

WHEREAS, by subsequent Acts the Congress has continued to levy these taxes year after year until more than One Billion, Five Hundred Million Dollars (\$1,500,000,000) in revenue has been paid by the motorists since these taxes were first imposed in 1932; and

WHEREAS, the fullest use of these commodities is vital to the full development of industry, communication and transportation throughout the Nation and the State of Delaware; and

WHEREAS, the taxing of these commodities by the Federal Government constitutes an invasion of the States' rightful field of taxation, established through priority, upon which depends the past investment in, and future security of, the highway system of this State, the impairment of which would prove highly detrimental to the citizens of Delaware; and

WHEREAS, the already excessively taxed motorists and highway users are unjustly forced to bear the additional burden of this taxation; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein: That this One Hundred and Seventh General Assembly of the State of Delaware does hereby petition and urge the Congress of the United States to refrain from enacting or re-enacting any and all laws imposing Federal Excise Taxes on gasoline and other motor fuels and on lubricating oils; AND

BE IT FURTHER RESOLVED: That copies of this resolution be transmitted to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States, and to the Chairman of the Ways and Means Committee of the House of Representatives, and the Chairman of the Finance Committee of the Senate of the Congress of the United States, and to Honorable John G. Townsend, Jr., and Honorable James H. Hughes, Senators from the State of Delaware in the United States Senate, and to Honorable George S. Williams, our Representative in Congress from the State of Delaware, urging them to exert their utmost efforts to secure the desired objectives as expressed in this Resolution.

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

Mr. Steele, on motion for leave, introduced Senate Bill No. 14, entitled:

An Act relative to the Coroner of Sussex County: Providing for Mileage necessarily travelled and increasing amount allowed for Jurors.

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

Mr. Heal for Mr. Steele, on motion for leave, introduced Senate Bill No. 15, entitled:

An Act to amend Chapter 6 of the Revised Code of Delaware, 1935, relating to State Revenue; providing for the exemption of dealers in grains and commercial feeds, fruits and vegetables, poultry and coal.

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

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 26, 1939.

Motion prevailed.

FOURTEENTH LEGISLATIVE DAY

January 26, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem Wilmer D. Steele presiding.

Prayer by the Rev. James R. Gleen, Acting Chaplain.

Roll called.

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

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

Motion prevailed.

The Chair presented the following communications:

SILVER RUN CONSERVATION CLUB

January 18, 1939

RESOLUTION

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

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

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

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

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

(S) WILLIAM BAXTER, JR.

Done at McDonough, Delaware.

President

HWIJQUINCK SHOOTING CLUB

RESOLUTION

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

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

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

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

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

(S) R. B. COOPER

Done at Smyrna, Delaware—1/18/39

President

On motion for leave, Mr. Heal introduced Senate Resolution No. 20, entitled:

SENATE RESOLUTION NO. 6

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

BE IT RESOLVED by the Senate, that the State Treasurer be and he is hereby authorized to pay to any member of the Senate and any attache or employee of the Senate, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total sum of One Hundred (\$100.00) Dollars to any person,—any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this Session.

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

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

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

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Heal, Moody, Poore, Short, Sylvester, Mr. President Pro Tem—11.

NAYS—None.

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

The President Pro Tem announced he is about to sign:

House Concurrent Resolution No. 1.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

The Chair presented the following communication:

Dover, Delaware, January 25, 1939

Hon. Edward W. Cooch
Legislative Building
Dover, Delaware

My dear Mr. Cooch:

Will you please accept and express to the members of the Senate and to the attaches my sincere appreciation of their kind thought in this hour of bereavement caused by my mother's sudden death?

The beautiful flowers are such a help and constantly remind me of you, my esteemed associates.

Sincerely yours,

VERA G. DAVIS
(MRS. FRANK H. DAVIS)

The President announced he is about to sign:

Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 2.

Senate Concurrent Resolution No. 3.

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

Motion prevailed.

FIFTEENTH LEGISLATIVE DAY

January 27, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by the Rev. David A. Baker, Acting Chaplain.

Roll called.

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

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

Motion prevailed.

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

House Bill No. 30, entitled:

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

And presented the same to the Senate.

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

House Bill No. 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.

And presented the same to the Senate.

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

House Bill No. 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.

And presented the same to the Senate.

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

House Bill No. 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.

And presented the same to the Senate.

The Chair presented 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 given first and second reading, the second by title only.

The referring of House Bill No. 7 to a committee was postponed.

Mr. Abrahams presented the following communication:

CHAMBER OF COMMERCE

Wilmington, Delaware, January 27, 1939

The Honorable Members of the Senate,
General Assembly,
Dover, Delaware.

Gentlemen:

On behalf of our Board of Directors, I am privileged to extend to you an invitation to attend the Annual Dinner of this organization on Tuesday, January 31, 1939—7:00 P. M., Hotel duPont.

General R. E. Wood, President; Sears, Roebuck Company, is the guest speaker.

Trusting you will honor us with your presence, I am, with every esteem,

Very truly yours,

GERRISH GASSAWAY

Manager

Mr. Abrahams requested the privilege of the floor be extended to Alex Abrahams to talk in reference to the communication from the Wilmington Chamber of Commerce.

The privilege was granted.

Mr. Sylvester moved that the invitation of the Wilmington Chamber of Commerce be accepted.

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Steele presented the following communication:

THE AMERICAN LEGION

HENLOPEN POST No. 5

REHOBOTH BEACH AND LEWES, DELAWARE

Rehoboth Beach, Delaware, January 23, 1939

Mr. D. Wilmer Steele
President Pro Tem, Senate
Delaware Assembly
Dover, Delaware

Dear Sir:

At the meeting of Henlopen Post No. 5 of the American Legion, Friday, January 20th, the following resolution was adopted:

RESOLVED, That the need of an armory for the proper training of the Sussex County Unit of the Delaware National Guard, with headquarters at Georgetown, be brought to the attention of the Senate of the Delaware Assembly.

AND BE IT FURTHER RESOLVED, That the Assembly of Delaware be petitioned to appropriate funds to build an adequate armory, located at Georgetown, for the National Guard Unit of Sussex County quartered there, as soon as necessary funds are available. And that, the Adjutant forward copies of this resolution to the Speaker and President Pro Tem of both bodies of the Delaware Assembly.

Respectfully yours,

WM. S. BEAN, JR.

Post Adjutant

THE AMERICAN LEGION

Rehoboth Beach, Delaware

The Chair announced that he had referred House Bill No. 7 to the Miscellaneous Committee.

Mr. Hannam presented the following communication:

Brack Ex, Delaware, January 26, 1939

Honorable Hector Hannam
 Senator of the Seventh District
 Dover, Delaware

Dear Sir:

The Men's Bible Class of Brack Ex M. E. Church, Brack Ex, Delaware, have instructed me, as their secretary, to write you in reference to the Sunday Movie Bill.

Each member of our class is opposed to Sunday Movies at any time, and go on record as being opposed to them.

They feel that any community will be better if it has no Sunday Movies and want you to oppose this measure.

They want also to thank our Senator of this district for the improvements of the streets, and especially for the sewer system installed at the church.

May I quote, "Where two or three are gathered together, and ask in My name, it shall be given." "Do unto others as you would have them do unto you."

May "God, Our Father," guide you in your vote on this bill.

Yours very truly,

E. J. ROWE

Secretary Men's Bible Class

BRACK EX M. E. CHURCH

Mr. Heal presented the following communication:

RESOLUTION

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

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

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

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

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

Done at Wilmington, Delaware,
January 26, 1939.

KENNEL CLUB OF WILMINGTON
A. RAYMOND JACKSON
Secretary

Mr. Heal, on motion for leave, introduced Senate Bill No. 16, 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 powers and duties; requirements for registration; regulating examination of applicants for registration; providing for issuance and revocation of certificates of registration; unlawful to engage in construction of public work unless plans and specifications and estimates prepared by registered engineer; and providing penalties.

Mr. Heal moved that so much be considered the reading of Senate Bill No. 16.

Motion prevailed.

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

Mr. Heal moved that 500 copies of Senate Bill No. 16 be printed.

Motion prevailed.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 17, entitled:

An Act to amend Chapter 108, Revised Code of Delaware, 1935, relating to Compensation of Bailiffs in Kent County, Delaware.

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

Mr. Heal requested the Chair to present the House Bills now in his hands.

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

The Chair presented House Bill No. 30, entitled:

An Act to amend Chapter 166 of the 1935 Revised Code 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 Buildings and Highways.

Mr. Sylvester moved that 500 copies of House Bill No. 30 be printed.

Motion prevailed.

The Chair presented 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 Buildings and Highways.

Mr. Sylvester moved that 500 copies of House Bill No. 31 be printed.

Motion prevailed.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 18, entitled:

An Act appropriating certain money for the construction and equipment of a new State Armory in the Town of Georgetown or in the vicinity thereof.

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

The Chair failed to refer this bill to a committee, deferring such action until later in the session.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 30, 1939.

Motion prevailed.

SIXTEENTH LEGISLATIVE DAY

January 30, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

Members Present—Abrahams, Brown, Derrickson, Gooden, Hannam, Heal, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—15.

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

Motion prevailed.

The Chair announced that Senate Bill No. 18 is hereby referred to the Committee on Finance.

Mr. Heal presented the following communication:

HOCKESSIN HUNTERS CLUB

January 26, 1939

RESOLUTION

WHEREAS, the present three member State Board of Game Commissioners would be abolished and a six member Board substituted if a bill in the present General Assembly becomes a law, and

WHEREAS, the present Board has adopted a farmer, sportsman cooperative plan which has so far proven successful; a number of inviolate game refuges have been established and a comprehensive educational program is well under way, and

WHEREAS, it is conceded that the supply of game and fish have substantially increased during the past three years throughout the State. A plausible explanation for this general increase is sound policies.

THEREFORE, be it resolved that we take this means of commending the Board for the constructive work it has done and recommend to the General Assembly of Delaware that the present Game Commission be kept in office, thus assuring a continuation of sound restoration programs and policies.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to members of interested committees in the General Assembly and to our Senator and Representative.

Done at Hockessin, Delaware.
January 26, 1939.

MARGARET E. COLLINS
Secretary

Mr. Heal moved that the above communication be acknowledged and spread on the Journal.

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Moore, on motion for leave, introduced 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 Municipal Corporations.

The Sergeant-at-Arms reported the presence at the door of the Secretary of State. The Secretary of State was admitted and read the following message from the Governor:

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

The Honorable President of the Senate 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 Commission 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,

Dover, Delaware
January 26th, 1939

RICHARD C. McMULLEN
Governor

THE INTERSTATE COMMISSION ON
THE DELAWARE RIVER BASIN
PHILADELPHIA, PENNSYLVANIA

January 16, 1939

His Excellency, Richard M. 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 water course 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 members 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

January, 1939.

Secretary

Mr. Gooden, on motion for leave, introduced Senate Bill No. 20, entitled:

An Act to amend Chapter 4 of the 1935 Revised Code of the State of Delaware in relation to the State House by changing the days and hours during which the State House shall be kept open.

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

Mr. Heal announced that if each Senator would place his binder on his desk each morning, the Page would insert a new copy of the Index and Journal in each binder.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 31, 1939.

Motion prevailed.

SEVENTEENTH LEGISLATIVE DAY

January 31, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the House Chaplain, Rev. L. E. Windsor.

Roll called.

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

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

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Steele presented the following communication:

RESOLUTION

January 31, 1939

WHEREAS, a bill has been introduced in this Legislature to abolish the Game Commission of Delaware, and

WHEREAS, said Commission has executed constructive policies and its present program included cooperative hunting, releases of game and fish in practical ways, and the teaching of conservation education in the schools, 4-H Clubs, F. F. A. and Boy Scouts, and

WHEREAS, no other comprehensive plan has been suggested.

RESOLVED THEREFORE, that the present Game Commission be kept in office and be given full cooperation by all State agencies and the people, and a copy of this resolution be sent to our Representatives in the Assembly now convening at Dover.

JOHN B. BIGGS

*Secretary of New Castle County
Business Men's Club*

New Castle, Del.

Mr. Clark requested that Senate Bill No. 9, 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."

Also Senate Bill No. 11, 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.

Be stricken from the Index.

There being no objection Senate Bill No. 9 and Senate Bill No. 11 were ordered stricken from the Calendar.

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 8, entitled:

SENATE CONCURRENT RESOLUTION NO. 8

AUTHORIZING A JOINT COMMITTEE TO INVESTIGATE THE BOARD OF GAME AND FISH COMMISSIONERS.

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the Fish, Oysters and Game Committees of the Senate and of the House of Representatives be, and the same are hereby constituted a joint investigating committee, which committee is hereby authorized and directed to conduct an immediate investigation concerning the administration, management, discipline, manner of purchase of supplies, and expenditures of the Board of Game and Fish Commissioners of the State of Delaware, and any and all other matter or matters which said Committee may deem proper and necessary relative thereto; and

BE IT FURTHER RESOLVED, that the Chairman and any other member of said Committee is hereby authorized and empowered to subpoena witnesses, administer oaths, subpoena and examine any and/or all books, records, documents and other papers which in anywise may be material or pertinent to such investigation. The said Committee is hereby authorized and empowered to employ such persons and incur such expenditures as it may deem necessary to assist it in such investigation; and

BE IT FURTHER RESOLVED that the members of said Committee shall be paid the same per diem salary that they are entitled to receive during the regular session of the General Assembly, together with the actual expenses necessarily incurred in connection with said investigation; and

BE IT FURTHER RESOLVED, that the expenses of said Committee shall be a part of the expenses of the Senate and House of Representatives of the One Hundred and Seventh regular session of the General Assembly, and shall be paid upon warrants signed by the Chairman and Secretary of said Committee by the State Treasurer out of the general funds of the State of Delaware not otherwise appropriated, provided, however, that the total amount of said expenses of said Committee shall not exceed in the aggregate the sum of Five Hundred Dollars (\$500.00); and

BE IT FURTHER RESOLVED, that said Committee shall make a written report upon the completion of said investigation concerning its findings to the Senate and the House of Representatives of the present General Assembly.

