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STATE OF DELAWARE

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

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 ELEVEN AND  
OF THE INDEPENDENCE OF THE UNITED  
STATES THE ONE HUNDRED AND  
THIRTY-FIFTH.

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1911

THE PRESS OF THE DELAWAREAN  
Dover, Delaware.

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# OFFICERS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES.

SPEAKER,  
DENWARD W. CAMPBELL.

CLERK,  
JOHN S. DOBSON.

READING CLERK,  
GEORGE H. GUNNING.

ENROLLING CLERK,  
DAVID RODWAY.

CHAPLAIN  
REV. W. F. DAWSON.

ATTORNEYS,  
DANIEL O. HASTING, New Castle County.  
FRANCIS DEH. JANVIER, New Castle County.  
JAMES M. SATTERFIELD, Kent County.

SERGEANT-AT-ARMS  
ELISHA D. CAMPBELL.

PAGE.  
HARRY C. WRIGHT.

Granville P. Alexander, 414 Market St.,	Wilmington, Del
Harry I. Gillis, 218 W. 18th St.,	Wilmington, Del
Alfred B. Moore, 5th and Shipley Sts.,	Wilmington, Del
Dr. Thomas O. Cooper, 311 West St.,	Wilmington, Del
Thomas F. Gormley, City Tax Office,	Wilmington, Del
John T. Talley,	Edge Moor, Del
Henry Clayton White, Front and Orange Sts.,	Wilmington, Del
Richard G. Buckingham	Newark, Del
Andrew L. Fisher,	Newark, Del
John M. Wilson,	New Castle, Del
Everett C. Johnson,	Newark, Del
Albert J. Swan,	Delaware City, Del
Frank R. Pool,	McDonough, Del
Edward R. Hart,	Townsend, Del
Andrew J. Wright,	Blackbird, Del
James E. Hoffecker,	Smyrna, Del
Thomas D. Garrison,	Cheswold, Del
Edward A. Evans,	Cheswold, Del
William H. Marvel,	Dover, Del
George W. Tebo,	Dover, Del
Thomas A. Bell,	Petersburg, Del
Charles S. Conwell,	Camden, Del
Benjamin F. Cooper,	Frederica, Del
George E. Morris,	R. D., Farmington, Del
Edward S. Beswick,	Millford, Del
Joseph G. Davis,	Millford, Del
Frank Elliott,	Greenwood, Del
James H. Layton,	Seaford, Del
Ebenezer B. Hastings,	Seaford, Del
Elder Frank Locates,	Delmar, Del
John W. Messick,	Millsboro, Del
Denward W. Campbell,	Selbyville, Del
William T. Hurdle,	Hollyville, Del
John H. Hammond,	Georgetown, Del
John M. Robbins,	Milton, Del



# JOURNAL

OF THE

## House of Representatives.

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Dover, Delaware, January 3, 1911.

At a session of the General Assembly of the State of Delaware, convened and held at Dover on Tuesday, the third day of January, in the year of our Lord one thousand nine hundred and eleven, and of the Independence of the United States of America, the one hundred and thirty-fifth.

### NEW CASTLE COUNTY.

Mr. Granville P. Alexander, of the first representative district.  
Mr. Harry I. Gillis, of the second representative district.  
Mr. Alfred B. Moore, of the third representative district.  
Mr. Thomas O. Cooper, of the fourth representative district.  
Mr. Thomas F. Gormley, of the fifth representative district.  
Mr. John T. Talley, of the sixth representative district.  
Mr. Henry C. White, of the seventh representative district.  
Mr. Richard G. Buckingham, of the eighth representative district.  
Mr. Andrew C. Fisher, of the ninth representative district.  
Mr. John M. Wilson, of the tenth representative district.  
Mr. Everett C. Johnson, of the eleventh representative district.  
Mr. Albert I. Swan, of the twelfth representative district.  
Mr. Frank R. Poole, of the thirteenth representative district.  
Mr. Edward Hart, of the fourteenth representative district.  
Mr. Andrew J. Wrightt, of the fifteenth representative district.

### KENT COUNTY.

Mr. James Edwin Hoffecker, of the first representative district.  
Mr. Thomas D. Garrison, of the second representative district.  
Mr. Edward A. Evans, of the third representative district.  
Mr. William H. Marvel, of the fourth representative district.

Mr. Geo. W. Tebo, of the fifth representative district.  
 Mr. Thomas A. Bell, of the sixth representative district.  
 Mr. Chas. S. Conwell, of the seventh representative district.  
 Mr. Benj. F. Cooper, of the eighth representative district.  
 Mr. Geo. E. Morris, of the ninth representative district.  
 Mr. Edw. S. Beswick, of the tenth representative district.

#### SUSSEX COUNTY.

Mr. Joseph G. Davis, of the first representative district.  
 Mr. Frank Elliott, of the second representative district.  
 Mr. James H. Layton, of the third representative district.  
 Mr. Ebenezer B. Hastings, of the fourth representative district.  
 Mr. Elder Frank Lecates, of the fifth representative district.  
 Mr. John W. Messick, of the sixth representative district.  
 Mr. Dennard W. Campbell, of the seventh representative district.  
 Mr. William T. Hurdle, of the eighth representative district.  
 Mr. John H. Hammond, of the ninth representative district.  
 Mr. John M. Robbins, of the tenth representative district.

Appeared and took their seats.

The names of the gentlemen who had taken their seats were called, all of whom answered to their names.

The House was called to order by Mr. Hoffecker for temporary organization.

Mr. Buckingham was nominated for temporary Speaker. There being no other nominations, the vote was taken. Mr. Buckingham was declared elected and took the chair.

Mr. Evans was nominated for temporary clerk. There being no other nomination, the vote was taken. Mr. Evans was declared elected.

The certificates of election of all the members were then received, and, on motion, Dr. Cooper, after the reading of one certificate from each county, the names only were read in each of the others.

The State of Delaware,        }  
     New Castle County,       } ss.

Be it remembered, that at the General Election held on the Tuesday after the first Monday in November, in the year of

our Lord nineteen hundred and ten, for New Castle County, according to the Constitution and Laws of the State of Delaware, Granville P. Alexander was duly elected representative for Representative District Number One 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 the hundreds and election districts of the County, according to the provisions made by law in this behalf.

(Seal.) In testimony whereof, we, James Pennewill and Daniel O. Hastings, the Judges constituting the Superior Court of New Costle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this eleventh day of November, A. D. 1910.

JAMES PENNEWILL,  
Chief Justice.

DANIEL O. HASTINGS,  
Resident Associate Judge.

The State of Delaware, )  
Kent County,                } ss.

Be it remembered, that at the General Election held on the Tuexsday next after the first Monday in November in the year of our Lord one thousand nine hundred and ten, for Kent County, according to the Constitution and Laws of the State of Delaware, James Edwin Hoffecker was duly elected Representative for the First Representative District for 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 the hundreds and election districts of the county, according to the provisions made by law in this behalf.

(Seal.) In testimony whereof, we, Charles M. Curtis and William H. Boyce, constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said county as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at

the Court House in said County on this eleventh day of November, A. D. 1910.

CHARLES M. CURTIS,  
Chancellor.

WM. H. BOYCE,  
Resident Associate Judge.

The State of Delaware, }  
Sussex County, } ss.

Be it remembered, that at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and ten, for Sussex County, according to the Constitution and Laws of the State of Delaware, Joseph G. Davis was duly elected Representative for Representative District Number One 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 the hundreds and election districts of the county, according to the provisions made by law in this behalf.

(Seal.)

In testimony whereof, we, Victor B. Woolley and Henry C. Conrad, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this eleventh day of November, A. D. 1910.

VICTOR B. WOOLLEY,  
Associate Judge.

HENRY C. CONRAD,  
Resident Associate Judge.

Hon. Thomas O. Cooper, member from the fourth representative district, New Castle County, was authorized, by motion, to administer the oath of office to the Speaker pro tem, and the Speaker pro tem to administer the oath of office to the other members.

The roll was then called. All members took the oath or affirmation of office.

The Speaker pro tem, declared that all members had been duly sworn or affirmed, and the House was ready to proceed to permanent organization.

On motion of Mr. Hoeffcker, the House proceeded to elect a permanent Speaker.

Mr. Pool nominated Mr. Alfred B. Moore.

Mr. Hoeffcker nominated Mr. George W. Tebo.

Mr. Gormley nominated Dr. T. O. Cooper.

Mr. Alexander moved nominations close.

Which motion, Prevailed.

Mr. Speaker pro tem announced as tellers, Messrs. Hoeffcker, Gormley and Pool.

The first ballot resulted as follows:

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes.

Mr. T. O. Cooper received 13 votes.

No one having received the constitutional majority there was no election.

On motion of Mr. Conwell, the House took a recess until 2 o'clock P. M.

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Same Day—2 P. M.

House met pursuant to recess.

On motion of Mr. T. O. Cooper, the following invitation was read and accepted:

Dover, Del., Jan. 3, 1911.

The Honorable House of Representatives,

Dover, Delaware.

Mr. Speaker and Gentlemen:

On behalf of the Executive Committee, I take pleasure in extending you a cordial invitation to attend the twenty-fourth annual meeting of the Peninsula Horticultural Society, in the Opera House, Dover, Delaware, Jan. 10th, 11th and 12th.

Respectfully yours,

WESLEY WEBB,

Secretary.

On motion of Mr. Hoffecker, the House proceeded to elect a permanent Speaker.

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes.

Mr. T. O. Cooper received 12 votes.

No one having received the constitutional majority, there was no election.

The House adjourned until 11 o'clock A. M., to-morrow.



January 4th, 1911, 11 o'clock, A. M.

House met pursuant to adjournment.

Prayer by Rev. Francis D. Reynolds.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Campbell, Conwell, B. F. Cooper, T. O. Cooper, Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hastings, Hoeffcker, Hurdle, Johnson, Layton, Lecates, Marvil, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright—35.

On motion of Dr. T. O. Cooper, a resolution was adopted that all smoking be prohibited during sessions of the House.

On motion of Mr. Wilson, the House proceeded to the election of permanent officers

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes.

Mr. T. O. Cooper received 13 votes.

No person having received the required constitutional majority, there was no election.

On motion of Mr. Messick, a recess was taken until 1 o'clock, P. M.

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Same Day—1 P. M.

House met pursuant to recess.

On motion of Mr. Hoeffcker, the House proceeded to vote for Speaker.

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes.

Mr. Cooper received 13 votes.

No person having received the required constitutional majority, there was no election.

On motion of Mr. Marvil, a recess of fifteen minutes was taken.

The House met at the expiration of recess, and, on motion of Mr. White, continued to vote for permanent Speaker.

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes.

Mr. Cooper received 12 votes.

One member absent.

No person having received the required constitutional majority, there was no election.

On motion of Dr. Moore, the House took a recess until 11 o'clock A. M., Thursday, Jan. 5, 1911.

January 5, 1911, 11, A. M.

House met pursuant to recess.

Prayer by Rev. W. F. Dawson.

Roll called. The following members were present—Alexander, Bell, Beswick, Buckingham, Campbell, Conwell, B. F. Cooper, T. O. Cooper, Davis, Elliott, Evans, Fisher, Garrison, Gormley, Hammond, Hart, Hastings, Hofferker, Hurdle, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright—34.

On motion of Mr. Pool, a recess was taken until 2 o'clock, P. M.

---

Same Day—2 o'clock, P. M.

House met pursuant to recess.

House resumed balloting for permanent Speaker.

Mr. Moore received 9 votes.

Mr. Tebo received 11 votes.

Mr. Cooper received 13 votes.

No person having received the constitutional majority, there was no election.

On motion of Mr. Alexander, a recess of 15 minutes was taken.

House met at expiration of recess.

The election of permanent Speaker was in order.

Second ballot resulted as follows:

Mr. Moore received 8 votes.

Mr. Tebo received 13 votes.

Mr. T. O. Cooper received 13 votes.

One member absent.

No one having received the constitutional majority, there was no election.

Third ballot resulted as follows :

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes.

Mr. T. O. Cooper received 13 votes.

No person having received the constitutional majority, there was no election.

Mr. Johnson moved a recess until 3 o'clock, P. M.,

Which motion, Prevailed.

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Same Day—3, P. M.

House met pursuant to recess.

On motion of Mr. White, the House adjourned until 12 o'clock, noon, Friday, January 6, 1911.

January 6th, 1911, 12 o'clock, M.

House met pursuant to recess.

Prayer by Dr. R. S. Stephens.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Campbell, B. F. Cooper, T. O. Cooper, Davis, Elliott, Evens, Fisher, Garrison, Gormley, Hart, Hastings, Hoeffcker, Hurdle, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Talley, Tebo, White, Wilson, Wright—32.

Journal read and approved.

House proceeded to ballot for permanent Speaker.

Mr. Moore received 8 votes.

Mr. Tebo received 13 votes.

Mr. Cooper received 11 votes.

Three absent.

No person having received the constitutional majority, there was no election.

Second ballot:

Mr. Moore received 8 votes.

Mr. Tebo received 13 votes.

Mr. Cooper received 11 votes.

Three absent.

No person having received a constitutional majority, there was no election.

On motion of Mr. Hoeffcker, the House proceeded to elect a Page.

Mr. Tebo nominated Mr. Harry C. Wright.

Mr. Hoeffcker nominated Mr. John M. Roe.

Mr. Harry C. Wright received 15 votes.

Mr. John M. Roe received 17 votes.

No person having received the constitutional majority, there was no election.

Second ballot for Page resulted in

Mr. Harry C. Wright receiving 16 votes.

Mr. John M. Roe receiving 16 votes.

No person having received the constitutional majority, there was no election.

