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STATE OF DELAWARE



JOURNAL OF THE STATE SENATE

AT A SESSION OF THE GENERAL ASSEMBLY

CONVENED AND HELD AT DOVER ON TUESDAY, THE THIRD DAY OF
JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND THIRTY-NINE, AND OF THE
INDEPENDENCE OF THE UNITED STATES
THE ONE-HUNDRED AND
SIXTY-THIRD

1939



State Doc.
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1939

MILFORD CHRONICLE PUBLISHING CO.
MILFORD, DELAWARE

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OFFICERS AND MEMBERS STATE SENATE

President
EDWARD W. COOCH

President Pro Tem
DAVID W. STEELE

Secretary to President Pro Tem
J. HORACE DERICKSON

Secretary of Senate
HARRY E. PIERCE

Assistant Secretary
W. HARRY DAWSON

Floor Leader
BURTON S. HEAL

Floor Leader's Clerk
FRANCIS DERICKSON

Minority Floor Leader
EARL SYLVESTER

Chaplain
REV. FRANK A. BAKER

Reading Clerk
FRANK CORSANO

Assistant Reading Clerk
VERA G. DAVIS

Bill Clerk
ELSIE R. BANTA

Assistant Bill Clerks
WILLIAM B. MACKLIN
RICHARD A. PATTERSON

Document Clerk
HARLEY MITCHELL

Assistant Document Clerk
HARRY H. ISAACS

Sergeant-at-Arms
J. HENRY ROSER

Assistant Sergeants-at-Arms
CLAYTON HARRISON, JR.
CHARLES E. ANDERSON
HERMAN BAKER

Floor Messenger
MARSHALL P. HAZZARD

Cloak Room Attendant
WILLIAM W. HENDRICKS

Assistant Cloak Room Attendant
MARTIN MILLER

Page
CALVIN C. STAATS

Telephone Messengers
JAMES PRATTIS
JOHN H. DICKSON
MATTHEW POWELL

Assistant Telephone Messenger
JOHN RALPH CANNON

Mail Clerk
JOHN D. COLLINS

Budget Room Attendant
WALTER ROGERS

Stenographers
ELEANOR KING
LEONA B. BURKE
MILDRED CANNON
VIRGINIA ELLIOTT
LILLIAN H. WALLACE
KATHRYN L. MONTAGUE

Chief Attorney
P. WARREN GREEN

Attorneys
HOWARD W. BRAMHALL
CALEB M. WRIGHT

Attorneys' Messenger
JERRY TEMIN

Caretaker
HARRY C. NICKLE

Stenographer for Budget Committee
SYLVIA WEINSTEIN

Doorkeepers
WALTER CARNEY
JOSEPH GRIFFIN

Janitors
MARSHALL BELL
WILLIAM A. HOVINGTON

Members of the Senate and Their Post Office Addresses

NEW CASTLE COUNTY—WILMINGTON

District

- | | | |
|---|----------------------|---------------------------------|
| 1 | PAUL ROBERT RINARD | 1308 Clayton Street, Wilmington |
| 2 | EDWARD ABRAHAMS, JR. | 604 McLane Street, Wilmington |

RURAL NEW CASTLE COUNTY

District

- | | | |
|---|----------------------|--|
| 3 | BURTON S. HEAL | Holly Oak, Delaware |
| 4 | HECTOR W. HANNAM | 114 Catalpa Avenue, Hayden Park, Delaware |
| 5 | GEORGE R. CLARK | Delaware City, Delaware |
| 6 | FRANK MOODY | Chestnut Hill Road, Newark, R. F. D., Delaware |
| 7 | ROBERT A. DERRICKSON | Taylor's Bridge, Delaware |

KENT COUNTY

District

- | | | |
|---|------------------------|---------------------------------------|
| 1 | GEORGE LESLIE GOODEN | Delaware Avenue, Dover, Delaware |
| 2 | WILLIAM JENNINGS POORE | Hartly, Delaware |
| 3 | BENJAMIN F. SIMMONS | Loockerman Street, Dover, Delaware |
| 4 | EARL SYLVESTER | Delaware Avenue, Harrington, Delaware |
| 5 | JOHN BURTON HENDRICKS | Frederica, Delaware |

SUSSEX COUNTY

District

- | | | |
|---|----------------------|--|
| 1 | CHARLES EDWARD BROWN | Main Street, Bridgeville, Delaware |
| 2 | JENNINGS H. MOORE | Seaford, Delaware |
| 3 | ALDEN P. SHORT | Georgetown, R. F. D., Delaware |
| 4 | DAVID W. STEELE | Ocean View, Delaware |
| 5 | HAROLD W. T. PURNELL | 212 East Market Street, Georgetown, Delaware |



JOURNAL

OF THE

STATE SENATE

FIRST LEGISLATIVE DAY

Dover, Delaware, January 3, 1939

The Senate convened in Regular Session on Tuesday, January 3, 1939, at 12 o'clock noon.

Lieutenant-Governor Edward W. Cooch presiding.

Prayer by Rev. Frank A. Baker.

On motion of Mr. Heal, W. Harry Dawson was appointed Temporary Secretary of the Senate.

Mr. W. Harry Dawson was seated.

The Temporary Secretary called the roll of the members, they having been previously sworn in on December 7, 1938, at a Special Session, who answered as follows:

Members Present—Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Steele, Sylvester—16.

On motion for leave, Mr. Heal introduced Senate Resolution No. 1, entitled:

SENATE RESOLUTION NO. 1

IN REFERENCE TO ELECTION OF OFFICERS

BE IT RESOLVED, by the Senate of the One Hundred and Seventh General Assembly of the State of Delaware in Biennial Session met:

That the following named persons be and they are hereby elected to serve during this Session, in the respective offices named, to-wit:

President Pro Tem—David W. Steele.

Secretary to President Pro Tem—J. Horace Derickson.

Secretary—Harry E. Pierce.

Assistant Secretary—W. Harry Dawson.

Reading Clerk—Frank Corsano.

Assistant Reading Clerk—Vera G. Davis.

Bill Clerk—Elsie R. Banta.

Assistant Bill Clerk—William B. Macklin.

Document Clerk—Harley Mitchell.

Assistant Document Clerk—Harry H. Isaacs.

Assistant Sergeant-at-Arms—Clayton Harrison.

Assistant Sergeant-at-Arms—Charles E. Anderson.

Assistant Sergeant-at-Arms—Herman Baker.

Floor Messenger—Marshall P. Hazzard.

Cloak Room Attendant—William W. Hendricks.

Assistant Cloak Room Attendant—Martin Miller.

Page—Calvin C. Staats.

Telephone Messenger—John H. Dickinson.

Assistant Telephone Messenger—John Ralph Cannon.

Mail Clerk—John D. Collins.

Telephone Messenger for Senate—Matthew Powell.

Budget Room Attendant—Walter Rogers.

Chaplain—Rev. Frank A. Baker.

Stenographer—Virginia Elliott.

Stenographer—Leona B. Burke.

Stenographer—Eleanor King.

Chief Attorney—P. Warren Green.

Attorney—Howard W. Bramhall.

Attorney—Caleb M. Wright.

Attorney Messenger—Jerry Temin.

Floor Leader's Clerk—Francis Derickson.

Caretaker—Harry C. Nickle.

Janitor—Marshall Bell.

Stenographer—Lillian H. Wallace.

Stenographer—Mildred Cannon.

Doorkeeper—Walter Carney.

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

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

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

YEAS—Messrs. Brown, Clark, Hannam, Heal, Moody, Moore, Purnell, Rinard, Short, Simmons, Steele—11.

NAYS—None.

NOT VOTING—Messrs. Derrickson, Gooden, Poore, Sylvester—4.

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

Lieutenant-Governor Edward W. Cooch proceeded to administer the oath of office to the following officers of the Senate:

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, David W. Steele, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of President Pro Tem for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

DAVID W. STEELE

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, J. Horace Derickson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Secretary to President Pro Tem for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

J. HORACE DERICKSON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Harry E. Pierce, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Secretary of the Senate for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

HARRY E. PIERCE

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, W. Harry Dawson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Secretary for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

W. HARRY DAWSON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Elsie R. Banta, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Bill Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

ELSIE R. BANTA

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Vera G. Davis, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Reading Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

VERA G. DAVIS

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Caleb M. Wright, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Attorney for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

CALEB M. WRIGHT

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, P. Warren Green, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Chief Attorney for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

P. WARREN GREEN

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Frank Corsano, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Reading Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

FRANK CORSANO

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Howard W. Bramhall, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Attorney for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

HOWARD W. BRAMHALL

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Frank A. Baker, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Chaplain for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

FRANK A. BAKER

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Charles E. Anderson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Sergeant-at-Arms for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

CHARLES E. ANDERSON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Herman R. Baker, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Sergeant-at-Arms for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

HERMAN R. BAKER

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Marshall Bell, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Janitor for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

MARSHALL BELL

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Leona B. Burke, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Stenographer for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

LEONA B. BURKE

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, John Ralph Cannon, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Telephone Messenger for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

JOHN RALPH CANNON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Mildred M. Cannon, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Stenographer for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

MILDRED M. CANNON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Walter Carney, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Doorkeeper for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

WALTER CARNEY

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Francis Derrickson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Floor Leader's Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

FRANCIS DERRICKSON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, John D. Collins, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Mail Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

JOHN D. COLLINS

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Lillian H. Wallace, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Stenographer in the General Assembly of the State of Delaware according to the best of my ability.

LILLIAN H. WALLACE

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Harry C. Nickle, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Caretaker for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

HARRY C. NICKLE

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

} ss.

KENT COUNTY,

Dover, Delaware

I, Harley B. Mitchell, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Document Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

HARLEY B. MITCHELL

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

} ss.

KENT COUNTY,

Dover, Delaware

I, William B. Macklin, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Bill Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

WILLIAM B. MACKLIN

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

} ss.

KENT COUNTY,

Dover, Delaware

I, Elinor W. King, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Stenographer for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

ELINOR W. KING

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Harry H. Isaacs, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Document Clerk for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

HARRY H. ISAACS

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Marshall P. Hazzard, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Messenger for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

MARSHALL P. HAZZARD

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Clayton Harrison, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Sergeant-at-Arms for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

CLAYTON HARRISON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, William W. Hendricks, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Cloak Room Attendant for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

WILLIAM W. HENDRICKS

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Jerry Temin, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Attorney's Messenger for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

JERRY TEMIN

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

STATE OF DELAWARE, }
 KENT COUNTY, } ss.

Dover, Delaware

I, Calvin H. Staats, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Page for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

CALVIN H. STAATS

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Walter Rogers, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Budget Room Attendant for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

WALTER ROGERS

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, John H. Dickinson, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Telephone Messenger for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

JOHN H. DICKINSON

Sworn to and subscribed before me this third day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

On motion for leave, Mr. Heal introduced Senate Resolution No. 2, entitled:

SENATE RESOLUTION NO. 2

NOTIFYING HOUSE OF REPRESENTATIVES THAT
THE SENATE IS ORGANIZED.

BE IT RESOLVED by the Senate, that the Secretary be and he is hereby directed to notify the House of Representatives that the Senate is duly organized and ready for business.

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

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

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

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

NAYS—None.

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

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 1, entitled:

SENATE CONCURRENT RESOLUTION NO. 1

AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE TO NOTIFY THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS DULY ORGANIZED.

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that a Joint Committee, consisting of two members of the Senate and three members of the House of Representatives, be appointed by the Presiding Officers of the respective Houses, to notify the Governor that the General Assembly is duly organized and ready to receive any message that he may have to offer.

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

NAYS—None.

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

Ordered to the House for concurrence.

The Presiding Officer appointed Messrs. Hannam and Moore to act as a Committee to notify the Governor that the General Assembly is duly organized.

Mr. Sylvester, on leave, notified the Senate that Senator Daniel E. Kelly had died on December 29, 1938.

Mr. Steele, on motion for leave, moved that a Committee be appointed to draw up a Concurrent Resolution on the death of Senator Daniel E. Kelly.

Motion prevailed.

On information that the House was preparing such a Resolution, Mr. Steele withdrew his motion.

Mr. Steele moved that a Senate Resolution be prepared on the death of Senator Daniel E. Kelly.

Motion prevailed.

The Chair appointed Messrs. Steele and Sylvester to act on the Resolution covering the death of Senator Daniel E. Kelly.

Mr. Schroeder, Chief Clerk of the House, being admitted, informed the Senate that the House of Representatives was duly and regularly organized for the Session of the One Hundred and Seventh General Assembly, by the election of Frank R. Zebley as Speaker and Frank Schroeder as Chief Clerk, and was ready to proceed to business.

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 2, entitled:

SENATE CONCURRENT RESOLUTION NO. 2

PROVIDING FOR A JOINT SESSION TO RECEIVE ANY MESSAGE THAT THE GOVERNOR MAY HAVE TO OFFER.

BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that the Members of the Senate and House of Representatives shall meet in Joint Session, in the Senate Chamber, on Wednesday, January 4, 1939, at 12:30 P. M. to hear any message that the Governor may have to offer.

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

NAYS—None.

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

Ordered to the House for concurrence.

On motion for leave, Mr. Heal introduced Senate Concurrent Resolution No. 3, entitled:

SENATE CONCURRENT RESOLUTION NO. 3

APPOINTING BILL CLERKS FOR SENATE AND HOUSE OF REPRESENTATIVES FOR THIS SESSION.

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that Elsie R. Banta be and she is hereby selected and authorized to act and to serve as Bill Clerk of the Senate and that Mildred Tomlinson be and she is hereby selected and authorized to act and to serve as Bill Clerk for the House of Representatives during the Sessions of the One Hundred and Seventh General Assembly of the State of Delaware.

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. Brown, Clark, Hannam, Heal, Hendricks, Moody, Moore, Purnell, Rinard, Simmons, Sylvester, Mr. President Pro Tem—12.

NAYS—Mr. Short—1.

NOT VOTING—Messrs. Derrickson, Gooden, Poore—3.

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. Heal moved that the Senate recess until the call of the Chair.

Motion prevailed.

Same Day, 4 o'clock P. M.

Senate met at expiration of recess.

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

Senate Concurrent Resolution No. 1, entitled:

Authorizing the appointment of a Joint Committee to notify the Governor that the General Assembly is duly organized.

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. 2, entitled:

Providing for a Joint Session to receive any Message that the Governor may have to offer.

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. 3, entitled:

Appointing Bill Clerks for Senate and House of Representatives for this Session.

And returned the same to the Senate.

Mr. Heal moved that the Senate adjourn until 11 o'clock A. M., January 4, 1939.

Motion prevailed.

SECOND LEGISLATIVE DAY

January 4, 1939, 11 o'clock A. M.

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

The Chair announced that as of yesterday he issued a Writ of Election, for Senatorial District No. 2, in New Castle County.

WRIT OF ELECTION SENATE OF DELAWARE

Edward W. Cooch, Lieutenant-Governor, and President of the Senate,

to

Samuel M. Ford, Sheriff of New Castle County.

GREETINGS:

WHEREAS, a vacancy exists in the Senate of Delaware by reason of the death of Daniel E. Kelly, the member from Senatorial District Number Two in New Castle County; and

WHEREAS, such vacancy exists while the General Assembly is in session;

NOW, THEREFORE, I, Edward W. Cooch, Lieutenant-Governor of the State of Delaware, and as such, Presiding Officer of the Senate, in pursuance of the Constitution and laws of the said State made and provided, do hereby command that you cause a special election to be held in the said Senatorial District

Number Two in New Castle County, by the qualified electors thereof, on some day by you to be appointed, such day not to be more than five, nor less than four days next after the day of receiving this writ, exclusive of that day, for the purpose of choosing a Senator in the General Assembly for said Senatorial District to fill said vacancy, the person thereupon chosen to hold office for the residue of the term of the said Daniel E. Kelly.

IN WITNESS WHEREOF, I, Edward W. Cooch, Lieutenant-Governor of the State of Delaware, and President of the Senate, have hereunto set my hand this Third day of January in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States, the one hundred and sixty-third.

EDWARD W. COOCH

*Lieutenant-Governor and
President of the Senate*

Mr. Heal requested the Sergeants-at-Arms to report to the Secretary's desk for instructions.

Mr. Heal moved that the Senate recess until the call of the Chair.

Motion prevailed.

Same Day, 12:30 o'clock P. M.

Senate met at expiration of recess.

The Sergeant-at-Arms reported the presence of the Speaker of the House and its Members.

They were admitted and seated.

JOINT SESSION

In pursuance to Senate Concurrent Resolution No. 2 the two Houses met in Joint Session.

Mr. Heal moved the Senate now go into Joint Session with the House pursuant to Senate Concurrent Resolution No. 2.

Motion prevailed.

Mr. Heal moved that the President of the Senate act as President of the Joint Session.

Motion prevailed.

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

Motion prevailed.

Mr. Heal moved that the President appoint a Committee, consisting of two Members of the House and two Members of the Senate to notify His Excellency the Governor, Richard Cann McMullen, that the Joint Session is ready to receive his Message and to escort him to the Senate Chamber.

Motion prevailed.

The President appointed Messrs. Poore and Heal, and Messrs. Rhoades and Stein as the Escort Committee for His Excellency the Governor.

The Sergeant-at-Arms reported the presence of His Excellency the Governor and his Secretary of State.

The Joint Session rose to welcome His Excellency the Governor.

The Governor proceeded to deliver his message to the One Hundred and Seventh General Assembly of the State of Delaware.

MESSAGE OF HONORABLE RICHARD CANN McMULLEN

GOVERNOR OF DELAWARE

TO THE

ONE HUNDRED AND SEVENTH GENERAL ASSEMBLY OF THE STATE OF DELAWARE

Mr. President and Members of the One Hundred and Seventh General Assembly of the State of Delaware:

First, may I wish each of you a most Happy New Year, and further, much pleasure and success in the important work that you are about to commence.

Although a majority of you, both in the Senate and in the House, are of a political party other than mine, I feel that this should not in any manner deter us in working together for our common interest, the general welfare of the people of the State of Delaware. That must remain foremost.

During my two years in office, I have had an opportunity to inquire into and study the system of government of our State. Our commission form of government has in the main been satisfactory, but I am convinced that changes can be made in its

structure and its budget control so as to develop a greater efficiency and economy. I do not believe in the broad term of "centralization of power," but I do believe there should be a defined head to any business or governmental enterprise directing the operation of the several branches constituting the whole.

I feel that my many predecessors in office have thought of this same difficulty and searched for the reason why the financial side of the operation of the State of Delaware was conducted under a budget over which there was so little control after the adjournment of the General Assembly.

I am satisfied that a saving to the citizens of the State would result by the adoption of a budget system controlled jointly by the Governor and the various commissions and I place this thought before you, not as criticism of the past operation of the business of the State, but as a progressive step along the road to economy.

FUNDS

We have three funds of major importance. First, the General Fund; Second, the School Fund, and Third, the Highway Fund. It is to these three major funds that I will first direct your attention.