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

Mr. Rinard, on motion for leave, introduced Senate Bill No. 21, entitled:

An Act to limit Advertisement in connection with the displaying of Motion Pictures.

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

Mr. Clark, on motion for leave, introduced Senate Bill No. 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 Buildings and Highways.

Mr. Clark, on motion for leave, introduced 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 Buildings and Highways.

Mr. Brown, on motion for leave, introduced Senate Bill No. 24, entitled:

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

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

Mr. Brown, on motion for leave, introduced Senate Bill No. 25, entitled:

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

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

Mr. Heal moved that 500 copies of Senate Bill No. 25 be printed.

Motion prevailed.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 26, entitled:

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

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 27, entitled:

An Act requiring Prenatal Examination for Syphilis.

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

Mr. Simmons, on motion for leave, introduced Senate Bill No. 28, entitled:

An Act relating to the General Administration and Supervision of the Free Public Schools and Educational Interests of the Dover Special School District and providing for an Elective School Board to serve therein.

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

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 1, 1939.

Motion prevailed.

EIGHTEENTH LEGISLATIVE DAY

February 1, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

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

Roll called.

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

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

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Lieutenant-Governor Edward W. Cooch presiding.

Mr. Steele presented the following communication:

NATIONAL VULCANIZED FIBRE CO.

WILMINGTON, DEL., U. S. A.

OFFICE OF THE VICE-PRESIDENT

January 30, 1939

Hon. David W. Steele, *President Pro Tem. Senate*,
State of Delaware,
State House, Dover, Del.

Dear Sir:-

For your information, you will find attached copies of two letters I wrote to Mr. Corkran and copy of his reply.

My purpose, in sending this correspondence to you, is to acquaint you, as Head of the Senate, with my feeling in this matter.

Yours very truly,

J. K. JOHNSTON

January 23, 1939

Mosquito Control Commission,
Lewes, Delaware.

Gentlemen:-

I was very much interested in your folder, showing what has been done in the way of getting rid of mosquito breeding places.

Before I could, intelligently, answer your straw vote, I should like to know approximately what the obligation of the State is now, annually, to keep up the work already accomplished, and what the total amount would be if the work were carried on to a logical conclusion.

Yours very truly,

J. K. JOHNSTON

January 25, 1939

Dear Mr. Johnston:-

Answering your letter of January 23, I might say briefly that the State's obligation to the Federal Government is to maintain the work which the government helped us to complete by means of the CCC workers assigned to us during the period, October, 1933, to November, 1938. This was a specific requirement to which Governor Buck agreed before the CCC was assigned.

Our cost to date is approximately \$76,000 and the total to June 30, 1939, of money already appropriated, will be \$87,300. During the period the camps were with us, the cost of the labor engaged on our work was approximately \$1,000,000. This, of course, was hand labor and considerably more expensive than machine labor, though all the work could not have been done by machine. We estimate the cost of ditching a normal acre at about \$10.00.

We have completed approximately 45,000 acres of marsh land to date and we estimate the annual cost will be about \$1.00 per acre. Ditches on some marshes need cleaning only about once in three years, where other marshes need cleaning once a year. This is due to the different types of marsh. The tide gates, outlet boxes, and other construction will require annual maintenance, though the life of these structures will vary from five to twenty years, depending upon the actual conditions at each site.

There are 100,000 of marsh acres in the State, although present studies indicate that 15,000 or 20,000 of these acres may not need any mosquito control work because breeding is not heavy on them. This would leave approximately 80,000 to 85,000 acres to be brought under control, of which we have completed about 45,000. This would leave approximately 35,000 or 40,000 acres yet to be brought under control at about \$10.00 per acre. However, we believe some considerable portions of this acreage to be brought under control may not cost as much as \$10.00 per acre. This is mostly in New Castle County and our studies for the work have not been completed sufficiently for us to make detailed estimates on each part of it as yet.

Our budget application was for \$141,286 for the fiscal year 1939-1940 and \$94,916 for the fiscal year 1940-41. After that we believe we will have substantially completed all the construction work and will be almost entirely on a maintenance basis at approximately \$1.00 per acre for the 85,000 acres we will then have under control.

In our budget application for the next biennium, we have included \$38,900 for sponsors' contribution to WPA projects which, if granted, would give us additional funds of \$100,000 each of the two years of the biennium from Federal sources. These two amounts, together with our budget request, would enable us to substantially complete the work on the marshes of the State.

Also, in our budget for the next biennium, we have included \$37,110 for equipment for our future work, particularly the maintenance which must be done by machine to keep costs within reasonable limits. The future construction, if done by WPA, will have to be largely hand labor because of the Federal regulations.

If granted the budget we request, we can use approximately \$50,000 worth of labor from the relief class each year of the biennium, so that at least this amount of our budget might really be called relief money which will be spent anyhow to maintain the same amount of labor on some relief project.

I trust I have answered your inquiry sufficiently to justify your approval of our project. If not, I would like to have the opportunity of meeting you personally at your convenience to further discuss the situation.

Very truly yours,

(Sgd.) W. S. CORKRAN

Executive Officer and Engineer

January 30, 1939

Mr. W. S. Corkran, Exec. Officer and Engr.,
Mosquito Control Commission,
Lewes, Delaware.

Dear Sir:-

There are two reasons why I am voting against your Mosquito Control proposal:

1. There is a big question as to, really, how much good the work you have done has produced.
2. And more important is due to the fact that the State is already in such financial shape it is unable to, adequately, do what is really needed in the way of increasing funds for such important things as hospitals, schools and unemployment, as well as many other items that, in my judgment, come before mosquito control.

If the State were clear of debt and had a very substantial balance in the bank, then, and not until then, in my judgment, should this proposal have consideration.

Yours very truly,

J. K. JOHNSTON

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

House Concurrent Resolution No. 4, entitled:

Thanking the Wilmington Chamber of Commerce for hospitality at reception.

And presented the same to the Senate.

The Chair presented House Concurrent Resolution No. 4, entitled:

Thanking the Wilmington Chamber of Commerce for hospitality at reception.

Mr. Heal moved that rules be suspended for action on House Concurrent Resolution No. 4.

Motion prevailed.

The resolution was unanimously adopted without the necessity of a roll call.

Ordered returned to the House.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 29, entitled:

An Act to amend Chapter 175 of the Revised Code of Delaware, 1935, relating to the Delaware Workmen's Compensation Law, and effecting the interpretation thereof and definitions therein.

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

Mr. Steele, on behalf of the Committee on Miscellaneous, 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 Senate favorably.

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

Mr. Simmons announced the presence of the History Class of the Dover High School.

Mr. Brown, on behalf of the Committee on Municipal Corporations, 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 Senate favorably.

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

Mr. Steele presented the following communications:

STATE OF DELAWARE
BOARD OF GAME AND FISH COMMISSIONERS
DOVER, DELAWARE

January 25, 1939

Hon. Wilmer D. Steele,
President Pro Tem of the Senate,
Legislative Hall,
Dover, Delaware

Dear Mr. Steele:

For some time certain individuals, and groups, have been severely criticizing the operations and activities of the Game and Fish Commission. This criticism, regardless of its nature has drawn public attention towards us. Since you are represen-

tatives of the people, we know that your interests lie in seeing that State activities are carried on with the highest possible efficiency. Therefore, we feel that because of these continuous attacks upon our Department you should be thoroughly acquainted with our operations. With a complete understanding of our work we feel you will be better able to judge the value of the criticism and the efficiency of the Game and Fish Commission.

We therefore recommend that your Honorable Body investigate completely our activities of the past three years. Especially would we like you to compare our work with that of the similar departments in neighboring states. Only will a complete investigation by the State repair the damage brought upon the Game and Fish Commission by the continual opposition of these certain individuals and groups to our conservation program.

Respectfully,

BOARD OF GAME AND FISH COMMISSIONERS

By LEONARD K. YERGER, *President*

KIWANIS CLUB OF GEORGETOWN

GEORGETOWN, DELAWARE

RESOLUTION

WHEREAS, Battery "B," 261st Coast Artillery Battalion was organized and received Federal recognition on July 8, 1936, and,

WHEREAS, the "Armory" used by this unit is the Georgetown High School Gymnasium, which is entirely inadequate in size and arrangement to permit effective training and storage of property. A screened off section of the gymnasium is used as a supply room, store room, Battery office and dressing room for a portion of the personnel, and

WHEREAS, the lack of suitable space and facilities for a gun and standard position-finding and fire control equipment, if unremedied, can only result in the maintenance at Federal expense of an organization inadequately trained to fulfill the artillery mission an emergency may require of it, and

WHEREAS, a rating of "excellent" was given Battery "B" 261st by the War Department on its target practice results for 1937 which is evidence of the degree of efficiency of the unit.

NOW, THEREFORE, BE IT RESOLVED by the Kiwanis Club of Georgetown that we urge the continuance of Battery "B" and do hereby unanimously petition the One Hundredth and Seventh General Assembly of the State of Delaware to provide the necessary funds to build and construct a suitable armory in Georgetown commensurate with the training needs of Battery "B" 261st C. A., Bn.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 2, 1939.

Motion prevailed.

NINETEENTH LEGISLATIVE DAY

February 2, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

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

Motion prevailed.



Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Steele for Mr. Hendricks, 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 Senate favorably.

DAVID W. STEELE
BURTON S. HEAL
ROBERT A. DERRICKSON

The President presented the following communication:

DELAWARE TERCENTENARY COMMISSION

Newark, Delaware, February 1, 1939

Honorable Edward W. Cooch, President
Delaware State Senate
Dover, Delaware

Dear Mr. Cooch:

I beg leave to transmit herewith two resolutions adopted by the Delaware Tercentenary Commission at a meeting held in Wilmington, Delaware, January 17, 1939. One resolution urges the naming of the State Park at "The Rocks": *Fort Christina State Park*, and the other resolution suggests the naming of March 29 as *Delaware Swedish Colonial Day*.

Very sincerely yours,

GEORGE H. RYDEN

*Corresponding Secretary,
Executive Committee*

RESOLUTION ADOPTED BY THE DELAWARE TERCENTENARY
COMMISSION, JANUARY 17, 1939

It was moved that the following resolution be adopted and spread upon the minutes and that copies thereof be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives of the State of Delaware:

WHEREAS, by an act of the General Assembly, Chapter 235 of Volume 41, Laws of Delaware, approved April 28, 1937, the State Highway Department was authorized and directed to acquire land at "The Rocks" on the Christina River in the City of Wilmington for the purpose of creating there a State Park to mark perpetually the place where the first Swedish settlers landed and the site of Fort Christina, the first permanent settlement in the State of Delaware as well as the first permanent settlement in the entire Delaware River Valley, and

WHEREAS, in said act no name was given to the proposed park, and

WHEREAS, said park was completed in the year, 1938, and a monument therein, modelled by the sculptor, Carl Milles, and presented to the people of America by the people of Sweden, was

dedicated on June 27, 1938, in the presence of the President of the United States, the Crown Princess Louise and Prince Bertil of the Kingdom of Sweden, the Foreign Minister of the Republic of Finland, the Governor of the State of Delaware, and many other distinguished guests,

BE IT RESOLVED, by the Delaware Tercentenary Commission at a meeting held in Wilmington, Delaware, on January 17, 1939, that the General Assembly be petitioned to enact a law, subject to the Governor's approval, naming the above-mentioned park: *Fort Christina State Park*.

RESOLUTION ADOPTED BY THE DELAWARE TERCENTENARY
COMMISSION, JANUARY 17, 1939

It was moved that the following resolution be adopted and spread upon the minutes and that copies thereof be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives of the State of Delaware:

WHEREAS, during the year, 1938, various celebrations were held throughout the State of Delaware under the auspices of the Delaware Tercentenary Commission, culminating in a State, National, and International celebration on June 27 in Wilmington, in commemoration of the founding on March 29, 1638, of the Colony of New Sweden and the establishment of the first permanent settlement in the State of Delaware as well as in the Delaware River Valley at "The Rocks" on the Christina River in the present city of Wilmington, and

WHEREAS, the State of Delaware in the same year created a park at "The Rocks," known as Fort Christina State Park, to mark perpetually the site of the first permanent settlement, and

WHEREAS, the Governor proclaimed March 29, 1938, as "Delaware Tercentenary Day," and

WHEREAS, it is very desirable to keep green the memory of the significance of the date, March 29, in the history of the State of Delaware,

BE IT RESOLVED, by the Delaware Tercentenary Commission, at a meeting held in Wilmington, Delaware, on January 17, 1939, that the General Assembly be petitioned to enact a law, subject to the Governor's approval, authorizing and directing the Governor to proclaim March 29 of each year in the future as "*Delaware Swedish Colonial Day*," so that the citizens of the State of Delaware may be reminded of the beginnings of the State in order that they may in whatever manner they may see fit commemorate the same.