On motion of Mr. Marvel, a recess was taken until 2 o'clock, P. M.

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Same Day—2, P. M.

House met at expiration of recess, and proceeded to ballot for permanent Speaker.

Mr. Moore received 7 votes.

Mr. Tebo received 13 votes.

Mr. T. O. Cooper received 11 votes.

Four members absent.

No person receiving the constitutional majority, there was no election

Mr. White moved to adjourn until 10 o'clock, Monday, January 9, 1911.

Mr. Moore moved to amend by adjourning until 11 o'clock, A. M., Saturday, January 7, 1911.

Motion to amend,

Prevailed.

On motion of Mr. Hart, the following members were paired for to-morrow, January 7, 1911:

Mr. Gormley with Mr. Alexander.

Mr. Bell with Mr. Beswick.

Mr. Fisher with Mr. Buckingham.

Mr. Hart with Mr. Conwell.

Mr. Wright with Mr. Elliott.

Mr. B. F. Cooper with Mr. Talley.

Mr. Morris with Mr. Moore.

Mr. Layton with Mr. Davis.

Mr. Hastings with Mr. Messick.

Mr. Lecates with Mr. Campbell.

Mr. Hammond with Mr. Hurdle.

Mr. Swan with Mr. Marvel.

Dr. T. O. Cooper with Mr. Johnson.

The motion, as amended, to adjourn until to-morrow, 11 o'clock, A. M., prevailed.

January 7, 1911, 11 A. M.

House met pursuant to adjournment.

Roll called. Members present—Messrs. Evans and Tebo.

There being no quorum, the House took a recess until 11 o'clock, A. M., Monday, January 9, 1911



January 9, 1911, 11 o'clock, A. M.

House met pursuant to adjournment.

Prayer by the Rev. G. W. Dawson.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hastings, Hoeffcker, Hurdle, Johnson, Layton, Lecates, Marvel, Messick, Moore, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr Speaker—35

Journal was read and approved.

House proceeded to the election of permanent Speaker.

First ballot resulted as follows:

Mr. Moore received 9 votes.

Mr. Tebo received 13 votes

Mr. Cooper received 13 votes.

No one having received the constitutional majority, there was no election.

Mr. Tebo moved to take a recess for fifteen minutes.

Which motion, Prevalled.

House met at expiration of fifteen minutes, pursuant to recess.

Mr. Moore moved nominations for Speaker be re-opened.

Which motion, Prevalled.

Mr. Tebo nominated Mr. Campbell.

Mr. Moore seconded the nomination.

Mr. Hoeffcker moved the nominations close and proceed to ballot

Which motion,

Prevailed.

Mr. Campbell received 22 votes.

Mr. Cooper received 13 votes.

Mr. Campbell, having received the required constitutional majority, was declared elected Speaker of the House.

The temporary Speaker administered the oath of office to the Speaker.

On motion of Mr. Marvel, a recess was declared until 2 o'clock, P. M.

Same Day—2, P. M.

The House met pursuant to recess.

House proceeded with permanent organization.

On motion of Mr. Conwell, the nomination for Clerk was in order.

Mr. Messick nominated John S. Dobson.

Mr. Hammond nominated Walter N. Hearn.

Mr. Dobson received 22 votes.

Mr. Hearn received 13 votes.

Mr. Dobson, having received the required constitutional majority, was declared elected.

The oath of office was administered to John S. Dobson by the Speaker.

The nomination for Reading Clerk was then in order.

Mr. Hoffecker nominated Geo. H. Gunning.

Mr. Gormley nominated Elwood Bisco.

Mr. Gunning received 22 votes.

Mr. Bisco received 13 votes.

Mr. Gunning having received the required constitutional majority, was declared elected.

The nomination of Enrolling Clerk was then in order.

Mr. Marvel nominated David Rodway.

Mr. Morris nominated Chas. D. Murphy.

Mr. Rodway received 22 votes.

Mr. Murphay received 13 votes.

Mr. Rodway having received the constitutional majority, was declared elected.

The nomination for Sergeant-at-Arms was then in order.

Mr. Robbins nominated Elisha D. Campbell.

Mr. Lecates nominated Samuel M. Yingling.

Mr. Campbell received 22 votes.

Mr. Yingling received 13 votes.

Mr. Campbell having received the constitutional majority, was declared elected.

The nomination for Chaplain was then in order.

Mr. Conwell nominated Rev. W. F. Dawson.

Mr. Hart nominated Rev. F. C. McSorley.

Mr. Dawson received 22 votes.

Mr. McSorley received 13 votes.

Mr. Dawson having received the constitutional majority, was declared elected.

The nomination for Page was then in order.

Mr. Tebo nominated Harry C. Wright.

Mr. Hammond nominated John M. Roe.

Mr. Wright received 22 votes.

Mr. Roe received 13 votes.

Mr. Wright having received the constitutional majority, was declared elected

Mr. Wilson presented the following resolution:

Be it resolved by the House of Representatives that the Clerk of the House is hereby instructed to notify the Senate that the House is duly organized and has elected Dennard W. Campbell Speaker, and John S Dobson Clerk.

On motion of Mr. Evans, the resolution was adopted.

Mr. Evans presented the following resolution:

Resolved, that the rules of the last House of the State of Delaware be the temporary rules of this House.

On his further motion, the resolution was adopted.

Mr. Wilson offered the following resolution:

Be it resolved, that the Speaker be and is hereby authorized to appoint an assistant or Clerk to do his clerical work

On his further motion, the resolution was adopted.

Mr. Marvel offered the following resolution:

Resolved, that a Night Watchman be appointed for the State House, by the Governor; to guard against loss by fire, or of valuable papers belonging to the said General Assembly, during the present session; and so long thereafter as the Governor shall deem it necessary.

On motion, the resolution was temporarily laid on the table.

On motion of Mr. Buckingham, the Speaker appointed the following Committee on Rules:

Messrs. Moore, Tebo, Mëssick, Cooper, T O., and Lecates.

On motion of Mr. White, the House adjourned until 12 o'clock to-morrow.

January 10, 1911, 12 o'clock, M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gormley, Hammond, Hart, Hoffecker, Hurdle, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Swan, Tebo, Wilson, Wright, Mr. Speaker—31.

Journal read and approved.

On motion of Mr. Evans, the following resolution was adopted:

Be it resolved, by the House of Representatives, that the privilege of the floor be extended to members and officers of the Senate, the Governor, the members of the judiciary and other State officers, Representatives in Congress and representatives of the press, and the privilege of the floor below desks No.'s 7, 15, 16 and 17 be accorded to ex-members of the House and Senate, ex-Governors, members of the bar and ladies, provided, that the privilege of any part of the floor may be accorded other persons by special motion, which shall specify the time for which said privilege shall be accorded, and the Sergeant-at-Arms is hereby instructed to enforce the provisions of this resolution.

The oath of office was administered to the Reading Clerk, George W. Gunning.

The oath of office was administered to the Sergeant-at-Arms, Elisha D. Campbell.

The oath of office was administered to the Enrolling Clerk, David Rodway.

Mr. Cooper arose to a point of order, as to whether the House was ready for business.

Mr. Speaker decided that it was.

Mr. Gormley gave notice that on to-morrow or some future day, he would ask leave to introduce a bill, entitled:

An Act to change the names of Drury Hinton Doggett, Leroy Benjamin Doggett and Edward Martin Doggett.

On motion of Mr. Wilson, the following resolution was adopted:

Resolved, that the Clerk of the House be instructed to procure from the State Librarian all necessary blanks, forms and record books required for the conduct of the business of the House.

On motion of Mr. Hoffecker, the House took a recess until 2 o'clock.

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Same Day—2, P. M.

House convened pursuant to recess.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Section 1, Chapter 49, of the Laws of Delaware, as published in the Revised Code of 1852, as amended, etc., in 1893.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to further amend an Act in relation to the admission of insane persons to the Delaware State Hospital at Farnhurst, being Chapter 644, Volume 19, Laws of Delaware.

Mr. Elliott gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to reincorporate the Town of Bridgeville.

By unanimous consent, the following pairs were arranged for to-morrow:

Mr. Alexander with Mr. Cooper, B. F.

Mr. Pool with Mr. Cooper, T. O.

Mr. Beswick with Mr. Hammond.

Mr. Buckingham with Mr. Wright.

Mr. Davis with Mr. Layton.

Mr. Elliott with Mr. Lecates.

Mr. Hurdle with Mr. Hart.

Mr. Messick with Mr. Hastings.

Mr. Johnson with Mr. Fisher

Mr. Wilson with Mr. Gormley.

Mr. Moore with Mr. Morris.

Mr. Gillis with Mr. Swan.

Mr. Robbins with Mr. Bell.

On motion of Mr. Buckingham, the House adjourned until tomorrow morning at 11 o'clock.

January 11, 1911, 11 o'clock, A. M.

House met pursuant to adjournment.

Mr. Tebo in the chair as presiding officer.

Roll called. Members present—Marvel, Tebo—2.

The temporary chairman declared no quorum and the  
Hous adjourned until January 12th, 12.15 P. M.



January 12, 1911, 12.15 P. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hastings, Hoeffcker, Hurdle, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr Speaker—34

Journal read and approved.

On motion of Mr. Conwell, the following resolution was adopted:

Resolved, by the House of Representatives, that the members from New Castle be requested to secure from the authorities at Farnhurst the Reports of the Institution since 1892.

On motion of Mr. Moore, House took a recess until 2.45 P. M.

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Same Day—2.45, P. M.

House met pursuant to recess.

The Committee on Rules begs to report with favorable recommendation the following rules to govern the proceedings of the present House:

Hon. T. O. Cooper moved that the Clerk pause at close of each rule, to give members an opportunity for discussing same.

Motion,

Prevailed.

Rule 1. Every member shall be in his place at the time to which the House stands adjourned.

Rule 2. Every day, before the House proceeds to other business, the Clerk shall call the names of the members in alphabetical order, and shall read the Journal of the preceding day, which may then be corrected by the House.

Rule 3. All motions and resolutions, except for the reading of bills, the daily adjournment of the House, or any motion to refer any subject, or postpone the same, shall, if required by the Speaker or any member, be reduced to writing by the mover and of seconded shall be repeated by the Speaker of the House before a debate or decision thereon. And any written resolution introduced by the Speaker, or a member of the House, and sent to the Clerk's table, shall be read without motion to receive the same, unless the reading of such resolution shall be objected to by a member of the House

Rule 4. All committees, unless the House shall otherwise direct, shall be appointed by the Speaker. And every special committee shall report within five days of actual session of the House from the time of its appointment or furnish sufficient reason why report has not been made.

Rule 5. The following committees shall be standing committees, and shall continue during the session, to whom business appropriate to them shall be referred, viz:

A Committee on Rules, to consist of five members.

A Committee on Revenue and Taxation, to consist of seven members.

A Committee on Election, to consist of seven members.

A Committee on Judiciary, to consist of seven members.

A Committee on Federal Relations, to consist of seven members.

A Committee on Crime and Punishments, to consist of seven members.

A Committee on Accounts, to consist of seven members.

A Committee on Claims, to consist of seven members.

A Committee on Temperance, to consist of seven members.

A Committee on Education, to consist of seven members.

A Committee on Enrolled Bills, to consist of seven members.

A Committee on Appropriations, to consist of seven members.

A Committee on Miscellaneous Business to consist of seven members.

A Committee on Stationery and Supplies, to consist of seven members.

A Committee on Agriculture, to consist of seven members.

A Committee on Municipal Corporations, to consist of seven members.

A Committee on Fish, Oysters and Game, to consist of seven members.

A Committee on Printing, to consist of seven members.

A Committee on Revised Statutes, to consist of seven members.

A Committee on Private Corporations, to consist of seven members.

A Committee on Banking and Insurance, to consist of seven members.

A Committee on Public Highways, to consist of seven members.

A Committee on Military Affairs, to consist of seven members.

A Committee on Charity and Eleemosynary Institutions, to consist of seven members.

A Committee on Manufactures and Commerce, to consist of seven members.

A Committee on Public Buildings, to consist of seven members.

A Committee on Labor, to consist of seven members.

A Committee on Immigration, to consist of seven members.

A Committee on Public Health, to consist of seven members.

A Committee on Revised Code, to consist of seven members.

Rule 6. The unfinished business in which the House was engaged at the time of the last adjournment shall have the preference in the order of the day.

Rule 7. Every bill shall be introduced by motion for leave, by order of the House, or by a report of a committee, and one day's notice shall be given of an intended motion for leave to bring in a bill.

Rule 8. Every motion, except a motion to adjourn, shall be entered on the journal with the name of the mover.

Rule 9. No member shall be interrupted when speaking, but by a call to order by the Speaker, or a member through the Speaker; nor shall any member be allowed to speak upon any subject more than three times (except in explanation) without the leave of the House, and no member shall be referred to by name in debate.

Rule 10. While the Speaker is putting the question or addressing the House, no one shall walk out of or across the House; or when a member is speaking, shall pass between him and the chair.

Rule 11. Before any petition or memorial address to the House shall be received and read at the clerk's table whether the same be introduced by the Speaker or a member, a brief statement of the contents shall be verbally made by the introducer; and any petition or memorial shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition or memorial is presented and read.

Rule 12. Every bill, except as to style or form, shall receive three several readings, no two of which shall be on the same day, except by a special order of the House, under a suspension of the rules.

Rule 13. No rule of the House shall be changed or suspended, except by a vote of two-thirds of the members present.

Rule 14. All bills ordered to be engrossed shall be certified by the Clerk, noting the day of passing at the foot thereof.

Rule 15. All bills and resolutions which the standing rules of the House require to be three several times read, may be amended at any time before final action is taken.