Before going into an examination of the figures, I wish to say a word about the State's financial condition generally. My administration, when it came into control of the State's affairs, was faced with a serious financial situation. It inherited a substantial estimated deficit. At that time I made it clear that the integrity of the State of Delaware must be maintained and that its record of always meeting its obligations must continue. I am happy to say that the 106th General Assembly cooperated with me in enacting the necessary legislation providing for the State of Delaware to meet its obligations. I am confident in my hope that this General Assembly will show the same cooperation and that Delaware will never fail to meet its debts.

GENERAL FUND

The General Fund is the recipient of all income exclusive of that which by reason of special legislation is deposited to the credit of the Highway and School Funds, and other small special accounts.

The main sources of income to this fund are licenses, race track receipts, liquor taxes, incorporating fees, and other sources of a steady nature.

For quite a few years past and before my administration, the income of this fund has not been sufficient to meet the out-go and in order to balance the fund it has been necessary to look to other channels for income.

During the present biennium, which ends on June 30, 1939, the General Fund legislatively required \$1,160,000.00 for the first fiscal year over and above its income and approximately \$732,000.00 for the second fiscal year over and above its income. To meet these deficits it was necessary to divert from the revenues received from Franchise Taxes \$660,000.00 and to borrow \$500,000.00 from the Highway Fund for the first fiscal year; and to divert \$432,000.00 from revenues received from Franchise Taxes and to borrow \$300,000.00 from the Highway Fund for the second fiscal year, causing a diversion and borrowing for the biennium of approximately \$1,892,000.

Beginning July 1, 1939, the General Fund should show a cash balance of \$314,308.17. However, do not permit this balance to mislead you, for there will be the standing commitment against this sum of \$800,000.00 borrowed from the Highway Fund.

The income to the General Fund, for the fiscal year beginning July 1, 1939 is estimated at \$2,440,333.00 as against \$2,839,181.77 recommended expenditures, which would leave an operating deficit of \$398,848.71. For this I recommend the diversion of \$449,320.00 from the Franchise Tax receipts to the General Fund for the operation of the University of Delaware, State College for Colored Students and the State Tax Department, all being General Fund items, which if done would cause the General Fund to have an operating surplus of \$50,471.29.

In arriving at this operating surplus, you will note that I have not considered the cash balance as of July 1, 1939 of \$314,308.17, for the reason that I feel that it should be for your determination whether to apply it to the commitment before mentioned, or to use the same in meeting demands upon the General Fund which do not yet appear in the Budget already submitted.

If you choose to use the cash balance of \$314,308.17 which I consider committed to the Highway Fund, for other General Fund items as aforesaid, then you will have available for such purposes the sum of \$364,779.46.

I direct your attention to the fact that approximately \$200,000.00 will be required for the purposes of relief. The sum of \$297,250.00 will be requested for supplementary appropriations such as fire companies; hospitals; Layton Home for Aged Colored; Palmer Home; Delaware Commission for the Blind; Kent and Sussex Fair Association; Veterans Organizations; Delaware Industrial School for Girls and other miscellaneous organizations.

There has been no provision made for the Legislative costs for the year 1939, which may approximate \$200,000.00.

The above items amount to a total of \$697,250.00 which after deducting \$364,779.46, the amount available as aforesaid, leaves a deficit of \$332,470.54 for the fiscal year beginning July 1, 1939.

Now, if the cash balance is not used as aforesaid, but applied to commitments, then we find a deficit for the fiscal year beginning July 1, 1939 of \$646,778.71.

For the fiscal year beginning July 1, 1940, the income for the General Fund is estimated at \$2,444,157.51, as against \$2,879,482.02 recommended expenditures. This would leave an operating deficit of \$435,324.41. Again I recommend a diversion of franchise tax receipts to the General Fund to cover the operation costs of the University of Delaware, State College for Colored Students, and the State Tax Department. For the 1940-41 year the diversion is recommended in the amount of \$452,620.00, thereby causing an operating surplus for the year of \$17,295.49, on such a basis.

If, however, supplementary appropriations are made, the additional amount of \$295,125.00 may be required for the purposes described above. Furthermore, the costs of the Legislature must be considered, and it is your problem to decide whether specific amounts should be appropriated by you in the Budget Bill for the 1941 General Assembly, or whether the expenditures for that session be left to the judgment of themselves, as the 1937 General Assembly left the costs of this session to you.

Assuming that the Legislative costs are \$200,000.00 and that \$200,000.00 is again required for relief, these appropriations, supplementing the usual budgetary items, total \$695,125. After deducting \$17,295.49, the amount available as an operating surplus on the basis of my recommendations, there would be a deficit of \$677,829.51 for the fiscal year beginning July 1, 1940.

For the fiscal year beginning July 1, 1939, I have made recommendations which would give an operating surplus of \$50,471.29, which together with the recommendations resulting in a surplus of \$17,295.49 for the fiscal year beginning July 1, 1939 shows an operating surplus of \$67,766.75 for the biennium, but if usual supplementary appropriations are made and 1941 Legislative costs and possible relief requirements are included, the General Fund is threatened with an operating deficit for the biennium of \$1,324,608.22.

SCHOOL FUND

Under Article 10 of the Constitution of the State of Delaware a mandate was issued to the General Assembly for it to provide for the establishment and maintenance of a general and efficient system of free public schools. The constitution further made it mandatory upon the General Assembly to provide income for the operation and maintenance of the schools.

The General Assembly, in accepting this mandate, enacted legislation providing Delaware with a public school system and at the same time provided in other acts of legislation the ways and means of carrying into effect this school system.

In the passing years, the little red school house has become a part of our historical background. In its place beautiful, modern structures house our educational facilities.

The cost of operation of our schools at first fell upon the land-owners of our State. However, in 1919, with the full expansion of our school system, the land-owner could no longer carry the burden. The Legislature in its wisdom met the progress of expansion, by creating four sources of income together with the income from the Public School Fund. First, graduated income taxes; Second, corporation franchise taxes; Third, filing fee taxes (\$3.00 per person in connection with income tax) and Fourth, County property taxes. However, subsequent legislatures found it advisable to repeal all tax measures for school benefits except the Income tax and Corporation franchise tax, which together with income from the School Fund, consisting largely of stock of the Farmers Bank, comprise at present the total income of the School Fund.

The expenditures of this fund have naturally over the years of progress increased in accordance with the development of the school system. Until now, the cost of operation and maintenance is \$3,850,000, plus payment of bond maturities of approximately \$135,000, for the fiscal year beginning July 1, 1938 and ending June 30, 1939, as against \$2,200,000 for the fiscal year beginning July 1, 1921 and ending June 30, 1922. This is an increase in operation and maintenance of 75%. I cite this merely to acquaint you with the progress of our system and the increased cost of operation and maintenance over a period of fifteen years.

Beginning July 1, 1939, a cash balance of \$3,200,000 to the credit of the School Fund is anticipated. However, income to that fund will drop off materially during each of the fiscal years of the next biennium. I expect a decline of at least \$400,000.00 in income taxes and \$300,000.00 in franchise taxes, causing a total decline of \$700,000.00 for each fiscal year beginning July 1, 1939 and July 1, 1940.

The amounts requested and recommended for each fiscal year of the next biennium are \$3,850,000.00, as against estimated income of \$4,073,000.00 for each year of the next biennium. With an estimated cash balance of \$2,910,000.00 for the fiscal year beginning July 1, 1939, the cash balance of the School Fund would thus be \$3,355,000 at the end of the biennium.

When speaking of the General Fund, I recommended diversions from franchise tax receipts of \$449,320 and \$452,620, for the respective years of the next biennium to cover the appropriations to the University of Delaware, State College for Colored Students, and the State Tax Department. This has been the customary practice for many years. Besides for the past six years it has been customary for the State to pay the bond maturities of the local school districts. If this practice is to be continued an additional \$136,000 and \$125,000 will be required for each year respectively.

Deducting \$901,940 for diversions to the General Fund and \$261,000 for payment of bond maturities, we find that the cash balance of the School Fund at the end of the biennium would be only \$2,192,527.27 as against \$2,909,652.99 as of July 1, 1939 nearly a 25% decline in the cash balance in the said fund.

In addition to the falling off of revenue to the school fund, we are placed more or less on the anxious bench relative to proposed legislation before the Federal Congress regarding the Federal licensing of corporations. This type of Federal legislation, if passed would force us to suffer further losses of school revenue. Therefore, I feel it my duty to acquaint you, not only with the present status of this fund, but to inform you of threatening developments in the future.

Before leaving the subject of the School Fund, may I advise that during the last session of the Legislature, an act was passed amending the mode of assessment of the franchise tax law, whereby revenue to the School Fund was materially increased. Notwithstanding this increase, the operation and maintenance of the schools, including the State Tax Department, the University of Delaware and State College for Colored Students, will be greater than the total income to the fund from all sources.

HIGHWAY FUND

The Highway Fund is the only major fund that does not cause us concern. This is true because of the limitations under the Highway Act.

On the twenty-fifth day of February, 1937, I addressed your honorable body on affairs of State and at that time recommended that the Legislature cause to be diverted from highway revenue, \$500,000 for the first fiscal year and \$300,000 for the second fiscal year of this biennium, for General Fund expenditures, in order to balance the General Fund Budget for this biennium.

The Legislature, instead of causing the \$800,000 to be diverted, decided upon a different procedure, that of borrowing the money from the Highway Fund and a Certificate of Indebtedness was issued during the last fiscal year for \$500,000 and it

will be necessary for another certificate to be issued for the fiscal year ending June 30, 1939 for \$300,000 in order to balance our General Fund Budget for the present biennium.

It was with reluctance that I made that recommendation, and I sincerely hope that such procedure will not be necessary at this time.

The General Fund is committed to the Highway Fund to the extent of \$800,000 and if this sum is not paid back to the Highway Fund by some other method devised by the General Assembly, then I suggest that a bond issue be created to the amount of \$800,000 and the money derived from the sale of the bonds be deposited to the credit of the General Fund to pay off its obligation to the Highway Fund. It must be definitely understood that the Highway Department, by reason of the borrowing of this money, has been curtailed in its operation and has not been able to avail itself of full Federal aid and further, at the time this money was borrowed, the act on my part in recommending such procedure was with the definite idea of repaying the fund, and of not forgetting that the obligation existed.

Aside from State finances, there are other matters I desire to call to your attention.

WELFARE

I feel it my duty to direct your attention to the many welfare and other charitable agencies that we have in Delaware. In your study of this question, serious thought should be given to a partial or general consolidation of the same, should you believe that a material saving to the State would result and that better service to our less fortunate citizens would be rendered.

RELIEF

For years past we have been confronted with the problem of relief for our unfortunate ones, and, I am delighted to say, local charities for a long period have been able to carry the burden. However, of late the burden of relief has become so great that our Federal Government together with our State Government has found it necessary to supplement the local charities in order to prevent starvation and suffering among our people. Congress enacted laws creating the Public Works Administration and the Works Progress Administration and both of these acts take the form of work relief. During the last session of our legislature, \$30,000 was appropriated for the purpose of direct relief, to match the relief costs incurred by the Levy Courts of the respective counties. I felt that the sum was not sufficient adequately to care for the relief problem and requested the legislature before adjournment to enact a relief bill wherein monies would be raised by taxation to meet the urgent needs as I saw them.

We are all aware of what followed. The \$30,000 together with the assistance given by the Levy Court, City of Wilmington, and local charities could not meet the urgent necessities that prevailed.

I called together a group of citizens and from the group selected a committee, including the Attorney-General of our State, to deal with the question and determine upon a possible means of meeting the needs without the necessity of calling the General Assembly in special session.

This committee, after careful study advised me that our statutes dealing with relief were sufficiently broad to enable us to draw upon the General Fund of our State for sufficient monies to meet one half of the necessary expenditures, the other half being paid by the Levy Courts of the counties, and that the administration of the relief needed would fall under the supervision of the Old Age Welfare Commission.

The anticipated amount necessary for this fiscal year is \$180,000. I understand that the sum of \$400,000 is considered a conservative figure for the next biennium, or \$200,000 for each fiscal year beginning July 1, 1939 and July 1, 1940.

I do not consider relief a General Fund item, and urgently request that you enact legislation whereby at least \$200,000 will be made available for each fiscal year of the next biennium to meet the necessary needs of our people.

BUDGET DIRECTORS

Under our present system, we have a statute creating the Board of Budget Directors, consisting of three in number, and appointed by and at the pleasure of the Governor. The duties of that board are to grant hearings to the different departments of the State relative to the sums of money necessary for their operation and maintenance for each fiscal year of the next biennium and to recommend to the Governor the sums so requested by each department, and the sums found by the Board to be necessary for the efficient operation and maintenance of each.

I do not consider this system adequate. First, because the Directors do not have an opportunity, considering the time at their disposal, to visit and acquaint themselves with the operation and needs of the departments; Second, not having thoroughly acquainted themselves with the operation and needs of the departments, the Directors are not in a position intelligently and accurately to recommend a program that we can say is efficient and economical.

I find the various departments operated in a reasonably efficient manner, but I am strongly of the opinion that they can be operated and maintained at a much less cost to the taxpayer.

I recommend the creation of a Board of Budget Directors, not more than three in number, one of whom must have auditing experience, to serve on a year around basis. Such directors should be appropriately compensated for the work done and should have powers substantially similar to those of the Bank Commissioner. Their term of office should be at the pleasure of the Governor.

This type of legislation could not be considered other than constructive and I am decidedly of the opinion that the amounts saved under such a system would many times compensate the costs of administration.

CONSTITUTIONAL AMENDMENT

I call to your attention that the 106th General Assembly passed an act amending our constitution, relative to the Judiciary and to become effective, it must be favorably acted upon by you this session.

I also direct your attention to the vast amount of work in the Court of Chancery and suggest the creation of the office of Vice-Chancellor either by statutory enactment or by constitutional amendment.

At present the terms of office of the State Treasurer and of the Auditor of Accounts are for two years. I recommend that you enact the necessary legislation to extend their terms of office to four years, but that the election for each office be held in alternate elections so that one of our two fiscal offices will always have experienced personnel.

AGRICULTURE

The Department of Agriculture has expanded considerably during the last fifteen years. In addition to its services to the truckers and farmers of our State, two of our most important industries, the dairy and chicken businesses, are under its supervision.

The Dairy Industry, although falling under the head of Agriculture, is controlled to some extent by the Board of Health, through its Department of Sanitation. This department working with the thought of eliminating unsanitary conditions in the production of milk has helped to curb disease and at the same time increased the general value of the milk produced. The Agriculture Department has also done splendid work in curbing disease among cattle.

The Chicken Industry has grown immensely during the last few years, until now it is one of the main industries in Sussex County and the progress has reached a point sufficient to give to

that section of our State a national standing in the industry. I have been told that 17,000,000 broilers passed over the scales at the Georgetown State Police station during the last eleven months. This will give you some idea as to the extent and growth of this industry without citing the number of broilers weighed at the Bridgeville and Dover stations.

There is an urgent request made from that section to provide it with a laboratory and chemist to be located in the heart of the industry for its protection. A conservative figure, I understand for the cost of the construction of the laboratory and services of the chemist would be approximately \$15,000.

I concur in this request and urge you to act favorably on legislation causing its accomplishment, as I feel that this industry must be protected.

PERMANENT IMPROVEMENTS

There will no doubt be a demand made upon you for additional buildings by various departments and in this connection I urge you to scrutinize their requests most thoroughly and before taking action thereon, not only weigh the cost of construction, but the cost of operation and maintenance as well, ever bearing in mind how difficult it is at present to balance our accounts.

WORLD'S FAIR

... Certain civic groups in Delaware have adopted resolutions relative to Delaware being represented at the New York World's Fair. During the last session of the Legislature, the question of participation in the World's Fair was debated and it was decided that Delaware would not participate. However, there are those who feel that Delaware being the First State of the Union should be represented and I concur with them. I recommend that an appropriation be made to provide for the suitable representation of the First State at the World's Fair of 1939.

ELECTION LAWS

Just a word about our General Election Laws. I recommend for your consideration the study of a revision of the General Election Laws of the State, and suggest that the approach to the same be with a view to effecting economies, particularly with respect to the number of ballots required to be printed and the method of the registration and voting of citizens of our State.

In this connection, I direct your attention to the election laws now in operation in our sister state of Maryland, as a model which we might well adopt in order that the right of franchise of our citizens may be protected.

PUBLIC ARCHIVES

The History of Delaware is one of which we justly are proud, but the historical documents of our State are unfortunately not as available as they should be. Believing that study, knowledge and appreciation of our past are necessary as a guide to our future, I feel that we no longer can neglect the historic treasures of our State. Now that an appropriate public building has been completed and is available for storing our historical documents, I recommend for your consideration that an appropriation be made for the use of the Public Archives Commission of the State, in compiling, publishing and keeping abstracts of early wills, probate letters, journals of the Assembly and other historical documents. Only in this way can our future generations be assured of an available comprehensive link with Delaware's glorious past.

CONCLUSION

I said in my Inaugural Address two years ago that there must be a balancing of public expenditures against public revenues. I then pointed out that we owe a duty to future generations of our State, not to leave them the heritage of a heavy burden of debts and a governmental structure impaired by poverty and inadequate to carry out the reasonable public services which our advancing civilization requires.

After two years in office, I still hold to this principle and I again insist that in considering the requests for increased and new public services, you have foremost in your minds the balancing of the out-go with the income. If new appropriations are made by you, correspondingly higher taxes must follow. Nothing is free and the costs of satisfying such demands must always be included in the tax bill. No public service can be rendered without paying for it and we are the ones to meet the bill, and not our children and our children's children. No appropriation should be made without providing its corresponding source of revenue.

I am sure that a constructive spirit animates your desires as well as mine, regarding our work during this session, and with such a spirit, I anticipate a most pleasant relationship with you. I am sure the degree of loyalty and regard that we possess for the welfare of our State, and its people, is mutual. Therefore, I extend to you my best wishes in your deliberations.

Respectfully submitted,

RICHARD CANN McMULLEN
Governor

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

The Secretary of the Senate and the Chief Clerk of the House compared Journals and found them to agree, and so notified the President.

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

Motion prevailed.

Mr. Heal moved that the Rules of the Senate of the One Hundred and Sixth General Assembly become the Temporary Rules of the Senate of the One Hundred and Seventh General Assembly.

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

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

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

NAYS—None.

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

TEMPORARY RULES OF THE SENATE

RULE 1—Order of Business.

1. Prayer.
2. Roll Call.
3. Reading of Journal.
4. The presentation of petitions, memorials or communications.
5. Reports of standing and select committees.
6. The introduction of bills and joint resolutions.
7. Concurrent and other resolutions.
8. Bills for third reading.
9. Miscellaneous business.

RULE 2—Every member shall be in his place at the time to which the Senate stands adjourned.

RULE 3—Unless otherwise ordered by a majority, the Senate shall meet every day (Sunday excepted) at twelve o'clock, noon.

RULE 4—Each legislative day and before the Senate proceeds to the consideration of any business, the Secretary shall call the names of the members in alphabetical order, and shall read the Journal of the preceding legislative day, which shall be approved or corrected by order of the Senate.