Mr. Steele presented the following communication:

To the Senate of State of Delaware
David W. Steele, President Pro Tem of the Senate
Ocean View, Delaware

WHEREAS, There has been a bill introduced in the Legislature by Representative Henry M. Canby which would permit movie shows on Sunday;

BE IT RESOLVED, That we, the members of the W. C. T. U. and Bethel M. E. Church of Ocean View, wish to register our opposition against such a measure and go on record as asking the Legislature to defeat any measure which would permit movie pictures or theatrical performances for gain in the State of Delaware on Sunday.

[SIGNED]: William B. Johnson, Rebecca Johnson, Lillian H. Betts, Mame C. Evans, J. M. Evans, Chas. B. Williams, Annie D. Betts, Jennie M. Parsons, Minos J. Parsons, Georgia Rickards, Cassie Crowell, Mildred Cory, Nettie E. Hickman, Minnie Walston, Emma McCabe, Gladys Derrickson, Roland Cobb, Thomas E. Hickman, Maggie E. Evans, Ida M. Long, Clara B. Pusey, Isaac T. Short, David R. Montgomery, Earnest H. Crowell, G. F. McCabe, J. A. Rickards, Elsie Hickman, Georgia Johnson, Ethel Davidson, Dorothy Holt, Helen Kauffman, Elizabeth V. Derrickson, Kathryn Hickman, Zada Wilgus, Etta Lynch, T. E. Hickman, Jr., Harold P. Grant, Rosie L. Hill, William H. Betts, Sallie Adylotte, Francis Derrickson, Eva Derrickson, Clara Setman, Mattie Hudson, Thomas Hudson, Rev. W. S. Grant, Mrs. W. S. Grant, Cecile A. Steele.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 30, entitled:

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

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

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

House Bill No. 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.

And presented the same to the Senate.

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

House Concurrent Resolution No. 5, entitled:

Authorizing the Observance of Flag Week.

And presented the same to the Senate.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 31, entitled:

An Act appropriating certain money to the State Welfare Home, at Smyrna, Delaware.

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

Mr. Poore, on motion for leave, introduced Senate Bill No. 32, entitled:

An Act to amend Chapter 176 of the Revised Code of Delaware, 1935, relative to Alcoholic Liquor, Wines and Beer by providing for the Delaware Liquor Commission, which shall consist of four members and relative to the duties thereof and providing salaries therefor.

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

Mr. Gooden presented the following communication:

CAPITAL GRANGE, NO. 18

PATRONS OF HUSBANDRY

Dover, Delaware, January 27, 1939

To the President of the Senate
And its Members

Gentlemen:

I am instructed by Capital Grange, No. 18, to forward to your honorable body, the following resolution, approved by its members:

BE IT RESOLVED, That Capital Grange, No. 18, of Dover, go on record as opposed to the bill favoring Commercial Moving Pictures being shown in the State of Delaware on Sunday.

Yours truly,

[SEAL]

JOHN WIEDEMAN

Secretary

The Chair presented House Concurrent Resolution No. 5, entitled:

Authorizing the Observance of Flag Week.

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

The Chair presented House Bill No. 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 given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

On motion for leave, Mr. Heal introduced Senate Resolution No. 21, entitled:

SENATE RESOLUTION NO. 21

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

BE IT RESOLVED by the Senate, that the State Treasurer be and he is hereby authorized to pay to any member of the Senate and any attache or employee of the Senate, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total sum of One Hundred Fifty Dollars (\$150.00) to any one person,—any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this Session.

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

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

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

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Moody, Moore, Poore, Purnell, Sylvester, Mr. President Pro Tem—13.

NAYS—None.

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

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 3, 1939.

Motion prevailed.

TWENTIETH LEGISLATIVE DAY

February 3, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

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

Roll called.

Members Present — Abrahams, Brown, Clark, Derrickson, Gooden, Hannam, Heal, Moody, Moore, Poore, Purnell, Rinard, Simmons, Sylvester, Mr. President Pro Tem—15.

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

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Lieutenant-Governor Edward W. Cooch presiding.

Mr. Steele, 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 Senate favorably.

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

Mr. Rinard, on behalf of the Committee on Judiciary, to whom had been referred, 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 Senate favorably with Senate Substitute for Senate Bill No. 4.

PAUL R. RINARD
G. R. CLARK
W. J. POORE
B. F. SIMMONS
HAROLD W. T. PURNELL

Mr. Clark, on behalf of the Committee on Buildings and Highways, 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 Senate favorably.

G. R. CLARK
HAROLD W. T. PURNELL
BURTON S. HEAL
C. E. BROWN
FRANK MOODY

Mr. Clark, on behalf of the Committee on Buildings and Highways, 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 Senate favorably.

G. R. CLARK
HAROLD W. T. PURNELL
BURTON S. HEAL
C. E. BROWN
FRANK MOODY

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 6, 1939.

Motion prevailed.

TWENTY-FIRST LEGISLATIVE DAY

February 6, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

The President announced he is about to sign:

House Concurrent Resolution No. 4.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Steele presented the following communication:

THE UNITED STATES FLAG ASSOCIATION

WASHINGTON, D. C.

January 31, 1939

The Honorable Wilmer D. Steele, State Senator
The State House
Dover, Delaware

My dear Senator:

Our Executive Board is anxious to have the Legislature of your State, now in session, adopt the inclosed resolution indorsing the National Patriotic Revival described in the accompanying broadside, the immediate purpose of which is to promote National Unity, Patriotic Cooperation and Racial and Religious Tolerance.

Senator Townsend, who is interested in the work of The United States Flag Association, has recommended you as a fine, red-blooded, patriotic American, who, in his judgment, would be an ideal man to introduce and engineer the adoption of the resolution in the Senate.

I am, therefore, going to ask if you would be good enough to give us a helping hand in this patriotic undertaking by looking after the adoption by the Senate of the inclosed resolution, the wording of which you may, of course, change in such way as you may deem advisable.

IMPORTANT. May I ask that you please let us hear from you AT ONCE; for, if for any reason you are unable to grant our request, we would like to ask someone else we have in mind to do so.

Thanking you in advance for your cooperation in this patriotic undertaking, I beg to remain,

Very respectfully,

JAS. A. MOSS

*Colonel, United States Army,
Retired, President General*

P. S.—On the recommendation of Senator Townsend we are asking the Honorable Frank R. Zebley to engineer the adoption of the resolution by the House. May we ask that, in case of your acceptance of the service we are requesting, you please confer with him without delay?

J. A. M.

PROPOSED RESOLUTION

WHEREAS, The whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy; while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are combating one another; and

WHEREAS, Never before in the history of the Nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

WHEREAS, With the Stars and Stripes as its emblem The United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in FLAG WEEK, June 8th to 14th next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore, be it

RESOLVED by the Senate and the House of Representatives of the State of Delaware that they heartily indorse the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the State Commissioner of Public Instruction to arrange for the suitable observance of FLAG WEEK in all the public schools, and, secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during FLAG WEEK, and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

Mr. Clark, 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 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 Senate favorably.

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

On motion for leave, Mr. Heal introduced Senate Resolution No. 22, entitled:

SENATE RESOLUTION NO. 22

AUTHORIZING THE STATE LIBRARIAN TO FURNISH THE DOCUMENT CLERK WITH POSTAGE STAMPS.

BE IT RESOLVED by the Senate of the State of Delaware, in General Assembly met:

That the State Librarian be and she is hereby directed to deliver to the Document Clerk postage stamps in an amount up to and including One Hundred (\$100.00) Dollars.

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

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

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

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

NAYS—None.

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

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

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

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

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

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

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

NAYS—Mr. Sylvester—1.

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

Ordered to the House for concurrence.

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

House Bill No. 2, entitled:

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

And presented the same to the Senate.

On motion of Mr. Heal, 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.

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

Mr. Sylvester, on motion for leave, introduced Senate Amendment No. 1 to 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.

Mr. Heal moved that Senate Amendment No. 1 to House Bill No. 7 be placed in order to pass the Senate.

Motion prevailed.

Senate Amendment No. 1 to 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.

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

On the question, "Shall Senate Amendment No. 1 to House Bill No. 7 pass the Senate?"

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

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

YEAS—Messrs. Gooden, Moody, Moore, Poore, Sylvester—5.

NAYS—Messrs. Abrahams, Brown, Clark, Derrickson, Hannam, Heal, Hendricks, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—12.

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

On motion of Mr. Heal, 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.

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

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

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

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

NAYS—None.

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

Ordered returned to the House.

On motion of Mr. Clark, 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."

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

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

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

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

NAYS—None.

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

Ordered to the House for concurrence.

On motion of Mr. Clark, 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."

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

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

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

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

NAYS—None.

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

Ordered to the House for concurrence.

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

Resolution in reference 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 Senate.

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

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—11.

NAYS—Messrs. Derrickson, Gooden, Moody, Moore, Poore, Sylvester—6.

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

Ordered to the House for concurrence.

On motion of Mr. Moore, 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.

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

Mr. Moore moved that so much be considered the reading of Senate Bill No. 19.

Motion prevailed.

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

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

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

NAYS—None.

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

Ordered to the House for concurrence.

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

An Act authorizing acceptance of Burial Permits or authorizations as authority for transportation and disposal of bodies of deceased persons in this State.

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

Mr. Brown, on motion for leave, introduced Senate Bill No. 34, entitled:

An Act authorizing State Board of Examiners of Undertakers to grant licenses to duly licensed Funeral Directors and Undertakers of other States provided similar privileges are accorded to Undertakers licensed in this State.

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

Mr. Brown, on motion for leave, introduced Senate Bill No. 35, entitled:

An Act to amend Chapter 20, Revised Code of Delaware, 1935, as amended by Chapter 79, Volume 41, Laws of Delaware, 1937, relative to Insurance Department and providing additional requirements for Certificate of Authority.

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

The Chair presented House Bill No. 2, entitled:

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

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

Mr. Brown, on motion for leave, introduced Senate Bill No. 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 Finance.

On motion of Mr. Purnell, Senate Substitute for Senate Bill No. 4, entitled:

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

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

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

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

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

NAYS—None.

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

Ordered to the House for concurrence.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 37, entitled:

An Act appropriating money out of the State Treasury for the payment of certain claims against the State.

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 38, entitled:

An Act to provide a State wide Retirement System for Teachers in the Public Schools of the State, to provide for the regulation of said system, to define membership therein and the benefits payable thereunder, to provide funds therefor and to regulate the investment thereof, to provide for contributions thereto and for protection against fraud, to provide for the discontinuance of the Public School Teachers' Retirement Fund of the City of Wilmington and for the transfer of the assets of said fund to the Retirement System created by this Act and to make appropriations to cover the requirements of said system for the biennium commencing July 1, 1939.

Mr. Purnell moved that so much be considered the reading of Senate Bill No. 38.

Motion prevailed.

Mr. Poore moved that 500 copies of Senate Bill No. 38 be printed.

Motion withdrawn.

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

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 7, 1939.

Motion prevailed.

TWENTY-SECOND LEGISLATIVE DAY

February 7, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by the House Chaplain, Rev. Windsor.

Roll called.

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

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

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Lieutenant-Governor Edward W. Cooch presiding.

The Chair presented the following communication:

Marshallton, Delaware, January 30, 1939

To the Members of the Senate of the State of Delaware
Dover, Delaware

Dear Sirs:

In the regular monthly meeting of the ministers of the Ministers of the Wilmington District of the Wilmington Methodist Episcopal Conference the Reverend Ivanhoe Willis made a very favorable report as to your body's interest in working for the best welfare of the State and a resolution was passed by our association stating our interest in every effort to maintain high standards of legislation.

We especially urge our opposition to the Sunday Movie bill and also protest against any bills which in any way would liberalize the liquor laws of the State.

Respectively submitted,

THE MINISTERS OF THE WILMINGTON DISTRICT
OF THE WILMINGTON METHODIST EPISCOPAL
CONFERENCE

(Signed)

R. S. HODGSON, *Secretary*
CHAS. W. BRANFORD, *President*

The President announced he is about to sign:

House Bill No. 7.

Mr. Clark, on behalf of the Committee on Buildings and 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 Senate favorably with Senate Substitute for House Bill No. 30.

G. R. CLARK
CHARLES E. BROWN
BURTON S. HEAL
HAROLD W. T. PURNELL

Mr. Clark moved the adoption of Senate Substitute for House Bill No. 30.

On the question, "Shall Senate Substitute for House Bill No. 30 be adopted?"

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

YEAS — Messrs. Abrahams, Brown, Clark, Gooden, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—11.

NAYS—Messrs. Derrickson, Moody, Moore, Poore—4.

NOT VOTING—Messrs. Short, Sylvester—2.

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

MINORITY REPORT OF THE SENATE COMMITTEE ON
BUILDINGS AND HIGHWAYS WITH REGARD TO
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.

I, Frank Moody, a member of the Committee on Buildings and Highways, submit a minority report with regard to House Bill No. 30.