Rule 16. No question which has been decided shall be reconsidered but on a motion made by a member who voted with the majority on the original question, or by a member who was absent at the time of said voting, and, if present would have voted with the majority, and no motion for reconsideration shall be in order unless made on the same or one of three next succeeding days of actual session of the House thereafter. And the word majority shall, in application of this rule be construed to mean, not the greatest number of votes, but such number as was sufficient to prevail in the decision of the original question.

Rule 17. Questions of order, either before the House or in Committee of the Whole, shall, in the first place, be determined by the Speaker or Chairman, from whose decision an appeal may be made to the House or Committee on the request of a member, but no debate shall be allowed thereon until the appeal is taken.

Rule 18. The rules of proceeding in the House shall, as far as applicable, be observed in Committee of the Whole.

Rule 19. The Speaker, or Chairman, shall put every question, and if necessary for a fair decision, may, of his own accord, or at the request of a member, require those in the affirmative to rise, and reverse the question; and the yeas and nays shall be taken, if requested by the Speaker or a member.

Rule 20. All messages from the House to the Senate shall be conveyed by the Clerk, or a member, as the Speaker

may direct, and when a message is brought to the House by a member of the Senate, or an officer of the State, the members shall rise upon their feet.

Rule 21. Messages to the House shall not be admitted while the House is voting on a question.

Rule 22. Unless otherwise ordered, the House shall meet every day (Sunday excepted) at 10.30 o'clock in the morning and 2 o'clock in the afternoon.

Rule 23. Any member intending to be absent from a session of the House may be excused by notifying the presiding officer.

Rule 24. The Speaker shall, equally with other members of the House, have the right to vote upon all bills, resolutions, questions and proceedings; provided, that upon calls for yeas and nays, the Speaker's name be the last called.

Rule 25. The rules of parliamentary practice comprised in Roberts' Rules of Order shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House; and where the rules of parliamentary practice comprised in Roberts' Rules of order are not applicable, the rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, in so far as said rules so comprised in Jefferson's Manual are not inconsistent with the standing rules and orders of the House.

Rule 26. No resolution carrying any appropriation or disposal of any public moneys shall be passed by the House on the same day that it shall have been introduced and read.

Rule 27. No bill or act shall be passed upon the same day that it has been reported to the House by the Committee having charge of any bill or act, nor in the absence of the member who introduced the bill, unless by his written consent.

Rule 28. All bills and joint resolutions shall be introduced in duplicate one copy of which shall be marked duplicate, and the original bill shall at all times remain in the custody of the Clerk of the House or of the Chairman of the Committee to

which it was referred. All bills shall be typewritten and properly backed. No erasures or interlineations will be allowed.

Rule 29. The presiding officer having determined the principal object of a bill it shall be his duty to assign same to a committee dealing with such subject matter.

Rule 30. A vote of the majority shall prevail, except in special cases to the contrary.

Rule 31. The daily order of business shall be as follows:

1. Reading of the Journal.
2. Communications from the Speaker.
3. Reports from standing committees, in regular order as they are enumerated in Rule 5.
4. Reports from special committees in the order of appointment.
5. Petitions and memorials.
6. Introduction of new business.
7. Second reading of bills.
8. Business on the Calendar.
9. Miscellaneous business.

The Clerk shall keep a calendar of business on which reports from committees, bills and resolutions which lie over, and other matters undisposed of, indicating the subject of each item, shall be placed in the order in which they are presented, a printed copy of which calendar shall be furnished to each member at the opening of every morning session.

At eleven o'clock each day of session, unless there be an order of the day, or as soon thereafter as the order of the day shall be disposed of, the business on the calendar shall be taken up and disposed of in the order in which it stands thereon, and a vote of two-thirds of the members present shall be required to take up any matter out of its order on the calendar

or to make any matter the order of the day for a particular time.

ALFRED B. MOORE,  
 GEORGE W. TEBO,  
 JOHN W. MESSICK,  
 T. O. COOPER,  
 ELDER F. LECATES.

Mr. Johnson moved the adoption of the rules as read.

Which motion,

Prevailed.

Mr. Speaker announced committees as follows:

Accounts—Marvel, Alexander, Evans, Hurdle, Gormley, Bell and Lecates.

Agriculture and Forestry—Evans, Garrison, Johnson, Davis, Fisher, Morris and Hastings.

Appropriations—Johnson, Hoffecker, Pool, Robbins, Gormley, B. F. Cooper and Lecates.

Charity and Eleemosynary Institutions—B. F. Cooper, Gillis, Evans, Wilson, Elliott, Swan and Lecates.

Claims—Davis, Alexander, Talley, Marvel, Gormley, Bell and Hastings.

Crimes and Punishments—Garrison, Gillis, White, Messick, T. O. Cooper, Morris and Hammond.

Corporations—Private—Moore, Tebo, Hoffecker, Hurdle, Hart, B. F. Cooper and Layton.

Corporations—Municipal—Moore, Gillis, Tebo, Elliott, Hammond, Gormley and B. F. Cooper.

Education—Conwell, Garrison, Johnson, Elliott, Fisher, T. O. Cooper and Lecates.

Elections—Gillis, Buckingham, Marvel, Robbins, Wright, Bell and Layton.

Enrolled Bills—Wilson, Johnson, Tebo, Davis, Gormley, Morris and Lecates.

Federal Relations—White, Buckingham, Evans, Messick, Fisher, Bell and Hammond.



Fish, Oysters, Game—Beswick, Marvel, Wilson, Hurdle, Pool, Swan and Hastings.

Immigration—Fisher, White, Pool, Evans, Robbins, Wright and Layton.

Insurance and Banking—Pool, Moore, Beswick, Johnson, Hammond, Hart and Bell.

Judiciary—Talley, Conwell, Moore, Hurdle, Wright, Fisher and Lecates.

Labor—Robbins, Conwell, Pool, Alexander, T. O. Cooper, Swan and Layton.

Manufacturers and Commerce—Gormley, Talley, Wilson, Tebo, Conwell, Morris and Hastings.

Military Affairs—Buckingham, Alexander, Beswick, Messick, T. O. Cooper, Morris and Hastings.

Miscellaneous—Hurdle, Conwell, Garrison, White, Gormley, B. F. Cooper and Hammond.

Printing—Elliott, Wilson, Buckingham, Marvel, Fisher, Bell and Swan.

Public Health—T. O. Cooper, Alexander, White, Garrison, Elliott, Hammond and Morris.

Public Buildings—Tebo, Hoffecker, Talley, Robbins, Davis, Wright and Hastings.

Public Highways—Messick, Pool, Tebo, Moore, Beswick, Fisher and Hammond.

Revenue and Taxation—Alexander, Hoffecker, Moore, Davis, Hart, T. O. Cooper and Layton.

Revised Statutes—Hoffecker, Beswick, Hurdle, Alexander, Hart, Layton, B. F. Cooper.

Rules—Campbell, Moore, Tebo, T. O. Cooper, Lecates.

Stationary and Supplies—Hart, Beswick, Gillis, Marvel, Robbins, Gormley and Wright.

Temperance—Tebo, Garrison, Pool, Messick, Hart, Morris and Hastings.

On motion of Mr. Moore, the following resolution was adopted:

Be it Resolved, That the Clerk cause to be printed 200 copies of the Rules of the House, and 200 copies of House Standing Committees, in pamphlet form, for the use of the members.

Mr. Moore offered the following resolution:

Be it Resolved, That the Speaker be and hereby is authorized to appoint a committee of five to arrange for the employment of stenographers for the present session.

On motion of Mr. Hoffecker the resolution was adopted.

Mr. Moore moved a vote of thanks be given Mr. Buckingham, temporary Speaker of the House.

Same to Mr. Evans, temporary Secretary.

Which motion,

Prevailed.

Mr. T. O. Cooper moved, that the Democrats give the Speaker a rising vote of thanks for his impartial manner in selecting the committees.

Which motion,

Prevailed.

Mr. Speaker announced the following as members of Committee to employ stenographers:

Messrs. Wilson, Wright, Tebo, White and Layton.

On motion of Mr. Moore House adjourned until 12.15 P. M. to-morrow.

January 13, 1911, 12.15 o'clock, P. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hastings, Hoeffcker, Hurdle, Johnson, Layton, Letates, Marvel, Messick, Moore, Morris, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr. Speaker.—34.

Journal read and approved.

Mr. Tebo, on behalf of the the Peninsula Horticultural Society, presented a basket of apples to the members of House from said society, and on motion of Mr. Moore the same was accepted with the thanks of the House rendered to the donor.

Mr. Wilson, on behalf of the Committee to Employ Stenographers for the House, reported the said committee had employed Miss Bessie M. Francis, Miss Estella Rash and Mr. Charles Watson.

The report was adopted.

A communication from the Grand Jury of New Castle County was received and read, and on motion of Mr. Conwell the same was referred to Committee on Judiciary.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 152, Volume 15, Laws of Delaware, being an Act entitled "An Act to incorporate the City of New Castle."

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act appropriating eight thousand and eleven dollars

and sixty-nine cents (8,011.69) to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Mr. Lecates gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to reincorporate the town of Delmar, Delaware.

Mr. Speaker announced the Committee on Revised Code:

Messrs. Wilson, Conwell, White, Elliott, Hart, Morris and Lecates.

Mr. White gives notice:

I shall to-morrow, or some future day, introduce a bill changing the first, second, third and fifth election districts of the Seventh Representative District of New Castle County.

On motion of Mr. White, House took a recess until 2 P. M.

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Same day, 2 P. M.

House met pursuant to recess.

Mr. Moore presented a report from Insurance Commissioner Charles H. Maul.

On further motion of Mr. Moore the reading of said report was deferred.

A communication from the Grand Jury of Kent County was received and on motion of Mr. Moore the reading of same was deferred.

By agreement the Clerk arranged the following pairs for to-morrow:

Mr. Alexander paired with Mr. Cooper, B. F.

Mr. Pool paired with Mr. Cooper, T. O.

Mr. Beswick paired with Mr. Hammond.

Mr. Buckingham paired with Mr. Wright.

Mr. Davis paired with Mr. Layton.

Mr. Elliott paired with Mr. Lecates.

Mr. Hurdle paired with Mr. Hart.

Mr. Messick paired with Mr. Hastings.

Mr. Johnson paired with Mr. Fisher.

Mr. Wilson paired with Mr. Gormley.

Mr. Moore paired with Mr. Morris.

Mr. Gillis paired with Mr. Swan.

Mr. Robbins paired with Mr. Bell.

On motion of Mr. Moore House adjourned until to-morrow morning at 11 o'clock.

January 14, 1911, 11 o'clock, A. M.

House met pursuant to adjournment.

Mr. Tebo called the House to order.

Roll call. Members present—Marvel, Tebo.—2.

No quorum being present, the House adjourned until Monday morning, January 16, 1911, 11 o'clock, A. M.

January 16, 1911, 11 o'clock, A. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hastings, Hoffercker, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr. Speaker.—34.

Journal read and approved.

Mr. Evans offered the following resolution:

Resolved, That the House of Representatives of the State of Delaware, the Senate concurring, favor the election of United States Senators by direct vote of the people, and urge an amendment to the Constitution of the United States to that effect, and that this resolution be transmitted to our Representative and Senators in Congress.

Resolution referred to Committee on Revised Statutes.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act appropriating one hundred and twenty thousand dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act appropriating twenty-five thousand dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act regulating the exhibition of motion pictures in this State.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled :

An Act to amend Chapter 112, Volume 24, Laws of Delaware, entitled, "An Act to provide for the more efficient collection of certain State revenue."

Mr. Burton, Secretary of the Senate, being admitted, presented the following resolution :

Be it resolved, by the Senate that the Secretary of the Senate is instructed to notify the House that the Senate is duly and regularly organized and has elected Thomas M. Monaghan President protempore and W. D. Burton Secretary, and is ready to proceed to business.

Mr. Burton, Secretary of the Senate, being admitted, presented the following concurrent resolution :

Be it resolved by the Senate, the House concurring therein, that the President of the Senate is hereby authorized and directed to appoint a committee of two on the part of the Senate, that a like committee of three to be appointed by the Speaker of the House, which committee is hereby instructed to notify the Governor that both Houses of the General Assembly are duly organized and ready to receive any communication he may send them, and the Secretary of the Senate is instructed to notify the House of Representatives of the adoption of this resolution and the names of the Senators appointed.

On motion of Mr. Moore the above concurrent resolution was adopted. Committee Messrs. Gillis, Marvel and Hammond on the part of House.

Mr. Burton, Secretary of the Senate, being admitted, presented the following concurrent resolution :

Be it resolved by the Senate, the House of Representatives concurring therein, that a committee of two on part of the Senate and three on part of the House, be appointed with power to act to make arrangements for visiting Delaware College and the experiment station and also the State College for Colored Students, in accordance with the invitation extended.



Mr. Gillis on the part of the Committee to notify the Governor that the House was duly organized, reported they had discharged that duty, and that the Governor would send his message to the House at once.

The Secretary of State being admitted, delivered to the House the Governor's message and other reports.

On motion of Mr. Moore the Governor's message was read.

#### State of Delaware, Executive Department.

To the General Assembly:

In pursuance of a Constitutional provision requiring that the Governor "shall, from time to time, give to the General Assembly information of affairs concerning the State, and recommend to its consideration such measures as he shall judge expedient," I beg leave to give to you, at the opening of this biennial session, such information as I have, and to suggest and recommend such legislation as to me seems proper and advisable.

I need not remind you of the grave responsibilities which are imposed upon you individually, as well as collectively, in the discharge of your duties as legislators. The people of the State of Delaware, reposing confidence in you, have entrusted you with their interests, and therefore, I ask that you give to them the result of your best thought and judgment.