RULE 5—After the Journal is read, the Presiding Officer shall lay before the Senate communications or messages from the Governor, reports and communications from Departments, Commissions or State Boards and other communications addressed to the Senate, and such bills, joint resolutions and other messages from the House of Representatives as may be upon his table, undisposed of.

RULE 6—The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the Governor or the House of Representatives and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

RULE 7—The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the Governor in full; titles of bills and joint resolutions; every motion with the name of the member making the same (except motions for adjournment); the names of the members voting in the affirmative or negative on all roll calls.

RULE 8—When petitions, memorials and other papers addressed to the Senate are presented by the President, or a member, the contents thereof shall be briefly stated.

RULE 9—Section 1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

Section 2. Every bill and joint resolution shall receive three readings previous to its passage, the first two of which may be had on the same day, the second reading by title only, unless the Senate direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.

RULE 10—Messages from the Governor or from the House of Representatives may be received at any stage of proceedings, except while the Journal is being read, or while a question of order or a motion to adjourn is pending.

RULE 11—Messages shall be delivered to the House of Representatives by the Secretary, or by a Senator or other officer of the Senate directed by the Presiding Officer; the Secretary shall certify previous to delivery the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested, and the Secretary shall also certify and deliver to the Governor all resolutions and other communications which may be directed to him by the Senate.

RULE 12—When a message is brought to the Senate by a member of the House or any officer of the Senate, the members shall rise upon their feet, if so directed by the President.

RULE 13—No Senator shall absent himself from the service of the Senate without leave.

RULE 14—Section 1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reason, with the consent of the Senate, change or withdraw his vote. No motion to suspend rules shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Section 2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefore, and having assigned his reasons, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcements.

RULE 15—The President Pro Tempore shall appoint all committees, unless the Senate shall otherwise direct.

RULE 16—The following standing Committees shall be appointed by the President Pro Tempore to whom business appropriate to them shall be referred:

Accounts.

Agriculture.

Banking and Insurance.

Buildings and Highways.

Corporations, Private.

Corporations, Municipal.

Claims.

Elections.

Executive.

Education.

Finance.

Fish, Oysters and Game.

Judiciary.

Labor.

Miscellaneous.

Passed Bills.

Printing and Supplies.

Public Health.

Public Lands.

Revised Statutes.

Rules

Temperance.

RULE—17—Section 1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him.

Section 2. No Senator shall interrupt another in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate which shall be determined without debate.

Section 3. No Senator in debate, shall directly or indirectly, by any form of words impute to any Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

RULE 18—If any Senator, in speaking or otherwise transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

RULE 19—Section 1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

Section 2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

RULE 20—No bill or joint resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title; all bills and resolutions shall be typewritten, properly backed and shall contain no erasures or interlineations.

RULE 21—No motion shall be in order to amend or substitute a title to any bill after the last day on which new bills may be received by the Senate.

RULE 22—No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a Committee; bills and joint resolutions introduced on leave, reported from Committee, or received from the House of Representatives, shall not be considered the day on which they are received.

RULE 23—All bills and joint resolutions that have been twice read, shall be placed on the calendar by the Secretary and each member shall be furnished daily with a calendar.

RULE 24—No bill shall be put upon its final passage on the day of its presentation nor in the absence of the member who introduced the bill, unless by his written consent.

RULE 25—Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary, shall be introduced with one original and four carbon copies, the original copy of which shall at all times remain in the custody of the Chairman of the Committee to which it was referred, or of the Secretary of the Senate; and one duplicate shall at all times be under the general supervision of the Bill Clerk of the Senate.

RULE 26—All bills for the amendment of any statutes or parts of statutes contained in the Revised Code of Delaware, 1935, shall be made with reference to the said Revised Code and to conform to the arrangement of said Revised Code. All bills before being introduced shall first be submitted to the Attorney for approval as to compliance with this Rule.

RULE 27—When a question is pending, no motion shall be received but:

To adjourn.

To adjourn to a certain day, or that when the Senate adjourn it shall be to a certain day.

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a certain day.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

RULE 28—When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

RULE 29—When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

RULE 30—A question of order may be raised at any stage of the proceedings, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. The Presiding Officer may submit any question of order for the decision of the Senate.

RULE 31—Every motion or resolution to print documents, reports, bills, or any other matter shall, unless the Senate otherwise order, be referred to the Committee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

RULE 32—Any subject may, by a vote of the majority of the members elected to the Senate, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate.

RULE 33—Upon the written request signed by a majority of the members elected to the Senate and directed to the Presiding Officer, any bill, joint resolution or other business, which shall have been referred to a committee, shall be reported to the Senate for a decision as to its further disposal.

RULE 34—Any contest for a seat in this body shall be referred to the Committee on Elections without debate.

RULE 35—No rule of the Senate shall be changed or suspended, except by a vote of the majority of the members elected.

RULE 36—No person shall be admitted to the floor of the Senate while in session except as follows:

The Governor of the State.

The Secretary of State.

Ex-Governors of the State.

Ex-Lieutenant Governors of the State.

Ex-State Senators.

Members and ex-members of the United States Congress.

Members of the House of Representatives.

Officers and employees of the Senate.

Officers and employees of the House of Representatives.

Official representatives of the Press. Provided, however, the privilege of the floor may be granted by unanimous consent of the Senate.

JOINT RULES

RULE 1—Messages from one House of the General Assembly to the other shall be conveyed by such persons as a sense of propriety in each House may determine. Announcement shall be made by the Sergeant-at-Arms of the House to which the message is being conveyed, and the message shall be respectfully communicated to the presiding officer by the person or persons conveying the same.

RULE 2—Every bill and resolution upon being measured from one House to the other shall be receipted for by the Chief Clerk of the House receiving same, and all papers on which the said bill or resolution may be based shall be transmitted at the same time.

RULE 3—Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary shall upon its final passage in both Houses be delivered by the Chief Clerk of the House in which such bill or resolution originated, into the custody of the Bill Clerk of said House, and it shall be the duty of the Bill Clerk of the Senate and the Bill Clerk of the House of Representatives jointly to see that such bill or resolution has attached to it a proper parchment backing and that each and every page of the said bill or resolution has been properly initialed, sealed or stamped, and, upon being assured that such is the case, shall immediately, if the Houses be in session, and, if not, at the earliest opportunity, present the said bill or resolution to the presiding officer of each House for his signature, the presiding officer of the House in which the bill or resolution originated signing first. Said Bill Clerks shall then certify with the Secretary of the Senate and the Clerk of the House on the backing of said bill or resolution that such bill or resolution is the same as that which passed both Houses of the General Assembly, and the said bill or resolution shall then be delivered by the Bill Clerk of the House in which such bill or resolution originated to the Chairman of the Committee on Passed Bills of said House.

RULE 4—Disagreement between the two Houses in the substitution for an amendment to a bill or resolution or over any other matter shall be made subject for conference at the request of either House. A committee, composed of members who voted in the majority on the point or points of difference, shall be appointed in each House, and, at a convenient hour agreed on by their chairmen, shall meet in the conference chamber and state to each other, verbally or in writing, the reasons of their respective House for and against the substitution, amendment or

other matter of disagreement, and confer freely thereon. Conferences shall not have power or control over any part of the bill or resolution or other matter save such point or points over which the Houses disagree.

RULE 5—Every bill and resolution, which shall have passed one House and been rejected by the other, shall be returned to the House which had approved it and notice given of its rejection and the same entered on the Journal.

RULES GOVERNING EXECUTIVE SESSIONS OF THE SENATE OF THE STATE OF DELAWARE

RULE 1—When about to act on confidential or executive business, the Chamber shall be cleared of all persons except the Secretary and the Reading Clerk of the Senate, the Sergeant-at-Arms, and such other officers as the presiding officers shall deem necessary; and all such officers shall be pledged to secrecy.

RULE 2—The Executive proceedings and the confidential legislative proceedings shall be kept in separate Journals.

RULE 3—When nominations shall be made by the Governor of the State, they shall, unless otherwise ordered by the Senate, be referred to a committee to be hereinafter provided for; and the final question on every nomination shall be, "WILL the SENATE CONSENT TO THIS NOMINATION?" Which questions shall not be put on the same day on which it may be reported by a Committee, unless by unanimous consent of the Senate.

RULE 4—All information communicated, or remarks made by a Senator when acting on nominations concerning the character or qualifications of the person nominated, shall be kept secret; if, however, charge shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

RULE 5—When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual sessions of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time with-

in which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination and shall be a final disposition of such motion.

RULE 6—Nominations, confirmed or rejected by the Senate, shall not be returned by the Secretary to the Governor until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending unless otherwise ordered by the Senate.

RULE 7—Nominations, neither confirmed nor rejected, during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the Governor, and if the Senate shall adjourn sine die, all nominations pending and not finally acted upon at the time of such final adjournment shall be returned by the Secretary to the Governor, and shall not again be considered unless they shall again be made by the Governor.

RULE 8—Any Senator or officers of the Senate who shall disclose the secret or confidential business or proceedings of the Senate, shall be liable, if a Senator, to be called before the bar of the Senate for reprimand; and if an officer, to be dismissed from the service of the Senate and to punishment for contempt.

RULE 9—The Governor of the State shall, from time to time be furnished with a copy of the list of appointments confirmed or rejected by the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary except by special order of the Senate.

RULE 10—The President Pro Tem of the Senate shall appoint a Committee, which shall be styled "The Executive Committee," to which all nominations of the Governor shall be referred.

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

Motion prevailed.

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

Senate met at expiration of recess.

The President administered oaths of office to the following:

STATE OF DELAWARE,

KENT COUNTY,

$$\left. \begin{array}{l} \text{ } \\ \text{ } \end{array} \right\} \text{ss.}$$

Dover, Delaware

I, Virginia Elliott, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Stenographer for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

VIRGINIA ELLIOTT

Sworn to and subscribed before me this fourth day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE,

KENT COUNTY,

} ss.

Dover, Delaware

I, Martin Miller, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Assistant Cloak Room Attendant for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

MARTIN MILLER

Sworn to and subscribed before me this fourth day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

STATE OF DELAWARE.

KENT COUNTY,

} ss.

Dover, Delaware

I, Matthew Powell, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Telephone Messenger for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

MATTHEW POWELL

Sworn to and subscribed before me this fourth day of January, A. D. 1939.

EDWARD W. COOCH

President of the Senate

On motion for leave, Mr. Sylvester introduced Senate Concurrent Resolution No. 4, entitled:

SENATE CONCURRENT RESOLUTION NO. 4

EXPRESSING THE SORROW OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE OF THE DEATH OF THE HONORABLE DANIEL E. KELLY, A MEMBER OF THE SENATE.

WHEREAS, the members of the General Assembly learn with profound sorrow of the untimely death of the Honorable Daniel E. Kelly, a member of the Senate of the General Assembly from the Second Senatorial District of New Castle County and who previously had served with distinction in the House of Representatives; and

WHEREAS, in the death of the Honorable Daniel E. Kelly the General Assembly has sustained the loss of an honored and respected member and the State of Delaware is deprived of the faithful services of a useful and valuable citizen; and

WHEREAS, it is fitting and proper that the General Assembly, at its first opportunity, give public expression to and note the loss of its brother member and extend its heartfelt sympathy to the family of the late Senator Kelly in their bereavement;

NOW THEREFORE BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that the General Assembly humbly for itself, the members thereof, and in behalf of the citizens of the State of Delaware, does hereby note its loss in the untimely death of Senator Kelly and emphasizes their full and sincere appreciation of his services to the General Assembly and to the State of Delaware, and extends to his family the sincere sympathy of the respective members of the General Assembly; and

That a copy of this Resolution be spread upon the Journals of each House, a copy delivered to the Press, and a copy sent to Mrs. Kelly.

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

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

Messrs. Poore and Rinard expressed themselves on Senate Concurrent Resolution No. 4.

The Chair requested a standing vote on Senate Concurrent Resolution No. 4, followed by a minute of silent prayer. The Chaplain, the Rev. Frank A. Baker, offered up a prayer.

Mr. Sylvester requested information from the Chair as to the vote on Senate Concurrent Resolution No. 4, on the death of Senator Daniel E. Kelly.

The President explained that he considered the rising vote as an unanimous vote and so declared Senate Concurrent Resolution No. 4 passed by the Senate.

Ordered to the House for concurrence.

Mr. Heal moved that the Senate adjourn.

The motion was withdrawn on a request from the Chair.

The Chair begged leave to present the following communications:

KENT COUNTY LEVY COURT

Dover, Delaware, January 2, 1939

The Honorable Edward W. Cooch
Lieutenant-Governor of the State of Delaware
Dover, Delaware

Dear Sir:

At the regular meeting of the Kent County Levy Court held at Dover on Tuesday, December 27, 1938, the Levy Court unanimously adopted the following Resolution:

RESOLUTION

RESOLVED that this Levy Court petition the General Assembly to change the wording of the law governing the assessment of property in Kent County so that improvements on real estate outside of incorporated towns be subject to increased assessment at any time instead of only on the year of the general assessment as under the present law.

BE IT RESOLVED that copies of this resolution be sent to His Excellency, Governor McMullen, and to the General Assembly.

Very truly yours,

HARRY T. GREENWELL
Clerk of the Kent County Levy Court

KENT COUNTY LEVY COURT

Dover, Delaware, January 2, 1939

The Honorable Edward W. Cooch
Lieutenant-Governor of the State of Delaware
Dover, Delaware

Dear Sir:

At the regular meeting of the Kent County Levy Court held at Dover on Tuesday, December 27, 1938, the Levy Court unanimously adopted the following Resolution:

RESOLUTION

WHEREAS, the tract of land known as the Kent County Almshouse Farm is no longer being used for its original purpose—that of furnishing a home for the indigent poor of the county, and

WHEREAS, this farm under present conditions is being operated under considerable financial loss to the taxpayers;

THEREFORE BE IT RESOLVED that this Levy Court recommend to the General Assembly that An Act be passed authorizing the sale of this farm, the money from said sale to revert to the proper welfare officials of the county to be used for the County's poor.

BE IT FURTHER RESOLVED that copies of this resolution be sent to His Excellency, Governor McMullen, and to the Lieutenant-Governor and the Speaker of the House of General Assembly.

Very truly yours,

HARRY T. GREENWELL
Clerk of the Kent County Levy Court

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 5, 1939.

Motion prevailed.

THIRD LEGISLATIVE DAY

January 5, 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—Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

Secretary proceeded to read the Journal of the Previous Session, when Mr. 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.

On motion for leave, Mr. Heal introduced Senate Resolution No. 3, entitled:

SENATE RESOLUTION NO. 3

AUTHORIZING CUSTODIAN OF BUILDING TO FURNISH ATTORNEYS FOR THE SENATE WITH PROPER OFFICES AND FURNITURE.

WHEREAS, at the Session of the 106th General Assembly of the State of Delaware, the Attorneys for the Senate were provided with office space on the second floor of the Legislative Building in the three rooms at the south end; and

WHEREAS, the use of these three rooms by the Attorneys for the Senate is necessary in order to provide them with adequate quarters to properly carry on the work of the Senate;

THEREFORE, BE IT RESOLVED, by the Senate of the 107th General Assembly of the State of Delaware that the Custodian of the Buildings be, and he is hereby authorized and directed to provide the Attorneys for the Senate with office quarters on the second floor of the Legislative Building in the three rooms at the south end; and

BE IT FURTHER RESOLVED, that the member of this Senate from the First Senatorial District of New Castle County be, and he is hereby authorized and empowered to purchase such equipment, such as desks, filing cabinets, chairs, etc., as may be necessary in the furnishing of said offices, and also two flag stands for the flags to be used in the Senate Chamber, the sum to be expended therefor not to exceed Five Hundred Dollars (\$500.00).

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

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

On the question on Senate Resolution No. 3, Mr. Sylvester offered some remarks.

Mr. Heal requested a roll call.

The Chair refused to acknowledge the roll call, ordering the Secretary of the Senate not to make a roll call, declaring it out of order.

Mr. Heal moved for an appeal from the Chair's ruling, requesting that a roll call determine whether the Chair's ruling should stand.

On the question, "Shall the Chair be overruled?"

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

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

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

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

Mr. Heal moved the adoption of Senate Resolution No. 3.

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

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

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

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, was adopted.

The Sergeant-at-Arms reported a messenger from the House.

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

Senate Concurrent Resolution No. 4, entitled:

Expressing the sorrow of the General Assembly of the State of Delaware of the death of the Honorable Daniel E. Kelly, a member of the Senate.

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. 1, entitled:

Relative to Adjournment.

And presented the same to the Senate.

The Chair presented House Concurrent Resolution No. 1, entitled:

Relative to Adjournment.

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

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

The Chair called for a yea and nay vote, so the question was decided in the affirmative and resolution was declared adopted.

Ordered returned to the House.

On motion for leave, Mr. Clark introduced Senate Resolution No. 4, entitled:

SENATE RESOLUTION NO. 4

AUTHORIZING THE STATE LIBRARIAN TO FURNISH STATIONERY AND OTHER SUPPLIES.

BE IT RESOLVED, by the Senate of the One Hundred and Seventh General Assembly of the State of Delaware, that the State Librarian be and she is hereby authorized and directed to furnish to the Lieutenant-Governor, the members of the Senate, the Secretaries of the Senate, the Attorneys for the Senate, the Reading Clerks, the Bill Clerks, and the Secretary to the President Pro Tem of the Senate, stationery and other supplies, the cost of which shall not exceed the sum of Twenty-five Dollars (\$25.00) for each.

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

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

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

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

NAYS—None.

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

On motion for leave, Mr. Steele introduced Senate Resolution No. 5, entitled:

SENATE RESOLUTION NO. 5

IN REFERENCE TO PRIVILEGES OF THE SENATE FLOOR.

BE IT RESOLVED, by the Senate, that the privileges of the floor be accorded to the ex-members of the Senate, members and ex-members of the House of Representatives, the Governor, and other State officers, and members of the Press.

AND BE IT FURTHER RESOLVED, by the Senate, that the privilege of the floor, to address the Senate or to confer with members of the Senate, may be granted to other persons by a majority vote of the Senate.

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

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

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

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

NAYS—None.

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

On motion for leave, Mr. Hannam introduced Senate Resolution No. 6, entitled:

SENATE RESOLUTION NO. 6

AUTHORIZING THE COMMITTEE ON PRINTING TO HAVE PRINTING DONE.

BE IT RESOLVED, by the Senate, that the Committee on Printing be and it is hereby authorized and directed to have done, from time to time, such printing as may be necessary for the Senate.

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

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

Mr. Hannam requested that Senate Resolution No. 6 be withdrawn.

The request was granted.

Mr. Sylvester, rising to a point of personal privilege, read:

"I would like to say a word which relates to a matter which was before the Senate yesterday. We adopted a resolution upon the death of the late Senator Kelly, and as we all know, it is necessary that his place be filled so that the people from his district may be represented in this body.

