion prevailed.

Mr. Benson moved that the House adjourn until 12 o'clock noon Tuesday, February 14th, 1939.

Motion prevailed.

# *TWENTY-SEVENTH LEGISLATIVE DAY*

Dover, Delaware, February 14th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Barr, Benson, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—32.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented 277 communications.

Relative to Fair Trade.

One hundred and seventy-five for House Bill No. 27 and one hundred and two against House Bill No. 27.

The Chair presented a communication from United Brotherhood of Carpenters and Joiners of America, Local Union No. 626.

Protesting against House Bill No. 27.

The Chair presented a communication from Lewes Game Association.

Commending the present Game and Fish Commission.

The Chair presented a communication from Henlopen Post, No.5, American Legion.

Relative to building a State Armory in Georgetown.

The Chair presented two communications from Delaware Council of Federated Church Women, Wilmington, and The Quarterly Conference of Lincoln Charge, Dover.

Protesting against House Bill No. 18.

Relative to legalizing the Showing of Motion Pictures on Sunday.

The Chair presented a communication from American Association of University Women, Wilmington Branch.

Relative to the proposal to reduce expenditures in the school budget.

The Chair presented a communication from Rev. J. Francis Tucker, St. Anthony's Church, Wilmington.

Relative to the proposal to reduce expenditures in the school budget.

The Chair declared that the House recess until 1:30 o'clock P. M.

Motion prevailed.

Same Day 1:30 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.

Same day.

House met at expiration of recess.

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

House Concurrent Resolution No. 6.

Relating to joint session for hearing of Delaware River Crossing Commission.

And returned the same to the House.

The Speaker Announced He Is About to Sign:

Senate Bill No. 22.

Senate Bill No. 23.

On motion for leave, Mr. Benson introduced House Resolution No. 22, entitled:

Appropriating certain money out of the State Treasury to pay part of certain expenses of the House of Representatives connected with the present Session thereof.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Resolution Pass the House"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Benson, Biggs, Brown, Buckingham, Burris, Burton, Draper, Fifer, Hartman, Kellum, Leach, Manlove, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, Staats, Stein, Thawley, Woodward Mr. Speaker—27.

NAYS—None.

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

Mr. Zebley, on behalf of the Committee on Miscellaneous to whom had been referred 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.

Reported the same back to the House favorably.

FRANK R. ZEBLEY, *Chairman*  
FRANK H. BUCKINGHAM  
ABNER WOODWARD  
NORMAN A. DRAPER  
REESE O. GORDY

Mr. Zebley, on behalf of the Committee on Miscellaneous to whom had been referred 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.

Reported the same back to the House favorably.

FRANK R. ZEBLEY, *Chairman*  
FRANK H. BUCKINGHAM  
ABNER WOODWARD  
NORMAN A. DRAPER  
REESE O. GORDY

Mr. Rhodes, on behalf of the Committee on Public Health to whom had been referred 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, and providing penalties for the violation thereof.

Reported the same back to the House favorably.

GEORGE W. RHODES, *Chairman*  
 FRED BROWN  
 C. FRED FIFER  
 JOSEPH S. NEWNAM  
 MANFORD PENUEL

Mr. Fifer, on behalf of the Committee on Public Lands and Buildings to whom had been referred House Bill No. 64, entitled:

An Act to change the name of "The Rocks" located in the City of Wilmington, New Castle County.

Reported the same back to the House favorably.

CHARLES FREDERICK FIFER, JR., *Chairman*  
 FRED BROWN  
 HERMAN W. STAATS  
 GEORGE W. RHODES  
 F. W. PEPPER

Mr. Brown on motion for leave introduced House Bill No. 100, entitled:

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.

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

Mr. Kellum on motion for leave introduced House Bill No. 101, entitled:

An Act to amend Chapter 143, Volume 41, Laws of Delaware, entitled "An Act to Provide for the Collection of Taxes and Assessments for the Commissioners of Bellefonte", by providing for service by publication in lieu of personal service and by repealing Section Eight of said Act.