The year which has just passed has been one of great prosperity to the people. Our manufacturies have been flourishing. Our fields have yielded plentiful harvests. All lines of industry show a healthy condition. The financial condition of the State was never better. Our people are encouraged, and with fresh zeal and energy have entered upon the duties of another year.

With these preliminary remarks I respectfully submit to you the following message:

#### STATE FINANCES.

During the closing hours of the last biennial session of the General Assembly, there was some doubt whether the revenue

that could reasonably be expected to be paid into the State Treasury would be sufficient to meet the general expenses of the State for the year 1909. Therefore an Act was passed authorizing the State Treasurer, by and with the consent of the Governor and Secretary of State, to issue notes or certificates of indebtedness of the State of Delaware, not exceeding the sum of fifty thousand dollars to meet such possible deficiency. It was not found necessary to issue such notes. On the other hand, all of the general expenses have been fully paid. Forty-eight thousand six hundred and thirty-four and 06-100 dollars have been, up to December twenty-first, 1910, paid on account of the new Administration Building, and the State Treasurer a few days ago estimated that on January first, 1911, there would be in the State Treasury a balance of over one hundred thousand dollars.

While this condition is very gratifying, we must not lose sight of the necessity of guarding the appropriations of money with great care, and practicing as strict economy as the public needs of a progressive and growing commonwealth will warrant.

#### REVENUE AND TAX COMMISSION.

Four years ago a Revenue and Tax Commission was appointed by the Governor under an Act of the Legislature, and I am sure the result of the commission's labors have amply vindicated the wisdom of its creation. Because of imperfect knowledge on the subject it was impossible for the Legislature to act intelligently and fairly in raising the additional revenue which seemed to be required to meet the growing expenses of State government. The careful investigations and recommendations of the commission have enabled the Legislature to add something over twenty-thousand dollars to the State's revenues, without imposing any hardships or burdens on those upon whom the taxes have been imposed. There has been, so far as I am advised, no complaints of undue discrimination or of unfair treatment in the legislation that has followed the recommendations of the Board. I think it important that the commission shall be continued so that the Legislature, as well as the people, may profit by the investigations and suggestions which its members will be able to make from time to time.

## COUNTY COMPTROLLER.

I would recommend such legislation as will provide for the appointment, for each of the two lower counties of the State, of a County Comptroller, whose duty it shall be to inspect, verify and audit the accounts of the county, and the person so appointed, to hold the office until the election of 1912, when his successor shall be voted for and elected, and thereafter, in like manner, every two or four years.

The office of comptroller is almost an indispensable one in New Castle County, where it has been in operation for more than eighteen years, and I am sure it would prove highly beneficial in Kent and Sussex Counties.

## BOARD OF AGRICULTURE.

It must be borne in mind always that agriculture, used in the broad sense, and as that word is most generally understood, is the chief industry of our State. The success, prosperity and happiness of a very large part of our citizens depends upon the products of the soil. The inclination of the youth of modern times is to go from the farm to the manufacturing centre. That it is essential to check such a movement is recognized by all. This can only be done by making the farm more profitable and more attractive. Whether a farmer shall succeed no longer depends wholly upon his physical strength to toil; the work is a science requiring a large experience and great skill if the best results are to be obtained. It is therefore important that the State should have competent, conscientious and energetic men whose business it is to collect such data, give such information, and render such aid as they can to encourage the farmer, and improve the conditions of this industry throughout the State. By our statutes such duties are imposed upon the Board of Agriculture, and I believe the members of that Board are doing their work well. I am informed that they do from time to time hold Farmers' Institutes throughout the State, from which great good is accomplished.

This Board, together with the Executive, have entire charge of the suppression of contagious diseases among the lower animals. It has been suggested that this could be better done by a change in our laws providing for a State Veterinarian. Whether this be done or not is a matter for your consideration.

but I am satisfied of this: that no better results can be expected from the small appropriation heretofore made for this purpose.

I recommend a more liberal appropriation for the use of the Board in order that greater good can be accomplished in the work it is doing.

I recommend, too, that the General Assembly pass an Act that will enable the Board to prevent diseased live stock from being shipped into and sold in this State.

### EXPERIMENTAL STATION.

Possession of the farm near Newark, which was purchased for the use of an Experimental Station, as an adjunct to Delaware College, was obtained a little less than four years ago. This farm is being well managed and I am satisfied it is already having a great and good influence on our agricultural interest. Hundreds of our farmers visit this interesting place every year, and its instructive bulletins are eagerly sought.

The last session of the General Assembly appropriated \$10,000 to be used by the College for farm buildings, and I believe the same has been well expended. A small appropriation is needed, however, to complete this work.

It is important that the agricultural interests over the entire State should get the benefit of the effective work now being done on this farm. This could probably best be done by frequent demonstrations in the various parts of the State by those in charge of the Experimental Station. Whether a reasonable appropriation for this purpose should not be made by you, is a matter worthy of your careful consideration.

### PUBLIC HIGHWAYS.

The importance of improving our highways is being impressed upon more citizens of the State to-day than ever before. How it can best be done, how much of the expense should be borne by the present generation, and how much we should burden the generations of the future, are problems concerning which reasonable men may very well differ. The public mind is aroused as to its necessity, however, and the solving of the problem is likely to follow.

This subject is of special interest to our farmers, and I

know of nothing the State or Counties can do that will contribute more to the comfort and material welfare of this large and important class of our citizens than the buliding of good roads.

In many parts of the State the necessary drainage for the roads would also drain the farm lands through which they pass.

The material to be used and the cost of construction depends largely if not entirely upon the location of such roads. I am convinced, however, that such an improvement is within reach of every community.

Under our present system these improvements are left entirely to the Counties, but I suggest for your consideration the building of a road by the State which shall extend from the Pennsylvania line on the north through the Counties of our own State to the Maryland line on the south. Where any part of any recently and well consructed county road becomes a part of such State road, provision should be made to reasonably reimburse the Counties for the amount expended thereon. The building of such a road would involve the expenditure of quite a large sum of money, but I believe a bond issue would be justified in order that such a project, which would mean so much to all of our citizens, should be speedily carried out.

There is a provision in our Constitution which raises some question whether the General Assembly is authorized to pass a law embodying the suggestion I have here made. If this be true, I recommend that you propose an amendment to the Constitution in order that the next biennial session may have an opportunity to pass upon this important subject.

#### THE CITY OF WILMINGTON.

We have in our State but one city of considerable size, and every citizen should feel a pride and interest in its prosperity. Wilmington has in recent years made substantial progress, not only in population, but in other things as well which make for permanence and strength. Because of its many advantages this municipality should have a successful and prosperous future. Such I am sure is the hope of all our people, and its realization would be a gratification to every one. But it does seem to me that conditions might be made more favor-

able to the city's growth and progress than they have ever been.

Some of the disadvantages under which Wilmington has labored and suffered in the past might be removed by proper and needful legislation. When such legislation is practically agreed upon by the people of the city, the members of the Legislature from other parts of the State should not deny them their just and reasonable rights. It is not for me to state, or even suggest, specifically, the character of the laws that should be enacted to promote the city's best interests and accomplish the desired ends. But certain it is that the power of home rule and self government should be more liberally conceded, and such laws enacted as the consensus of enlightened and competent opinion in the city shall determine is for its best interest. A strong feeling has existed for some time that a new charter for Wilmington was not only necessary but indispensable to the proper development of the city and the good of its people. No doubt there is sufficient ground for such feeling, and if there can be a substantial agreement upon what such charter shall be, it should not longer be withheld. The good citizens of a municipality should be able to determine what they want and need in the way of legislation, and perhaps there would be no difficulty in doing so if political considerations were put aside. In dealing with purely local and business affairs why should not such considerations be ignored not only by the people but by the Legislature as well? A municipality is a corporation, the primary purpose of which is to attend to the city's business. Why, then, should it not be conducted like any other well managed business corporation? A very learned writer in discussing the subject of city government, has said:

"What is needed is not relief from the consequences of irresponsible government, but the cure of irresponsible government. There is but one way by which city government can be made responsible to the people of the city, that is, by making the people of the city responsible for the city government. And they cannot be held responsible for their government unless they have the power to choose what sort of government they shall have. In other words, the cure for the fundamental ills of city government is a charter created by the city itself. \* \*

"This would not only enable cities to try wholesome experiments, and to profit by the experience of other cities, but

it would also be in accord with American principles of government."

Under our Constitution it is not possible, of course, for the city to make its own charter, but it is possible for it to choose what such charter should be. And it would be entirely consistent with that fundamental principle of our system of government, which is self-government, to permit it, not only to choose, but to have and receive that which it chooses.

If Wilmington will decide what kind of a charter is needed, I believe it will be given. At any rate, I strongly recommend it.

### EDUCATION.

It is proper that I should say something to you on the ever important subject of education. This is a matter in which every citizen should feel an intense interest and civic pride no matter what may be his present situation, or may have been his own lack of similar advantages in early life. There is no doubt about the supreme importance of the cause, but there is much difficulty in determining how best to further promote and advance the cause. The members of the State Board of Education, the State School Commission, our efficient superintendents, and others whose experience equips them with special knowledge upon the subject, are more capable of advising you than I as to what is best to do. The State Board will probably make some recommendations during the session for your consideration, which no doubt you will find good and helpful.

It is generally thought that our school teachers are not fairly and adequately paid for their services, and with such thought I am in entire accord. There are no workers who are more entitled to fair compensation, and in proportion as they are better paid they will no doubt make teaching a permanent calling rather than a temporary employment. But while teachers should receive better pay, they should endeavor all the time to become better and more efficient in their profession, and fully merit the increase in salaries they desire. As in every other line of work, their pay should mainly depend upon the quantity and quality of the services they perform. I would recommend, therefore, such legislation, if it can be ascertained,

as will promote the efficiency of teaching as well as increase its pay.

Delaware College is now in a flourishing condition, and doing splendid work. It is an institution of which the State can well feel proud, and it is but just and proper that the State should continue to aid the college to a reasonable extent, as it has done in the past. In the enrollment of students, and efficiency of instruction and administration, it was never in a better condition than it is to-day. Its successful future is assured if the State shall do her part.

Much that we have said respecting Delaware College can be as well said of the State College for Colored Students at Dover. This institution is also in a very satisfactory condition, and undoubtedly accomplishing much good. The Trustees, President and teachers are capable and zealous in their work and the number of students exceptionally large. The Legislature I am sure can make no mistake in aiding the college in a reasonable and proper way.

#### THE COURTS AND THE LAW.

There has been some criticism of the law's delay in this State, and particularly respecting capital cases. Such a long time intervenes between the judgment in the lower court and the final judgment of the Supreme Court that many persons thing the effect of conviction is to a great extent lost.

While it seems hardly fair to deny the defendant a right of appeal, or what is equivalent thereto, in a case where his life is involved, surely there ought to be some more expeditious way of determining whether there was harmful error committed by the trial court. The object of an appeal must be to ascertain whether substantial justice has been done the appellant in the lower court, and to have his rights determined by the court of last resort. If the same object can be attained in a simpler way, and by an early decision of the same judges who, in case of an appeal, would have composed the highest court, certainly there is no good reason why it should not be done.

I would recommend, therefore, that the Constitution of the State be so amended as to take away the defendant's right of appeal in a criminal case, and to provide, in lieu thereof, that



on a motion for a new trial and in arrest of judgment, every question might be determined that could be upon appeal, as well as upon such motion, and that such motion should be heard and determined, either by all the law judges and the Chancellor, or by the law judges who did not sit at the trial of the case, and the Chancellor, as to the Legislature may seem best. In this way a final decision could ordinarily be reached during the trial term, and in any event at the succeeding term.

Such a procedure is not necessary perhaps in larger States where the appellate court is constantly in session, but in this State, where the highest court has but two regular sessions in a year, it would probably furnish, in a large degree a remedy for the evils that are thought to exist in the administration of criminal law.

It may be thought that the ends desired might be attained by providing for more frequent terms of the Supreme Court. This appears to me to be scarcely practicable for the reason, that the judges who compose such court are now required, on account of the large increase of business, to be almost continuously engaged in the lower courts. I am satisfied that they dispatch the business as rapidly as they can, and it very rarely happens that a decision is not handed down in the appellate court at the first term succeeding the argument. It would not be reasonable to impose additional duties which the judges would not have the time to carefully discharge. I am informed that they now render decisions in important criminal cases at adjourned terms held about midway between the regular terms; and that they propose, so far as possible, to pursue the same practice in respect to other cases both criminal and civil. If this is done there will be accomplished, largely, all that could be effected by providing for more frequent terms.

There is a very general feeling that petty criminal cases should not be tried in our county courts, but that some different means should be provided for their disposition. It is commonly believed that such cases take up much of the time of the courts, and that there is no good reason why two or three judges should be required to try them. There is much plausibility and force in this belief, but there is something to be said on the other side.

During the first few days of almost every term of the

criminal court there is little for the court to do but dispose of the petty cases. The grand juries take up such cases first and act upon them very quickly. A very large majority of those who are indicted plead guilty, and the arraignments and imposition of sentences take but little time. If the courts did not have such business to attend to there would be but little of any kind to engaged them during the first two or three days of the term, because the grand juries do not seem to be able to get at the more important cases during the first day or two. Therefore, the court being in session, the general jury in attendance, after the first day, and the important cases not being ready for trial, there is an opportunity to attend to the petty business, and it can perhaps be done then and there at less expense to the county than it could be in any other way, if defendants in such cases are to be accorded the right of jury trials as they have been in the past.