"On Tuesday, January 3, in accordance with the statute, the President of the Senate issued a Writ of Election which was received by the Sheriff of New Castle County on that day.

"Now, I must admit that I am not a lawyer, nor would my interpretation be accepted in a court, but the statute says that the Sheriff shall appoint the day for holding a special election not more than five nor less than four days after receiving the Writ.

"According to my way of feeling, the fourth day from receiving the Writ is Saturday, January 7th, and the fifth day is Sunday, January 8th.

"I am now informed by the press that the Sheriff of New Castle County has disregarded the provisions of the statute and has fixed Monday, January 9th, as the time for holding the Special Election to elect a successor to Senator Kelly, deceased. In doing so, I feel he has disregarded the laws of this State. I know that if I gave my note, payable in thirty days to my friend, Senator Steele, when those thirty days were up, he would come to me and ask to be paid and I know how far I would get if I told him I had four extra days within which to pay him, as Sundays do not count. Not only has the Sheriff of New Castle County disregarded the laws, particularly, according to the press, after having obtained the advice of certain members of the Court who told him that Saturday, January 7th, was the proper day to hold the election, but by doing so, he also has fixed a day which will prevent the people of that district from recording their choice of a person to represent them in Dover. We all know that a number of the people in that district are working people, and that a great many of them do not get home from their work until after six o'clock in the evening, at which time the polls will be closed. I feel that all of the people of that district should have the right to cast their ballot for the man of their choice and that they should not be discriminated against by the apparent illegal and arbitrary action of a Republican controlled Sheriff. I want to see here, to associate with us, a man who is the true choice of all of the people of that district and I feel that I should protest this action taken by the Republican leaders and it is my request, Mr. President, that my remarks be put in the Journal of this body."

The Chair ordered the above to become part of the Senate Journal.

On motion for leave, Mr. Hannam introduced Senate Resolution No. 7, entitled:

SENATE RESOLUTION NO. 7

RESOLVED that J. Henry Roser be chosen to serve as Sergeant-at-Arms of the Senate during the session of the One Hundred and Seventh General Assembly of the State of Delaware.

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

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

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

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

NAYS—Messrs. Derrickson, Moody—2.

NOT VOTING—Messrs. Gooden, Poore, Sylvester—3.

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

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

SENATE RESOLUTION NO. 8

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 Ten (\$10.00) 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. Brown, Clark, Derrickson, Gooden, Hannam, Heal, Hendricks, Moody, Moore, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

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

The Chair administered the following oath:

| | | |
|--------------------|-------|-----------------|
| STATE OF DELAWARE, | } ss. | |
| KENT COUNTY, | | Dover, Delaware |

I, J. Henry Roser, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of Sergeant-at-Arms for the Senate in the General Assembly of the State of Delaware according to the best of my ability.

J. HENRY ROSER

Sworn to and subscribed before me this fifth day of January, A. D. 1939.

EDWARD W. COOCH
President of the Senate

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

Motion prevailed.

FOURTH LEGISLATIVE DAY

January 12, 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 — Brown, Clerk, 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.

Mr. Heal moved that a Committee of two be appointed to inform the Judges of the Superior Court of the Second Senatorial District of New Castle County that the Senate is ready to receive certificates of election of the Senator-elect.

Motion prevailed.

The Chair appointed Messrs. Heal and Gooden.

The certificate of election of the elected member follows:

| | |
|-------------------|-------|
| STATE OF DELAWARE | } ss. |
| NEW CASTLE COUNTY | |

BE IT REMEMBERED, that at the Special Election held on Monday, the ninth day of January in the year of our Lord nineteen hundred and thirty-nine, for Senatorial District Number Two in New Castle County, according to the Constitution and Laws of the State of Delaware, Edward Abrahams, Jr., was duly elected Senator for said Senatorial District Number Two in said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all of the election districts of the said Senatorial District, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Daniel J. Layton and Frank L. Speakman, the Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said Senatorial District, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House on this eleventh day of January, A. D. 1939.

DANIEL J. LAYTON

Chief Justice

F. L. SPEAKMAN

Resident Associate Judge

[SEAL]

The oath of office to the new member was administered as follows:

KENT COUNTY, }
THE STATE OF DELAWARE, } ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Senator in the General Assembly of the State of Delaware from Senatorial District No. 2 in New Castle County (to which office I was elected at the Special Election held in said State in the year A. D. 1939), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

EDWARD ABRAHAMS, JR.

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

EDWARD W. COOCH

President of the Senate

The following communication was offered by the Chair and read by the Reading Clerk:

The family of the late

DANIEL E. KELLY

*acknowledge with grateful appreciation
your kind expression of sympathy*

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.

President Pro Tem Steele presented his committee appointments, as follows:

STANDING COMMITTEES OF SENATE

ACCOUNTS

Messrs. Simmons, Chairman; Short, Abrahams, Clark, Derrickson.

AGRICULTURE

Messrs. Short, Chairman; Brown, Hendricks, Clark, Moody.

BANKING AND INSURANCE

Messrs. Rinard, Chairman; Clark, Hendricks, Purnell, Sylvester.

BUILDINGS AND HIGHWAYS

Messrs. Clark, Chairman; Purnell, Heal, Brown, Moody.

ELECTIONS

Messrs. Brown, Chairman; Hannam, Heal, Simmons, Gooden.

EXECUTIVE

Messrs. Abrahams, Chairman; Rinard, Hannam, Simmons, Gooden.

FINANCE

Messrs. Hannam, Chairman; Rinard, Simmons, Purnell, Moore.

CORPORATION, PRIVATE

Messrs. Steele, Chairman; Rinard, Clark, Purnell, Poore.

CORPORATIONS, MUNICIPAL

Messrs. Brown, Chairman; Hendricks, Hannam, Heal, Poore.

CLAIMS

Messrs. Hannam, Chairman; Rinard, Short, Clark, Moody.

EDUCATION

Messrs. Purnell, Chairman; Heal, Rinard, Hendricks, Sylvester.

JUDICIARY

Messrs. Rinard, Chairman; Clark, Simmons, Purnell, Poore.

LABOR

Messrs. Purnell, Chairman; Brown, Short, Hannam, Sylvester.

MISCELLANEOUS

Messrs. Steele, Chairman; Short, Heal, Hendricks, Moore.

FISH, OYSTERS AND GAME

Messrs. Hendricks, Chairman; Steele, Short, Heal, Derrickson.

PRINTING AND SUPPLIES

Messrs. Hannam, Chairman; Rinard, Hendricks, Steele, Moore.

PUBLIC LANDS

Messrs. Short, Chairman; Abrahams, Steele, Rinard, Moore.

RULES

Messrs. Simmons, Chairman; Abrahams, Steele, Heal, Poore.

PASSED BILLS

Messrs. Heal, Chairman; Simmons, Brown, Abrahams, Gooden.

PUBLIC HEALTH

Messrs. Clark, Chairman; Abrahams, Simmons, Purnell, Moody.

REVISED STATUTES

Messrs. Hendricks, Chairman; Brown, Rinard, Abrahams, Derrickson.

TEMPERANCE

Messrs. Purnell, Chairman; Heal, Simmons, Brown, Moore.

The Sergeant-at-Arms announced a messenger from the House.

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. 2, entitled:

Relating to the Tragedy at St. Georges.

And presented the same to the Senate.

The Chair presented House Concurrent Resolution No. 2, entitled:

Relating to the Tragedy at St. Georges.

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

Mr. Heal moved that the Senate recess until the call of the Chair.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

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

SENATE RESOLUTION NO. 9

AUTHORIZING THE COMMITTEE ON PRINTING TO HAVE PRINTING DONE.

BE IT RESOLVED, by the Senate, that the Committee on Printing be and it is hereby authorized and directed to have done, from time to time, such printing as may be necessary for the Senate.

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, Purnell, Rinard, Short, Mr. President Pro Tem—14.

NAYS—None.

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

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

Motion prevailed.

FIFTH LEGISLATIVE DAY

January 13, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Assistant Secretary Dawson called Senate to order.

Mr. Heal Moved that Mr. Rinard act as President Pro Tem.

Motion prevailed.

Mr. Rinard 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—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. Clark, on behalf of the Committee on Buildings and Highways, to whom had been referred, House Concurrent Resolution No. 2, entitled:

Relating to the Tragedy at St. Georges.

Reported the same back to the Senate favorably.

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

On motion of Mr. Clark, House Concurrent Resolution No. 2, entitled:

Relating to the Tragedy at St. Georges.

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—16.

NAYS—None.

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

Ordered returned to the House.

Mr. 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.

Lieutenant-Governor Cooch presiding.

Mr. Simmons, on motion for leave, introduced Senate Bill No. 1, entitled:

An Act to amend Chapter 165 of the Revised Code of the State of Delaware, 1935, relating to Motor Vehicles by changing the Registration Date therefor.

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

Mr. Simmons, on motion for leave, introduced Senate Bill No. 2, entitled:

An Act to amend Chapter 165 of the Revised Code of the State of Delaware, 1935, in reference to the Registration of Motor Vehicles at Half Rate.

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

The Chair presented the following communication:

RESOLUTION PASSED BY DELAWARE SOCIETY OF
COLONIAL DAMES AT A MEETING HELD

ON DECEMBER 19, 1938

WHEREAS, only a few of the public documents and other records of historic value of the State of Delaware have been published; and

WHEREAS, in case of fire such documents and records would be irretrievably lost if not printed; and

WHEREAS, it is frequently impossible for historians, genealogists, and descendants of Delaware families to come to this State to examine or consult the said documents and records; and

WHEREAS, the State of Delaware should not lag behind other States, such as Maryland, Pennsylvania, and New Jersey, in the important matter of publishing its historical papers;

BE IT RESOLVED by the Delaware Society of the Colonial Dames of America that this Society respectfully urge upon the Governor and the General Assembly of the State of Delaware the importance of establishing a fund for the publication of abstracts of early wills, probate records, marriage records, journals of the Assembly, court records, and other historical documents; and

BE IT FURTHER RESOLVED that the said fund be appropriated to the use of the Public Archives Commission of the State of Delaware for proper compiling, editing, publishing, and distributing such historical papers; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the meeting of this Society and that copies thereof be transmitted to His Excellency the Governor of the State, the President of the Senate, and the Speaker of the House of Representatives.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 16, 1939.

Motion prevailed.

SIXTH LEGISLATIVE DAY

January 16, 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, Moore, Purnell, Rinard, Short, 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.

The President Pro Tem offered the following communications:

DELAWARE MOTOR TRADES ASSOCIATION, INC.

Wilmington, Delaware, January 14, 1939

Honorable David Wilmer Steele,
President Pro Tem State Senate,
Dover, Del.

Dear Sir:-

Our association in meeting of January 10th in discussing legislative matters affecting the Automobile Business, have asked me to write and place this association on record with you on the following matters:

Diversion of Highway Funds

"It was moved, seconded and carried that the association go on record with the legislative bodies strongly supporting the stand against highway diversion as contained in the Republican Party Platform."

Reduction in Gasoline Tax

"It was moved, seconded and carried that the association go on record with the legislative bodies opposing any reduction in the gas tax at this time."

Time Table or Zone Speed System

"It was moved, seconded and carried, that this association go on record with the legislative bodies favoring the Time Table or Zone Speed System to be administered by the Chief Engineer of the State Highway Department."

Very truly yours,

EUGENE D. MONAHAN
Executive Secretary

DELAWARE ANTI-TUBERCULOSIS SOCIETY, INC.

1014 DELAWARE AVENUE

Wilmington, Delaware, January 16, 1939

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

Dear Sir:-

A measure to establish a new colored sanatorium on the grounds of Brandywine Sanatorium will soon come before you. Before it comes up, you should have the facts about it. Tuberculosis among white people in Delaware is fast coming under control. But the colored death rate is more than four times that of the white, and cannot be controlled without an adequate sanatorium. Unless the colored rate is controlled, it will be impossible to cut down the white rate much farther, as the colored cases carry continual contagion in neighborhoods and workplaces. The waiting list at Edgewood, the present small building, is very large, and patients wait a year or more for admittance, and may remain in their homes, spreading the disease, and finally die before admittance.

The following resolution has been passed by more than 150 organizations in our State, led by the State Medical Society:

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 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 colored tuberculosis patients have died before admission, and

WHEREAS, The colored tuberculosis death rate in Delaware is more than four 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 we urgently request the next Legislature in Delaware to provide for additional sanatorium facilities for the care of colored tuberculous patients in Delaware.

Our Society built and maintained Brandywine Sanatorium for many years, and in 1925 conveyed the property, then valued at \$250,000, to the State, free of all incumbrance. We are deeply interested in health matters, and feel that a new colored sanatorium is a necessity in controlling tuberculosis in Delaware.

We urge that an adequate measure be supported by you.

Sincerely yours,

EMILY P. BISSELL
President

Mr. Heal moved that the Senate recess until 1:30 o'clock P. M.

Motion prevailed.

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

Senate met at expiration of recess.

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

SENATE RESOLUTION NO. 10

RESOLUTION TO CONTINUE THE INVESTIGATING COMMITTEE RELATIVE TO THE STATE HIGHWAY DEPARTMENT AND DELAWARE COMMISSION FOR THE FEEBLE-MINDED.

BE IT RESOLVED by the Senate that the Committee of five members of this Senate heretofore appointed by the President Pro Tempore during the Extraordinary Session of the Senate, held during December 1938, as an Investigating Committee to conduct an investigation of the affairs of the State Highway Department and the Delaware Commission for the Feeble-Minded, be and the same are hereby appointed as the Investigating Committee for this Senate, which Committee be and is hereby authorized and directed to continue the investigation concerning the administration, management, discipline and manner of purchase of supplies of the State Highway Department and the Delaware Commission for the Feeble-Minded, 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 the 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 this Senate 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 Twenty-five Hundred Dollars (\$2500.00); and

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

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, Hannam, Heal, Hendricks, Purnell, Rinard, Short, Simmons, Mr. President Pro Tem—10.

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

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

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

SENATE RESOLUTION NO. 11

AUTHORIZING THE STATE LIBRARIAN TO FURNISH PAPER AND ENVELOPES TO THE PRINTING COMMITTEE.

BE IT RESOLVED, by the Senate, that the State Librarian be and she is hereby directed to furnish to the Printing Committee of the Senate, nine thousand (9,000) letter size sheets of bond paper and nine thousand (9,000) envelopes such as the Librarian has on hand, the envelopes to be divided equally between the two sizes which the Librarian has.

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

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

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

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

NAYS—Mr. Sylvester—1.

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 3, entitled:

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

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. 4, entitled:

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

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

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

Motion prevailed.

SEVENTH LEGISLATIVE DAY

January 17, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

President Pro Tem Steele presiding.

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

Roll called.

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

Secretary proceeded to read the Journal of the Previous Session, when Mr. Heal moved so much be 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. 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. 3, entitled:

Relative to the Construction of a Bridge at St. Georges.

And presented the same to the Senate.

The following communication was read and ordered spread upon the Journal:

January 17th, 1939

To the Members of the Senate
Dover, Delaware

Gentlemen:-

We feel that the detour sign placed at State Road directing traffic via of Glasgow going South and sign placed at Point Breeze directing traffic via Middletown traveling North that an injustice is being done to business men and employees on duPont Highway between above mentioned points.

We feel there should be additional signs placed at both these points mentioned above.

Barricads moved from Tybouts Corner to Wrangle Hill traveling South and from Point Breeze to Biddles Corner (Delaware Beach Road) traveling North, directing such traffic who wishes to travel via Delaware City, Port Penn and Odessa South and vice versa Odessa, Port Penn and Delaware City going North.

By such a procedure will leave to traveling public's discretion which route they wish to use. Also give us an opportunity of a little more patronage.

Trusting that you may see our unselfish attitude in this very important service or measure.

Very truly yours,

SIGNERS OF THE PETITION

We, the owners, (taxpayers) and employees of New Castle County between State Road, Delaware, and Point Breeze, Delaware, feel that an injustice is being done to the business men between State Road, Delaware, and Point Breze, Delaware, because of the amount of capital tied up in their business and the number of men employed, by the erection and placing of the signs at State Road, Delaware, and Point Breeze, Delaware, directing traffic by way of Glasgow, Delaware, and Middletown, Delaware, and hereby request and petition the Members of the Senate of the State of Delaware, to request the proper authorities to use a more open mind in dividing such traffic as may use the highway between these points as evenly as possible between Glasgow, Middletown, Point Breeze, Delaware City, Port Penn and Odessa:

John C. Olivero, Royal Oak Hotel, State Road, Del.; Mary C. Olivera, Royal Oak Hotel, State Road, Del.; Thomas E. Darling, Royal Oak Hotel, State Road, Del.; Frances Olivero, Royal Oak Hotel, State Road, Del.; George Van Norton, Royal Oak Hotel, State Road, Del.; Bruno Brunini, Royal Oak Hotel, State Road, Del.; Adam McKay, Royal Oak Hotel, State Road, Del.; Petri Olivero, Frances Olivero, Ceresa Olievero, Penrose Craig, Helen Nichols, Sarah Preston, Joseph Engle, The Black Cat, State Road; Raymond Emory, The Black Cat, State Road; Virginia N. Phillips, The Black Cat, State Road; Joseph Briton, The Black Cat, State Road; Bennett W. Falana, The Black Cat, State Road; August Pohorily, The Black Cat, State Road; Rudy Mick, The Black Cat, State Road; Michel Walch, Jack, Borice, Fred Spewim, George Truitt, Clayton Draper, Robert Armstrong, Lawrence Lee, Wm. A. Lee, Edward Smith, Edward Wilson, Roosevelt Blair, Albert Jahn, Ruth McRey, Olive Elliott, Wm. Thomas, George Theaphare, Jack, Bervas, Micky Welsh, Bill McHaley, Fred Spright, Franklyn M. Salter, Carl Warrington, L. O. DeShong, Red Lion; William J. Dippie, Tybouts Garage; Charles Fritz, Tybouts Garage; Earl Titter, Tybouts Garage; Nellie Zurko, Tybouts Garage; W. T. Ennis, Ennis Garage, Odessa, Del.; Helen Ennis, Ennis Garage, Odessa, Del.; John R. Ennis, Ennis Garage, Odessa, Del.; Jos. E. Kumpel, Ennis Garage, Odessa, Del.; Robert Foraker, Ennis Garage, Odessa, Del.; Dorsey Ennis, Ennis Garage, Odessa, Del.; Leroy Mannering, Ennis Garage, Odessa, Del.; Wm. G. Phillips, Ennis Garage, Odessa, Del.; Herman Kumpel, Ennis Garage, Odessa, Del.; W. Edward Watson, Ennis Garage, Odessa, Del.; Mrs. Leroy Mannering, Ennis Garage, Odessa, Del.; Charles I. Walker, Ennis Garage, Odessa, Del.; Mrs. Edith S. Thompson, Ennis Garage, Odessa, Del.; James Baynard, Ennis Garage, Odessa, Del.; Fred A. Reynolds, General Merchant, Odessa, Del.; Alice Wilson, Odessa, Del.; Henrietta Wilson, Odessa, Del.; Wilbert Griffin, Pine Tree Service Station; Mary Griffin, R. H. Barcus, Pine Tree, Del.; Grace Gottwals, Homestead Rest; Pearl Jones, Homestead Rest; Hazel A. Willey, Pennsylvania Station; W. K. Harrigan, Log Cabin Inn; Margaret Harrigan, Log Cabin Inn; L. Roy Roberts, Fielsboro Service Station; Jennie V. Roberts, Leonard Ramsauer, Pleasant Hill, Odessa, Del.; Kathryn Monferoni, Pleasant Hill, Odessa, Del.; Frieda Ramsauer, Pleasant Hill, Odessa, Del.; Paul W. Carey, Diamond Ice and Coal Station, Odessa, Del.; Mrs. May Burns, Storekeeper, Odessa, Del.; W. E. Burns, Storekeeper, Odessa, Del.; Roy A. Ranley, Service Station; Joseph Canali, Canali's Cage; Charles N. McGinnis, Service Station; Minnie Thomas, MacDonough; Boulevard Service, Inc., L. F. Boyer, Boyd's Corner; Glen J. McNatt (owner) McNatt's Garage; Ralph D. McNatt (manager) McNatt's Garage; Harry S. McNatt, McNatt's Garage.