In my opinion the Bill should be reported unfavorably for the following reasons:

1. That it is an attempt to disrupt the orderly process of State Government.

2. That the Bill attempts to deprive the Chief Executive of his rightful obligations and privileges and substitute in lieu thereof the whim of the Legislature.

3. That the Highway Department, as now constituted, has given excellent service to the public and has greatly reduced the number of accidents among the traveling public.

4. That a careful examination of the terms of the bill fails to reveal any benefits to be derived by the State, its only object being to obtain control of the Highway Department for partisan rather than public advantage.

Respectfully submitted,

FRANK MOODY

*Member of Committee on
Buildings and Highways*

Mr. Clark, on behalf of the Committee on Buildings and Highways, 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 Senate favorably with Senate Substitute for House Bill No. 31.

G. R. CLARK
CHARLES E. BROWN
BURTON S. HEAL
HAROLD W. T. PURNELL

Mr. Clark moved the adoption of Senate Substitute for House Bill No. 31.

On the question, "Shall Senate Substitute for House Bill No. 31 be adopted?"

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—10.

NAYS—Messrs. Derrickson, Gooden, Moody, Moore, Poore—5.

NOT VOTING—Messrs. Short, Sylvester—2.

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

Mr. Sylvester moved that 500 copies of Senate Substitute for House Bill No. 30 and Senate Substitute for House Bill No. 31 be printed.

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

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

YEAS — Messrs. Derrickson, Gooden, Moore, Poore, Sylvester—5.

NAYS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Moody, Purnell, Rinard, Simmons, Mr. President Pro Tem—11.

NOT VOTING—Mr. Short—1.

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

Mr. Sylvester moved that the Senate Stenographer be instructed to type six copies of Senate Substitute for House Bill No. 30 and Senate Substitute for House Bill No. 31.

Motion prevailed.

MINORITY REPORT OF THE SENATE COMMITTEE ON
BUILDINGS AND HIGHWAYS WITH REGARD TO
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.

As a member of the Senate Committee on Buildings and Highways, I feel it my duty to submit a minority report unfavorable to House Bill No. 31 for the following reasons:

1. That the Bill proposes to take from the Secretary of State all duties relating to the registration, inspection and seizure of motor vehicles, and place them in the hands of a new official to be known as "Motor Vehicle Commissioner."

2. That such new office would be more expensive to the State with no benefits to be expected to compensate for the additional cost.

3. That it is obvious that the proposed change is solely for partisan advantage with no expectation of betterment of the service.

4. That it would be far better to conserve the resources of the State for the benefit of our necessary institutions, and the care of our citizens in distress, than to waste them on the creation of new and needless offices.

Respectfully submitted,

FRANK MOODY

*Member of Committee on
Buildings and Highways*

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 9, entitled:

SENATE CONCURRENT RESOLUTION NO. 9

BE IT RESOLVED by the Senate, the House of Representatives concurring therein:

That a Joint Session of the General Assembly of the State of Delaware be held on Monday, February 13, 1939, at two o'clock in the afternoon, to commemorate the birth of Abraham Lincoln.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate be authorized to appoint three members of the Senate, and the Speaker of the House of Representatives be authorized to appoint three members of the House of Representatives, to constitute a committee to arrange suitable program for the commemoration services.

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

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

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

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

NAYS—None.

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

Ordered to the House for concurrence.

The President Pro Tem appointed Messrs. Heal, Purnell and Sylvester to act as the Committee in accordance with Senate Concurrent Resolution No. 9, entitled:

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

Mr. Poore moved that 500 copies of Senate Bill No. 38 be printed.

Motion prevailed.

Mr. Heal, on motion for leave, introduced Senate Bill No. 39, entitled:

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

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

Mr. Heal, on motion for leave, introduced Senate Bill No. 40, entitled:

An Act authorizing and directing the State Treasurer to pay out of the State Highway Fund upon warrants signed by the Motor Vehicle Commissioner, such sum or sums as shall be necessary to defray the expenses of the Annual Motor Vehicle Inspection Campaign, not to exceed in the aggregate, the sum of Ten Thousand Dollars (\$10,000.00) per year.

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

Mr. Heal, on motion for leave, introduced Senate Bill No. 41, entitled:

An Act authorizing and directing the State Treasurer to pay out of the State Highway Fund any appropriation that may hereafter be made for the operation and maintenance of the Motor Vehicle Department of the State of Delaware.

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

Mr. Hannam, on behalf of the Committee on Finance, 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 Senate favorably.

H. M. HANNAM
PAUL R. RINARD
B. F. SIMMONS
HAROLD W. T. PURNELL
JENNINGS H. MOORE

Mr. Hannam, on behalf of the Committee on Finance, to whom had been referred, Senate Bill No. 10, entitled:

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

Reported the same back to the Senate favorably.

H. M. HANNAM
PAUL R. RINARD
B. F. SIMMONS
HAROLD W. T. PURNELL
JENNINGS H. MOORE

Mr. Derrickson, on motion for leave, introduced Senate Bill No. 42, entitled:

An Act relative to the Regulation of Hours of Employment for Males.

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

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 8, 1939.

Motion prevailed.

TWENTY-THIRD LEGISLATIVE DAY

February 8, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

Mr. Heal moved that the Senate recess until 2:30 o'clock P. M.

Motion prevailed.

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

Senate met at expiration of recess.

Mr. Rinard moved that Senate Bill No. 37, entitled:

An Act appropriating money out of the State Treasury for the payment of certain claims against the State.

Be stricken from the Calendar.

Motion prevailed.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 43, entitled:

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

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

Mr. Poore, on motion for leave, introduced Senate Bill No. 44, entitled:

An Act to amend Chapter 165 of the Revised Code of Delaware, 1935, as amended, by providing registration of Motor Vehicles shall expire on March Thirty-first of each year and renewal shall take effect on the first day of April in each year.

Mr. Poore moved that so much be considered the reading of Senate Bill No. 44.

Motion prevailed.

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

On motion of Mr. Brown, Senate Bill No. 36, entitled:

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

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

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

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

YEAS—Messrs. Abrahams, Brown, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Sylvester—14.

NAYS—None.

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

Ordered to the House for concurrence.

On motion of Mr. Rinard, Senate Bill No. 10, entitled:

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

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

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

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

YEAS—Messrs. Abrahams, Brown, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons, Sylvester—14.

NAYS—None.

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

Ordered to the House for concurrence.

Mr. Schroeder, Clerk of the House, being admitted, informed the Senate that the House had not concurred in the following:

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.

And returned the same to the Senate.

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

Senate Concurrent Resolution No. 9, entitled:

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

And returned the same to the Senate.

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

Senate Concurrent Resolution No. 7, entitled:

Relative to Federal Tax on Motor Fuels and Lubricating Oils.

And returned the same to the Senate.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 9, 1939.

Motion prevailed.

TWENTY-FOURTH LEGISLATIVE DAY

February 9, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem David W. Steele presiding.

Prayer by Acting Chaplain, Rev. Stanley Grant.

Roll called.

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

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

Motion prevailed.

On motion of Mr. Clark, 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.

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

Mr. Sylvester, at the conclusion of the reading of Section No. 2 of Senate Substitute for House Bill No. 30, offered Senate Amendment No. 1 to Senate Substitute for House Bill No. 30.

The Clerk proceeded to read Senate Amendment No. 1 to Senate Substitute for House Bill No. 30.

Mr. Hannam moved that Senate 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 Senate Amendment No. 1 to Senate Substitute for House Bill No. 30 be laid on the table?"

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

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—11.

NAYS—Messrs. Gooden, Moore, Poore, Sylvester—4.

So the question was decided in the affirmative and the motion having received the required constitutional majority, was adopted, and Senate Amendment No. 1 to Senate Substitute for House Bill No. 30 was laid on the table.

Mr. Sylvester offered Senate 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 by the Clerk.

Mr. Sylvester moved that Senate Amendment No. 2 to Senate Substitute to 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 taken up for consideration in order to pass the Senate.

Motion prevailed.

On the question, "Shall Senate Amendment No. 2 to Senate Substitute for House Bill No. 30 pass the Senate?"

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

YEAS—Messrs. Derrickson, Gooden, Moore, Poore, Sylvester—5.

NAYS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Mr. President Pro Tem—9.

NOT VOTING—Mr. Simmons—1.

So the question was decided in the negative and Senate Amendment No. 2 to Senate Substitute for House Bill No. 30, not having received the required constitutional majority, was lost.

"On the question," Mr. Abrahams rose to a point of order during the discussion of Senate Substitute for House Bill No. 30 by Mr. Derrickson, pointing out that Mr. Derrickson was far afield from the discussion of Senate Substitute for House Bill No. 30.

On the question, "Shall Mr. Derrickson be declared out of order?"

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—10.

NAYS—Messrs. Derrickson, Gooden, Poore—3.

NOT VOTING—Messrs. Moore, Sylvester—2.

So the question was decided in the affirmative and so Mr. Derrickson was declared out of order.

Mr. Rinard "on the question" on Senate Substitute for House Bill No. 30, presented the following statement:

STATE HIGHWAY DEPARTMENT

ANALYSIS OF GARAGE PAYROLL COSTS

New Castle County

Month	1938		1937		1936	
	No. of Men	Amount	No. of Men	Amount	No. of Men	Amount
August	7	\$813.00	5	\$525.45	6	\$671.95
September	8	930.50	5	559.44	4	518.00
October	8	1,075.05	6	685.90	5	613.55
November	8	915.40	5	543.30	5	499.30
<i>Grand Totals</i> . . .	31	\$3,733.95	21	\$2,314.09	20	\$2,302.80
<i>Average Monthly Totals</i>	8	\$933.49	5	\$578.52	5	\$575.70

Kent County

Month	1938		1937		1936	
	No. of Men	Amount	No. of Men	Amount	No. of Men	Amount
August	13	\$1,446.28	7	\$820.00	7	\$763.10
September . . .	12	1,368.60	7	820.00	7	780.60
October	12	1,338.41	7	820.00	7	805.20
November . . .	11	1,184.10	7	820.00	7	762.00
<i>Grand Totals.</i> .	48	\$5,337.39	28	\$3,280.00	28	\$3,110.90
Average Monthly Totals	12	\$1,334.35	7	\$820.00	7	\$777.72

Sussex County

Month	1938		1937		1936	
	No. of Men	Amount	No. of Men	Amount	No. of Men	Amount
August	6	\$626.25	5	\$553.30	4	\$413.25
September . . .	6	619.80	5	539.20	4	438.00
October	6	725.80	5	612.75	6	668.50
November . . .	6	627.60	5	503.45	6	546.05
<i>Grand Totals.</i> .	24	\$2,599.45	20	\$2,208.70	20	\$2,065.80
Average Monthly Totals	6	\$649.86	5	\$552.18	5	\$516.45

Mr. Heal requested a roll call 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.

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

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—10.

NAYS—Messrs. Derrickson, Gooden, Moore, Poore, Sylvester—5.

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

Ordered to the House for concurrence.

Mr. Heal moved a reconsideration of 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.

Mr. Hannam moved that the motion to reconsider 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 laid on the table.

Mr. Heal requested a roll call.

On the question, "Shall the Motion to reconsider the vote on Senate Substitute for House Bill No. 30 be laid on the table?"

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—10.

NAYS—Messrs. Derrickson, Gooden, Moore, Poore, Sylvester—5.

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

On motion of Mr. Clark, 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.

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

At the conclusion of the reading of Section No. 1 of 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.

Mr. Sylvester offered Senate Amendment No. 1 to 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 read by the clerk.

Mr. Hannam moved that Senate Amendment No. 1 to 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.

Be laid on the table.

Mr. Heal requested a roll call.

On the question, "Shall Senate Amendment No. 1 to Senate Substitute to House Bill No. 31 be laid on the table?"

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—10.

NAYS—Messrs. Derrickson, Gooden, Moore, Poore, Sylvester—5.

So the question was decided in the affirmative and the motion having received the required constitutional majority, was adopted, and Senate Amendment No. 1 to Senate Substitute for House Bill No. 31 was laid on the table.

Mr. Heal requested a roll call on 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.

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

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

YEAS—Messrs. Abrahams, Brown, Clark, Hannam, Heal, Hendricks, Purnell, Rinard, Simmons, Mr. President Pro Tem—10.

NAYS—Messrs. Derrickson, Gooden, Moore, Poore, Sylvester—5.

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

Ordered to the House for concurrence.

Mr. Heal moved a reconsideration of the vote on 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.

Mr. Hannam moved that the motion to reconsider the vote on 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.

Be laid on the table.

Mr. Heal requested a roll call.

On the question, "Shall the Motion to reconsider the vote on Senate Substitute for House Bill No. 31 be laid on the table?"

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

YEAS—Messrs. Abrahams, Brown, Clark, Gooden, Hannam, Heal, Hendricks, Poore, Purnell, Rinard, Simmons, Mr. President Pro Tem—12.

NAYS—Messrs. Derrickson, Moore, Sylvester—3.

So the question was decided in the affirmative and the motion having received the required constitutional majority, was adopted, and the motion to reconsider the vote on Senate Substitute for House Bill No. 31 was laid on the table.

Mr. Heal moved that the Senate recess until 3 o'clock P. M.

Motion prevailed.

Same Day, 3 o'clock P. M.

Senate met at expiration of recess.

Lieutenant-Governor Edward W. Cooch presiding.