There is another suggestion, however, that is sometimes made, which I strongly recommended for your consideration. It is this: That the Constitution of the State be so amended as that one judge shall constitute a quorum in some of the courts, and at least in the Court of General Sessions. By so doing we would have a more flexible system, small cases could be tried before a single judge, and more time given the judges to attend to other business, especially that in the higher court. One, two or three judges could then sit, as the character of the cases should require, and the court and members of the bar prefer.

I desire to call your attention also to the fact that the business of the courts in New Castle County has increased so much of late that it is now quite certain two courts will soon have to be held there contemporaneously in order to dispose of such business in a reasonable time. To that end certain legislation will be required, and I recommend that you give the matter due consideration during the present session.

#### CONCEALED DEADLY WEAPONS.

There is another matter which may be properly referred to, and it is something that has in recent years engaged the attention and thoughts of the people to a considerable extent. I refer to the carrying and use of deadly weapons. The common

practice of having upon the person such weapons is a most pernicious and dangerous one. From it undoubtedly result most of the crimes involving personal violence with which the courts have to deal, and the abolition, or even some limitation, of such practice would be productive of the greatest public good. The punishment for the crime of carrying concealed deadly weapons was increased at the last session of the Legislature, and the maximum penalty is now perhaps commensurate with the offense.

It is difficult to find a cure for the evil, or even to suggest any means of curtailing the practice to which we have referred. It has occurred to me, however, to recommend for your consideration the enactment of a law that shall make it unlawful for any person to sell a deadly weapon, commonly called a pistol or revolver, unless he shall have first obtained a license authorizing such sale. And I suggest that the cost of such license shall be a very substantial sum, because I am convinced that it will be decidedly for the public welfare and safety if the number of places at which such weapons can be bought is materially reduced. It ought not to be easy and convenient for any person to obtain such dangerous things, and the sale thereof should in my opinion be restricted as much as possible.

#### THE REVISED CODE COMMISSION.

I have learned that much progress has been made in the making of the new Revised Code, which is so badly needed; and that it will in all probability be completed within a year. The completion of the undertaking necessarily involves a great deal of time, as well as hard and careful work. The legal ability and experience of the commissioners qualify them in an especial manner for their task, and I think any request they may make of the Legislature for legislation that will aid them in their labors should receive your careful consideration. The commission will make a report to you showing what they have done, and further showing that they have been handicapped by the failure of the General Assembly to provide for the employment of a stenographer. The allowance for expenses has been found to be inadequate, and an additional allowance should be made to meet the reasonable requirements of the work.

If the commission should find it practicable and possible to annotate the code, a thing that is much desired, and which

would be of great service and value, they would be fairly entitled to additional compensation therefor. If there is anything you can do that will aid and encourage the commissioners in annotating the code, I recommend that it be done.

#### PROBATION OF YOUTHFUL OFFENDERS.

Of the many States that have given legislative consideration to the reformation of youthful criminals, Delaware is a pioneer. The General Assembly of 1895 provided by statute that when a person is convicted of one of certain offenses and no previous conviction is proven against him, regard being had to his youth, character and antecedents, to the nature of the offense and to any extenuating circumstances incident to it, he may be released by the court and his sentence be suspended during his good behavior. When this law was passed, it represented the most advanced step then taken to reform rather than punish the young. Since its enactment, however, other States, having larger cities within their jurisdiction, have enacted other laws, and from the experience of their operation, much knowledge upon the subject has been acquired. Under our law, a youth may be released without sufficient information being first obtained to aid the court in disposing of the case, and upon his release, he returns to the same environment from which he came. Our law is simply a parol law, and this is its defect. An examination of more modern laws of other States, known as probation laws, whether they be administered through juvenile courts or otherwise, discloses that a probation officer, through whom the courts are accurately informed of the case before the youth's release is ordered, and by whom the order of the court is executed in guiding the youth, after release, from the ways that lead him into error, is the key to the system and in a large measure, is the solution of the problem. I therefore recommend that by appropriate legislation, a probation officer be connected with our criminal courts, and that our law be so amended as to embody this feature that has been found to be the best in other systems.

Under the present law a youthful offender cannot be paroled until after conviction, and in cases of felony this is sometimes unfortunate. I think, if a probation law is enacted, it should be proved that the court shall have the power to probate the accused before he is convicted, if they should think, under all the facts and circumstances of the case, it is proper to do so.

## MARRIAGE AND DIVORCE.

At the session of the General Assembly in 1907 an Act was passed respecting divorces, the particular feature of which was the provision requiring a public hearing in court in every case. Further legislation on the subject of divorce may not be necessary at this time, but unquestionably some legislation is demanded in respect to marriages in this State. Our State is acquiring a reputation in the matter of secret and hasty marriages that is far from creditable. I urgently advise that you seriously consider this evil, and enact such a law as you believe will tend to remove or cure it. The danger lies in secrecy to a great extent. Specifically, I recommend that a law be passed which shall make it unlawful for any one to solemnize a marriage in this State between parties, one or both of whom are minors, unless the father, mother or guardian of such minor is present and consents thereto; or, if not present, unless such father, mother or guardian shall have consented in writing to the marriage. Such a law would certainly prevent to some extent hasty and ill-considered marriage between young people, who in many instances run away from their homes and contract marriage without the knowledge or consent of their parents, if not against their will.

## UNIFORM STATE LAWS.

An effort is being made throughout the country to effect uniformity in the laws of the different States upon certain subjects, and particularly in respect to negotiable instruments. It is difficult to conceive of any reason why such effort should not be successful. I suggest, therefore, that you carefully consider this matter, and co-operate in the movement, so far as is practicable, by passing such laws as in your wisdom shall seem proper and appropriate.

## STATE CAPITOL BUILDING.

The Commission created by the General Assembly of 1909 for the erection and equipment of a fireproof State Administration and Library Building, and for the alterations to the State House has about completed its work. The Commission has discharged its duty with care and fidelity, and although unexpected hindrances and difficulties have arisen to retard the work, nevertheless it is practically accomplished within the time indicated

by the General Assembly, and is an honor and a credit to the State.

In addition to the authorized alterations, the exterior of the old State House has been restored to its original colonial appearance, thereby rendering the structure as a whole harmonious and imposing. This work of restoration was provided for by private subscription, and I recommend that the General Assembly reimburse those persons who pledged themselves for the payment of this exceedingly necessary alteration.

To the Executive Chamber, the Secretary of State's new apartments, and the Judiciary Room, I would direct your special attention. These rooms should be furnished in a manner that would be in keeping with the pride and dignity of the State. The Judiciary Room should be appropriately fitted up so that it may be used as a Supreme Court Room. Indeed, the General Assembly should make an appropriation sufficient for the procuring of suitable furniture and appointments throughout the whole building.

#### STATE MILITIA.

The marked improvement in the State Militia is a most gratifying fact. The discipline and morale of the organization have reached a point of excellence that is highly commendable. The report of the Adjutant General, which will be submitted to the General Assembly, is an admirable document, and shows fully this satisfactory condition. There is no branch of the State government of more importance, or more worthy of liberal support.

Within the past two years a new rifle range has been established along the Delaware River, south of New Castle, since which time there has been more effective work done in the line of target shooting.

The encampment at this range in 1909, and the encampment at Rehoboth last summer, were eminently successful.

At the celebration of the 300th anniversary of the settlement of Delaware by the Dutch, held at Lewes in 1909, as well as on other public occasions the State has had reason to be proud of its National Guard.

This organization should be encouraged as much as possi-

ble, and there should be established, from time to time, suitable armories, the lack of which has to some extent handicapped its proper development.

### OYSTER SURVEY COMMISSION.

The Oyster Survey Commission, whose duty it was made to superintend a resurvey and plotting of the Oyster Grounds of the Delaware Bay, has carried out the purposes for which it was created in a satisfactory manner. A competent surveyor and assistants have been employed for the purpose, and the Oyster Grounds have been made into tracts, or plots, suitable for leasing.

This branch of industry, which has suffered so greatly in the past, because thousands of acres have been lying idle and unproductive to the State, should now prove to be a source of very considerable revenue to the State.

A suitable Watch Boat, to take the place of the old, inadequate one, has been purchased by the Commission, and the old one has been sold. This new boat is in every way satisfactory for the purpose of guarding the oyster interests of the State.

### STATE BOARD OF HEALTH.

Through the instrumentality of this agency better sanitary conditions prevail, and hygienic rules are being more closely observed by the people.

The neglect of proper cleanliness and indifference to sanitary conditions is the source of much infectious disease, causing needless sickness and death. To remedy all such menace to health this Board is devoting its intelligence and best effort.

The Board amply demonstrated its efficiency when, in the summer of 1909, it successfully arrested and stamped out the epidemic of scarlet fever which invaded the town of Rehoboth.

I herewith submit to you the biennial report of the State Board of Health and recommend a sufficient appropriation for this work, having in mind particularly the necessary expenses connected with laboratory work.

### TUBERCULOSIS.

The General Assembly of 1909 created the Delaware State

Tuberculosis Commission, and appropriated to its use fifteen thousand dollars annually. No money was ever appropriated to better advantage than this. The scourge of tuberculosis is the greatest enemy of the race, and it is imperative that a systematic war should be made upon it.

To this end free dispensaries have been established throughout the State, which are proving of incalculable benefit in relieving the sick, and protecting the well. Indeed, the work of this Commission is producing excellent results toward stamping out this dread disease.

### STATE INSTITUTIONS AND WARDS.

The increase in the number of inmates in our State Institutions, and under the care of the State in outside institutions, keeps pace with the growth of our population. I would urge upon you that sufficient appropriation be made for the proper care of these unfortunate ones who are dependent upon your charity.

### BATTLESHIP "DELAWARE."

The State of Delaware has been greatly complimented by having its name bestowed upon a great battleship of the American Navy, and our citizens have most fittingly responded by presenting to the "Delaware" a handsome silver service.

### THE NATIONAL FLAG.

I would call your attention to the fact that the national flag was first unfurled in battle on our soil. The patriotic societies of the State have erected a monument at Cooch's Bridge to mark the spot. Similar events in many other States have received special notice, and I would recommend that proper recognition be given to this event.

### REPORTS.

The reports of the several departments of the State government containing information in detail of the operation of each department for the past two years, are submitted to you with this message.

### PARDONS, REPRIEVES AND REMISSIONS.

In obedience to Constitutional requirement, I herewith sub-



mit an account of the pardons, reprieves and remissions granted by me during the past two years, with the reasons therefor.

SIMEON S. PENNEWILL,

January 3, 1911.

Mr. Moore moved the Governor's message be accepted.

Which motion

Prevailed.

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LIST OF PARDONS, COMMUTATION OF SENTENCES  
AND REPRIEVES GRANTED BY THE GOVERNOR  
DURING THE PAST TWO YEARS.

This day the Governor, upon the recommendation of the Board of Pardons, granted a full pardon unto Harry Wallace, convicted at the November Term, A. D. 1899, of the Court of Oyer and Terminer of the State of Delaware, in and for New Castle County, of the crime of Murder in the Second Degree, and sentenced to imprisonment for life, for the following reasons, viz:

The Attorney General who prosecuted the case in a letter that was presented to the Board, says: "I would have been perfectly satisfied with a conviction for manslaughter simply, and I believe full justice would have been done to the State, and the prisoner would have received ample punishment for his crime by such a verdict." Under a conviction of manslaughter the prisoner could not have been sentenced to a term of more than five years. He is getting old and is not in good health. The judges who sat during the trial say that full justice has been done and that the prisoner ought now to be pardoned.

April 15, 1909.

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This day the Governor granted a reprieve unto Joseph Segerrella, as follows:

THE STATE OF DELAWARE, SS:

STATE OF DELAWARE,	}	New Castle County,
vs.		March Term, A. D. 1909.
JOSEPH SEGERRELLA		Indictment Rape

At the March Term of the Court of Oyer and Terminer, of the State of Delaware, in and for New Castle County, one

Joseph Segerrella was indicted, arraigned and tried for the crime of Rape and upon such trial was found guilty as indicted; whereupon it was adjudged by the said Court that the said Joseph Segerrella should be taken from the bar of the Court to the New Castle County Workhouse, the common jail of the county, there to be safely and securely kept until Friday, the twenty-third day of July, A. D. 1909, that on that day, between the hours of ten o'clock in the morning and three o'clock in the afternoon, he be taken to some convenient place of private execution within the Workhouse enclosure, and that he be hanged by the neck until he be dead, and may God have mercy upon his soul.

And whereas, It has been represented to our Governor that the above is a proper case of Executive interposition, and it seeming meet to our said Governor so to do;

Now therefore, I, Simeon S. Pennewill, Governor of the State of Delaware, by virute of the authority in me vested by the Constitution of the said State, in that behalf, have remised, remitted and released and by these presents do remise, remit and release unto the said Joseph Segerrella, a reprieve of the judgment of the said Court until Friday, the twenty-first day of January, A. D. 1910, which is the third Friday in said month, to and for which the said Joseph Segerrella was sentenced by the judgment of said Court as aforesaid.

In testimony whereof I have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this 22d day of  
 ((Great Seal) July in the year of our Lord one thousand nine hundred and nine and of the Independence of the United States the one hundred and thirty-fourth.

SIMEON S. PENNEWILL.

By the Govenor:

WILLIAM T. SMITHERS,  
 Secretary of State.

July 22, 1909.

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This day the Governor upon the recommendation of the Board of Pardons, granted a reprieve unto Joseph Segerella, as follows:

## THE STATE OF DELAWARE, SS:

STATE OF DELAWARE, }

vs. }

JOSEPH SEGERRELLA }

New Castle County,  
March Term, A. D. 1909.  
Indictment Rape.