The Chair presented the following communication:

CONTINENTAL DIAMOND FIBRE COMPANY

Newark, Delaware, January 13, 1939

Senator George R. Clark
Dover, Delaware

Dear George:

The writer was appointed several years ago on the Interstate Commission on the Delaware River Basin, representing this State. The other commissioners are Mr. R. C. Beckett, Mr. C. H. Gant and Hon. Chauncey P. Holcomb.

While this State has been included for several years in the meetings of this body they have never contributed to the expenses incidental to the operation of the Commission. At a meeting of the Commission last week I was presented with three bills and have been asked to have them introduced to the Legislature. I am enclosing a letter from Mr. Robinson, the Executive Secretary of the Commission, that will explain together with some pamphlets showing some work the Commission has done.

I feel very keenly that this State should continue to participate in this Commission as we are more effected by the pollution of the Delaware River than probably any other State. Only one of these possible bills include any money in it and it covers the sum of \$5,000.00 to be paid in equal installments on July 1 this year and July 1, 1940.

At your convenience, I would appreciate it if you would present these acts to the Republican Senate, also to your attorney so that they can consider the possibility of introducing legislation.

I am also enclosing a telegram received calling my attention to a meeting of the Council of State Governments, Mayflower Hotel, Washington, D. C., January 18th to 20th. I would suggest this telegram be read to the Senate and if any members would be interested in attending, if you will wire Mr. Bane collect the names of such members he will see that proper invitations are extended to them.

Yours truly,

NORRIS N. WRIGHT

TELEGRAM

Chicago, Ill., January 10, 1939

Senator Norris Wright,
Senate Chamber, State Capitol, Dover:

Very anxious to have Delaware well represented with all other states at General Assembly Council of State Governments, Mayflower Hotel, Washington, D. C., January eighteenth to twentieth. Believe this fine opportunity to acquaint legislators of Delaware with the many fields of interstate cooperation in which State Commissions on Interstate Cooperation are functioning throughout the country. Hope very much you can arrange to attend this important meeting yourself. Appreciate names of Delaware legislators or public officials who can attend by collect wire.

FRANK BANE

Council of State Governments

The Chair presented House Concurrent Resolution No. 3, entitled:

Relative to the Construction of a Bridge at St. Georges.

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

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

SENATE RESOLUTION NO. 12

AUTHORIZING THE STATE LIBRARIAN TO FURNISH LETTERHEADS AND ENVELOPES TO THE SECRETARY OF THE SENATE.

BE IT RESOLVED by the Senate, that the State Librarian be and she is hereby authorized and directed to furnish to the Secretary of the Senate, Two Thousand Letterheads and Two Thousand Envelopes, of bond paper, wherein is printed the words "Senate, Dover, Delaware," which words appear directly under the Coat of Arms of the State of Delaware, and which Letterheads and Envelopes the said Librarian has on hand.

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, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

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

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 18, 1939.

Motion prevailed.

EIGHTH LEGISLATIVE DAY

January 18, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 19, 1939.

Motion prevailed.

NINTH LEGISLATIVE DAY

January 19, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

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

Motion prevailed.

On motion for leave, Mr. Heal introduced Senate Resolution No. 13, entitled:

SENATE RESOLUTION NO. 13

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 Fifty Dollars to any one person,—any such sums so paid shall be charged against the salaries of the respective persons to whom paid, and shall be a part of the expenses of the Senate at this Session.

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

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

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

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

NAYS—None.

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

On motion for leave, Mr. Heal introduced Senate Resolution No. 14, entitled:

SENATE RESOLUTION NO. 14

AUTHORIZING STATE LIBRARIAN TO FURNISH STATIONERY AND OTHER SUPPLIES TO OFFICIALS OF THE SENATE NOT HERETOFORE PROVIDED FOR.

BE IT RESOLVED, by the Senate of the 107th General Assembly of the State of Delaware, that the State Librarian be and she is hereby authorized and directed to furnish to those officials of the Senate not heretofore provided for, stationery and supplies, the cost of which shall not exceed the sum of Fifteen (\$15.00) Dollars for each.

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, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

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

On motion for leave, Mr. Heal introduced Senate Resolution No. 15, entitled:

AUTHORIZING STATE LIBRARIAN TO DELIVER POSTAGE STAMPS TO SECRETARY OF THE SENATE AND SECRETARY TO THE PRESIDENT PRO TEM.

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 Secretary of the Senate and the Secretary to the President Pro Tem of the Senate, postage stamps in an amount up to and including Ten (\$10.00) Dollars each.

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, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

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

On motion for leave, Mr. Poore introduced Senate Concurrent Resolution No. 5, entitled:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS there is a vacancy in the House of Representatives arising from the death of the member from the Fourth Representative District of Kent County; and

WHEREAS, the citizens of said District feel that said District should be represented and there should be no sessions of the General Assembly while said vacancy exists; and

WHEREAS, a Special Election has been called to be held in said Representative District to elect a new Representative therefrom.

NOW BE IT RESOLVED, by the Senate of the State of Delaware, the House of Representatives concurring therein, that at the end of the Legislative Day of January 19th, 1939, both Houses of the One Hundred and Seventh General Assembly shall adjourn until Thursday, January 26th, 1939, at 12 o'clock noon.

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. Derrickson, Gooden, Moody, Poore, Sylvester—5.

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

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

On motion for leave, Mr. Clark introduced Senate Concurrent Resolution No. 6, entitled:

SENATE CONCURRENT RESOLUTION NO. 6

RELATIVE TO CONSTRUCTION OF A BRIDGE AT ST. GEORGES, DEL.

WHEREAS, the bridge at St. Georges, being an extension of the duPont Boulevard and crossing the Delaware and Chesapeake Canal, has recently been totally destroyed, preventing all traffic crossing said Canal at St. Georges and inconveniencing all traffic by causing it to detour; and

WHEREAS, it is imperative that a proper and sufficient bridge be re-established as soon as possible; and

WHEREAS, the construction of an overhead bridge or tunnel would result in irreparable damages to property and great inconvenience to the citizens of the Town of St. Georges and vicinity;

NOW THEREFORE BE IT RESOLVED, that the Governor and proper authorities of this State be requested to communicate with the War Department of the United States and the Highway Department of the State of Delaware, urging the immediate construction of a bridge of substantially the same type as the former structure lately destroyed at or near the same location, and that thorough consideration be given not only to the needs of vehicular travel but also to the needs of pedestrian travel and the welfare of the residents of St. Georges and the immediate vicinity.

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, Hannam, Heal, Hendricks, Moody, Purnell, Rinard, Short, Simmons—12.

NAYS—Messrs. Gooden, Poore—2.

NOT VOTING—Mr. Sylvester, Mr. President Pro Tem—2.

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

Motion prevailed.

TENTH LEGISLATIVE DAY

January 20, 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. Simmons moved so much be considered the reading of the Journal and the Journal be approved.

Motion prevailed.

Mr. Rinard, on motion for leave, introduced Senate Bill No. 5, entitled:

An Act to amend Chapter 119 of the Revised Code of Delaware of 1935, relating to Justices of the Peace, by providing for the Qualifications, Number, Location, Compensation and Bond of Justices of the Peace in each of the respective Counties, imposing upon the Levy Courts of the respective Counties the cost of maintaining such Courts, with the right to receive all Fees and Costs collected by said Justices of the Peace, creating an Examining Board for Justices of the Peace, and imposing certain Duties and providing Penalties for the violation of these duties by Justices of the Peace and Constables.

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

Mr. Sylvester moved that 1000 copies of Senate Bill No. 5 be printed and each member of the Senate and House be furnished with five (5) copies.

On the question, "Shall the Motion 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, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—15.

NAYS—Mr. Hendricks—1.

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

On motion for leave, Mr. Heal introduced Senate Resolution No. 16, entitled:

SENATE RESOLUTION NO. 16

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 Fifty Dollars (\$50.00).

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

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

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

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

NAYS—None.

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

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

Motion prevailed.

ELEVENTH LEGISLATIVE DAY

January 23, 1939, 12 o'clock, Noon

Senate met pursuant to adjournment.

Lieutenant-Governor Edward W. Cooch presiding.

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

Roll called.

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

The President announced he is about to sign:

Senate Concurrent Resolution No. 4.

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. Heal, on motion for leave, introduced Senate Bill No. 6, entitled:

An Act to amend Chapter 259, Laws of Delaware, 1937, entitled, "An Act to create a State Park Commission; Powers; Duties; Penalty for Violations hereof," providing for the Naming of Members of the Commission and Election of Employees; appropriating funds therefor.

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

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

Senate Concurrent Resolution No. 6, entitled:

Relative to the Construction of a Bridge at St. Georges, Delaware.

And returned the same to the Senate.

The Chair presented the following communication:

MEMORANDUM FROM THE INTERSTATE COMMISSION OF CRIME

P. WARREN GREEN
Delaware Commissioner

UNIFORM CRIME CONTROL PROGRAM

During the past three years the original Uniform Crime Control Program as developed by the Interstate Commission on Crime has been adopted in whole or part by approximately three-fourths of the United States. The program originally consisted of four uniform acts designed to eliminate loop-holes in criminal law and develop cooperative crime control by the several states. These laws covered the Fresh Pursuit of Criminals, Extradition, Rendition of Witnesses across state lines and the Interstate Supervision of Parolees and Probationers. During the past year two additional subjects—Firearms and Narcotic Control—have been exhaustively considered. The Commission has prepared and now recommends its new Uniform Pistol Act for consideration by the states. In the field of Narcotic Control the Commission is prepared to suggest amendments to present state legislation in order to combat more effectively the sale and use of Marihuana.

Delaware's adoption of the specific program recommended below will give the citizens of Delaware the same practical protection against crime and the criminal which the citizens of so many of her sister states now enjoy.

STEPS RECOMMENDED TO BE TAKEN BY THE STATE OF DELAWARE

In order for the State of Delaware to bring its Crime Control Program into substantial uniformity with those of its sister states, the Interstate Commission on Crime respectfully recommends that the following steps be taken by Delaware in 1939:

A. *Legislative.*

1. Consider the enactment of the Uniform Pistol Act as drafted and recommended by the Interstate Commission on Crime.

2. The Uniform Narcotic Drug Act is in effect in Delaware (Revised Code of Delaware, 1935, Chapter 100, Article 42, Sections 4087-4107 inclusive). However, the Interstate Commission on Crime recommends amendment of the Marihuana provisions found in this Act so as to accord with the new Federal law defining Marihuana.
3. (Note): Delaware is already in the fortunate position of having adopted the original four Crime Control Acts recommended by the Commission. Therefore, no other recommendations for legislation are made at this time.

B. Financial.

1. Delaware doubtless desires to do its part in supporting this Crime Control Program by the states. We suggest Delaware arrange to pay its proportionate share toward the budget of the Interstate Commission on Crime for the period January 1, 1939, to December 31, 1940. Delaware's assessment for the two-year period is \$250.00. This figure is based upon equitable apportionment of the official budget among all forty-eight states. Line items in the appropriation bill and warrants should run directly to the Interstate Commission on Crime.

The Handbook on Interstate Crime Control now being published by the Interstate Commission on Crime contains detailed treatments of all of the subjects referred to above, including the exact wording of all the uniform legislation recommended.

Respectfully submitted,

THE INTERSTATE COMMISSION ON CRIME

By: RICHARD HARTSHORNE, President

Mr. Moody rose to a point of order and requested that the following be read into the Journal:

"As you all know the Senate appointed a special committee to investigate certain State Institutions, including the State Highway Department. I am a member of that committee.

"In its investigation of the Highway Department this committee has had only two meetings. At neither of these meetings has there been any information given to the committee concerning the number of persons employed by that department nor the amount of its expenditures during any year.

"In an article which appeared in the issue of the Wilmington Morning News published on January 17, 1939, the chairman of this Committee, Senator Rinard, is alleged to have charged that the costs of the upkeep of the highways of this State doubled in 1938 and that during the year 1938 the Highway Department employees totaled 10,441 and that the maintenance cost for that year was \$235,907.68.

"If there was any such alarming increase in the maintenance cost of our highways during the year 1938, it seems to me that the Chairman of our Committee should have called before the Committee the Chief Engineer, who is the Chief Administrative Officer of the Highway Commission and was such during the years 1936, 1937, and 1938, to explain and justify any such increase before making public his statement.

"As a member of the investigating committee I feel that it is the duty of the committee to make a thorough investigation and develop all of the facts and circumstances and then to make public its true findings. No investigation should be haphazardly made nor should this committee be careless in the use of words or figures.

"This statement published in the paper was so shocking to me that I determined to find out the true figures myself. I experienced no difficulty in obtaining accurate figures concerning employment and maintenance cost and now that I am possessed of these facts, I can see no excuse for the erroneous statement alleged to have been made by Senator Rinard.

"Instead of the Highway Department employees totaling 10,441 in 1938, I find that the average number of persons employed by the Highway Department in maintaining the highways in 1938 was 570.

"Instead of the Maintenance cost in 1938 being the sum of \$235,907.68, the maintenance cost was actually the sum of \$1,011,059.24.

"The Maintenance cost for 1937 was \$908,245.78 and not \$169,880.54 as stated in the published article.

"The Maintenance cost in 1936 was \$1,086,894.78 and not \$174,618.10 as our Chairman is alleged to have said.

"Thus it will be seen that the maintenance cost in 1936 was the highest of the three years. Instead of an increase in 1938 over 1936 of \$235,907.00, as Senator Rinard is alleged to have reported there is actually a decrease of \$75,835.54.

"From the actual figures above stated, I can see no justification for the charge made by Senator Rinard that the cost of upkeep of our highways has doubled in the year of 1938.

"I have patiently waited until this time for Senator Rinard to repudiate the newspaper article and publish the true facts. This he has not done in the week that has now elapsed and I therefore feel that it is my duty to point out to you the inaccuracy of his statement.

"Why so erroneous a statement should have been made is hard to determine unless its purpose was to deceive this Senate and the general public.

"If this committee is to serve any worth while purpose, its sole aim should and must be to reveal accurate facts and conditions. If the committee treats its duty lightly or if it distorts the facts and circumstances then and in either event it is branded as unfit to serve and its continuance is unjustifiable."

Mr. Rinard stated that there had not been any meeting of the Senate Investigation Committee since the item as mentioned in the above prepared statement appeared in the press. The Chief Engineer at a previous Committee meeting had been requested by Mr. Rinard to prepare a statement of expenses under his signature. Such statement will be presented to the Committee at its meeting on January 24 .

Mr. Rinard, on motion for leave, introduced Senate Bill No. 7, entitled:

An Act to amend Chapter 51 of the Revised Code of Delaware of 1935, relating to Constables, by providing for the number of Constables in each County and their compensation, and imposing upon the Levy Courts of each County the cost of maintaining such Constables together with the right of receiving all fees and costs collected by and for such Constables, and abolishing the Constable's fee for commission and settlement with the Auditor of Accounts.

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

Mr. Rinard, on motion for leave, introduced Senate Bill No. 8, entitled:

An Act to amend Chapter 121 of the Revised Code of Delaware of 1935, by making the jurisdiction of a Justice of the Peace co-extensive with the County wherein he is appointed, and providing for the accounting by Justices of the Peace for all fees and costs imposed and collected by and for Justices of the Peace and Constables.

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

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

Motion prevailed.

TWELFTH LEGISLATIVE DAY

January 24, 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 Chair presented the following communication:

AUTOMOTIVE SERVICE, INC.

Wilmington, Delaware, January 21, 1939

State Senate
Dover, Del.

Gentlemen:

I notice that the only courts in Delaware (Magistrates) where the common people (without hiring an attorney) have the ghost of a chance, are proposed, in a bill sponsored by a member of the legal profession, to be practically turned over to the tender mercies of said profession.

The business man's small accounts would become dead losses, as cases would suffer indefinite delays, until pushed by an attorney, as a Magistrate, safe with a \$2,500.00 salary, wouldn't find much time to be annoyed with petty cases.

Imagine taking small accounts for collection to one of the new Magistrates, now a State Official; how courteously you will be received, how quickly your case will be prepared, how joyfully and prompt a salaried Constable will serve the summons, and eventually an offer on the side to get your case moving, or (hire a lawyer).

In my estimation, this is a vicious piece of legislation, and will place a heavy burden on small business unless our Representatives at Dover kill this bill.

Yours very truly,

VERNON B. DAWSON

Copies to

Sunday Star
News-Journal
Governor McMullen
State Senate
State House

The President announced he is about to sign:

House Concurrent Resolution No. 2.

The President Pro Tem offered the following communication:

My dear Senator Steele:

It is with great pleasure that, in the name of the Republican Women of Delaware, I extend an invitation to every member of the Senate for lunch at the Pleasant Inn, on Thursday, January twenty-sixth at one o'clock.

We appreciate very deeply the recognition given to the women in the number appointed as attaches in this session of the Legislature, not only personally, but in the answer to a question being asked all over the country as to the consideration given the women's part in the party.

Hoping that we may have the pleasure of having everyone with us, I am

Sincerely,

MILDRED H. TOMLINSON

Mr. Steele moved that the communication be spread on the Journal and that the invitation be accepted with thanks.

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. Clark, on motion for leave, introduced 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."

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. 10, entitled:

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

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

Mr. Clark, on motion for leave, introduced 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.

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

The Sergeant-at-Arms reported the Secretary of State, who was admitted and offered to the Senate a message from the Governor in reference to certain appointments.

EXECUTIVE SESSION

Mr. Heal moved that the Senate go into Executive Session.

Motion prevailed.



Same Day, Later

Senate met in regular session.

Mr. Heal presented the following communication for reading.

Mr. Heal moved that so much be considered the reading of the communication, and that the communication be made a part of the Journal.

Motion prevailed.