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

Mr. Kellum on motion for leave introduced House Bill No. 102, entitled:

An Act to provide that the cost of sewers constructed by "The Commissioners of Bellefonte" shall be a lien upon abutting properties within "The Commissioners of Bellefonte" and to provide for payment of said lien.

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

Mr. Pinder on motion for leave introduced House Bill No. 103, entitled:

An Act to amend Chapter 43 of the Revised Code of Delaware, 1935, authorizing the Levy Court of New Castle County to appropriate County monies to Goodwill Fire Company of New Castle, Delaware for the maintenance of an ambulance.

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

Mr. Newnam on motion for leave introduced House Bill No. 104, entitled:

An Act to amend Chapter 60 of the Revised Code of the State of Delaware, 1935, in relation to election districts, boundaries and polling places.

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

Mr. Manlove on motion for leave introduced 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 Revised Statutes.



The Chair declared that the House recess until 3 o'clock P. M.

Motion prevailed.

Same Day 3 o'clock P. M.

House met at expiration of recess.

On motion of Mr. McGuigan, House Concurrent Resolution No. 7, entitled:

Expressing the sorrow of the General Assembly of the State of Delaware, on the death of "Pope Pius XI."

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

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs, Benson, Biggs, Brown, Buckingham, Burris, Burton, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Thawley, Woodward, Mr. Speaker—30.

NAYS—None.

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

And was ordered to the Senate for Concurrence.

Mr. Stein moved that the House stand in silent prayer for one minute for the late Pope Pius XI.

Motion prevailed.

Mr. Benson, on behalf of the Committee on Appropriations to whom had been referred Senate Bill No. 36, entitled:

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

Reported the same back to the House favorably.

ELMER E. BENSON, *Chairman*  
GEORGE MANLOVE  
RICHARD E. PINDER  
FRANK R. ZEBLEY

Mr. Benson moved that the House adjourn until 12 o'clock noon, Wednesday, February 15th, 1939.

Motion prevailed.

*TWENTY-EIGHTH LEGISLATIVE DAY*

Dover, Delaware, February 15th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll called.

Members Present—Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

Clerk proceeded to read the Journal of the previous session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. McGuigan presented a communication from Vincent J. Kowalewski.

Asking the passage of House Bill No. 29.

Relative to Appropriation for the Service Bureau for Foreign Born Residents.

Mr. McGuigan presented a communication from J. Brown.

Asking an Investigation of the Wilmington and State School System.

The Chair presented fifty-seven communications.

Relative to Fair Trade.

Seven for House Bill No. 27 and fifty against House Bill No. 27.

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

Senate Concurrent Resolution No. 10.

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

And presented the same to the House.

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

House Concurrent Resolution No. 7.

Expressing the sorrow of the General Assembly of the State of Delaware, on the death of Pope Pius XI.

And returned the same to the House.

The Speaker announced he is about to sign:

Senate Substitute for House Bill No. 30.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day, 1:15 o'clock P. M.

House met at expiration of recess.

On motion for leave, Mr. Biggs introduced House Resolution No. 23, entitled:

WHEREAS, in the Providence of Almighty God, death has come to Mrs. John T. Bailey, a beloved resident of Milford, Delaware, and the wife of the Pastor of the Methodist Protestant Church in that town; and

WHEREAS, Fred S. Bailey, her son, is a member of this honorable body; now therefore

BE IT RESOLVED by the members of the House of Representatives of this One Hundred and Seventh General Assembly, that the profound sympathy of this House be extended to Mr. Bailey in his sore bereavement with a prayer that the Father of all mercies shall sustain and comfort him in his sorrow, and give to him that peace of God which passeth all understanding; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this House, and a copy sent to Mr. Bailey, at his home in Harrington.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Woodward, Mr. Speaker—31.

NAYS—None.

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

On motion for leave, Mr. Benson introduced House Resolution No. 24, entitled:

Authorizing State Librarian to issue stamps to Document Clerk.

Which was taken up for consideration and read in order to pass the House.

On the question "Shall the Resolution Pass the House?"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Woodward, Mr. Speaker—31.