At the March Term of the Court of Oyer and Terminer of the State of Delaware, in and for New Castle County, one Joseph Segerrella was indicted, arraigned and tried for the crime of Rape, and upon such trial was found guilty as indicted; whereupon it was adjudged by the said Court that the said Joseph Segerrella should be taken from the bar of the Court to the New Castle County Workhouse, the common jail of the county, there to be safely and securely kept until Friday, the twenty-third day of July, A. D. 1909, and that on that day between the hours of ten o'clock in the morning and three o'clock in the afternoon, he be taken to some convenient place of private execution within the Workhouse enclosure, and that he be hanged by the neck until he be dead, and may God have mercy upon his soul;

And whereas, After sentence was passed, a writ of error was taken by him to the Supreme Court of the State of Delaware. And the Supreme Court failing to act in the case at the July Term thereof, the Attorney General on the twenty-second day of July, A. D. 1909, requested of the Governor a reprieve for the said Joseph Segerrella to the twenty-first day of January, A. D. 1910, which was duly granted. And now the time of this reprieve being about to expire the Attorney General has requested that a further reprieve be granted, on the ground that should the Supreme Court hand down an opinion in affirmance of the Court below, Segerrella would have to be resentenced, and such re-sentence could not be passed until after the twenty-first day of January, A. D. 1910, the date of the expiration of the Governor's reprieve. For this reason the Attorney General has asked the Board of Pardons to recommend to the Governor that Joseph Segerrella be again reprieved until the twenty-seventh day of May, A. D. 1910, and that the execution take place on that day between the hours of ten o'clock in the morning and three o'clock in the afternoon.

And whereas, A majority of the Board of Pardons after a full hearing, have recommended in writing, that Joseph Segerrella be further reprieved until the twenty-seventh day of May, A. D. 1910, as aforesaid.

Now, therefore, I, Simeon S. Pennewill, Governor of the State of Delaware, by virtue of the authority in me vested by the Constitution of the said State, in that behalf have granted and by these presents do grant unto the said Joseph Segerrella a further reprieve of the said judgment of the said Court, from the twenty-first day of January, A. D. 1910, until the twenty-seventh day of May, A. D. 1910; whereby the said execution of the said judgment of the said Court is suspended from the said twenty-first day of January, A. D. 1910, until the twenty-seventh day of May, A. D. 1910, upon which last mentioned day the said judgment of the said Court shall be duly executed between the hours of ten o'clock in the morning and three o'clock in the afternoon, and in the manner therein prescribed.

(Great Seal) In testimony whereof, I have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this eleventh day of January in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States the one hundred and thirty-fourth.

SIMEON S. PENNEWILL,

By the Governor:

WILLIAM T. SMITHERS,  
Secretary of State.

January 11, 1910.

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This day the Governor, upon the recommendation of the Board of Pardons, granted a full pardon unto Bouis J. Bradley, convicted at the January Term, A. D. 1909, of the Court of General Sessions of the State of Delaware, in and for New Castle County, of the crime of breaking into a dwelling house, and sentenced to forfeit and pay a fine of five hundred dollars, pay the costs of prosecution and be imprisoned for the term of two years commencing January 7th, A. D. 1909, and ending January 6th, 1911, for the following reasons, viz:

Because of the youth of the prisoner, his exemplary conduct during the term of his imprisonment for fourteen months, and the evidence submitted of the reformation of his moral character, and because the Board believes that the penalty

already suffered will be sufficient to deter him from future viciousness and stimulate his good conduct.

March 4, 1910.

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This day the Governor, upon the recommendation of the Board of Pardons, granted a commutation of the sentence of Joseph Segerrella to that of life imprisonment, said Segerrella having been convicted at the March Term, A. D. 1909, of the Court of Oyer and Terminer of the State of Delaware in and for New Castle County, of the crime of rape, and sentenced to be taken from the bar of the Court to New Castle County Workhouse, and there be safely and securely kept until Friday, the twenty-third day of July, A. D. 1909, that on that day between the hours of ten o'clock in the morning and three o'clock in the afternoon be taken to some convenient place of private execution within the Workhous enclosure, and be hanged by the neck until he be dead, and may God have mercy upon his soul, the Governor having granted a reprieve unto the said Joseph Segerella until the twenty-seventh day of May, A. D. 1910, for the following reasons, viz:

Because after discovered testimony submitted under oath to the Board showed that the prosecuting witness, Mildred V. Poore, was unworthy of belief, and because the Board in view of the recommendation of ten of the twelve members of the petit jury empanelled in the cause and the acquiescence of some of the judges in the cause believed there were such grave doubts of the guilt of the prisoner that the death penalty should not be imposed.

March 4, 1910.

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This day the Governor, upon the recommendation of the Board of Pardons, commuted the sentence of Carmine Russo, convicted at a Special Session, February, A. D. 1910, of the Court of Oyer and Terminer of the State of Delaware, in and for New Castle County of the crime of murder in the first degree, and sentenced to be taken from the bar of this Court to the New Castle County Workhouse, the public prison of this County, the place from which he came, and be there safely and securely kept in custody until Friday, the seventeenth

day of June, in the year of our Lord, nineteen hundred and ten, and on that day, between the hours of ten o'clock in the morning and three o'clock in the afternoon, he be taken to some convenient place of private execution within the precincts of said prison enclosure and that he be then and there hanged by the neck until he be dead, and may God have mercy on his soul, from that of hanging to imprisonment for life, for the following reasons, viz:

Because the facts in the case were not sufficient to warrant the jury in finding a verdict of murder in the first degree.

June 15, 1910.

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This day the Governor granted a reprieve unto George Colombo, as follows:

STATE OF DELAWARE,	}	New Castle County,
vs.		May Term, A. D. 1909.
GEORGE COLOMBO		Indictment Rape.

At the May Term of the Court of Oyer and Terminer of the State of Delaware in and for New Castle County, one George Colombo was indicted, arraigned and tried for the crime of rape and upon such trial was found guilty as indicted; whereupon it was adjudged by the said Court that the said George Colombo should be taken from the bar of the Court to the New Castle County Workhouse, the public prison of the county, the place from which he came, and be there safely and securely kept in custody until Friday, the twenty-third day of September in the year of our Lord nineteen hundred and ten, and on that day, between the hours of ten o'clock in the morning and three o'clock in the afternoon, he be taken to some convenient place of private execution within the precincts of said prison enclosure and that he be then and there hanged by the neck until he be dead, and may God have mercy on his soul.

Now, therefore, I, Simeon S. Pennewill, Governor of the State of Delaware, by virtue of the authority in me vested by the Constitution of the said State, in that behalf, have granted and by these presents so grant a reprieve of the sentence of said Court, until Friday the second day of December,

in the year of our Lord one thousand nine hundred and ten, to and for which the said George Colombo was sentenced by the judgment of said Court as aforesaid.

In witness whereof I have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this 20th day of  
(Great Seal) September, in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United State the one hundred and thirty-fifth.

SIMEON S. PENNEWILL.

By the Governor,  
WILLIAM T. SMITHERS,  
Secretary of State.

September 20, 1910.

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This day the Governor granted a further reprieve unto George Colombo, as follows:

STATE OF DELAWARE,	}	New Castle County,
vs.		May Term, A. D. 1909.
GEORGE COLOMBO		Indictment Rape.

At the May Term of the Court of Oyer and Terminer of the State of Delaware in and for New Castle County, one George Colombo was indicted, arraigned and tried for the crime of rape, and upon such trial was found guilty as indicted; whereupon it was adjudged by said Court that the said George Colombo should be taken from the bar of the Court to the New Castle County Workhouse, the public prison of the county, the place from which he came, and be there safely and securely kept in custody until Friday, the twenty-third day of September in the year of our Lord nineteen hundred and ten, and on that day, between the hours of ten o'clock in the morning and three o'clock in the afternoon, he be taken to some convenient place of private execution within the precincts of said prison enclosure, and that he be then and there hanged by the neck until he be dead, and may God have mercy on his soul.

And whereas, the said George Colombo having upon application been once reprieved by me to the second day of De-

ember, A. D. 1910, in order that the decision in his case, then pending in the Supreme Court, could be handed down, which Court did confirm the sentence of the Court below; and it now appearing that the said George Colombo is about to make application to the Board of Pardons for a commutation of his sentence.

Now therefore, I, Simeon S. Pennewill, Governor of the State of Delaware, by virtue of the authority in me vested by the Constitution of the said State, in that behalf have granted, and by these presents do grant a further reprieve of the sentence of the said Court until Friday, the thirteenth day of January, in the year of our Lord one thousand nine hundred and eleven, to and for which the said George Colombo was sentenced by the judgment of said Court, as aforesaid.

In witness whereof I have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this twenty-third (Great Seal) day of November, in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States the one hundred and thirty-fifth.

SIMEON S. PENNEWILL.

By the Governor:

WILLIAM T. SMITHERS,  
Secretary of State.

November 23. 1910. /

On motion of Mr. Moore the House adjourned until 2 P. M.

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Same day—2 P. M.

House met pursuant to adjournment.

On motion of Mr. Johnson the following invitation was accepted:



January 5, 1911.

To the Speaker of the  
House of Representatives,  
Dover, Delaware.

Dear Sir:

On behalf of the Faculty and Experiment Station Staff of Delaware College, I do respectfully invite the members of the House of Representatives of the General Assembly of Delaware now in legislative session together with all officers and employes to make a visit to the farm of the Experiment Station and to the College in all its departments at such time as may be most convenient and agreeable to their honorable body.

A similar invitation has been extended to the Senate of Delaware.

I am

Yours respectfully,

GEO. A. HARTER,  
President.

On motion of Mr. Marvel the following invitation was accepted:

January 16, 1911.

To the Speaker of the  
House of Representatives,  
Dover, Delaware.

Dear Sir:

On behalf of the Trustees of the State College for Colored Students and the members of the Faculty, an invitation is hereby extended to the members of the House of Representatives of Delaware, now in session, together with all officers and employes, to visit the College at such time as may be most convenient to your honorable body.

Should you elect to so favor us between the morning and afternoon sessions of any appointed day conveyances will be provided and lunch will be served at the College.

A similar invitation has been extended to the State Senate.

Most respectfully yours,

W. C. JASON,  
President.

On motion of Mr. Conwell the following report was accepted.

State of Delaware,  
Office of State Librarian,  
Dover, Delaware.

To the Senate and House of Representatives in General Session.

In compliance with the provisions of Chapter 163, Volume 21, Laws of Delaware, I have the honor to submit the following report of the condition of the State House and State Library.

Owing to the incomplete condition of our new State House I request that your honorable body accept the report of progress, until later in the session, when I can give you a more intelligent report.

H. RIDGELY HARRINGTON,  
State Librarian.

Mr. Sparks, member of the Commission of Revenue and Taxation, being admitted, presented a report from said commission.

On motion of Mr. T. O. Cooper the report was read, and on his further motion was accepted and ordered spread on the Journal.

## REPORT.

Chapter 69, Volume 25, Laws of Delaware.

### OF THE REVENUE AND TAXATION COMMISSION.

An Act providing for the creation of a Revenue and Taxation Commission and for an appropriation to pay the expenses and compensation thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Seciton 1. That a Commission be and the same is hereby created consisting of nine persons to consider State and County revenue and taxation and to make report thereof as hereinafter provided. Said commission shall consist of Philip L. Cannon, T. Allen Hilles, Henry Ridgely, David C. Rose, Alvan B. Conner, George W. Sparkes, Oliver A. Newton and Thomas

O. Cooper, and one additional member to be appointed by the Speaker of the House of Representatives. The said Commission shall be styled "State Revenue and Taxation Commission."

Section 2. That any vacancy occurring in said Commission by death, resignation or otherwise, shall be filled by appointment by the Governor.

Section 3. That said Commission shall within two months after the passage of this Act, meet at the State House in Dover for the purpose of organization, at which meeting shall be elected a President and a Secretary out of the number of said Commissioners, and such other officers as said Commissioners shall deem necessary. It shall be the duty of said Commission to make full and thorough investigation of the subject of State and County Revenue and Taxation. For this purpose said Commission shall have authority to engage counsel learned in law and such other assistance as it shall deem advisable. Said Commission shall have authority to make such rules regulating its sittings and the carrying on of its investigations and the performance of its duties as it shall deem advisable. Said Commission shall have authority at its discretion to summons witnesses, and the President or other presiding officer of said Commission for the time being, shall have authority to administer oaths. The State Revenue Collector shall serve all summons placed in his hands by this Commission. Any person so summoned and failing to appear shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment or both at the discretion of the Court. Any false statement made by a witness under oath before said Commission, shall be deemed perjury and punishable as such under the laws of this State.

Section 4. That said Commission shall at the next regular session of the General Assembly make such report or reports and submit such proposed Act or Acts relating to State and County revenue and taxation to such General Assembly, as said Commission or a majority of them shall deem proper and which shall embody the results of the labors and investigations of said Commission. Said Commission shall be paid their actual expenses while serving upon said Commission and a compensation of five dollars per diem for each day on which said Commission shall sit for the performance of its duties.

Section 5. For the payment of the compensation of said Commissioners, their counsel and assistants, and all other expenses of said Commission, the sum of fifteen hundred dollars is hereby annually appropriated and the State Treasurer is hereby authorized to pay from time to time out of said appropriation, orders on account of such expenditure, signed by the President and Secretary of said Commission and approved by the Governor.

To the General Assembly of the State of Delaware :

Pursuant to the provisions of the foregoing Act, the undersigned members of the State Revenue and Taxation Commission, thereby created, present this report.

The Commission organized on the eleventh day of February, 1909, by the election of Philip L. Cannon, President; George W. Sparks, Secretary, and Henry Ridgely, Attorney. Mr. Ridgely declined to accept any compensation for his services as attorney out of the appropriations of the Commission.