FOURTEENTH ANNUAL REPORT OF THE BOARD OF PAROLE

Wilmington, Delaware, June 30, 1937

The President and Members
of the Board of Parole,

Gentlemen:

I submit for your consideration the Fourteenth Annual Report of the operations of your Board.

Included in this report are the total results of the operation of the parole system of the whole State of Delaware for the year ending June 30th, 1937.

During the year there were eleven meetings of the Board held in New Castle County, and four meetings held in each of the Counties of Kent and Sussex, in the months of September, December, March and June. In accordance with the rules of the Board, the meetings in New Castle County were held on the first Friday of each month, September 1936 excepted.

The powers given your Board by the laws of the State, and rules of your Board, are sufficient to deal with parole violations. This power has been invoked on eight occasions during the year. Your Board, as has been stated in former annual reports, has to do with the lower element of society, and to bring those on parole to understand that while they are at liberty to do what is right they are still prisoners and under the jurisdiction of the Warden of the New Castle County Workhouse, the Warden of the Sussex County Jail and the Sheriff of Kent County.

The problem of employment is approximately the same as last year. Sufficient employment is procurable for all those who prove worthy and are willing to work; especially is this true of the farming sections of the State.

There were 100 applications considered by your Board during the year, 38 of which were granted and 62 refused parole. The color and sex of the applicants were as follows:

| | |
|----------|----------------------|
| White: | Male, 55; Female, 1. |
| Colored: | Male, 41; Female, 3. |

Of the 38 granted parole during the year, 8 violated parole. On the basis of the actual number paroled, 78.95% must be credited with good records. The total number on parole during the year was 70, eleven less than during the previous year. On the basis of the total number on parole (70) during the year, 88.60% made good records.

Of the eight parole violations, three committed larceny, one committed forgery, two drove off cars without the owner's consent, and two were drunk and disorderly. All were apprehended and returned to jail.

No. 1173 was paroled from the New Castle County Workhouse November 27, 1936 (2nd parole). He committed larceny, was apprehended and returned to jail (for life) on March 25th, 1937.

No. 1233 was paroled from the Sussex County jail on January 2nd, 1936. He violated parole on September 5th, 1936 by driving off a car without the consent of the owner. He was returned to jail September 5th, 1936.

No. 1286 was paroled from the Sussex County Jail on July 6th, 1936, and violated parole on September 4th, 1936, by leaving his place of employment without notifying the Parole Officers and by being intoxicated. He was returned to jail September 4th, 1936.

No. 1290 was paroled from the Kent County Jail on July 5th, 1936. He violated parole on July 28th, 1936 by committing larceny. He was apprehended and returned to jail on that date.

No. 1310 was paroled from the Sussex County Jail on October 4th, 1936. He violated parole on December 26th, 1936 by committing forgery. He was arrested and returned to the Sussex County Jail on that date.

No. 1338 was paroled from the Sussex County Jail on January 6th, 1937. He violated parole on June 2nd, 1937, by breaking into a filling station in Dover and stealing a safe. He was arrested in Havre de Grace, Maryland, on June 18th, 1937, and returned to the jail in Kent County. He plead guilty to this charge and was sentenced by the Court to be imprisoned for the term of 3 years, sentence to begin at the expiration of his original sentence.

No. 1354 was paroled from the New Castle County Workhouse March 23rd, 1937. He violated parole June 4th, 1937, by driving off a car without the owner's consent. He was arrested and returned to jail on June 4th, 1937.

No. 1361 was paroled from the Sussex County Jail on March 24th, 1937. He violated parole May 24th, 1937, by being drunk and disorderly. He was arrested and returned to the Sussex County Jail on that date.

Every paroled prisoner who violated his parole during the year was apprehended and punished for that offense.

The violations by Counties were as follows:

| | |
|----------------------|-------|
| New Castle | 2 |
| Kent | 1 |
| Sussex | 5 |
| | <hr/> |
| Total | 8 |

It may be well for the public to know that during the life of the Parole Board (14 years) the Board has considered Thirteen Hundred and Eighty-nine cases—approximately 100 cases a year—of which 847 of the applicants have been refused paroles and 543 have been granted. Of the number granted parole, 57 have violated the conditions of parole in various ways as follows:

16 have failed to report as required by the rules of the Board.

26 by acting in a disorderly manner.

10 committed Larceny.

- 1 committed Assault and Battery.
- 1 committed Arson.
- 2 drove off cars without the owner's consent.
- 1 committed forgery.

Of the total number paroled during the existence of the Board it will be observed that 89.5% faithfully kept their parole. Compared with the success as reported from other states this percentage of good conduct is very high, in fact it leads all other states.

It will be observed that, as heretofore, the names of all paroled persons have been withheld from this report and numbers substituted therefor. This is done because this report must become public and a paroled person should be protected from the comments of the curious. This would not be possible if names were used instead of numbers.

The Appropriations and Expenditures of the Board for the year were as follows:

| | Budget | Expenditures | Balance |
|------------------------------------|------------|--------------|---------|
| Salary of Board Members | \$ 360.00 | \$ 360.00 | |
| Salary of Parole Officer | 2,400.00 | 2,400.00 | |
| Clerk | 85.00 | 85.00 | |
| Office Expenses | 35.00 | 34.87 | \$.13 |
| Travel Expenses | 450.00 | 444.80 | 5.20 |
| | <hr/> | <hr/> | <hr/> |
| | \$3,330.00 | \$3,324.67 | \$5.33 |

In addition to the most important objective of parole, the rehabilitation of the prisoner, the Board calls attention to the amount saved to the Counties through the operation of the parole system.

The total savings to the Counties for the fiscal year ending June 30th, 1937, was \$12,862.00, while the total cost of operating the system was \$3,324.67. It will be observed that for each dollar spent in the operation of parole in Delaware, there was saved to its citizens \$3.86. From a pecuniary standpoint, therefore, the parole system of Delaware is many times more than self-sustaining.

The following schedule shows the number of prisoners on parole, the date of the expiration of parole, the number of days on parole during the year ending June 30th, 1937, and the total amount saved to the Counties by parole:

| Prisoner's Number | Date of Parole | Parole Expires | Parole Days | Per diem saved to Counties | Total saved to Counties by Parole |
|-------------------|----------------|----------------|-------------|----------------------------|-----------------------------------|
| 1 | 7/25/23 | Life | 365 | \$1.00 | \$365.00 |
| 16 | 8/15/23 | Life | 365 | 1.00 | 365.00 |
| 18 | 1/16/27 | Life | 365 | 1.00 | 365.00 |
| Pardoned | | | | | |
| 51 | 1/8/24 | 3/4/37 | 247 | 1.00 | 247.00 |
| 980 | 11/4/32 | Life | 365 | 1.00 | 365.00 |
| 990 | 2/3/32 | Life | 365 | 1.00 | 365.00 |
| 1021 | 7/18/33 | 3/26/37 | 269 | 1.00 | 269.00 |
| 1055 | 2/5/34 | Life | 365 | 1.00 | 365.00 |
| 1057 | 2/3/34 | Life | 365 | 1.00 | 365.00 |
| 1091 | 7/15/34 | 7/14/35 | 365 | 1.00 | 365.00 |
| 1173* | 11/27/36 | Life | 87 | 1.00 | 87.00 |
| 1174 | 6/16/35 | 12/14/36 | 167 | 1.00 | 167.00 |
| 1185 | 8/6/35 | 12/28/36 | 181 | 1.00 | 181.00 |
| 1186 | 7/3/36 | Life | 362 | 1.00 | 362.00 |
| 1208 | 12/8/35 | 8/11/40 | 365 | 1.00 | 365.00 |
| 1209 | 10/13/35 | 12/4/36 | 157 | 1.00 | 157.00 |
| 1210 | 10/13/35 | 12/4/36 | 157 | 1.00 | 157.00 |
| 1216 | 10/14/35 | 11/16/36 | 139 | 1.00 | 139.00 |
| 1229 | 12/6/35 | 11/11/38 | 365 | 1.00 | 365.00 |
| 1233* | 1/2/36 | 10/23/36 | 67 | 1.00 | 67.00 |
| 1239 | 1/30/36 | 1/23/37 | 207 | 1.00 | 207.00 |
| 1240 | 1/10/36 | 9/24/36 | 86 | 1.00 | 86.00 |
| 1246 | 2/21/36 | 11/13/39 | 365 | 1.00 | 365.00 |
| 1247 | 2/7/36 | 10/18/37 | 365 | 1.00 | 365.00 |
| 1249 | 2/20/36 | 10/14/36 | 106 | 1.00 | 106.00 |
| 1254 | 3/10/36 | 10/17/36 | 109 | 1.00 | 109.00 |
| 1256 | 3/12/36 | 7/14/36 | 14 | 1.00 | 14.00 |
| 1262 | 4/3/36 | 8/4/36 | 35 | 1.00 | 35.00 |
| 1268 | 4/10/36 | 1/28/37 | 212 | 1.00 | 212.00 |
| 1270 | 4/30/36 | 9/1/36 | 63 | 1.00 | 63.00 |
| 1278 | 5/10/36 | 9/11/36 | 73 | 1.00 | 73.00 |
| 1283 | 7/3/36 | 11/3/36 | 123 | 1.00 | 123.00 |
| 1285 | 11/4/36 | 12/7/36 | 33 | 1.00 | 33.00 |
| 1286* | 7/5/36 | 12/24/36 | 23 | 1.00 | 23.00 |
| 1287 | 7/24/36 | 11/24/36 | 123 | 1.00 | 123.00 |
| 1288 | 7/11/36 | 7/5/37 | 354 | 1.00 | 354.00 |
| 1290* | 7/5/36 | 12/24/36 | 23 | 1.00 | 23.00 |
| 1291 | 7/14/36 | 5/6/37 | 296 | 1.00 | 296.00 |
| 1292 | 7/14/36 | 5/6/37 | 296 | 1.00 | 296.00 |
| 1299 | 7/29/36 | 11/29/36 | 123 | 1.00 | 123.00 |

| Prisoner's Number | Date of Parole | Parole Expires | Parole Days | Per diem saved to Counties | Total saved to Counties by Parole |
|----------------------------------|-------------------|-------------------|----------------|----------------------------------|---|
| 1301 | 7/13/36 | 11/13/36 | 123 | 1.00 | 123.00 |
| 1309 | 10/4/36 | 5/12/37 | 220 | 1.00 | 220.00 |
| 1310* | 10/4/36 | 5/12/37 | 83 | 1.00 | 83.00 |
| 1311 | 10/9/36 | 5/17/37 | 220 | 1.00 | 220.00 |
| 1312 | 11/4/36 | 3/3/37 | 119 | 1.00 | 119.00 |
| 1313 | 9/25/36 | 2/7/37 | 135 | 1.00 | 135.00 |
| 1316 | 10/14/36 | 7/5/40 | 259 | 1.00 | 259.00 |
| 1317 | 10/10/36 | 10/2/37 | 263 | 1.00 | 263.00 |
| 1320 | 10/24/36 | 3/7/37 | 134 | 1.00 | 134.00 |
| 1323 | 11/7/36 | 7/10/37 | 235 | 1.00 | 235.00 |
| 1327 | 11/8/36 | 12/12/40 | 234 | 1.00 | 234.00 |
| 1328 | 3/1/37 | 6/13/40 | 122 | 1.00 | 122.00 |
| 1332 | 12/6/36 | 6/19/37 | 195 | 1.00 | 195.00 |
| 1333 | 12/7/36 | 5/17/37 | 161 | 1.00 | 161.00 |
| 1336 | 12/7/36 | 4/3/37 | 117 | 1.00 | 117.00 |
| 1337 | 2/2/37 | 7/31/38 | 148 | 1.00 | 148.00 |
| 1338* | 1/6/37 | 9/4/38 | 161 | 1.00 | 161.00 |
| 1339 | 1/6/37 | 9/4/38 | 175 | 1.00 | 175.00 |
| 1342 | 11/7/36 | 3/13/37 | 126 | 1.00 | 126.00 |
| 1342 ¹ / ₂ | 1/12/37 | 12/4/37 | 169 | 1.00 | 169.00 |
| 1343 | 1/12/37 | 7/30/37 | 169 | 1.00 | 169.00 |
| 1346 | 2/5/37 | 12/4/37 | 145 | 1.00 | 145.00 |
| 1348 | 2/5/37 | 5/31/39 | 145 | 1.00 | 145.00 |
| 1354* | 3/23/37 | 10/29/39 | 73 | 1.00 | 73.00 |
| 1361* | 3/24/37 | 6/28/37 | 61 | 1.00 | 61.00 |
| 1356 | 3/25/37 | 10/23/37 | 97 | 1.00 | 97.00 |
| 1364 | 4/14/37 | 4/2/38 | 77 | 1.00 | 77.00 |
| 1367 | 4/4/37 | 8/14/37 | 87 | 1.00 | 87.00 |
| 1369 | 5/7/37 | 12/1/40 | 54 | 1.00 | 54.00 |
| 1389 | 6/24/37 | 1/16/38 | 6 | 1.00 | 6.00 |

| | | |
|--------------|--------|-------------|
| Totals | 12,862 | \$12,862.00 |
|--------------|--------|-------------|

**Violated parole.*

In conclusion it may not be amiss to quote here what others who have studied the Delaware system of parole, and examined its records, have said about it.

A Survey made by the Prison Industries Administration, a Federal Agency, has this to say:

"The Delaware parole machinery presents an example of what can be accomplished by means of a unified State policy; it may well serve as a model for the organization of a state penal system.

"The Parole Officer is intelligent and conscientious; he has served for 13 years and his work is commended by the social agencies and by the Prisoners' Aid Society. He has only occasional clerical assistance but types his reports of investigations rather fully.

"We urge that clerical assistance should be provided for the Parole Officer, so that he may give all his time to the important work of making visitations and supervising parolees."

Mr. T. J. Whelan, Assistant Regional Field Supervisor, working out of the office of the U. S. Attorney General, in a letter directed to the Board of Parole of this State, under date of December 14, 1936, said:

"As our work in the Parole Office proper is nearing completion, I, as a representative of the Attorney General's Survey, want to express by appreciation and thanks for your consideration in granting our department permission to conduct a survey of the release procedures followed in this State, between January 1st, 1928, and January 1st, 1936.

"I am particularly grateful to Mr. J. Robertson, for his courtesy and general tolerance in sharing his office with our men; also for his consideration in referring me to other departments he thought might have information pertinent to this work which he might not have.

"After checking records in other offices, I find that the Secretary of the Parole Board for the State of Delaware has, in his office, a composit of data gathered from existing records in other departments, making his records the most complete of any in this State.

"Sincerely,

"J. T. WHELAN,
"Assistant Regional Field Supervisor"

Respectfully submitted,

JAMES W. ROBERTSON
Secretary and Parole Officer

Approved:

HALDEMAN C. STOUT

NEWLIN T. BOOTH

HOWARD F. CALLAWAY

Members of Board of Parole.

Mr. Heal presented the following communication to be read :

Mr. Heal moved that so much be considered the reading of the communication, and that the communication be made a part of the Journal.

Motion prevailed.

FIFTEENTH ANNUAL REPORT OF THE
BOARD OF PAROLE

Wilmington, Delaware, June 30th, 1938

The President and Members
of the Board of Parole,

Gentlemen :

I submit for your consideration the Fifteenth Annual Report of the operations of your Board.

Included in this report are the total results of the operation of the parole system of the State of Delaware for the year ending June 30th, 1938.

During the year there were eleven (11) meetings of the Board held in New Castle County, four meetings held in Kent County and three meetings held in Sussex County. According to the rules of the Board, the meetings are held on the first Friday of each month in New Castle County, and on the fourth Wednesday of the months of March, June, September and December in Kent and Sussex Counties. This general rule may be varied from time to time as your Board may direct.

The powers vested in your Board by the laws of the State are sufficient to deal with parole violations. This power has been invoked on six occasions during the year. Your Board has to do with the criminal element of society and its objective is to restore that element to useful and honorable citizenship, if possible, by a system of supervision which while liberal gives the parolee to understand that although he is at liberty to do what is right he is still a prisoner under the jurisdiction of the heads of the various penal institutions of the State.

The matter of employment, while always a problem, has been particularly acute during the past year, especially in the industrial sections of the State, the agricultural portions of the State affording the better chances for employment.

There were 116 applications for parole considered by your Board during the year, 37 of which were granted, 73 refused and 6 withdrawn. The color and sex of the applicants were as follows:

White: Male, 57; Female, 4.
Colored: Male, 55; Female, 0.

There were six (6) parole violations during the year. On the basis of the total number on parole during the year, 89.65% must be credited with good records.

Of the six violations of parole during the year,

- 1 was guilty of Disorderly Conduct.
- 1 was guilty of Assault and Battery.
- 1 was guilty of Failing to report, and leaving the State of Delaware without permission of the Board.
- 3 were guilty of Breaking and Entering.
- No. 1369 committed Assault and Battery.
- No. 1378 acted in a Disorderly manner.
- No. 1389 left the State without permission.
- No. 1446 is charged with Breaking and Entering.
- No. 1447 plead guilty to Breaking and Entering.
- No. 1425 plead guilty to Breaking and Entering.

The three latter are now in jail in the State of New Jersey and detainers have been lodged against them for parole violation by the Secretary of your Board.

The violations of parole by Counties were as follows:

| | |
|-----------------------------|---|
| New Castle County | 5 |
| Kent County | 1 |
| Sussex County | 0 |
| Total | 6 |

During the existence of the parole system in Delaware (15 years) there have been sixty-three (63) parole violations, as follows, to wit:-

| | |
|---|-------|
| 17 have failed to report as required by law | 2.93% |
| 27 by acting in disorderly manner | 4.67% |
| 2 by committing Assault and Battery | .34% |
| 13 by Larceny and Breaking and Entering | 2.24% |
| 1 by committing Arson | .17% |
| 2 by Driving off Automobile without Owner's consent | .34% |
| 1 by committing Forgery | .17% |

Total, 63

10.86%

During the life of the Parole Board (15 years) the Board has considered 1505 cases—approximately 100 cases per year—of which 580 have been granted and 920 refused parole. The difference is made up of those who have withdrawn their application.

Of the total number paroled during the existence of the Board, 89.14% have obeyed the laws of the State and the rules of the Board. This by comparison of what may be gleaned from other states' reports is very high.

In making this report names of parolees have been withheld and numbers substituted therefor. This is done for the reason that this report must become public and a paroled person should be protected from the comments of the curious. This would not be possible if the names of those on parole were given.

The Appropriations and Expenditures of the Board for the year were as follows:

| | Budget | Expenditures | Balance |
|----------------------------------|-----------|--------------|----------|
| Salary of Board Members | \$ 360.00 | \$ 440.00 | \$80.00* |
| Salary of Parole Officer | 2,400.00 | 2,400.00 | 0.00 |
| Clerk | 85.00 | 75.00 | 10.00 |
| Office Expenses | 35.00 | 31.71 | 3.29 |
| Travel Expenses | 700.00 | 555.70 | 144.30 |
| Equipment | 200.00 | 117.83 | 82.17 |

**Overdraft, taken care of by State Auditor in a transfer from the travel account appropriation.*

| | |
|--|------------|
| Total appropriations for the year..... | \$3,780.00 |
| Total Expenditures | 3,620.24 |
| Balance..... | \$159.76 |

In addition to the principal objective of parole, the rehabilitation of the parolee, attention is called to the amount saved the Counties of the State through the operation of the parole system.