NAYS—None.

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

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same Day.

House met at expiration of recess.

Mr. Benson moved that the House prepare to go to the Senate for Joint Session.

Motion prevailed.

Mr. Heal moved that the Senate and House go into Joint Session in pursuance to House Concurrent Resolution No. 6.

Motion prevailed.

Mr. Heal moved that the Lieutenant Governor preside over the Joint Session.

Motion prevailed.

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

Motion prevailed.

Remarks made by J. Warren Marshall.

## OUTLINE OF REMARKS BY CHARLES WARNER

Chairman, Legislative Committee of the Delaware River  
Crossing Commission

TO CARRY OUT THE RECOMMENDATIONS OF SAID COMMISSION

MR. PRESIDENT, MR. SPEAKER, AND  
GENTLEMEN OF THE GENERAL ASSEMBLY:

Representing the present Delaware River Crossing Commission, I deem it a special privilege to talk to you today about the proposed new Commission to complete the investigations and negotiations essential to a final decision of this project ———— Bill, No. —, now in the hands of your honorable body, is intended to carry forward this investigation by the appointment of a Commission furnished with sufficient funds to complete the necessary engineering, legal, and financial studies with attendant tentative negotiations, so that a sound and final conclusion may be submitted to the Governor and the General Assembly at an early date. For reasons which I will explain later prompt action is required and we hope you will agree with us that the importance of the program to our citizens as well as to our State Treasury may justify early action on your part.

The problem of a high-speed, safe, and dependable crossing, free of interruption from fog, ice, and other weather conditions, at a location somewhere between Wilmington and New Castle, has been studied in a preliminary way and urged by several groups of citizens for over ten years. In the meantime, the traffic by ferry service across the river in this location has been steadily increasing. The volume of this traffic appears to be reaching an amount which should profitably support the larger investment of a bridge or a tunnel so that the average crossing time, now taking about twenty minutes from the time a car arrives at the ferry entrance until it reaches the other side, may be reduced to about two and a half minutes. Since it will take about two years to complete the construction of such a project, and much preliminary work will have to be done before starting construction, we cannot count on a first full year of operation until 1942.

Our study of the financial justification for such an investment must be based, therefore, upon the revenue to be derived by 1942, after forecasting both the normal growth of the traffic plus the vertical increase

in such traffic which always ensues upon the completion of a safer, high-speed facility. A bridge naturally would be preferred if it could be built on a cheap design and if permits could be secured. But we face the fact that a cheap design could not be applied on account of navigation conditions, and all efforts so far to secure a permit for a bridge have met with increasing opposition from the War and Navy Departments, from the City of Philadelphia, and latterly with a more positive decision from the Joint Board of Strategy of the Army and Navy Departments. These opposing interests have taken no exception to the construction of a tunnel. Therefore, the report from the temporary Commission to the Governor recently submitted to you confines its attention to the possibilities and economics of a tunnel.

Until recently the various efforts to provide a high-speed crossing have been promoted by private interests for private profit. This latest study, however, has been made on the basis of undertaking the building and operation of a tunnel by a public commission or Authority, under the supervision and control of the State of Delaware for public profit, i.e., for the benefit of our State Treasury to the extent that such earnings may accrue in excess of those necessary to operate, maintain, and pay the necessary interest and sinking fund amounts for the debt incurred in such construction. By undertaking this work as an Authority, controlled and managed by the State of Delaware, we should have the opportunity of borrowing by the Authority on long-term bonds issued on a tax-exempt basis, hence on a much lower-cost basis than a private project could secure, with also the possibility of securing Federal grants for a portion of the capital outlay, thus reducing the amount to be borrowed by the Authority. On this lower-cost and reduced-capital basis it appears possible to finance on the credit and earning power of the project itself, without utilizing the credit of the State of Delaware.

It would be possible, of course, to sell such an Authority bond issue at a lower interest rate if the State of Delaware were to guarantee the interest and sinking fund payments. This would make it possible either further to reduce the toll rates or to increase the profits for the benefit of the State Treasury, but the preliminary report before you does not recommend this further step on the theory that it might not be wise for the State of Delaware to assume such an obligation under the conditions now existing.