Mr. Abrahams presented the following communication:

WILMINGTON CHAPTER NO. 1 DISABLED AMERICAN
VETERANS OF WORLD WAR
COLUMBUS HALL—309 WALNUT STREET
WILMINGTON, DELAWARE

Senator Edward Abrahams, Jr.
State Legislature, Dover, Del.

Dear Senator:

I am sending a resolution, prepared by Wilmington Chapter No. 1, D. A. B. of W. W., that the Wilmington Chapter would like to have adopted at this session of the State Legislature.

Very respectfully,

(Seal)

WILLIAM A. GILLESPIE
Chairman Legislative Committee

RESOLUTION

We, the members of the Wilmington Chapter, No. 1, Disabled Veterans of World War, assembled at a meeting held at Columbus Hall, 309 Walnut Street, Wilmington, Delaware. By unanimous vote: That the State Legislature appropriate the sum of \$1,000.00 for use of Memorial Day Exercises, Armistice Day Exercises for Decoration of the Graves of our Deceased Comrades. Whereas, the other Veteran Organizations are receiving the State appropriations and are able to carry on.

WHEREAS, We, the members of the Wilmington Chapter, No. 1, Disabled American Veterans of World War, have been for the past eight and one half years working under a great financial strain,

THEREFORE, BE IT RESOLVED: That we, the members of the Wilmington Chapter, No. 1, Disabled American Veterans of the World War on the 7th day of February, 1939, ask that the State Legislature enact into law the appropriation of \$1,000.00 for The Wilmington Chapter, No. 1, Disabled American Veterans of the World War.

The Wilmington Chapter, No. 1, Disabled American Veterans of World War is a Congressional organization.

(Signed)

WILLIAM A. GILLESPIE

(Seal)

Legislative Chairman

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 45, entitled:

An Act to amend Article I of Chapter 60, Revised Code of Delaware, 1935, relating to General Elections, Defaced Ballots.

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

The President announced he is about to sign:

Senate Concurrent Resolution No. 7.

Senate Concurrent Resolution No. 9.

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 46, entitled:

An Act to amend Article I of Chapter 60, Revised Code of Delaware, 1935, relating to General Elections.

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

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 47, entitled:

An Act to amend Article I of Chapter 60, Revised Code of Delaware, 1935, relating to General Elections.

Mr. Sylvester moved that so much be considered the reading of Senate Bill No. 47.

Motion prevailed.

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

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 48, entitled:

An Act to amend Article I of Chapter 60, Revised Code of Delaware, 1935, relating to General Elections; Kind of Ballot.

Mr. Sylvester moved that so much be considered the reading of Senate Bill No. 48.

Motion prevailed.

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

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

House 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.

And presented the same to the Senate.

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

Senate Concurrent Resolution No. 8, entitled:

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

And returned the same to the Senate.

Mr. Sylvester, on motion for leave, introduced Senate Bill No. 49, entitled:

An Act to amend Article 5 of Chapter 60, Revised Code of Delaware, 1935, relating to General Elections; Absentee Ballot.

Mr. Sylvester moved that so much be considered the reading of Senate Bill No. 49.

Motion prevailed.

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

Mr. Hannam, on motion for leave, introduced Senate Bill No. 50, entitled:

An Act directing the State Highway Commission to provide for Lighting of Streets and Highways within the limits of any Town or Municipality or thickly settled rural section of this State forming a part of a continuous road or highway.

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

Mr. Rinard, on motion for leave, introduced Senate Bill No. 51, entitled:

An Act to amend Chapter 20 of the Revised Code of Delaware, 1935, as amended by Chapter 80, Volume 41, Laws of Delaware, defining Mutual Benefit Association; prohibiting organization of new Mutual Benefit Associations; existing Mutual Benefit Associations obtaining new certificates of authority; guaranty fund; how constituted; benefit fund, how created, uses of; Certificates of Membership, approved by Insurance Commissioner, conditions thereto; schedule of benefits, age limitation; doing business in and outside State; agreement, how constituted; general powers and duties of Insurance Commissioner; annual statements; fees, paid to whom, when; investments, how made; mergers, how effected; violations and penalties.

Mr. Rinard moved that so much be considered the reading of Senate Bill No. 51.

Motion prevailed.

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

Mr. Rinard, on motion for leave, introduced Senate Bill No. 52, entitled:

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

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

On motion for leave, Mr. Heal introduced Senate Resolution No. 23, entitled:

SENATE RESOLUTION NO. 23

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

BE IT RESOLVED, by the Senate, that the State Treasurer be and he is hereby authorized to pay to any member of the Senate and any attache or employee of the Senate, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total sum of Two Hundred Dollars (\$200.00) to any person, any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this Session.

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

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

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

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

NAYS—None.

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

Mr. Heal, on motion for leave, introduced Senate Bill No. 53, entitled:

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

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

Mr. Steele, on motion for leave, introduced Senate Bill No. 54, entitled:

An Act to amend Chapter 212, Volume 25 of the Laws of Delaware, being entitled "An Act to incorporate the Town of Bethany Beach and give it authority to issue bonds by amending Sections 4 and 12 of the said Chapter.

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

Mr. Steele, on motion for leave, introduced Senate Bill No. 55, entitled:

An Act to authorize the Commissioners of the Town of Bethany Beach to borrow Thirty Thousand Dollars (\$30,000.00) to redeem outstanding bonds and to pay for certain improvements in the Town of Bethany Beach.

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

Mr. Clark, on motion for leave, introduced Senate Bill No. 56, entitled:

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

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

The Chair presented House Bill No. 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 given first and second reading, the second by title only, and referred to the Committee on Public Health.

The President presented the following communication:

THE DELAWARE CHAPTER OF THE NATIONAL
SOCIETY OF DAUGHTERS OF FOUNDERS AND
PATRIOTS OF AMERICA

The Delaware Chapter of the National Society of Daughters of Founders and Patriots of America at a special meeting on Wednesday morning, February 8, adopted the following:

RESOLVED, That this Society petition the Legislature to confirm and endorse the use of the Blue Hen's Chicken as the State bird. This has been accepted historically and sentimentally by authors, poets, and legislators. The "Blue Hen's Chickens" has been the proud cognomen of native sons and daughters for one hundred and sixty-six years.

FURTHER RESOLVED, That a copy of this resolution be sent to the Governor of the State, President of the Senate, Speaker of the House of Representatives, and the Game Warden Commissioner, as well as the newspapers of the State.

February 8, 1939.

(Signed)

E. B. COOCH, *President*

H. H. RUMFORD, *Secretary*

A. T. LINCOLN, *Historian*

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 10, 1939.

Motion prevailed.

TWENTY-FIFTH LEGISLATIVE DAY

February 10, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

Mr. Abrahams presented the following communication:

DELAWARE AVENUE-BETHANY BAPTIST CHURCH
DELAWARE AVENUE AND WEST STREET
WILMINGTON, DELAWARE

Special Delivery

February 9, 1939

Edward Abrahams, Jr., Senator
Dover, Delaware

Dear Mr. Abrahams:

Our organization was among the very first to draw up a petition with approximately three hundred (300) signers, expressing our vote against any measure which would make Sunday movies permissible in our State. This petition was mailed to Mr. Zebley, the Speaker of the House.

Again Wednesday night, with over one hundred fifty (150) members present, we discussed the matter with a result that the body was unanimous in their feeling that we ought to again voice our protest against the Sunday movies bill.

We can see absolutely no benefit that could be derived from the passing of such a bill, where on the other hand, we feel that it would be a step toward undermining the principles which are foundational in maintaining the civic well-being of our State.

This letter written by order of the Delaware Avenue-Bethany Baptist Church.

THELMA M. CANNON, *Secretary*
PHILIP R. LICALZI, *Pastor*

The President announced he is about to sign:

Senate Concurrent Resolution No. 8.

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

Motion prevailed.

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

Senate met at expiration of recess.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 57, entitled:

An Act to repeal Article 12 of Chapter 70 of the Revised Code of Delaware, 1935, relating to the Delaware Commission for the Feeble-Minded, and to enact a new Article in lieu thereof establishing a Commission for the Mentally Deficient.

Mr. Purnell moved that so much be considered the reading of Senate Bill No. 57 and that 500 copies be printed.

Motion prevailed.

Mr. Rinard presented the following report with the request that it be read and spread on the Journal:

REPORT OF COMMITTEE ON INVESTIGATION OF
ACTIVITIES OF DELAWARE COLONY OF DELA-
WARE COMMISSION FOR FEEBLE-MINDED,
STOCKLEY, DELAWARE

The Committee appointed by the Senate to investigate conditions at the Delaware Colony for the Feeble-Minded has held during its existence numerous meetings and has assiduously attempted to determine the real causes for the apparent unrest at the said Colony. The Committee in doing this has conscientiously called before it every person who came to the attention of the Committee as being interested in the welfare of the Colony, and who professed to know anything pertaining to the administration of affairs at the Colony, regardless of whether or not any person was inclined to be favorable or unfavorable in his or her disposition toward the authorities at the said Colony.

In the course of the investigation every member of the Board of Commissioners of the Colony has been before the Committee at least once and in many instances twice; in addition to this testimony from members of the Commission, there have been numerous communications from members of the Commission, copies of which communications have been furnished each member of the Committee.

The Committee is of the opinion that the first unrest in the affairs of the Colony began to evidence itself shortly after the appointment of the present Board which took place for most part in May, 1937. Insofar as the Committee has been able to ascertain, prior to that time the administration of the Colony was in complete harmony with the entire Board of Commissioners; but soon after the induction of the new Board, criticism of the management of the Colony arose on the part of certain members of the Commission and drastic changes were recommended and insisted upon by a minority of the Board.

The questions which were the sources of the great differences of opinion revolved principally around the advisability of placing a psychiatrist in the Colony as the governing authority and with the resulting question as to what place the Superintendent should occupy in the administration of the Colony. It has been apparent, almost from the beginning of the investigation, that a minority of the Board of Commissioners were intent upon displacing the present Superintendent in the government of the

Colony by the introduction of a psychiatrist; and in fact, the Committee found that for a short duration of time this aggressive minority succeeded in placing a psychiatrist in the Colony with powers that for all intents and purposes were paramount to those of the Superintendent despite the fact that the statute governing this point in the Revised Code of Delaware, 1935, specifically provides that the Superintendent shall be the governing head of the Colony.

In fairness to the majority of the Board of Commissioners it may be said in this connection that they acceded to this with a great deal of reluctance but were willing to concede it a trial in an effort to see if the Colony could be benefited.

However, according to the testimony of nearly every employee at the Colony, the effect of introducing this psychiatrist was an almost complete break-down in the morale and discipline of the institution. The attendants and employees were perplexed and distraught by conflicting orders and there was a marked let-down in the discipline of the patients.

The Committee feels that the employment of the psychiatrist was ill-advised for several reasons:

First—The total compensation which it was agreed to be paid for the psychiatrist amounted to almost one-seventh (1/7) of the entire wages and salaries budget of the Colony, and in this sense was extremely extravagant.

Second—Even if it had been found necessary to employ a psychiatrist after a due and lengthy deliberation upon the matter, his actual employment should have been delayed until it was definitely determined whether or not the salary budget for the coming biennium would have permitted his employment.

The Committee has found upon communication with heads of institutions located in New Jersey, similar to the Delaware Colony, among which the well-known Vineland Training School was one, that they do not recommend nor have in their employ a psychiatrist, but contend that the principal field for this type of specialist is for institutions of the mentally deranged or diseased and not for the school of feeble-minded. The Committee as part of its report, herewith includes two letters: one from George B. Thorn, Superintendent of the Vineland State School at Vineland, New Jersey, and one from Professor E. R. Johnstone, Director of the Training School at Vineland, New Jersey.

January 7, 1939

Hon. Paul R. Rinard, Chairman
Senate Investigating Committee
State House
Dover, Delaware

Dear Senator Rinard:

I hope you received my telegram that I was ill and this letter will not be too late to answer some of the questions you desired to present to your Committee.

I would not recommend a psychiatrist as the head of an institution for the mentally retarded. Their training is very apt not to be on a business or administrative basis and in addition their training stresses insanity rather than feeble-mindedness. These two mental conditions are vastly different and can not be treated alike.

I think it is very undesirable for a psychiatrist to spend his time on matters of administration especially in an institution for the mentally retarded. There are so many larger things for him to do in the psychiatric field in connection with work for the insane.

As I understand it you have a very good Mental Hygiene Clinic already available for emergency cases that might arise within your institutional population.

The Superintendent of the Institution should be the supreme authority. He should be the person to oversee the care, training, educational and occupational work and should direct the work of the medical and psychological department. However, he should have responsible people as heads of these departments to see that the work is properly carried on.

The feeble-minded child requires good physical care, training and recreational activities suitable to their mental range. If these are provided properly you will usually find a happy group.

You mentioned in the last paragraph of your letter about the possibility of me coming over to Wilmington at some time. I will be very glad to help you at any time without any charge whatever.

I hope that this letter will help you and you will feel free to write me again if I can be of any further assistance to you.

Very truly yours,

(Signed) GEO. B. THORN
Superintendent

December 30, 1938

Honorable Paul R. Rinard, Chairman
Senate Investigating Committee
State House
Dover, Delaware

Dear Senator Rinard:

I am very glad indeed to reply to yours of the 28th.