On June 11, 1909, Mr. Philip L. Garrett was appointed assistant counsel to the Commission, and at a later date Mr. Ridgely having tendered his resignation, Mr. Garrett was made general counsel.

On April 7, 1909, Mr. Hervey P. Hall, of Kent County, having been appointed by the Speaker of the House of Representatives a member of the Commission, in compliance with the Act providing for the filling the vacancy in said Commission was duly qualified and entered upon his duties.

On October 6th, the Commission was informed by the Governor that Mr. Ridgely had tendered his resignation, and on November 12th, the Secretary presented to the Commission the appointment by the Governor of Mr. Joseph L. Cahall as a member of the Commission to fill the vacancy caused by the resignation of Mr. Ridgely. Mr. Cahall being present was duly qualified and entered upon his duties.

The present Commission continued the study of taxation begun by the previous body and particularly directed its attention to the study and preparation of bills covering the subjects which were recommended by said previous Commission.

to the General Assembly of 1909, and which for various reasons failed to become enacted as laws.

The Commission after careful study and examination of the Acts and statutes of other States have arrived at the following conclusions:

#### MERCHANTS' AND MANUFACTURERS' TAX.

The Commission having received from several States reports on this subject, ascertained that manufacturers are rarely taxed; indeed, found but one other State, whose system of taxation is considered modern or progressive, which taxes them at all. For the reasons assigned in the report of the Commission to the General Assembly of 1909, the Commission presents the same bill which passed at said session, but owing to an inaccuracy in its construction was not approved by the Governor and the error discovered too late for correction by the Assembly of 1909.

That the date of the Merchants Branch Law be changed from August 1st to June 1st. An effort was made at the session of 1909 to have the date of all licenses mature August 1st. As many of these bills failed of passage, and as the Commission upon re-consideration does not now approve of that policy, we would recommend that the Merchants Branch Tax Act, which did pass, be amended so that the date of payment thereof be changed from August 1st to June 1st in order that the time of payment of all taxes may be uniform.

A penalty providing for the Act requiring the taking out of licenses within ninety days of the time prescribed by law, being of a nature which does not really insure the prompt payment of the tax, the Commission deems it advantageous to provide a penalty of five per cent. for each month that same remains unpaid, rather than a total penalty of twenty-five per cent. to be added at one time.

#### WOMEN MERCHANTS.

Under the present law women engaged in business, the purchases of whom aggregate less than one thousand dollars per annum, are exempt from taxation. It has been ascertained by the Commission that there are many evasions of the law through men conducting their places of business in the names

of their wives, and we would respectfully recommend that this law be amended by striking out the words "feme covert" and inserting in lieu thereof the words "feme sole" and "widows," and present for your consideration a bill in accordance.

We also find that there are many occupations, doing lucrative business, which are not required to pay a license, viz.:

Barber Shops, Dyers and Scourers, Public Baths, Laundries, Chiropodists, Manicurists, Architects, Livery Stables, Distributors of Samples, Certain Places of Amusement, and Mercantile Agencies.

Upon each of which we would recommend an imposition of a tax in justice to other licenses of the State, and present bills in accordance.

Under the present act the assessors are required to return to the Clerks of the Peace of the various counties a list of names of those persons who should procure a State license for which, with the exception of the City of Wilmington, they receive no compensation, and which duty is very perfunctorily performed. For the better enforcement of the law, as well as greater revenue, we would recommend that said assessors be compensated to the extent of ten cents per name returned, said compensation to be paid by the State, whereas in Wilmington, the only district in which they are now paid, the county is required to pay fifty dollars (\$50.00) to each assessor in the City of Wilmington for performing a duty for the benefit of the State, which we consider unjust.

#### EXCISE.

We recommend that the price of a license to keep an inn or tavern in cities or towns having ten thousand inhabitants and upwards shall be six hundred dollars; three hundred and fifty dollars of which shall be for the use of the State, and two hundred dollars for the use of the city in which said licensed house is located, and the remaining fifty dollars for the use of the county in which said city is located. That the price of a license to keep an inn or tavern in cities or incorporated towns, having less than ten thousand inhabitants be five hundred dollars; two hundred and fifty dollars of which shall be for the use of the State, and two hundred dollars for the use of the said city

or town in which the licensed house is located, and the remaining fifty dollars for the use of the county in which said city or town is located. That the price of a license for an inn or tavern in any other place be five hundred dollars; two hundred and fifty dollars of which shall be for the use of the State, and the remaining two hundred and fifty dollars for the use of the county in which said licensed property is located.

### RAILROADS.

The Commission carefully reviewed the question of taxes as imposed upon steam railroads and concluded that the adjustments made two and four years ago are sufficient for the time being with the exception of the Delaware Railroad, which in its judgment, for the purpose of equalization, should be increased from \$20,000 to \$25,000 per annum, and we will present a bill for your consideration to that effect.

### PEDDLERS BILL FOR NEW CASTLE COUNTY.

The attention of the Commission was directed to the fact that through an ambiguity of this Act, different interpretations were given by various lawyers to its provisions; the Commission concluded to present a bill to this session, in the manner and form as originally intended.

### WAGON PEDDLERS.

In order that there may be no evasion of the law relative to the licensing of peddlers by wagon, which it is charged is common, we would recommend and present for your consideration a bill requiring a tag to be furnished by the State and to be attached to each wagon from which peddlers are exposing or offering goods for sale, and imposing a penalty for failure of non-compliance with this provision.

### BILLIARD AND POOL TABLES AND BOWLING ALLEYS.

The Commission found that the Act covering these subjects is not uniform throughout the State which they deem an injustice, and would recommend for your consideration the passage of a bill raising the license fee for the first table from fifteen to twenty-five dollars and same to be uniform throughout the State. The peace officers of the State have advised the

Commission that these places require constant police supervision; in consideration of the increased cost in policing same, the Commission deem the greater license as herein recommended as just and proper.

### VETERINARY SURGEONS.

At a recent session of the Legislature an Act was passed requiring the licensing of veterinary surgeons from which the penalty clause was omitted, making such law inoperative. We recommend that said act be amended by adding a penalty clause.

### OYSTER INDUSTRY.

The Commission desires to call your attention to another important source of revenue which has never been satisfactorily adjusted, and that is the rental of oyster beds. They used their earnest efforts to have such a measure passed at the session of 1909 but without success, and their time has been so absorbed in a variety of other subjects during the past two years, that they have been unable to present another measure which they feel would meet with sufficient approval, consequently, have no recommendation to make to the session.

### RECORDS.

The want of uniformity of keeping records of the various classes of licenses throughout the State renders it difficult for anyone to ascertain who has and who has not taken out a license. We, therefore, recommend the enactment of such a law as will provide for a system of bookkeeping uniform throughout the State which will show by classification of subjects every license issued by the several clerks of the peace, and pursuant to same present bills for your consideration.

### CERTIFIED COPIES OF LAWS.

The delay in the publication of laws enacted by the Legislature frequently causes delay in their enforcement due to the want of knowledge of the provisions of the new laws on the part of officers of the State upon whom the duty of enforcing such laws devolves. A copy of said acts cannot now be obtained except by payment of the legal statutory fees for certified copies. We would, therefore, most respectfully recommend that the Secretary of State be required to furnish free



of cost to State and County officials certified copies of laws as passed pertaining to their respective offices.

### STATE REVENUE COLLECTOR.

Four years ago an office was created providing for a Collector of State Revenues. Whereas, in many particulars the title of his office is a misnomer, and in consideration of the many restrictions with which he is surrounded, thus curtailing his efficiency, we would in view of the fact that in so far as he has been permitted to go, he has increased the revenue to the State from those who have previously been evading the law, many thousand dollars per annum. We would most heartily recommend the passage of a bill as presented by this Commission more thoroughly defining his duties and making his office more effective.

### COUNTY TAXATION.

The Commission held conferences with the Levy Courts of the respective counties, being courteously received and full information given. It is with pleasure that we can report that the affairs of New Castle County are conducted in a systematic and business-like way, which so impressed the members of this Commission from Kent and Sussex Counties, respectively, that we herewith present for your consideration, and trust favorable action, a bill for Sussex County and a bill for Kent County, providing for a County Comptroller under the same terms and conditions as now enacted for the County of New Castle. We would also state that this procedure for Sussex County met with the unanimous approval of the members of the Levy Court present at the conference, and later we are informed by the entire Court. Our minutes do not show that the direct question was asked the members of Kent County Levy Court on this matter, consequently we cannot state whether it met with their approval or not.

One very important matter which we took up with the respective Levy Courts of the several counties, and which met with their universal approval, was the matter of increasing the minimum of the capitation tax as set by law, from twenty-five cents to one dollar, and providing a means whereby it can be collected. We deem it most unjust that the real property holders of the State shall be required to pay a capitation tax while

those who do not own realty are relieved, and it having been the custom in most places to levy the minimum, viz: twenty-five cents, which amount is too small to pay for assessment and collection charges, the law has become a dead letter and as it would be a source of very material revenue and a justice to all citizens, we most heartily recommend the passage of this Act, and present same for your consideration.

#### SELECTION OF ASSESSORS.

We are of the opinion, which is corroborated by the best authorities on taxation throughout this country, that no satisfactory assessment can ever be made by assessors elected by the people. Those created by an appointive power have shown much better results in all States where this system is in effect. We discussed this question with the Levy Courts of the respective counties but failed to find a unanimity of opinion as to what body should have the power to appoint said assessors, although many agreed with us that the appointed assessor would be more liable to give efficient and satisfactory service than he who is depending upon the votes of the people for a possible re-election to office. We recommend this subject to your earnest consideration, but through the failure to secure to any degree a marked expression on this point, we have deemed it unwise to present a bill governing this subject.

We had hoped to be able to prepare a recommendation for a satisfactory system of the collection of taxes for educational purposes, and have awaited something decisive from the Commission appointed to investigate the school laws, but have not received the data in time to incorporate it with this report.

By the system in effect whereby a taxable is required to pay his county tax to one man and his school tax to another, and if he holds land in several school districts within one county, to several persons, a most antiquated and generally unsatisfactory condition exists, and one that should be rectified.

#### DIRECT REAL ESTATE TAX.

We also have considered the question of levying a tax direct upon real property rather than a tax upon the individual owning the property as now in effect. It is in the judgment of this Commission most desirable that we change our present system from individual to a direct real property tax system.

This, in the opinion of the Commission, is a most important matter and very intricate one to adjust. It was so late in the year when the subject presented itself to the Commission that they have not had sufficient time to give it the attention of which it is worthy in order that they might make a specific recommendation and draw a bill for your consideration.

### STATE REAL ESTATE TAX.

The Commission had thought that it had clearly expressed its views and opinions in opposition to the levying of a tax on land for State purposes, in its conference with the Grangers of the State at a meeting held in Dover. By numerous references and allusions arising from time to time, the Commission herewith desires to reiterate its position of that time by stating that they are unalterably opposed to the levying of such a tax until such time as it may be more necessary than now.

When we made our last report owing to a depression in the business world, the revenues arising from the corporation law were rapidly decreasing, and the Commission was greatly exercised for fear that it would reach such a point that more stringent laws would be required to provide revenue for the maintenance of the State. It is with pleasure that we can report that through a revival of business the loss previously experienced has been greatly restored, although not completely, so that we feel that for the time being the State's interests are in fair condition. Consequently, no material increase of revenue is required. At the same time we would call to your attention, as we did to the General Assembly of 1909, that the revenue arising from the corporation law is of an unstable character, liable to leave us at any time through either the passage of a federal corporation law, by the passage of more liberal laws by other States, or subsequent depressions in the business world. In consequence, we believe it to be to the interest of the State to retain an active Commission who may give this subject regular and intelligent study in order that the State may be able to justly and intelligently derive a revenue sufficient for its needs in the vent of the failure of the corporation law upon which we now so largely depend.

With this we complete our recommendations pursuant to our investigation of State and county taxation; and respectfully

recommend the enactment of a law similar in its general character to the act creating the State Revenue and Taxation Commission that they may accomplish the above expressed object, and complete the study for presentation to the next session of the General Assembly of the several subjects herewithin expressed but not completed.

All the bills recommended by the Commission were unanimously approved by the several members of the Commission with the exception of the Delaware Railroad Commutation Tax Bill, and the increase in the Retail Liquor License Bill, to which bills a portion of the Commission dissented from the majority vote.

PHILIP L. CANNON,  
T. ALLEN HILLES,  
JOSEPH L. CAHALL,  
ALVAN B. CONNER,  
DAVID C. ROSE,  
GEORGE W. SPARKS,  
OLIVER A. NEWTON,  
THOS. O. COOPER,  
HERVEY P. HALL,

Approved and signed December 29th, 1910.

On motion of Mr. T. O. Cooper the following resolution was adopted.

Be it resolved by the House of Representatives at the General Assembly of the State of Delaware, the Senate concurring therein, that all bills and recommendations as presented by the State Revenue and Taxation Commission, shall be considered in a joint session of the two Houses, and all bills so presented shall be referred to the Committee of the Whole of the House, and that a date be set as early as possible for above named session.

On motion of Mr. Wilson the following Senate concurrent resolution was adopted:

Be it resolved by the Senate, the House of Representatives concurring therein, that a committee of two on the part of the Senate and three on part of the House, be appointed with power to act to make arrangements for visiting Delaware College and

the Experimental Station, and also the State College for Colored Students, in accordance with the invitation extended.

Mr. Speaker appoints committee as follows:

Messrs. Wilson, Evans and Lecates.

On motion of Mr. Pool the House adjourned until to-morrow morning, 11 A. M.

January 17, 1911—11 o'clock, A. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hoffecker, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr. Speaker—33.