The issue immediately before you is this. Should the State of Delaware appropriate the relatively moderate sum of \$35,000 to complete



the investigation regarding the advisability of constructing a tunnel? If so, we believe it will be finally demonstrated that the following valuable steps could be accomplished for the benefit of our State and its citizens.

1. For the construction period we shall improve the unemployment situation in this area by giving upwards of two thousand men good jobs for some two years.

2. We shall cut the time of crossing from twenty minutes to two and a half minutes and make the crossing safer and more dependable under all weather conditions.

3. A small reduction in the toll rates from those now applied by the ferry service should be established from the start and in a few years' time, as the traffic grows, the toll rates should be continuously decreased by substantial amounts.

4. Preliminary indications point towards surplus earnings above all operating and financial charges which should average several hundred thousand dollars a year over the next generation for the benefit of the State Treasury, which of itself is a well worth while object.

5. The State, through the action of such a self-supporting Authority, will be able to discharge its responsibility to the motor-traveling public, many of whom are its own citizens, by providing what appears to be a natural and logical expansion of the State highway system of Delaware. We consider this a responsibility of our State, since over 80% of the proposed tunnel will be within the State of Delaware as the State's ownership of the river bottom extends to the low-tide line on the New Jersey side.

This array of objectives stamps favorably the proposal that we complete these investigations and determine on essential facts with reasonable certainty by proceeding with the proposed plan for a Commission and with an appropriation of \$35,000 to carry out the recommendations before you.

The need for prompt action lies in the possibility of securing a Federal PWA grant for some \$5,000,000 towards the estimated cost of \$15,000,000, thereby reducing the amount which the proposed

Authority would have to borrow on its own credit to some ten or eleven millions. This will have a marked effect in reducing the cost, which could be reflected by either a further lowering of the toll rates or an increase in profits for the benefit of the State. It is probable that the present session of Congress will decide on an additional appropriation for the use of the Public Works Administration at Washington and we cannot afford to lose any time in completing the engineering and other studies which are essential for submitting our application for a grant of this substantial amount. This is one of the important duties of the proposed Commission, as provided for in ——— Bill, No. ———, now before you.

Since this project is so distinctly an expansion of the highway transportation system of the State of Delaware this Bill provides that the \$35,000 shall come from highway funds rather than from general funds.

As an evidence of the steady growth in this traffic, which we must be prepared to handle on a better basis by 1942, it appears that the present ferries handled 1,033,000 vehicles in 1937, while in 1938, in spite of the new depression which affected almost all lines of business, this traffic is reported to have increased another 5%, amounting to about 1,085,000 vehicles. Taking the average of good and poor business years it does not appear unreasonable to expect the normal growth of traffic to be such as to reach 1,500,000 vehicles by 1942. Particularly should this be so in view of the fact that the State of Maryland is now proceeding with the completion of its dual-highway route from Baltimore to the Delaware State line, to tie in with our dual highway just east of Elkton, Maryland.

Included in the Maryland program is a new bridge across the Susquehanna River just west of Havre de Grace. Present indications are that these Maryland improvements will be in operation by 1941 and will naturally further increase the traffic over this high-speed, low-grade route, which Delaware must be prepared to cope with by clearing this through traffic into New Jersey with expedition and safety.

Particularly should we be interested in providing a better route for this increasing traffic if it can be made to yield some additional profits for the benefit of our State Treasury, which appears probable. Upon the establishment of the tunnel route by 1942 naturally there will be a further so-called vertical increase in traffic by reason of the big improve-

ment in time and safety as well as the publicity which will attach to opening such a facility across the Delaware River. What this vertical increase may amount to is partly speculative but we have used in our Commission report to you a preliminary figure considerably below the forecast used in estimates by prominent engineers acquainted with such work. The figure we have used of 20% vertical increase would forecast traffic through the tunnel in 1942 at about 1,800,000 vehicles. It appears safe to base the expected revenue on such a forecast but here again is one of the problems that must be studied further by the new Commission you are asked to authorize.