First of all, may I answer your hypothetical question. Under such conditions I certainly would not employ the money in purchasing the services of a psychiatrist, but would use as much as necessary to secure attendants and trainers for the direct care and benefit of the children.

Second, if I should employ a psychiatrist in the institution, he would, of course, be subordinate to the superintendent.

In our State and here at the Training School, the services of expert psychiatrists are available from the State Hospitals for Mental Disease, by the mere asking. The service is prompt, efficient and entirely satisfactory. I cannot see at all the need of a full time psychiatrist in an institution for mental deficient. Indeed I think it would be a waste of time for a good psychiatrist to attempt to put in his days either finding psychiatrist activities or doing administrative work. In our own institution and others of similar kind in New Jersey, the psychiatrists are called as needed from State Mental Hospitals, very much as you might do or perhaps are doing, in Delaware. At the head of our Research Department is a psychologist who is responsible for the clinical and research work of the institution, but he, too, is responsible to the superintendent.

I have been more or less familiar with the work of the Delaware Colony since its inception and have known Mr. Ennis since he went there. I think you would be losing an excellent man if something should happen to take him away from the Colony. He has been, for a number of years, a member of our Feeble-minded Club, as it is called, which meets semi-annually for the discussion of problems relating to institutions for the feeble-minded. He has been an active member and contributed wisely to the discussions, having real ideas as to administration. He should not be dismissed or forced to resign—he is too good a man and they are rare enough.

In general I might call attention to the fact that these institutions are *schools* for the feeble-minded and have been since the beginning, and training has been by far their most important function. The problem is really an educational and sociological one first.

I shall be very glad to answer any specific questions that you may wish to ask. I am leaving tomorrow and am compelled to be away a month or six weeks, but if you write me the folks here will know where to reach me and I shall answer as promptly as possible. I trust this matter will all be satisfactorily cleared up by the time I return home, but if not, and you wish me to meet with some of you in Wilmington, I shall be glad to do so without charge for expenses or other compensation.

Yours very truly,

(Signed) E. R. JOHNSTONE

The Committee might add that in connection with these letters, that Professor Johnstone is recognized not only in America, but abroad as one of the leading exponents, if not the leading exponent, in the field of study of the feeble-minded and mentally retarded. These letters were in answer to a hypothetical question put to these gentlemen as to whether or not if an institution such as Delaware Colony had a limited amount of money to spend for the services of some specialist, they would advise the appointment of a psychiatrist with what money they had available, or would they use the money for some other program, and these letters hereinbefore set forth are the resulting answers.

It is to be noted, however, that some state institutions, notably in Pennsylvania, are headed by psychiatrists. The Committee further feels that the expenditure for a psychiatrist was unjustified in view of the fact that the State of Delaware is now supporting out of its budget a staff of psychiatrists and psychologists for the Delaware State Hospital for The Insane at Farnhurst, and that this institution maintains an excellent Mental Hygiene Clinic, the services of which are available to any other State institution which may desire them. We feel that the only use for a psychiatrist in connection with the Delaware Colony is to make a clinical examination to determine whether or not the patient is a psychotic case or a case of feeble-mindedness. This, of course, should be done for the purpose of classification; but as the two authorities from New Jersey have so well stated, the Committee feels that the problem at the Delaware Colony for the Feeble-minded is one of education and training rather than treatment of psychiatric nature.

In connection with expenditures at the Colony the Committee feels that the investment in an X-ray Machine and the employment of a technician in connection with the operation of the X-ray Machine was again an expenditure which was not justified, in view of the fact that the Committee feels that the X-ray examinations and clinical tests can be made by the other State institutions and the State Board of Health at a cost that will be

far less to the State than the maintenance of a unit which would be a mere duplication of ones already in existence and maintained out of State funds. Again the Committee feels that they should report that the purchase of the X-ray machine and the hiring of the technician was against the wishes of the majority of the Board of Commissioners, but was done by them in deference to the insistence of an aggressive minority of the Board. The Committee very definitely feels that expenditures should not be made when they constitute a duplication of expenditures made by the State in some other institution which can very well render the same service to the Colony, free of charge.

The tendency of all State institutions today, particularly those in the nature of welfare, is toward a duplication of effort and a duplication of expense in the same problems, and the Committee feels very strongly that any action taken by it to curb an inclination in this direction is well justified.

It is the opinion of the Committee that the medical care accorded to the patients at the Delaware Colony under the state of affairs as found by the present Commission upon its being inducted into office was ample and sufficient although it might have been improved upon in a matter of records and statistical compilation. The Colony had apparently been receiving capable and conscientious attention from the physician who was charged with the well-being of the patients and who was paid a very modest compensation for so doing.

Principal among the causes prompting the appointment of this Committee were the rumors and indirect reports of mistreatment of the patients at the Colony. The Committee has particularly devoted a great deal of time and effort to ascertain the verity or falsity of these rumors. Nearly every attendant at the Colony has been interviewed and cross-examined extensively on this subject. On one occasion during which the Superintendent and all of the higher administrative officials were absent from the Colony attending a Board of Commissioners meeting, the Committee paid a visit to the Delaware Colony unannounced and without the Colony knowing that such a visit was intended. This visit lasted from 2:00 o'clock in the afternoon until nearly 7:00 o'clock. On this visit all the cottages at the Colony were inspected. The Committee found the entire institution, insofar as sanitary conditions were concerned to be immaculate and beyond reproach.

On this same visit the Committee interviewed representative groups of the patients from nearly every cottage. These patients were examined and cross-examined carefully and thoroughly by the Committee. They were questioned as to their treatment, as to the comfort of their quarters, and as to the

sufficiency and quality of their food. Almost without exception, the testimony of the children was to the effect that no one mistreated them; that they were on the other hand treated with kindness and consideration; that they were comfortably cared for; and that the food was excellent. Each patient upon being questioned on this latter point almost invariably told about how many pounds he or she had gained and as to how fine the food really was that they were getting.

The Committee did find some evidence of where children had been punished by corporal punishment and in fact encountered one instance which seemed to have been quite a lively bout between two of the patients and one of the employees. However; in almost all instances of where there had been mistreatment of a patient by an employee, the patient invariably told us that the employee who had been guilty of such a breach of the Superintendent's standing order was no longer at the Colony but had been dismissed. The Committee does not feel that any institution of the nature of Delaware Colony could maintain a reasonable discipline and control of the children entrusted to its care without there being occasionally some corporal punishment. The Committee feels that in all instances any punishment meted out was no stronger than the case required and no different from that which a parent would accord his or her own children.

The character of most of the complaints that have been investigated by this Committee have been, in a great majority of instances, based upon hearsay. One of the most vigorous complaints lodged with the Committee was by a woman whose child is a patient at the Colony. She, however, had not a thing to go on, except hearsay, and the Committee could attach no real significance to her testimony, no part of which was of her own knowledge.

Rumors have also been brought to this Committee concerning the immoralities alleged to have been committed in the Delaware Colony. Instances of sex relationships among the patients were found, but in considering the fact that a great many of the patients of Delaware Colony are over-sexed, it is only reasonable to believe that in the course of human conduct, particularly where the oversexed individual is mentally retarded that a certain percentage of sexual irregularities can not be avoided. The question of sexual irregularities is a trying problem in any institution, and when the situation is accentuated by a low-mentality it is only human that one should expect such occurrences. The Committee, however, feels that these irregularities were confined to the patients themselves, and that such irregularities were of rare occurrence, and not at all of the character or frequency that has been rumored. On the other hand, the Commit-

tee believes that every safeguard has been thrown around the patients to preclude this very thing and that no criticism should be made of the administration in this respect.

Criticisms also have been made concerning the business administration of the Colony. Insofar as this Committee was able to ascertain the administration of Delaware Colony has tried to conduct its affairs particularly that of purchasing of supplies in accordance with the law governing the same. Evidence was presented to the Committee, however, to the effect that certain members of the Commission did sell to the Colony certain of its necessary supplies which practices no matter how honestly and above-board it may have been done, this Committee wishes to condemn inasmuch as the Committee feels that no Commissioner of any institution, inasmuch as he occupies the position of trustee and is in a fiduciary relationship, should expose himself to possible criticism for making any sale to the institution of which he is a trustee.

This Committee, therefore, is solidly of the opinion that the unrest and uncooperative spirit between the administrative head of the Colony and the Commissioners of the Colony will not be allayed so long as the character of the Board of Commissioners continues as it now is. The Committee feels that since the Board of Commissioners is divided so strongly among themselves that there will never be any lasting accord achieved so long as the present Commission continues in office. This is not only highly unsatisfactory to the Board of Commissioners themselves; but worse than that, it is reflected in the morale and spirit of the entire institution. The Committee also feels that the statutes applying to the administration and governing of the Delaware Colony should be revised and modernized. This Committee has, therefore, undertaken to prepare new statutes pertaining to the government of this Colony which include the abolishment of the present Board of Commissioners in toto and for the appointment of a new Board. In conjunction with the creation of a new Board, the laws pertaining to the institution itself are also recommended to be changed.

The Committee as a whole wishes to inform the Senate that this investigation has in no way assumed a political aspect, nor has politics in any way entered into the activities of the Committee, but on the contrary the Committee has tried to interest itself in one thing only and that is a better administration of the Colony and the furtherance of the welfare of the patients of the Colony. The Committee thought it advisable to place itself on record in this respect regarding the possible criticism that this investigation was of the political nature. The Committee feels that it is unfortunate that the Governor politically unbalanced his Commission by the appointment of eight (8) members

of one party, although the statute on this subject very specifically states that the appointments shall be as equally divided between the two major parties as is possible. However, it is apparent that since the division on the Board of Commissioners has been almost invariably five to four that politics were in no way a persuading factor in anything that the Commission undertook to do, and the Committee at no time in its investigation has felt otherwise about this matter.

This report is respectfully submitted to the Senate by the Committee with the hopes that the Legislature will see fit to adopt the new statutes as recommended by the Committee and which will subsequently be submitted to the Legislature.

(Signed) PAUL R. RINARD
 (Signed) HAROLD W. T. PURNELL
 (Signed) BENJAMIN F. SIMMONS
 (Signed) BURTON S. HEAL
 (Signed) FRANK MOODY

The Sergeant-at-Arms reported the Secretary of State, who on being admitted, delivered the following message from the Governor:

STATE OF DELAWARE
 EXECUTIVE DEPARTMENT

February 8, 1939

To the Honorable, the Members of
 The Senate,
 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 cooperation 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 duPont Company ferry carries approximately 400,000 foot passengers, 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% 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% 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% providing the toll rates are cut approximately in half. For the purpose of preliminary estimates hereinafter submitted, we are applying a forecast of 20% 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 business men, 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 75c 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 70c per unit, (including vehicle passengers), and if the vertical increase in traffic upon opening should amount to not more than 20%, 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 annum. Applying the estimate of 1,500,000 vehicle crossings by 1942, plus a 20% vertical increase upon opening the tunnel, times 70c 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% 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% 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 the 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. Gooden moved that Senate Bill No. 20, entitled:

An Act to amend Chapter 4 of the 1935 Revised Code of the State of Delaware in relation to the State House by changing the days and hours during which the State House shall be kept open.

Be stricken from the Calendar.

Motion prevailed.

The Chair announced that Senate Bill No. 57, entitled:

An Act to repeal Article 12 of Chapter 70 of the Revised Code of Delaware, 1935, relating to the Delaware Commission for the Feeble-Minded, and to enact a new Article in lieu thereof establishing a Commission for the Mentally Deficient.

Had been referred to the Committee on Miscellaneous.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 58, entitled:

An Act making it unlawful to operate a steam generating boiler, using wood, coal, or coke for fuel unless equipped with an effective spark arresting device; defining an effective spark arresting device, 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 Miscellaneous.

Mr. Purnell, on motion for leave, introduced Senate Bill No. 59, entitled:

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

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 60, entitled:

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

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 61, entitled:

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

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 62, entitled:

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

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

Mr. Rinard presented for reading and spreading on the Journal the following communication:

Middletown, Delaware, February 9, 1939

Senator Paul Rinard
Dover, Delaware

Dear Senator Rinard:

I wish to thank you for saying what you did to the State Board of Education.

No one knows better than Miss Moran and myself the extent of un-education that comes from the schools.

In the State Board of Examiners for Registered Nurses we find that there is scant knowledge of the fundamental principles—spelling, simple arithmetic, fractions, and percentage. As for “English” and construction of sentences—and writing!—there will be about two in every class that we examine that know anything of all of these—worth noting.

We have had this matter before Dr. Beebe whose nurses have been among those failing to pass. He requested us to come before the State Board of Education and make this complaint.

Since the whole State is involved in this condition of affairs (no one locality) it adds to my great interest to see or hear what you have said. These candidates from training schools are selected from the upper third of the graduating classes. Can you imagine what scant education those below this line of demarcation possess?

Thank you for bringing it before the ones responsible for it.

Very truly,

MARIE T. LOCKWOOD

*Secretary, State Board of
Examiners of Nurses*

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 13, 1939.

Motion prevailed.

TWENTY-SIXTH LEGISLATIVE DAY

February 13, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

Members Present—Abrahams, Brown, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Poore, Purnell, Rinard, Short, Simmons—13.

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

Motion prevailed.

Mr. Heal presented the following communication:

THE AMERICAN LEGION

SUSSEX POST No. 8, INC.