The total costs of operating the parole system for the State during the year was \$3,620.24. The total amount saved to the Counties for the same period was \$10,894.00.

In the following table will be found the number of prisoners on parole during the year, the date of commencement and expiration of parole, the number of days on parole during the year and the total amount saved to the Counties of the State by parole:

| Prisoner's Number | Date of Parole | Parole Expires | Parole Days | Per diem saved to Counties | Total saved to Counties by Parole |
|-------------------|----------------|----------------|-------------|----------------------------|-----------------------------------|
| 1 | 7/25/23 | Life | 365 | 1.00 | 365.00 |
| 16 | 8/15/23 | Life | 365 | 1.00 | 365.00 |
| 18 | 1/16/27 | Life | 365 | 1.00 | 365.00 |
| 980 | 11/4/32 | Life | 365 | 1.00 | 365.00 |
| 990 | 2/3/32 | Life | 365 | 1.00 | 365.00 |
| 1055 | 2/5/34 | Life | 365 | 1.00 | 365.00 |
| 1057 | 2/3/34 | Life | 365 | 1.00 | 365.00 |
| 1091 | 7/15/34 | 7/14/37 | 14 | 1.00 | 14.00 |
| 1186 | 7/3/36 | Life | 365 | 1.00 | 365.00 |
| 1208 | 12/8/35 | 8/11/40 | 365 | 1.00 | 365.00 |
| 1229 | 12/6/35 | 2/11/38 | 226 | 1.00 | 226.00 |
| 1246 | 2/21/36 | 11/13/39 | 365 | 1.00 | 365.00 |
| 1247 | 2/7/36 | 10/18/37 | 110 | 1.00 | 110.00 |
| 1288 | 7/11/36 | 7/5/37 | 5 | 1.00 | 5.00 |
| 1316 | 10/14/36 | 7/5/40 | 365 | 1.00 | 365.00 |
| 1317 | 10/10/36 | 10/2/37 | 94 | 1.00 | 94.00 |
| 1323 | 11/7/36 | 7/10/37 | 10 | 1.00 | 10.00 |
| 1327 | 11/8/36 | 12/12/40 | 365 | 1.00 | 365.00 |
| 1328 | 3/1/37 | 6/13/40 | 365 | 1.00 | 365.00 |
| 1337 | 2/2/37 | 7/31/38 | 365 | 1.00 | 365.00 |
| 1339 | 1/6/37 | 9/4/38 | 365 | 1.00 | 365.00 |
| 1342 | 1/12/37 | 12/4/37 | 157 | 1.00 | 157.00 |
| 1343 | 1/12/37 | 7/30/37 | 30 | 1.00 | 30.00 |
| 1346 | 2/5/37 | 12/4/37 | 157 | 1.00 | 157.00 |
| 1356 | 3/25/37 | 10/23/37 | 115 | 1.00 | 115.00 |
| 1364 | 4/14/37 | 4/2/38 | 276 | 1.00 | 276.00 |
| 1367 | 4/4/37 | 8/14/37 | 45 | 1.00 | 45.00 |
| 1369* | 5/7/37 | 12/1/40 | 153 | 1.00 | 153.00 |
| 1378* | 8/6/37 | 1/25/38 | 66 | 1.00 | 66.00 |
| 1385 | 7/9/37 | 11/9/37 | 123 | 1.00 | 123.00 |
| 1386 | 7/9/37 | 11/9/37 | 123 | 1.00 | 123.00 |
| 1389* | 6/24/37 | 1/16/38 | 200 | 1.00 | 200.00 |
| 1390 | 7/2/37 | 10/8/39 | 363 | 1.00 | 363.00 |
| 1402 | 9/20/37 | 9/12/38 | 283 | 1.00 | 283.00 |
| 1406 | 1/5/38 | 4/28/39 | 176 | 1.00 | 176.00 |
| 1411 | 10/9/37 | 3/28/38 | 170 | 1.00 | 170.00 |
| 1413 | 9/22/37 | 12/15/37 | 85 | 1.00 | 85.00 |
| 1414 | 9/22/37 | 1/26/38 | 126 | 1.00 | 126.00 |
| 1419 | 11/26/37 | 3/24/39 | 216 | 1.00 | 216.00 |
| 1420 | 11/22/37 | 4/20/39 | 220 | 1.00 | 220.00 |
| 1421 | 11/26/37 | 5/15/38 | 170 | 1.00 | 170.00 |
| 1425* | 3/11/38 | 12/1/40 | 69 | 1.00 | 69.00 |

| Prisoner's Number | Date of Parole | Parole Expires | Parole Days | Per diem saved to Counties | Total saved to Counties by Parole |
|----------------------|-------------------|-------------------|----------------|----------------------------------|---|
| 1436 | 2/3/38 | 9/11/38 | 147 | 1.00 | 147.00 |
| 1438 | 3/24/38 | 1/8/39 | 98 | 1.00 | 98.00 |
| 1440 | 1/4/38 | 1/8/39 | 177 | 1.00 | 177.00 |
| 1441 | 1/8/38 | 11/25/39 | 173 | 1.00 | 173.00 |
| 1442 | 1/8/38 | 11/25/38 | 173 | 1.00 | 173.00 |
| 1443 | 1/23/38 | 1/16/39 | 158 | 1.00 | 158.00 |
| 1446* | 3/17/38 | 7/24/40 | 55 | 1.00 | 55.00 |
| 1447* | 3/17/38 | 7/24/40 | 55 | 1.00 | 55.00 |
| 1449 | 3/14/38 | 3/17/40 | 108 | 1.00 | 108.00 |
| 1464 | 4/4/38 | 5/27/39 | 87 | 1.00 | 87.00 |
| 1466 | 3/24/38 | 9/9/38 | 98 | 1.00 | 98.00 |
| 1468 | 3/24/38 | 3/3/39 | 99 | 1.00 | 99.00 |
| 1469 | 4/14/38 | 8/15/38 | 77 | 1.00 | 77.00 |
| 1470 | 4/2/38 | 9/23/39 | 89 | 1.00 | 89.00 |
| 1479 | 5/25/38 | 2/8/39 | 36 | 1.00 | 36.00 |
| 1486 | 6/23/38 | 4/24/39 | 7 | 1.00 | 7.00 |
| Totals..... | | | 10,894 | | \$10,894.00 |

**Violated Parole.*

Respectfully submitted,

JAMES W. ROBERTSON

Secretary and Parole Officer

Approved:

NEWLIN T. BOOTH

HOWARD F. CALLAWAY

J. GORDON McMILLAN

Members of Board of Parole.

On motion for leave, Mr. Simmons introduced Senate Resolution No. 17, entitled:

SENATE RESOLUTION NO. 17

ADOPTING PERMANENT RULES FOR THE SENATE.

BE IT RESOLVED by the Senate of the One Hundred and Seventh General Assembly that the Rules of the Senate, together with the rules governing executive sessions adopted at the regular biennial session of the One Hundred and Sixth General Assembly and heretofore adopted as the Temporary Rules for this session, be and the same hereby are adopted as the permanent

rules governing the Senate of the One Hundred and Seventh General Assembly, with the following correction of the last sentence of Rule 14 to read as follows:

“No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it except by unanimous consent.”

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, Poore, Purnell, Rinard, Short, Simmons, Sylvester, Mr. President Pro Tem—16.

NAYS—None.

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

PERMANENT RULES OF THE SENATE—1939

RULE 1—Order of Business.

1. Prayer.
2. Roll Call.
3. Reading of Journal.
4. The presentation of petitions, memorials or communications.
5. Reports of standing and select committees.
6. The introduction of bills and joint resolutions.
7. Concurrent and other resolutions.
8. Bills for third reading.
9. Miscellaneous business.

RULE 2—Every member shall be in his place at the time to which the Senate stands adjourned.

RULE 3—Unless otherwise ordered by a majority, the Senate shall meet every day (Sunday excepted) at twelve o'clock, noon.

RULE 4—Each legislative day and before the Senate proceeds to the consideration of any business, the Secretary shall call the names of the members in alphabetical order, and shall read the Journal of the preceding legislative day, which shall be approved or corrected by order of the Senate.

RULE 5—After the Journal is read, the Presiding Officer shall lay before the Senate communications or messages from the Governor, reports and communications from Departments, Commissions or State Boards and other communications addressed to the Senate, and such bills, joint resolutions and other messages from the House of Representatives as may be upon his table, undisposed of.

RULE 6—The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the Governor or the House of Representatives and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

RULE 7—The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the Governor in full; titles of bills and joint resolutions; every motion with the name of the member making the same (except motions for adjournment); the names of the members voting in the affirmative or negative on all roll calls.

RULE 8—When petitions, memorials and other papers addressed to the Senate are presented by the President, or a member, the contents thereof shall be briefly stated.

RULE 9—Section 1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

Section 2. Every bill and joint resolution shall receive three readings previous to its passage, the first two of which may be had on the same day, the second reading by title only, unless the Senate direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.

RULE 10—Messages from the Governor or from the House of Representatives may be received at any stage of proceedings, except while the Journal is being read, or while a question of order or a motion to adjourn is pending.

RULE 11—Messages shall be delivered to the House of Representatives by the Secretary, or by a Senator or other officer of the Senate directed by the Presiding Officer; the Secretary shall certify previous to delivery the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested, and the Secretary shall also certify and deliver to the Governor all resolutions and other communications which may be directed to him by the Senate.

RULE 12—When a message is brought to the Senate by a members of the House or any officer of the House, the members shall rise upon their feet, if so directed by the President.

RULE 13—No Senator shall absent himself from the service of the Senate without leave.

RULE 14—Section 1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reason, with the consent of the Senate, change or withdraw his vote. No motion to suspend rules shall be in order, nor shall the Presiding Officer entertain any request to suspend it except by unanimous consent.

Section 2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefore, and having assigned his reasons, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcements.

RULE 15—The President Pro Tempore shall appoint all committees, unless the Senate shall otherwise direct.

RULE 16—The following standing Committees shall be appointed by the President Pro Tempore to whom business appropriate to them shall be referred:

Accounts.

Agriculture.

Banking and Insurance.

Buildings and Highways.

Corporations, Private.

Corporations, Municipal.

Claims.

Elections.

Executive.

Education.

Finance.

Fish, Oysters and Game.

Judiciary.

Labor.

Miscellaneous.

Passed Bills.

Printing and Supplies.

Public Health.

Public Lands.

Revised Statutes.

Rules

Temperance.

RULE—17—Section 1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him.

Section 2. No Senator shall interrupt another in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate which shall be determined without debate.

Section 3. No Senator in debate, shall directly or indirectly, by any form of words impute to any Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

RULE 18—If any Senator, in speaking or otherwise transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

RULE 19—Section 1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

Section 2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

RULE 20—No bill or joint resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title; all bills and resolutions shall be typewritten, properly backed and shall contain no erasures or interlineations.

RULE 21—No motion shall be in order to amend or substitute a title to any bill after the last day on which new bills may be received by the Senate.

RULE 22—No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a Committee; bills and joint resolutions introduced on leave, reported from Committee, or received from the House of Representatives, shall not be considered the day on which they are received.

RULE 23—All bills and joint resolutions that have been twice read, shall be placed on the calendar by the Secretary and each member shall be furnished daily with a calendar.

RULE 24—No bill shall be put upon its final passage on the day of its presentation nor in the absence of the member who introduced the bill, unless by his written consent.

RULE 25—Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary, shall be introduced with one original and four carbon copies, the original copy of which shall at all times remain in the custody of the Chairman of the Committee to which it was referred, or of the Secretary of the Senate; and one duplicate shall at all times be under the general supervision of the Bill Clerk of the Senate.

RULE 26—All bills for the amendment of any statutes or parts of statutes contained in the Revised Code of Delaware, 1935, shall be made with reference to the said Revised Code and to conform to the arrangement of said Revised Code. All bills before being introduced shall first be submitted to the Attorney for approval as to compliance with this Rule.

RULE 27—When a question is pending, no motion shall be received but:

To adjourn.

To adjourn to a certain day, or that when the Senate adjourn it shall be to a certain day.

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a certain day.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

RULE 28—When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

RULE 29—When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

RULE 30—A question of order may be raised at any stage of the proceedings, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. The Presiding Officer may submit any question of order for the decision of the Senate.

RULE 31—Every motion or resolution to print documents, reports, bills, or any other matter shall, unless the Senate otherwise order, be referred to the Committee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

RULE 32—Any subject may, by a vote of the majority of the members elected to the Senate, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate.

RULE 33—Upon the written request signed by a majority of the members elected to the Senate and directed to the Presiding Officer, any bill, joint resolution or other business, which shall have been referred to a committee, shall be reported to the Senate for a decision as to its further disposal.

RULE 34—Any contest for a seat in this body shall be referred to the Committee on Elections without debate.

RULE 35—No rule of the Senate shall be changed or suspended, except by a vote of the majority of the members elected.

RULE 36—No person shall be admitted to the floor of the Senate while in session except as follows:

The Governor of the State.

The Secretary of State.

Ex-Governors of the State.

Ex-Lieutenant Governors of the State.

Ex-State Senators.

Members and ex-members of the United States Congress.

Members of the House of Representatives.

Officers and employees of the Senate.

Officers and employees of the House of Representatives.

Official representatives of the Press. Provided, however, the privilege of the floor may be granted by unanimous consent of the Senate.

JOINT RULES

RULE 1—Messages from one House of the General Assembly to the other shall be conveyed by such persons as a sense of propriety in each House may determine. Announcement shall be made by the Sergeant-at-Arms of the House to which the message is being conveyed, and the message shall be respectfully communicated to the presiding officer by the person or persons conveying the same.

RULE 2—Every bill and resolution upon being measured from one House to the other shall be receipted for by the Chief Clerk of the House receiving same, and all papers on which the said bill or resolution may be based shall be transmitted at the same time.

RULE 3—Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary shall upon its final passage in both Houses be delivered by the Chief Clerk of the House in which such bill or resolution originated, into the custody of the Bill Clerk of said House, and it shall be the duty of the Bill Clerk of the Senate and the Bill Clerk of the House of Representatives jointly to see that such bill or resolution has attached to it a proper parchment backing and that each and every page of the said bill or resolution has been properly initialed, sealed or stamped, and, upon being assured that such is the case, shall immediately, if the Houses be in session, and, if not, at the earliest opportunity, present the said bill or resolution to the presiding officer of each House for his signature, the presiding officer of the House in which the bill or resolution originated signing first. Said Bill Clerks shall then certify with the Secretary of the Senate and the Clerk of the House on the backing of said bill or resolution that such bill or resolution is the same as that which passed both Houses of the General Assembly, and the said bill or resolution shall then be delivered by the Bill Clerk of the House in which such bill or resolution originated to the Chairman of the Committee on Passed Bills of said House.

RULE 4—Disagreement between the two Houses in the substitution for an amendment to a bill or resolution or over any other matter shall be made subject for conference at the request of either House. A committee, composed of members who voted in the majority on the point or points of difference, shall be appointed in each House, and, at a convenient hour agreed on by their chairmen, shall meet in the conference chamber and state to each other, verbally or in writing, the reasons of their respective House for and against the substitution, amendment or

other matter of disagreement, and confer freely thereon. Conferences shall not have power or control over any part of the bill or resolution or other matter save such point or points over which the Houses disagree.

RULE 5—Every bill and resolution, which shall have passed one House and been rejected by the other, shall be returned to the House which had approved it and notice given of its rejection and the same entered on the Journal.

RULES GOVERNING EXECUTIVE SESSIONS OF THE SENATE OF THE STATE OF DELAWARE

RULE 1—When about to act on confidential or executive business, the Chamber shall be cleared of all persons except the Secretary and the Reading Clerk of the Senate, the Sergeant-at-Arms, and such other officers as the presiding officers shall deem necessary; and all such officers shall be pledged to secrecy.

RULE 2—The Executive proceedings and the confidential legislative proceedings shall be kept in separate Journals.

RULE 3—When nominations shall be made by the Governor of the State, they shall, unless otherwise ordered by the Senate, be referred to a committee to be hereinafter provided for; and the final question on every nomination shall be, "WILL the SENATE CONSENT TO THIS NOMINATION?" Which questions shall not be put on the same day on which it may be reported by a Committee, unless by unanimous consent of the Senate.

RULE 4—All information communicated, or remarks made by a Senator when acting on nominations concerning the character or qualifications of the person nominated, shall be kept secret; if, however, charge shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

RULE 5—When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual sessions of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time with-

in which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination and shall be a final disposition of such motion.

RULE 6—Nominations, confirmed or rejected by the Senate, shall not be returned by the Secretary to the Governor until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending unless otherwise ordered by the Senate.

RULE 7—Nominations, neither confirmed nor rejected, during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the Governor, and if the Senate shall adjourn sine die, all nominations pending and not finally acted upon at the time of such final adjournment shall be returned by the Secretary to the Governor, and shall not again be considered unless they shall again be made by the Governor.

RULE 8—Any Senator or officers of the Senate who shall disclose the secret or confidential business or proceedings of the Senate, shall be liable, if a Senator, to be called before the bar of the Senate for reprimand; and if an officer, to be dismissed from the service of the Senate and to punishment for contempt.

RULE 9—The Governor of the State shall, from time to time be furnished with a copy of the list of appointments confirmed or rejected by the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary except by special order of the Senate.

RULE 10—The President Pro Tem of the Senate shall appoint a Committee, which shall be styled "The Executive Committee," to which all nominations of the Governor shall be referred.

The President announced he is about to sign:

Senate Concurrent Resolution No. 6.

Mr. Heal moved that the Senate adjourn until 12 o'clock, noon, January 25, 1939.

Motion prevailed.

THIRTEENTH LEGISLATIVE DAY

January 25, 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, 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.

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. Rinard rose to a point of personal privilege and requested the reading of a communication and the spreading of said communication on the Journal.

The communication follows:

To the Senate of the State of Delaware

Honorable Members:

On Monday, January 23rd, the Honorable Senator from the Sixth District saw fit to deliver an attack upon me as Chairman of the Senate Investigating Committee, in which it was charged that certain figures were given to the public press as emanating from the Committee, which figures were alleged to have been erroneous and misleading. The honorable Senator saw fit to criticize me for issuing statements concerning the State Highway without first having called before the Committee the Chief Engineer of the Highway and obtaining from him such figures.

At the time I refrained from answering, other than to say that the figures were obtained from the Chief Engineer, but at this time I must inform the Senate and whomever else it may concern, that the very first witness that was called in the investigation of the State Highway Department was Chief Engineer Mack, at which meeting the Honorable Senator from the Sixth District was present and heard, or should have heard, the request made of Mr. Mack to furnish to the Committee figures on maintenance costs in the various Counties and State for a period from August 1st to November 15th, for the years 1938, 1937, and 1936. These figures were transmitted to the Chairman of the Committee under the signature of the Chief Engineer as requested, a copy of which letter and a copy of which figures are attached to this statement and included as part hereof.