This project is one of the largest that has ever been advanced for the benefit of Delaware and its citizens. The time seems to have arrived for action and I know you will approach your duties in this respect in the manner which has always influenced our State to move ahead courageously with improved practices, as it did some twenty years ago in authorizing the program for establishing the Highway Commission of our State and in making an initial expenditure of several millions of dollars. This has certainly worked out to our great advantage.

Remarks made by Gerrish Gassaway.

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

Motion prevailed.

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

Motion prevailed.

Mr. Knight, on behalf of the Committee on Elections to whom had been referred 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.

Reported the same back to the House favorably.

EDWARD S. KNIGHT, *Chairman*

THOMAS A. KELLUM

ALLEN G. SMITH

ELLWOOD S. LEACH

VERNER P. BURTON.

Mr. Knight, on behalf of the Committee on Elections to whom had been referred 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.

Reported the same back to the House favorably.

EDWARD S. KNIGHT, *Chairman*

THOMAS A. KELLUM

ELLWOOD S. LEACH

VERNER P. BURTON

ALLEN G. SMITH.

Mr. Manlove, on behalf of the Committee on Revised Statutes to whom had been referred Senate Substitute for Senate Bill No. 4, entitled :

An Act defining the Crime of being a Habitual Offender and providing the Penalty.

Reported the same back to the House favorably.

GEORGE MANLOVE, *Chairman*

JOHN A. HARTMAN

HENRY M. CANBY

FRED PEPPER

RANDOLPH REYNOLDS.

Mr. Zebléy, on motion for leave, introduced House Bill No. 106, 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 Miscellaneous.

Mr. McGuigan, on motion for leave, introduced House Bill No. 107, 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 Miscellaneous.

Mr. Rhodes, on motion for leave, introduced House Bill No. 108, entitled:

An Act Empowering "The Council of Newark" to Enlarge and Extend the Boundaries of the Town of Newark.

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

Mr. Bierlin, on motion for leave, introduced 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 Public Highways.

Mr. Moore, on motion for leave, introduced House Bill No. 110, entitled:

An Act to Amend Chapter 56 of the Revised Code of Delaware, 1935, by Designating the Place at Which an Elector Shall Apply in Person for Registration in the Second Election District of the Thirteenth Representative District in New Castle County.

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

Mr. Moore, on motion for leave introduced House Bill No. 111, entitled:

An Act to amend Chapter 60 of the Revised Code of Delaware, 1935, by changing the voting place in the Second Election District of the Thirteenth Representative District in New Castle County.

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

Mr. Knight, on motion for leave, introduced House Bill No. 112, entitled:

An Act designating those Representative Districts which shall comprise the First, Second and Third Levy Court Districts of Kent County.

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

Mr. Fifer, on motion for leave introduced House Bill No. 113, entitled:

An Act proposing an amendment to Section 2, Article II, of the Constitution of the State of Delaware relating to the boundaries of the Sixth Representative District of Kent County.

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

Mr. Manlove, on motion for leave introduced House Bill No. 114, entitled:

An Act proposing an amendment to Section 2 of Article XIII of the Constitution of the State of Delaware relating to Local Option.

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

Mr. Fred Pepper, on motion for leave introduced House Bill No. 115, entitled:

An Act to amend Chapter 166 of Volume 37, Laws of Delaware, as amended, being an Act entitled "An Act to Re-incorporate

the Town of Selbyville," and increasing the amount of authorized bonded indebtedness of said town.

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

Mr. Fred Pepper, on motion for leave introduced House Bill No. 116, entitled:

An Act to amend an Act entitled, "An Act to Re-incorporate the Town of Selbyville," being Chapter 165, Volume 37, Laws of Delaware, as amended, and authorizing the annexation of certain continuous territory to the said town.

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

Mr. Leach moved that House Bill No. 64 be referred back to the Committee on Public Lands and Buildings.

Motion prevailed.