GEORGETOWN, DELAWARE

WHEREAS, Battery B of the 261st Coast Artillery, now stationed at Georgetown, is compelled to drill in the Georgetown High School Gymnasium due to a lack of an Armory; and

WHEREAS, The said gymnasium is too small to adequately provide dressing facilities as well as a drill floor; and

WHEREAS, The equipment of Battery B is stored in various places in Georgetown, also due to a lack of suitable quarters; and

WHEREAS, The Federal Government expects the various states to build and maintain armories for the National Guard units within the states; and

WHEREAS, The Federal Government maintains that unless such an armory is constructed in Georgetown it will necessitate the disbanding of Battery B; and

WHEREAS, The American Legion is vitally interested in an adequate National defense as the best insurance for peace; and

WHEREAS, The National Guard is such a line of defense to be used by the Federal Government in time of emergency; therefore, be it

RESOLVED, That Sussex Post No. 3, Inc., of The American Legion favor the erection of an Armory in Georgetown for Battery B so that there may be an adequate place to drill and for the storing of its equipment.

RESOLVED FURTHER, That Sussex Post No. 8, Inc., request the Legislature, now in session, to give the matter of such an Armory serious consideration; and further be it

RESOLVED, That a copy of these resolutions, expressing the sentiments of Sussex Post No. 8, Inc., be forwarded to the President Pro Tem of the Senate, the Speaker of the House, and all Senators and Representatives within the area now served by Battery B and Sussex Post No. 8, Inc.

Approved January 26, 1939.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

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

JOINT SESSION

Mr. Heal moved that the Senate go into Joint Session in pursuance 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 Clerk of the House act as Secretaries of the Joint Session.

Motion prevailed.

The following program in commemoration of Lincoln's Birthday was given:

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 the House.

Music, Dover High School Band.

Address, Mr. John G. Leach.

Presentation of Messrs. Henry Bazette, Augustus Owens and Thomas Hammond, the only surviving G. A. R. veterans in Kent County, by Senator Paul R. Rinard.

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

Remarks by Lieutenant-Governor Edward W. Cooch.

Song, "America the Beautiful."

Music, Dover High School Band.

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

Motion prevailed.

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

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

Motion prevailed.

Same Day, Later

Senate met in regular session.

Mr. Abrahams moved that 500 copies be printed of the speech of John G. Leach.

Motion prevailed.

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

Senate Bill No. 22, entitled:

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

And returned the same to the Senate.

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

House Concurrent Resolution No. 6, entitled:

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

And presented the same to the Senate.

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

Senate Bill No. 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."

And returned the same to the Senate.

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

House Bill No. 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."

And presented the same to the Senate.

Mr. Rinard, on behalf of the Committee on Banking and Insurance, to whom had been referred, Senate Bill No. 24, entitled:

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

Reported the same back to the Senate favorably.

PAUL R. RINARD
C. E. BROWN
HAROLD W. T. PURNELL
J. B. HENDRICKS

Mr. Rinard, on behalf of the Committee on Banking and Insurance, to whom had been referred, Senate Bill No. 25, entitled:

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

Reported the same back to the Senate favorably.

PAUL R. RINARD
C. E. BROWN
HAROLD W. T. PURNELL
J. B. HENDRICKS

Mr. Rinard, on behalf of the Committee on Banking and Insurance, to whom had been referred, Senate Bill No. 51, entitled:

An Act to amend Chapter 20 of the Revised Code of Delaware, 1935, as amended by Chapter 80, Volume 41, Laws of Delaware, defining Mutual Benefit Association; prohibiting organization of new Mutual Benefit Associations; existing Mutual Benefit Associations obtaining new certificates of authority; guaranty fund, how constituted; benefit fund, how created, uses of; certificates of membership, approved by Insurance Commissioner, conditions thereto; schedule of benefits, age limitation; doing business in and outside State; agreement, how constituted; general powers and duties of Insurance Commissioner; annual statements; fees, paid to whom, when; investments, how made; mergers, how effected; violations and penalties.

Reported the same back to the Senate favorably.

PAUL R. RINARD
C. E. BROWN
HAROLD W. T. PURNELL
J. B. HENDRICKS

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 14, 1939.

Motion prevailed.

TWENTY-SEVENTH LEGISLATIVE DAY

February 14, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

The President announced he is about to sign:

Senate Bill No. 22.

Senate Bill No. 23.

The Chair presented House Concurrent Resolution No. 6, entitled:

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

Mr. Heal moved that rules be suspended and that the Senate proceed to act on House Concurrent Resolution No. 6.

Motion prevailed.

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

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

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

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

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

YEAS—Messrs. Abrahams, Brown, Clark, Derrickson, Gooden, Heal, Hendricks, Moody, Poore, Short, Mr. President Pro Tem—11.

NAYS—None.

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

Ordered returned to the House.

The Chair presented 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. Gooden presented the following communication:

DOVER CHAMBER OF COMMERCE

DOVER, DELAWARE

February 10, 1939

To the Members of the Senate of the State of Delaware of the One Hundred and Seventh General Assembly

Gentlemen:

At a meeting of the Dover Chamber of Commerce at which approximately 75 persons were in attendance, held on Thursday, February 9, in Dover, Delaware, a very thorough discussion and explanation of the Fair Trade Act, which is now before your Honorable Body, was had. All of the good and bad features of the Act and the opinions from both sides were thoroughly discussed, and after such discussion, upon motion made, seconded and carried, it was ordered that the Chamber go on record as being entirely in favor of the passage of said Act.

It was the sense of the meeting that such an Act can and will be a direct benefit to the manufacturer, retailer and the consumer, and that by said Act unfair practices can be abolished, and business will not continue to suffer from such unfair competition.

The Dover Chamber of Commerce therefore heartily endorses the Act and asks that your Honorable Body give the matter favorable consideration when it is presented before you for enactment.

Very respectfully yours,

DOVER CHAMBER OF COMMERCE

ARLEY B. MAGEE, JR.

Secretary

Mr. Moody presented the following communications:

THE DELAWARE STATE GRANGE

PATRONS OF HUSBANDRY

MARSHALLTON, DELAWARE

RESOLUTION ON CURBSTONE MARKET IN WILMINGTON

WHEREAS, It has been reported that there will be an effort made at the coming session of the Legislature to change the laws governing the farmers and truckers curb curbstone market in the city of Wilmington, and

WHEREAS, The curbstone markets in the city of Wilmington are an advantage to the farmers of the State and to the consuming public in the city of Wilmington, and

BE IT RESOLVED, That the Delaware State Grange in regular session on December 13th and 14th, 1938 at Laurel, oppose the coming Legislature making any change in the curbstone market laws in the city of Wilmington, and we further demand that the market be kept for the use of bonifide farmers for marketing the products of their own farms and none others, and that the present laws governing the markets be strictly enforced.

The foregoing resolution was adopted December 13th, 1938, at Laurel.

HARRY C. JOHNSON

Secretary, Delaware State Grange

[SEAL]

THE DELAWARE STATE GRANGE

PATRONS OF HUSBANDRY

MARSHALLTON, DELAWARE

A COMPULSORY INSURANCE

WHEREAS, There is an increasing number of collisions happening on our highways in which the innocent party involved has no redress for damages because the other party has nothing, and

WHEREAS, If said car that was responsible for collision had been covered by a liability insurance policy, the innocent party would have been fully reimbursed. THEREFORE

BE IT RESOLVED, We, the Delaware State Grange, in regular session assembled at Laurel, Delaware, do favor a compulsory Liability Insurance Law and urge our Legislative Committee to work for same.

The Resolution was adopted at Laurel, Delaware, December 14th, 1938.

HARRY C. JOHNSON

[SEAL]

Secretary, Delaware State Grange

THE DELAWARE STATE GRANGE

PATRONS OF HUSBANDRY

MARSHALLTON, DELAWARE

RESOLUTION ON REGISTRATION FEE OF FARM TRUCKS

WHEREAS, The laws of Delaware require a farmer to pay the same registration fee on his truck that a commercial hauler pays to operate the same size truck every day, and perhaps every hour of the day on the State Highways.

AND WHEREAS, A farmer uses his truck more on the farm than on the highways, operating it on the road only for carting the produce of the farm to market and bringing home supplies a limited number of days in the year.

AND WHEREAS, A farmer is not permitted a motor fuel tax refund on gasoline used in his truck, but must pay fuel tax even on that gasoline which is consumed in hauling in his own fields.

AND WHEREAS, Other States have endeavored to remedy such unfairness as is shown by the hereunto attached title 39, 3-25 of the revised statute of New Jersey, 1937.

NOW THEREFORE, Hockessin Grange No. 4, P. of H., on this tenth day of October, 1938, in regular meeting adopts the following resolutions:-

First—That this inequity of Delaware law be brought to the attention of Pomona Grange, and that said Pomona Grange be requested to ask State Grange to consider the matter at its next meeting.

Second—That Pomona Grange be requested to ask State Grange to bring this question to the attention of the General Assembly of Delaware through the State Grange Legislative Committee.

Third—That Pomona Grange be requested to urge the State Grange to send letters to all Granges in the State asking that their members write and/or interview their representatives in the State Senate and the State House of Representatives petitioning them to enact laws to reduce the registration fees on farmers trucks.

The above resolution was adopted at the regular session of the State Grange at Laurel, December 14, 1938.

HARRY C. JOHNSON

[SEAL]

Secretary, Delaware State Grange

THE DELAWARE STATE GRANGE

PATRONS OF HUSBANDRY

MARSHALLTON, DELAWARE

RESOLUTION ON GASOLINE TAX

WHEREAS, A campaign for the reduction in the gasoline tax is being conducted by organizations interested in the sale of motor fuel; and

WHEREAS, A large share of the income from gasoline tax comes from out of the State trades; and

WHEREAS, The gasoline tax is a fair tax in that it is paid by those who are able to pay; and

WHEREAS, The gasoline tax is easily collected, and payments are distributed throughout the year; and

WHEREAS, A large class of non-owners of real estate pay no other State taxes except a capitation tax; and

WHEREAS, The demand for the increased services from the State Agencies by citizens has resulted in increased costs of State Government without corresponding revenue increases.

NOW THEREFORE BE IT RESOLVED. By Fruitland Grange No. 16, P. of H., that this grange go on record as favoring the continuation of the present tax rate on gasoline.

The above resolution was amended and adopted as above.

HARRY C. JOHNSON

[SEAL]

Secretary, Delaware State Grange

THE DELAWARE STATE GRANGE

PATRONS OF HUSBANDRY

MARSHALLTON, DELAWARE

APPROPRIATION FOR TUBERCULOSIS PATIENTS

WHEREAS, Information compiled by the Delaware State Board of Health and the Delaware Anti-Tuberculosis Society substantiates again the wholly inadequate provisions for the care of the colored tuberculosis patients at Edgewood Sanatorium, and

WHEREAS, With a waiting list of twenty-five patients necessitating often more than a year after diagnosis before care may be given, and

WHEREAS, During this year, eleven tuberculosis patients have died before admission, and

WHEREAS, The colored tuberculosis death rate in Delaware is more than three times higher than the white rate, and

WHEREAS, Every case of tuberculosis comes from another case, and no home is safe until all homes are safe.

BE IT NOW RESOLVED, That Delaware Grange No. 46, P. of H., heartily approve the above resolution and ask Delaware State Grange to instruct its Legislative Committee to use its best efforts in having our next State Legislature make an appropriation for this object.

The above Resolution was adopted by the Delaware Grange at its annual session in Laurel, December 14th, 1938.

HARRY C. JOHNSON

[SEAL]

Secretary, Delaware State Grange

THE DELAWARE STATE GRANGE
PATRONS OF HUSBANDRY
MARSHALLTON, DELAWARE

RESOLUTION ON DIVERSION OF STATE HIGHWAY FUNDS
RESOLUTION No. 10

RESOLVED, That Delaware Grange is opposed to the diversion of the State Highway funds to any other use and ask the approval of this resolution by the Delaware State Grange.

The resolution was adopted by the State Grange in annual session at Laurel, December 14th, 1938.

HARRY C. JOHNSON

[SEAL]

Secretary, Delaware State Grange

THE DELAWARE STATE GRANGE
PATRONS OF HUSBANDRY
MARSHALLTON, DELAWARE

TEACHERS RETIREMENT PLAN

In the report of the Committee on Education at the Annual Session of the Delaware State Grange at Laurel, December 13th and 14th, 1938, the following item was adopted along with their report, that:

The Delaware State Grange favor and work for a teachers retirement plan.

HARRY C. JOHNSON

[SEAL]

Secretary, Delaware State Grange

Mr. Heal presented the following communications:

LEWES GAME ASSOCIATION
LEWES, DELAWARE

February 10, 1939

Senator Burton S. Heal
State House
Dover, Del.

Dear Sir:

Our Association would like to take this opportunity to commend the work being done by our present Game and Fish Commission and at our last meeting drew up and unanimously approved the enclosed set of resolutions.

We sincerely trust that these resolutions will meet with your approval and that you will take favorable action on them.

Respectfully yours,

LEWES GAME ASSOCIATION

HAROLD W. HOCKER

Secretary and Treasurer

RESOLUTION

WHEREAS, the present three member State Board of Game Commissioners would be abolished and a six member board substituted if a bill in the present General Assembly becomes a law, and

WHEREAS, the present Board has adopted a farmer, sportsman cooperative plan which has proven successful, a number of inviolate game refuges have been established and a comprehensive educational program is well under way,

WHEREAS, it is conceded that the supply of game and fish has substantially increased during the past three years. A plausible explanation for this increase is sound policies.