There was no meeting of the Committee from the time, namely, December 29th, when these figures were transmitted, until yesterday, inasmuch as the early confusion of organization of the Senate interfered with the functioning of the Committee.

It may be further pointed out that the Committee had died with the Special Session and had to be revived in the Regular Session, and it was, of course, during the interim and until its revival, impossible to hold meetings with any effect. Since the inference of the Honorable Senator's statement was that the figures were without foundation in fact and were a reflection on the Highway Department, it is the purpose of this communication to establish that the figures were founded on fact and as such are hardly open to question.

The increase in maintenance forces in New Castle County and Kent County might be explained where there were any unusual circumstances to justify it, such as floods or similar disasters. I might, however, point out that in 1937 New Castle County on the fifth of July suffered one of the worst floods in the history of the State and the costs for 1937 should have been, if anything, much higher than those in 1938.

There can only be one conclusion to be drawn from the increased costs in these two counties, which is obvious at a glance in the mind of any interested citizen of the State, and that is that either a high degree of inefficient personnel is being employed in order to do the work which was normally done during the same periods before, or there was needless increase in the personnel for reasons not within the scope of good highway management.

I believe that this is a matter in which the public has an interest inasmuch as it affects their pocketbooks and that they were entitled to know the alarming increase in the cost of maintenance of their highways in New Castle and Kent Counties. In

Sussex County it will be noted by the figures there has been no appreciable variance in cost in maintenance in the three years for the same period of time. I point out in connection with this that the Resident Engineer in Sussex County and the personnel under him is largely the same as it has been for several years, he being one of the few who were not removed under the present administration. In the other two counties the Engineers, who for years had held office, were removed and new men replaced them, resulting in an almost complete turn-over in personnel. Any citizen of the State of Delaware may draw his own conclusions from these figures in men and dollars without being urged by bias or prejudice.

I want it borne in mind that these figures reflect merely upon maintenance and have nothing to do with new construction of the highways.

I might, were I inclined to be less generous, justifiably criticize the Honorable Senator for breach of Parliamentary etiquette in naming me by name in his communication. But I know that this was perhaps an oversight on the part of the Honorable Senator and I have too high a regard for him personally to believe that there was any attempt on his part, at least, to disregard the well known rules upon that subject. I therefore make only passing note of this.

Very truly yours,

PAUL R. RINARD

*Chairman of the Senate
Investigating Committee*

THE STATE OF DELAWARE

STATE HIGHWAY DEPARTMENT

Dover, Delaware, December 29, 1938

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

Dear Senator:

As requested at the meeting of your committee on Tuesday night, December 27th, I am enclosing an analysis of maintenance payrolls from August 1st to November 19th, inclusive.

Very truly yours,

STATE HIGHWAY DEPARTMENT

W. W. MACK

Chief Engineer

ANALYSIS OF MAINTENANCE PAYROLLS SHOWING
MONEY EXPENDED AND NUMBER OF
MEN EMPLOYED

| <i>Week Ending</i> | TOTAL PAYROLL | |
|------------------------|-------------------|--------------|
| | <i>No. of Men</i> | <i>1938</i> |
| August 6 | 610 | \$15,168.35 |
| August 13 | 619 | 15,387.18 |
| August 20 | 623 | 15,767.35 |
| August 27 | 695 | 18,142.34 |
| September 3 | 698 | 16,698.70 |
| September 10 | 617 | 12,650.04 |
| September 17 | 626 | 13,965.91 |
| September 24 | 600 | 11,098.69 |
| October 1 | 656 | 15,186.64 |
| October 8 | 718 | 18,004.16 |
| October 15 | 662 | 15,908.41 |
| October 22 | 659 | 14,425.47 |
| October 29 | 632 | 11,896.18 |
| November 5 | 666 | 14,799.35 |
| November 12 | 675 | 11,614.54 |
| November 19 | 685 | 15,194.37 |
| | <hr/> | <hr/> |
| AVERAGE PER WEEK | 10,441 | \$235,907.68 |
| | 652 | 14,744.23 |

| <i>Week Ending</i> | TOTAL PAYROLL | |
|------------------------|-------------------|--------------|
| | <i>No. of Men</i> | <i>1937</i> |
| August 6 | 525 | \$11,485.66 |
| August 13 | 537 | 11,340.72 |
| August 20 | 536 | 11,502.39 |
| August 27 | 504 | 8,660.68 |
| September 3 | 593 | 13,552.55 |
| September 10 | 544 | 10,183.67 |
| September 17 | 498 | 9,729.42 |
| September 24 | 538 | 11,180.11 |
| October 1 | 548 | 10,769.79 |
| October 8 | 570 | 11,364.72 |
| October 15 | 555 | 11,224.94 |
| October 22 | 533 | 10,144.29 |
| October 29 | 538 | 10,720.50 |
| November 5 | 518 | 10,513.38 |
| November 12 | 521 | 8,992.46 |
| November 19 | 485 | 8,515.26 |
| | <hr/> | <hr/> |
| AVERAGE PER WEEK | 8,543 | \$169,880.54 |
| | 533 | 10,617.53 |

| TOTAL PAYROLL | | |
|------------------------|-------------------|--------------|
| <i>Week Ending</i> | <i>No. of Men</i> | <i>1936</i> |
| August 6 | 592 | \$10,893.22 |
| August 13 | 605 | 11,780.92 |
| August 20 | 617 | 12,598.81 |
| August 27 | 629 | 12,324.93 |
| September 3 | 611 | 12,482.31 |
| September 10 | 537 | 9,745.83 |
| September 17 | 532 | 10,778.08 |
| September 24 | 510 | 11,034.32 |
| October 1 | 555 | 10,191.60 |
| October 8 | 559 | 10,811.37 |
| October 15 | 564 | 11,176.96 |
| October 22 | 576 | 11,805.62 |
| October 29 | 545 | 10,850.79 |
| November 5 | 522 | 9,129.79 |
| November 12 | 527 | 9,500.73 |
| November 19 | 501 | 9,512.82 |
| | <hr/> | <hr/> |
| | 8,982 | \$174,618.10 |
| AVERAGE PER WEEK | 561 | 10,913.63 |

NEW CASTLE COUNTY

| TOTAL PAYROLL | | |
|------------------------|-------------------|-------------|
| <i>Week Ending</i> | <i>No. of Men</i> | <i>1938</i> |
| August 6 | 227 | \$6,626.22 |
| August 13 | 233 | 7,315.21 |
| August 20 | 234 | 7,349.02 |
| August 27 | 230 | 7,232.42 |
| September 3 | 227 | 6,964.74 |
| September 10 | 214 | 5,299.10 |
| September 17 | 211 | 5,644.21 |
| September 24 | 218 | 4,638.73 |
| October 1 | 215 | 5,529.98 |
| October 8 | 221 | 6,235.73 |
| October 15 | 226 | 6,715.84 |
| October 22 | 242 | 5,595.78 |
| October 29 | 231 | 5,148.07 |
| November 5 | 253 | 5,861.87 |
| November 12 | 243 | 3,964.20 |
| November 19 | 251 | 6,856.19 |
| | <hr/> | <hr/> |
| | 3,676 | \$96,977.31 |
| AVERAGE PER WEEK | 229 | 6,061.08 |

| TOTAL PAYROLL | | |
|------------------------|-------------------|-------------|
| <i>Week Ending</i> | <i>No. of Men</i> | <i>1937</i> |
| August 6 | 127 | \$3,481.70 |
| August 13 | 133 | 3,651.44 |
| August 20 | 132 | 3,482.21 |
| August 27 | 115 | 2,258.18 |
| September 3 | 141 | 3,830.69 |
| September 10 | 140 | 3,216.27 |
| September 17 | 127 | 3,216.73 |
| September 24 | 131 | 3,524.28 |
| October 1 | 124 | 3,297.03 |
| October 8 | 129 | 3,342.84 |
| October 15 | 132 | 3,408.79 |
| October 22 | 124 | 2,978.81 |
| October 29 | 126 | 3,258.19 |
| November 5 | 111 | 2,569.79 |
| November 12 | 119 | 2,812.60 |
| November 19 | 114 | 2,378.59 |
| | <hr/> | <hr/> |
| | 2,025 | \$50,708.14 |
| AVERAGE PER WEEK | 126 | 3,169.25 |

| TOTAL PAYROLL | | |
|------------------------|-------------------|-------------|
| <i>Week Ending</i> | <i>No. of Men</i> | <i>1936</i> |
| August 6 | 140 | \$2,933.65 |
| August 13 | 158 | 3,513.61 |
| August 20 | 163 | 3,956.93 |
| August 27 | 160 | 3,593.00 |
| September 3 | 162 | 3,925.43 |
| September 10 | 150 | 3,304.38 |
| September 17 | 146 | 4,062.97 |
| September 24 | 140 | 3,508.74 |
| October 1 | 136 | 2,790.89 |
| October 8 | 131 | 2,680.35 |
| October 15 | 137 | 3,012.11 |
| October 22 | 152 | 3,448.93 |
| October 29 | 149 | 3,215.62 |
| November 5 | 142 | 2,951.83 |
| November 12 | 140 | 2,784.20 |
| November 19 | 123 | 2,374.36 |
| | <hr/> | <hr/> |
| | 2,329 | \$52,057.00 |
| AVERAGE PER WEEK | 145 | 3,253.56 |

KENT COUNTY

| <i>Week Ending</i> | TOTAL PAYROLL | |
|------------------------|-------------------|-------------|
| | <i>No. of Men</i> | <i>1938</i> |
| August 6 | 178 | \$4,214.24 |
| August 13 | 188 | 3,912.70 |
| August 20 | 207 | 4,384.59 |
| August 27 | 222 | 5,498.08 |
| September 3 | 226 | 4,483.42 |
| September 10 | 187 | 3,528.53 |
| September 17 | 197 | 4,028.03 |
| September 24 | 193 | 3,453.33 |
| October 1 | 239 | 5,835.22 |
| October 8 | 250 | 6,260.11 |
| October 15 | 209 | 4,480.29 |
| October 22 | 205 | 4,518.99 |
| October 29 | 201 | 3,649.66 |
| November 5 | 206 | 4,614.23 |
| November 12 | 218 | 4,430.42 |
| November 19 | 216 | 4,451.16 |
| | <hr/> | <hr/> |
| | 3,342 | \$71,743.05 |
| AVERAGE PER WEEK | 208 | 4,483.94 |

| <i>Week Ending</i> | TOTAL PAYROLL | |
|------------------------|-------------------|-------------|
| | <i>No. of Men</i> | <i>1937</i> |
| August 6 | 159 | \$3,407.61 |
| August 13 | 163 | 3,302.09 |
| August 20 | 168 | 3,589.28 |
| August 27 | 155 | 2,513.50 |
| September 3 | 183 | 4,278.80 |
| September 10 | 169 | 3,277.57 |
| September 17 | 148 | 2,748.41 |
| September 24 | 156 | 3,013.33 |
| October 1 | 165 | 3,017.95 |
| October 8 | 162 | 3,349.38 |
| October 15 | 170 | 3,322.88 |
| October 22 | 154 | 2,872.19 |
| October 29 | 156 | 3,119.33 |
| November 5 | 151 | 3,119.05 |
| November 12 | 155 | 2,907.78 |
| November 19 | 153 | 2,586.73 |
| | <hr/> | <hr/> |
| | 2,567 | \$50,425.88 |
| AVERAGE PER WEEK | 160 | 3,151.61 |

TOTAL PAYROLL

| <i>Week Ending</i> | <i>No. of Men</i> | <i>1936</i> |
|------------------------|-------------------|-------------|
| August 6 | 181 | \$3,292.28 |
| August 13 | 187 | 3,578.77 |
| August 20 | 201 | 3,886.32 |
| August 27 | 196 | 3,586.49 |
| September 3 | 184 | 3,814.79 |
| September 10 | 178 | 2,978.30 |
| September 17 | 182 | 3,267.73 |
| September 24 | 177 | 3,743.54 |
| October 1 | 210 | 3,932.73 |
| October 8 | 208 | 4,167.50 |
| October 15 | 206 | 3,943.26 |
| October 22 | 207 | 4,431.63 |
| October 29 | 198 | 4,067.29 |
| November 5 | 188 | 3,326.10 |
| November 12 | 193 | 3,760.61 |
| November 19 | 195 | 4,077.68 |
| | <hr/> | <hr/> |
| | 3,091 | \$59,855.02 |
| AVERAGE PER WEEK | 193 | 3,740.93 |

SUSSEX COUNTY

TOTAL PAYROLL

| <i>Week Ending</i> | <i>No. of Men</i> | <i>1938</i> |
|------------------------|-------------------|-------------|
| August 6 | 205 | \$4,327.89 |
| August 13 | 198 | 4,159.27 |
| August 20 | 182 | 4,033.74 |
| August 27 | 243 | 5,411.84 |
| September 3 | 245 | 5,250.54 |
| September 10 | 216 | 3,822.41 |
| September 17 | 218 | 4,293.67 |
| September 24 | 189 | 3,006.63 |
| October 1 | 202 | 3,821.44 |
| October 8 | 247 | 5,508.32 |
| October 15 | 227 | 4,712.28 |
| October 22 | 212 | 4,310.70 |
| October 29 | 200 | 3,098.45 |
| November 5 | 214 | 3,219.92 |
| November 12 | 218 | 3,887.02 |
| November 19 | 207 | 4,323.25 |
| | <hr/> | <hr/> |
| | 3,423 | \$67,187.37 |
| AVERAGE PER WEEK | 213 | 4,199.21 |

| TOTAL PAYROLL | | |
|------------------------|-------------------|-------------|
| <i>Week Ending</i> | <i>No. of Men</i> | <i>1937</i> |
| August 6 | 239 | \$4,596.35 |
| August 13 | 241 | 4,387.19 |
| August 20 | 236 | 4,430.90 |
| August 27 | 234 | 3,889.00 |
| September 3 | 269 | 5,443.06 |
| September 10 | 235 | 3,689.83 |
| September 17 | 223 | 3,764.28 |
| September 24 | 251 | 4,642.50 |
| October 1 | 259 | 4,454.81 |
| October 8 | 279 | 4,672.50 |
| October 15 | 253 | 4,493.27 |
| October 22 | 255 | 4,293.29 |
| October 29 | 256 | 4,342.98 |
| November 5 | 247 | 3,272.08 |
| November 12 | 218 | 3,549.94 |
| November 19 | 256 | 4,824.54 |
| | <hr/> | <hr/> |
| | 3,951 | \$68,746.52 |
| AVERAGE PER WEEK | 246 | 4,296.65 |

| TOTAL PAYROLL | | |
|------------------------|-------------------|-------------|
| <i>Week Ending</i> | <i>No. of Men</i> | <i>1936</i> |
| August 6 | 271 | \$4,667.29 |
| August 13 | 260 | 4,688.54 |
| August 20 | 253 | 4,755.56 |
| August 27 | 273 | 5,145.44 |
| September 3 | 265 | 4,742.09 |
| September 10 | 209 | 3,463.15 |
| September 17 | 204 | 3,447.38 |
| September 24 | 193 | 3,782.04 |
| October 1 | 209 | 3,467.98 |
| October 8 | 220 | 3,963.52 |
| October 15 | 221 | 4,221.59 |
| October 22 | 217 | 3,925.06 |
| October 29 | 198 | 3,567.88 |
| November 5 | 194 | 2,955.92 |
| November 12 | 183 | 3,060.78 |
| November 19 | 192 | 2,851.86 |
| | <hr/> | <hr/> |
| | 3,562 | \$62,706.08 |
| AVERAGE PER WEEK | 222 | 3,919.13 |

Mr. Steele presented the following communication:

HOTEL DARLING

Wilmington, Delaware, January 25, 1939

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

Dear Sir:

Shortly after I opened the Hotel Darling, the State Legislature convened, and in line with my general policy to have the folks in Delaware become acquainted with the Hotel Darling, which at that time was a new addition to our State institutions, I invited all the members of the Senate and House to dinner at the Hotel Darling, and most of the Senate and House honored me by accepting the invitation.

I would again like very much to have the Senate and House as my guests for dinner on Wednesday, February 8th, and should be grateful if you would extend this invitation to your colleagues.

There is a special affair planned for February 8th, and if the Senate and House will honor me by coming, they will have an enjoyable evening.

Respectfully yours,

HOTEL DARLING

J. FRANK DARLING
Manager

Mr. Steele moved that the invitation of the Hotel Darling be accepted with thanks and that the Secretary notify Mr. Darling.

Motion prevailed.

On motion for leave, Mr. Hannam introduced Senate Resolution No. 18, entitled:

SENATE RESOLUTION NO. 18

AUTHORIZING LIBRARIAN TO SUPPLY REVISED
CODE AND VOLUME 41 DELAWARE LAWS TO MEMBERS
OF THE SENATE AND CERTAIN OFFICERS THEREOF.

BE IT RESOLVED by the Senate that the State Librarian be and she is hereby instructed to furnish each member of the Senate, the Secretaries of the Senate, and the Attorneys respectively, one copy of the Revised Code of the State of Delaware, 1935, and one copy of Volume 41 Laws of Delaware.

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

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

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

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

NAYS—None.

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

On motion for leave, Mr. Hannam introduced Senate Resolution No. 19, entitled:

SENATE RESOLUTION NO. 19

AUTHORIZING STATE LIBRARIAN TO FURNISH PAPER AND ENVELOPES TO CERTAIN OFFICERS OF THE SENATE.

BE IT RESOLVED by the Senate of the State of Delaware that the State Librarian be and she is hereby authorized and directed to procure and furnish to each of the Attorneys for the Senate, the Secretary and Assistant Secretary of the Senate, and the Secretary to the President Pro Tem of the Senate, who order the same, four hundred (400) sheets of Senate paper with the name of the Attorney or Secretary, as the case may be, suitably printed thereon, and four hundred (400) envelopes.

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

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

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

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

NAYS—None.

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

Mr. Hannam, on motion for leave, introduced Senate Bill No. 12, entitled:

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

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

Mr. Purnell, on motion for leave, introduced Senate Bill No. 13, entitled:

An Act to amend Paragraph 6118, Section 48, of Chapter 175, Revised Code of Delaware, 1935, relative to Commissioners of the Town of Lewes accepting the provisions of the Delaware Workmen's Compensation Act of 1917.

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

On motion for leave, Mr. Steele introduced Senate Concurrent Resolution No. 7, entitled:

SENATE CONCURRENT RESOLUTION NO. 7

RESOLUTION IN REFERENCE TO FEDERAL TAX ON MOTOR FUELS AND LUBRICATING OILS.

WHEREAS, it is generally acknowledged that the Special Federal Excise Taxes upon the sale of motor fuels and lubricating oils were originally imposed by the Congress of the United States as emergency measures; and