Mr. Woodward, on behalf of the Committee on Fish, Oysters and Game to whom had been referred House Bill No. 63, entitled:

An Act directing the Board of Game and Fish Commissioners of the State of Delaware to pay a Bounty on Hawks, Crows, Owls, Weasels and Gray Foxes; and making it lawful to sell Gray Fox Hides.

Reported the same back to the House favorably.

ABNER WOODWARD, *Chairman*  
JOHN W. RAMBO  
F. W. PEPPER  
RANDOLPH P. REYNOLDS  
W. K. PENNINGTON.

Mr. Woodward, on behalf of the Committee on Fish, Oysters and Game to whom had been referred 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.

Reported the same back to the House favorably.

ABNER WOODWARD, *Chairman*  
JOHN W. RAMBO  
F. W. PEPPER  
RANDOLPH P. REYNOLDS  
W. K. PENNINGTON.

Mr. Buckingham, on behalf of the Committee on Temperance to whom had been referred 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.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*  
GEORGE MANLOVE  
ABNER WOODWARD  
ELMER E. BENSON  
HARVEY E. MOORE.

Mr. Buckingham, on behalf of the Committee on Temperance to whom had been referred House Bill No. 83, entitled:

An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, in reference to potable and non-potable alcohol from a distillery to a manufacturer.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*  
GEORGE MANLOVE  
ABNER WOODWARD  
ELMER E. BENSON  
HARVEY E. MOORE.



Mr. Buckingham, on behalf of the Committee on Temperance to whom had been referred House Bill No. 82, 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, tariff of license fees, seizures and transportation of alcoholic liquors.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*

GEORGE MANLOVE

ABNER WOODWARD

ELMER E. BENSON

HARVEY E. MOORE.

Mr. Buckingham, on behalf of the Committee on Temperance to whom had been referred 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.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*

GEORGE MANLOVE

ABNER WOODWARD

ELMER E. BENSON

HARVEY E. MOORE.

Mr. Buckingham, on behalf of the Committee on Temperance, to whom had been referred 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.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*  
 GEORGE MANLOVE  
 ABNER WOODWARD  
 ELMER E. BENSON  
 HARVEY E. MOORE.

Mr. Buckingham, on behalf of the Committee on Temperance, to whom had been referred 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.

Reported the same back to the House favorably.

FRANK H. BUCKINGHAM, *Chairman*  
 GEORGE MANLOVE  
 ABNER WOODWARD  
 ELMER E. BENSON  
 HARVEY E. MOORE.

The Chair presented Senate Concurrent Resolution No. 10, entitled:

To Commemorate the Birth of George Washington.

On motion of Mr. Benson, Senate Concurrent Resolution No. 10, entitled:

To Commemorate the Birth of George Washington.

Which was taken up for consideration and read in order to pass the House.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum,

Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

NAYS—None.

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

And was ordered returned to the Senate.

Pursuant to Senate Concurrent Resolution No. 10, the Chair appointed Messrs. Leach, F. W. Pepper, Moore.

On motion of Mr. Benson, Senate Bill No. 36, entitled:

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

Which was taken up for consideration and read in order to pass the House.

On request the privilege of the floor was given to Mr. Swain, Insurance Commissioner.

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

The Yeas and Nays were ordered, which being taken, were as follows:

YEAS—Messrs. Barr, Benson, Bierlin, Biggs, Brown, Buckingham, Burton, Canby, Draper, Fifer, Kellum, Leach, Manlove, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Reynolds, Rhodes, Knight, Woodward, Mr. Speaker—25.

NAYS—Messrs. Burris, Gordy, Hartman, McGuigan, Rambo, A. G. Smith, Staats, Thawley—8.

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

And was ordered returned to the Senate.

Mr. Benson moved that the House adjourn until 12 o'clock noon, Thursday, February 16th, 1939.

Motion prevailed.

*TWENTY-NINTH LEGISLATIVE DAY*

Dover, Delaware, February 16th, 1939, 12 o'clock noon.

House met pursuant to adjournment.

Prayer by the Chaplain, Rev. Windsor.

Roll Called.