THEREFORE, BE IT RESOLVED, That we take this means of commending the Board for the constructive work it has done and recommend to the General Assembly of this State that the present State Game Commission be kept in office, thus assuring a continuation of sound conservation programs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to all interested committees in the General Assembly and to our Senator and Representative.

LEWES GAME ASSOCIATION

HAROLD W. HOCKER

Secretary and Treasurer

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

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

Mr. Simmons presented a communication, but the presentation was delayed by the Chair.

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

House Concurrent Resolution No. 7, entitled:

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

And presented the same to the Senate.

The Chair presented 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.

Mr. Heal moved that rules be suspended and that the Senate proceed to act on House Concurrent Resolution No. 7.

Motion prevailed.

On motion of Mr. Heal, 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 in order to pass the Senate.

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

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

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

NAYS—None.

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

Ordered returned to the House.

Mr. Heal moved that the Senate stand in prayer in accordance with House Concurrent Resolution No. 7.

Motion prevailed.

The Clerk read in the communication presented by Mr. Simmons, as follows:

Senator Benjamin F. Simmons
Senate Chamber
Dover, Delaware

Dear Sir:

We, the undersigned taxpayers of the Seventh Representative District, protest the adoption of the bill which has for its object the pensioning of school teachers and school workers, believing it would impose an (unfair) tax burden on our citizens, and we hope you will vote against it.

[Signed]: M. R. Jenkins, Mrs. Stephen Clute, Clara Cooke Smith, W. N. Holden, F. A. Gooden, Charles Fisher, R. H. Bull, H. C. Nickerson, Albert Kemp, R. M. Pyott, Gooden Voshell, W. C. Jenkins, L. G. Jenkins, Chas. Zack, K. Kohler, Alden Marker, M. P. Barbour, Chas. E. Jenkins, Harry B. Johnson, Maude G. Smith, Fanny Marvel, Mildred Mumford, Walter Spence, Jr., Wm. H. Draper, H. T. Worell, J. G. Whitjen, Mrs. A. M. LeCompte, Wm. McKiver, H. G. Jenkins, Geo. E. Johnson, Charles Clark, Remsen Melson, Robert M. Price, Wm. J. Webb, J. Powell, Clarence J. Marker, George W. Tarburton, James B. Rash, John A. Fields, Tinley B. Stevenson, Brook Jenkins, Daniel Pekarovich, M. Craig Glover, Louise Barton Glover, Allen Sudler, Olive R. Jenkins, Mrs. Chas. P. Lafferty, Chas. P. Lafferty, F. A. Schaedel, J. C. Harris, I. J. MacDolland, M. D., Ellwood Jenkins, John L. LeCompte, S. W. Harrison, W. O. Carmine, C. F. Fifer, James C. Thomley, J. C. Haddoway, Stephen Clute, Lester Downham, H. N. Shockley, Thomas Tucker, Chas. A. Garton, Annie V. Tieman, Armis L. Spence, John M. Lynch, Mrs. Robert M. Price, J. Fred Dalley, H. C. Hitchens, Mrs. J. M. Hitchens, Eliza A. Frear, Blumell Emerson.

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 10, entitled:

SENATE CONCURRENT RESOLUTION NO. 10

TO COMMEMORATE THE BIRTH OF GEORGE WASHINGTON.

BE IT RESOLVED by the Senate, the House of Representatives concurring therein:

That a Joint Session of the General Assembly of the State of Delaware be held on Tuesday, February 21st, 1939, at two o'clock in the afternoon, to commemorate the birth of George Washington, and that Dr. Francis Harvey Green of the Pennington School for Boys be invited to make the principal address.

BE IT FURTHER RESOLVED, that the President Pro Tempore of the Senate be authorized to appoint three members of the Senate, and the Speaker of the House of Representatives be authorized to appoint three members of the House of Representatives, to constitute a committee to arrange a suitable program for the commemoration services.

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

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

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

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

NAYS—None.

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

Ordered to the House for concurrence.

The President Pro Tem named Messrs. Rinard, Clark and Moore as the Senate Committee in accordance with Senate Concurrent Resolution No. 10.

Mr. Heal, on motion for leave, introduced Senate Bill No. 63, entitled:

An Act proposing an amendment to Article VIII of the Constitution of the State of Delaware and creating a State Highway Fund.

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

The Chair deferred referring Senate Bill No. 63 to a committee.

Mr. Simmons presented the following paper for reading and inclusion in the Journal:

To the President and Members of the Senate:

My attention has been called through the Press to the statements purported to have been made by our Lieutenant-Governor wherein is stated:

"The corridors of the Legislative Building are crowded with persons who seem more intent on how offices may be created or seized, than on the welfare of our State institutions, the care of our citizens, or the maintenance of our low tax rate."

I, of course, am not familiar with what particular persons the Lieutenant-Governor refers to in his statement, but he seems to take exception to such plans as are being discussed in the corridors of this State House relative to laws designed to correct the mistakes of those who now are in control of the State's affairs. I am unaware of any intention on the part of anybody to use the State's funds for their own personal gains. As a matter of fact, it seems to be the main purpose of those whom I have had the opportunity of contacting that they are endeavoring to work out plans that will correct the evils of the past two years wherein State funds have surely been used for personal gain. It is claimed by some of our Democratic friends that such plans as the Republicans have in mind for improvement of important State Departments will destroy the normal and orderly operation of State Government.

Let us look these accusations straight in the face and see just what they really mean and what the other side of the question presents. If it be true that the sole object of these suggestions on our part is to secure a multitude of jobs, you will have to concede that that is a case of the pot calling the kettle black, for there never was in the history of this State any force hungrier for jobs gotten in any way and by any method than the present Democratic State Administration. For instance, in the case of the State Highway Department, the law creating this department plainly states that the State Highway Engineer shall have full power to hire employees for this department and to discharge them where he so decides. Just as soon as the Democrats obtained control of this department they cast this provision of the law out of the window and arbitrarily started to remove experienced and well-trained members of the State Highway force. There was no consideration given and no consultation had with the State Highway Engineer insofar as is known at various meetings of the Commission. Blanket resolutions were passed in which these experienced and highly-trained employees were discharged and men backed by the Democratic State Administra-

tion named in the same resolutions. This dismissal of State Highway employees was done on a wholesale scale in direct violation of the law and with the approval of the Commission. Some of the employees so dismissed were Democrats who had been chosen by Republican Administration for their knowledge and experience, but that made no difference. Right-of-way men, very important in this department, were let go in groups. Engineers, heading the division of testing materials, highly-trained assistant road engineers and even men whose experience and knowledge was required by WPA national engineers, were quickly discharged. Even the men who helped write the laws, men who had instituted certain divisions of work were discharged to make way for some one recommended to the Commissioners by some county or district Democratic committeeman.

Their places were filled by men who knew nothing about their duties and it is apparent even now never will know what to do except to draw their salaries.

Insofar as the efforts of the General Assembly to usurp the prerogatives of the Governor go, as charged by the Lieutenant-Governor, it would seem to be about time for some one to interfere in the affairs of an executive who has shown such inability a number of times, to select the proper type of executives as has been demonstrated in the last two years and it is our purpose to confine our efforts in this General Assembly to the promotion of necessary and wholesome legislation and without any intent whatsoever to destroy the present established form of government. The State Constitution distinguishes between executive, judicial and legislative function and the government of this State is not threatened by this General Assembly today or any day hereafter.

In a democracy a Governor has no inherent power to appoint other officers of a State but has been given the power of making limited appointments of other officers by our Constitution, and even then subject to a confirmation by a majority of members elected to the Senate.

Section 9 of Article 3 of the Constitution deals expressly with the power of appointment by the Governor which authorizes him, subject to the consent of the majority of all members elected to the Senate, to appoint "such officers as he is or may be authorized by this Constitution or by law to appoint." It therefore follows that if the Constitution or a law specifically empowers him to appoint an officer, he then possesses that power, but if the Legislature does not confer this power upon him but sees fit to provide some other method of appointing officers of this State under a law passed by it, such power to appoint in no manner violates or interferes with the constitutional powers

of the Governor. Similar provisions exist in the Constitutions of other States and the practice of appointment of officers by the General Assembly or by other officers specified by it has been widely recognized since the founding of this country.

The Chair announced that Senate Bill No. 63 had been referred to the Committee on Buildings and Highways.

Mr. Heal, on motion for leave, introduced Senate Bill No. 64, entitled:

An Act to amend Chapter 74 of the Revised Code of the State of Delaware, 1935, relative to the Trapping of Wild Animals and Wild Birds.

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

Mr. Steele presented the following communications:

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
WILMINGTON BRANCH

February 11, 1939

Senator David W. Steele
President Pro Tempore of the Senate
Legislative Hall
Dover, Delaware

Dear Sir:

At the monthly meeting of the American Association of University Women, Friday, February 10, 1939, a motion was passed unanimously that this organization of over 400 University and College Women are not in favor or sympathy with the proposal of Senator Paul R. Rinard to reduce expenditures in the school budget at the expense of eliminating art and music from the school curriculum.

Very truly yours,

ELIZABETH B. MOORE

(MRS. JOHN B. MOORE)

Corresponding Secretary

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS
OF AMERICA

LOCAL UNION No. 626

Wilmington, Del., February 9, 1939

Senator David W. Steele
Dover, Delaware

Dear Sir:

Kindly be advised that Local Union 626 would appreciate your support in defeating House Bill No. 27, regarding price fixing.

This communication is on record of the Local Union as of February 8, 1939.

Very truly yours,

H. A. SEAMAN

Recording Secretary

STATE COLLEGE FOR COLORED STUDENTS

DOVER, DELAWARE

February 14, 1939

To the Honorables, The President and
Gentlemen of the Senate
State Capitol
Dover, Delaware

Sirs:

I have the honor of extending to you on behalf of the Board of Trustees, the Faculty and Student Body of the State College for Colored Students an invitation to visit our institution and make such inspection as you see fit on Wednesday, February 22, or at such time as may be most suitable to you.

Very respectfully yours,

R. S. GROSSLEY

President of the Faculty

Mr. Abrahams presented the following communication:

601 North Franklin St.
Wilmington, Delaware
February 13, 1939

Hon. Edward Abrahams
Dover, Delaware

Dear Sir:

We, the undersigned, earnestly request your support for Bill No. 27 concerning fair trade practice which is coming up for debate and enactment in the current session of the State Legislature. We feel that the passage of this bill will do much to benefit the business men of the city of Wilmington and the State of Delaware in securing trade conditions that are fair to all.

We feel certain that you will sustain the faith which your constituents have in you by supporting this bill.

Very truly yours,

LOUIS TANNEN
SARA F. TANNEN

The Sergeant-at-Arms reported the presence of the Secretary of State, who on being admitted, delivered a message from the Governor.

The Chair referred the message from the Governor to the Executive Committee.

Mr. Heal rose to a point of order in reference to the reading of the nominations by the Governor, and the referring of such nominations to the Executive Committee.

EXECUTIVE SESSION

Mr. Heal moved that the Senate go into Executive Session.

Motion prevailed.



Same Day, Later

Senate met in regular session.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, February 15, 1939.

Motion prevailed.

TWENTY-EIGHTH LEGISLATIVE DAY

February 15, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

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

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

The President announced he is about to sign:

Senate Substitute for House Bill No. 30.

Mr. Hannam, on motion for leave, introduced Senate Bill No. 65, entitled:

An Act conferring on the State Highway Department jurisdiction of streets of municipalities and incorporate towns forming part of a continuous road or highway and requiring the maintenance thereof.

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 66, entitled:

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

The Sergeant-at-Arms reported the presence of the Speaker and the Members of the House of Representatives, who were admitted and seated.

JOINT SESSION

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

Motion prevailed.

Mr. J. Warren Marshall, the President of the Wilmington Chamber of Commerce and chairman of the Delaware River Tunnel Commission, addressed the Senate.

Mr. Charles Warner delivered the following speech to the Joint Session.

OUTLINE OF REMARKS BY CHARLES WARNER
CHAIRMAN, LEGISLATIVE COMMITTEE OF
THE DELAWARE RIVER CROSSING
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 on 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 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 improvement 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.

Mr. Gerrish Gassaway, the secretary of the Wilmington Chamber of Commerce, gave a few remarks.

Mr. Sylvester moved that the address of Mr. Charles Warner be spread on the Journal.

Motion prevailed.

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

Motion prevailed.

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

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

Motion prevailed.

And the two Houses separated.

Same Day, Later

Senate met in regular session.

Mr. Purnell's Senate Bill No. 66, entitled:

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

Mr. Purnell moved that so much be considered the reading of Senate Bill No. 66 and that a copy be typed for each member.

Motion prevailed.

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

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

Motion prevailed.

Same Day, 3:45 o'clock P. M.

Senate met at expiration of recess.

Mr. Clark, 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 Senate favorably.

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

Mr. Clark, on behalf of the Committee on Public Health, to whom had been referred, Senate Bill No. 26, entitled:

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

Reported the same back to the Senate favorably.

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

Mr. Hannam moved that the Senate adjourn until 12 o'clock, noon, February 16, 1939.

Motion prevailed.