Members present—Barr, Benson Bierlin, Biggs, Brown, Buckingham, Purris, Burton, Canby, Draper, Fifer Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—34.

Clerk proceeded to read the Journal of the Previous Session when Mr. Benson moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

The Chair presented a communication from Brotherhood of Paint-Wilmington.

Acknowledgement of House Concurrent Resolution No. 4.

Relating to invitation to annual Banquet.

The Chair presented ninety-nine communications.  
ers, Decorators and Paperhangers Local Union No. 100, Wilmington.

Protesting against House Bill No. 27.

Relative to Fair Trade.

The Chair presented a communication from Chamber of Commerce,

Relative to Fair Trade.

Forty-eight for House Bill No. 27 and fifty-one against House Bill No. 27.

Mr. Brown presented a communication from Mrs. J. H. Topkis.

Endorsing House Bill No. 29.

Relative to appropriation for the Service Bureau for Foreign Born Residents.

The Chair declared that the House recess until 1:15 o'clock P. M.

Motion prevailed.

Same Day 1:15 o'clock P. M.

House met at expiration of recess.

Mr. Benson moved that the House recess until the call of the Chair.

Motion prevailed.

Same day.

House met at expiration of recess.

Mr. Brown moved that House Bill No. 45 be referred back to the Committee on Corporations Municipal.

Motion prevailed.

Mr. Biggs, on behalf of the Committee on Public Highways to whom had been referred 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.

Reported the same back to the House favorably.

WILLIAM BIGGS, *Chairman*  
GEORGE T. BIERLIN  
VERNER P. BURTON  
ELLWOOD S. LEACH  
ISAAC M. BURRIS

Mr. Leach on motion for leave introduced House Bill No. 117, entitled:

An Act to amend Chapter 46 of the Revised Code of Delaware, 1935, Relating to County Comptroller.

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

Mr. Brown on motion for leave introduced House Bill No. 118, entitled:

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.

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

Mr. Brown on motion for leave introduced House Bill No. 119, entitled:

An Act appropriating certain moneys to Equitable Trust Company, a Corporation of the State of Delaware, Executor of the Estate of W. Miller Shaw, Deceased, to pay certain claims against the State of Delaware, arising from an overpayment of the Delaware Estate Tax.

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

Mr. Pennington on motion for leave introduced House Bill No. 120, entitled:

An Act to amend Chapter 49 of the Revised Code of Delaware 1935, relating to Coroners by further defining their duties as to holding of Inquests.

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

Mr. Gordy on motion for leave introduced House Bill No. 121, entitled:

An Act making an appropriation to the town of Laurel for the payment of the Town Council of the town of Laurel for the construction of connecting concrete streets now a part of the State Highway System.

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

Mr. F. W. Pepper on motion for leave introduced House Bill No. 122 entitled:

An Act making it Unlawful to operate an automobile owned by the State of Delaware unless same bears certain identification marks and Emblems.

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

On motion of Mr. Zebley, House Substitute 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 taken up for consideration and read in order to pass the House.

Mr. Zebley moved that House Substitute Bill No. 24 be adopted in lieu of House Bill 24:

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, firecrackers, 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.

On the question "Shall the Motion Pass the House"

The Yeas and Nays were ordered, which being taken were as follows:

YEAS—Messrs, Barr, Benson, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—33.

NAYS—Mr. Bierlin—1.

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

On the question, "Shall the Substitute Bill pass the House?"

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

YEAS—Messrs, Barr, Benson, Biggs, Brown, Buckingham, Burris, Burton, Canby, Draper, Fifer, Gordy, Hartman, Kellum, Leach, Manlove, McGuigan, Moore, Newnam, Pennington, Penuel, Fred Pepper, F. W. Pepper, Pinder, Rambo, Reynolds, Rhodes, Knight, A. G. Smith, Staats, Stein, Thawley, Woodward, Mr. Speaker—33.

NAYS—Mr. Bierlin—1.

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

And was ordered to the Senate for Concurrence.

On motion of Mr. F. W. Pepper, 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