Journal read and approved.

Mr. Messick offered the following resolution:

Resolved, That the Clerk be instructed to interview the members and ascertain how many postage stamps they would require so that proper provision may be made for procuring the same for the business of the House.

On his further motion the resolution was adopted.

Mr. White gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

“Prohibiting any alien from carrying a gun in the State.”

Mr. Davis gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act providing for a County Comptroller for Sussex County.

Mr. Hoffecker gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act providing for a County Comptroller for Kent County.

Mr. Burton, Secretary of the Senate, being admitted presented the following concurrent resolution:

Be it resolved by the Senate, the House of Representatives concurring therein, that we the members of the Delaware Legislature heartily endorse the selection of the City of New Orleans, La., as the most suitable location for holding the World's Panama Exposition in 1915. The Clerk of the Senate is hereby instructed to forward a copy of this resolution to our Senators and Representative in Congress.

On motion of Mr. Gormley the above concurrent resolution was adopted.

Mr. Buckingham gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act for the permanent improvement of certain road in New Castle County.

Mr. Moore gave notice that on to-morrow or some future day he will ask leave to introduce a bill, entitled:

An Act further regulating marriages in this State by amending Section 3 of Chapter 74 of the Revised Code of this State as amended and published in 1893.

Mr. Alexander gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 151, Volume 25, Laws of Delaware, entitled An Act to further amend Chapter 162, Volume 22, Laws of Delaware, entitled "An Act in relation to peddlers within the County of New Castle, (as amended by Chapters 389 and 390, Volume 22, Laws of Delaware,)"

Mr. Gormley gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

A workmen's compensation Act.

Mr. Gormley gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this Act.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to further amend Chapter 117, Volume 13, Laws of Delaware, entitled "An Act to raise revenue and provide for the current expenses of the State Government."

Mr. Hoeffcker gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend an Act entitled "A further supplement to the Act entitled An Act to regulate the sale of intoxicating liquors, passed at Dover, April 10, 1873," being Chapter 555 of Volume 15 of the Laws of Delaware, by fixing the prices of certain licenses for the sale of intoxicating liquors and providing how the moneys received therefrom shall be applied.

Mr. Alexander gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 68 of the Revised Code of the State of Delaware concerning retailers of goods and of peddlers.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 112, Volume 24, Laws of Delaware, entitled "An Act to provide for the more efficient collection of certain State revenue."

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act providing for licensing of individuals, associations, &c., having their principal place of business without this State but maintaining within this State branch stores, warehouses or distributing depots for the sale of products, &c., and fixing a rate of taxation therefor.

On motion of Mr. Hoeffcker the following resolution was adopted:

Resolved, That that requisitions for stationery and supplies for Clerk, Reading Clerk, and Enrolling Clerk, of the House, be honored to the amount of ten dollars (\$10.00) each.

Mr. White gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

"Regulating the sale of garden and field seeds in Delaware," prohibiting the adulteration of same.



Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act defining certain duties of the Clerks of the Peace.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 68 of the Revised Code of 1893 by providing a penalty for neglecting to take out any license for the period of thirty days after the time prescribed by law for taking out the same.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 22, Volume 22, Laws of Delaware, entitled "An Act requiring all Veterinarians to register and pay an annual license fee of ten dollars to the State therefor."

Mr. Locates gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to regulate the disposition of the bodies of Animals dying from contagious diseases.

Mr. Locates gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to provide for the further improvement of the public roads of Sussex County.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend the Laws of this State in relation to the taxation of manufacturers, being Chapter 24 of Volume 14, of the Laws of Delaware, as supplemented by Chapter 364 of Volume 14, and as amended by Chapters 10 and 11 of Volume 15, and as further amended by Chapter 17 of Volume 22, of the said Laws of Delaware.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to authorize the Secretary of State to furnish certified copies of certain Acts to public officers.

Mr. Moore gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Section 10 of Chapter 127 of the Revised Code of 1893 of the State of Delaware, entitled "Offences against the lives and persons of individuals."

Mr. Thos. O. Cooper gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 43 of Volume 24, Laws of Delaware, entitled "An Act to amend Chapter 16 of Volume 22, Laws of Delaware," entitled "An Act to readjust the amount to be paid by 'The Delaware Railroad Company' in commutation of its State taxes."

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to provide for the Department of Insurance an "Actuary."

Mr. Wilson in pursuance of previous notice, asked leave to introduce a bill, (House Bill No. 1), entitled:

An Act appropriating eight thousand and eleven dollars and sixty-nine cents to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

And further on his motion, Rule 12 was suspended, and the bill was read a second time by its title and referred to the Committee on Appropriations.

Mr. Wilson in pursuance of previous notice, asked leave to introduce a bill, (House Bill No. 2), entitled:

An Act appropriating twenty-five thousand dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

And further on his motion, Rule 12 was suspended, and the bill was read a second time by its title, and referred to the Committee on Appropriations.

The Speaker announced:

The hour having arrived for the election of United States.

Senator, as the roll is called, each member will arise and announce the name of his choice.

Mr. Burton, Secretary of the Senate, being admitted informed the House that the Senate had accepted the opinion of the Attorney General on the right of balloting for United States Senator as the decision of the Senate.

The Clerk was also instructed to notify the House that the Senate sent for the Attorney General in executive session and were so impressed by his statements that they decided to abide by his decision, which is as follows:

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Wilmington, Delaware,  
January 16th, 1911.

Hon. John M. Mendinhall, Lieutenant Governor,

Hon. Thomas M. Monaghan, Speaker of the Senate,

Hon. Dennard W. Campbell, Speaker of the House of Representatives, Dover, Delaware.

Gentlemen:

I am in receipt of your letter of even date requesting my opinion as to the date when the Legislature should begin balloting for the election of a United States Senator. In the limited time at my disposal I have made such search as was possible, and have arrived at the conclusion which is herein embodied.

The facts nearest to the present situation in our own State are contained in the contest before the United States Senate over the election of a Senator from Idaho.

At the session of the United States Senate, beginning in 1891, William H. Claggett contested the election of Frederick T. DuBois as United States Senator from the State of Idaho. Idaho was admitted as a State by Act of Congress July 3rd, 1890.

The Constitution of Idaho contained the following provision: "Within ten days after the organization of the Legislature both Houses of the Legislature shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Idaho."

Sections 14 and 19 inclusive, of the Revised Statutes of the United States relate to the time and manner of the election of United States Senators. Section 14, which is the more important section reads as follows:

"The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress."

On Monday, December 8th, 1890, the first Legislature of the State of Idaho met, pursuant to the Constitution of the State. On the first day of the session the House of Representatives duly organized. The State Senate met on Monday, December 8th.

The State Constitution of Idaho provided that the Lieutenant Governor should be the presiding officer of the Senate. A quorum of the members being present on the first day, they were called to order by the Lieutenant Governor. A Secretary of the Senate pro tempore was elected. The Senators were sworn in.

On motion, the rules of the Legislative Council of the late Territory were adopted for the regulation of the Senate, until the Report of the Committee on Rules could be adopted. On motion, a committee of three was appointed on organization, to designate and determine the number and order of officers to be filled in the Senate. Also it was moved that a Committee of five be appointed to report rules for the government of the Senate.

The report of a majority of the United States Senate Committee on this contest, after stating that the Federal Statutes provide that an election shall be taken on the second Tuesday after the meeting and organization of the Legislature, without indicating in the remotest manner what shall be the character of such organization, state that a temporary organization, such as will enable the respective bodies to exercise fully the legislative functions, enact laws, censure or expel a member, and the like is a sufficient organization. The Committee in their report used the following language:

"Your committee are of the opinion that whenever each House has progressed so far in the election of such officers respectfully as will enable it and the two Houses together to transact business, exercise legislative functions, enact laws, and make and keep a record of such business, that then there has been such an organization of the two Houses as is contemplated by the Statute. When that has been done in so far as the election of officers of the two Houses is concerned which will enable them respectively to exercise the functions for which they have been brought into existence and which will enable them to make, keep and certify a record of the same, then it seems to your Committee, although much less than this may and by some members of your Committee is deemed to be sufficient, the requirement of the Statute as to organization necessary from which time shall date in the election of a United States Senator is clearly and fully met.

"In other words, a Legislature is, in the judgment of your Committee, organized within the meaning of Section 14 of the Revised Statutes relating to the time and manner of electing United States Senators, when each House has a presiding officer authorized to ascertain and declare its will, and a method of recording its action, satisfactory to and recognized by itself, subject, of course, to any Constitutional provision, State or Federal, or existing statute on the subject. In defining the term organization as used in Section 14 of the Revised Statutes

\* \* \* the powers of Congress in enacting the same should not be lost sight of and such a construction should be given as will best effectuate such purpose. The intention of Congress, as is plainly evident from a consideration of the whole Act was to place it out of the power of a majority of either House to prevent a majority of the two Houses acting together in joint assembly from electing a United States Senator in a case where there had been such an organization of the Legislature as will enable it to exercise the ordinary functions of a legislative body, such as enacting laws and making record thereof. This being so, is not the conclusion irresistible, that whatever is a sufficient organization to enable a Legislature to do the latter should be sufficient to enable it to elect a United States Senator?"

A minority of the Committee in the case of Claggett

against DuBois, however, filed a report contending that as the facts appeared in the case the organization was not sufficient.

The facts of the situation in our Legislature, as they are brought to me are as follows:

The House of Representatives it is not contended had any organization until Monday, January 9th, at which time a Speaker, Clerk and other officers were chosen, and the House sent a message to the Senate to inform it that it was organized and ready for business. If the whole Legislature had been completely organized on that day as a law-making body this would give the right and impose the duty upon the Legislature to proceed to the election of a United States Senator on Tuesday, January 17th.

The situation in the Senate, however, is to be considered. This branch of the Legislature on the day of its meeting, Tuesday, January 22d, had a presiding officer, as provided by the State Constitution, in the person of the Lieutenant Governor. On that day the new members of the Senate took the oath of office. On that day Senator Drexler, a member of that body, was chosen Secretary or Clerk pro tempore. My information, however, is that Senator Drexler never acted in the office to which he had been chosen, of Secretary or Clerk and that what minutes were kept were kept by the Clerk of the Senate who was elected at the session of two years ago.

The question resolves itself into, on what day was the Delaware State Senate organized to exercise "the functions for which they had been brought into existence and which would enable them to make, keep and certify a record of the same?" "To exercise the ordinary functions of a legislative body such as enacting laws and making a record thereof and to expel or censure members?"

The other facts presented to me may be briefly summarized as follows:

That up until Friday, January 13th, the Senate made no attempt to transact business whatever beyond the business of attempting to organize. They passed no resolutions, introduced no bills, nor attempted to exercise any of the functions

of a legislative body beyond the attempt to organize by the election of officers. That on Monday, January 9th, the House sent a messenger to the Senate to report that it was organized and ready for business. That at that time Senator Drexler was presiding in the Senate as presiding officer for that day. That Senator Drexler at that time informed the messenger from the House that the Senate was not organized and therefore could not receive the messenger from the House. That this statement of the member who was the Presiding Officer for the time being was, in fact, acquiesced in by all the members present by their silence. That no objection was made to the statement of the Presiding Officer and that no resolution was offered to receive the message, nor was any attempt made in any way to controvert the statement of the Presiding Officer.

These facts appear to me to be such as would largely influence the United States Senate of a contest or question should be raised before that body upon voting for anyone for the United States Senate on Tuesday, January 17th.

On Friday, January 13th, the Senate did effect a permanent organization sufficient to perform its legislative functions and to do business, by the selection of a President pro tempore and a Clerk. The second Tuesday after this date would be Tuesday, January 24th.

Notwithstanding the decision of the United States Senate in the case of Claggett against DuBois to which I have already referred, I am of the opinion that the Delaware State Senate at its present Session was not sufficiently organized to perform its legislative functions and to do business, and consequently not organized within the meaning of Section 14 of the United States Revised Statutes, the terms of which I have hereinabove set out to proceed to the election of a Senator until Tuesday, January 24th.

While I recognize the fact that others may not hold the same opinion I do in this matter, still in my opinion the voting for a United States Senator should not begin until January 24th, and under the circumstances if the election of a United States Senator is not begun until that date it will be a safe position for the Legislature to take, because in the case before in the United States Senate of Lapham and Miller, in 1881, these gen-

tllemen having been chosen Senators by the State of New York to fill the vacancies caused by the resignations of Senators Conklin and Platt, the Senate Committee on Privileges and Elections unanimously reported to the Senate as follows, the report of which Committee was adopted by the Senate:

"The memorials set forth five reasons as grounds why these gentlemen should not be allowed to sit here. The first alleges that the Legislature did not proceed in separate bodies to vote upon the question until the third Tuesday after notice of the vacancies was communicated by the Governor. The facts are such as to merit some controversy as to whether they did proceed on the second Tuesday or the third Tuesday after the notice. But in any view the Committee are unanimously of the opinion that the Legislature was not deprived of its constitutional right to elect Senators to this body."

While, of course, this election was under Section 17 of the United States Revised Statutes, the wording of Section 17 makes the case applicable to the present situation, Section 17 reading as follows:

"Whenever during the Session of the Legislature of any State a vacancy occurs in the representation of such State in the Senate similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature has organized and has notice of such vacancy."

Yours respectfully,

ANDREW C. GRAY,  
Attorney General.

Mr. Moore moved, in view of the opinion filed by the Attorney General on the subject, that the House concur in the action of the Senate in deferring vote on United States Senatorship.

Which motion

Prevailed.

On motion of Mr. Alexander House adjourned until 2 P. M.



Same day—2 P. M.

House met pursuant to adjournment.

Mr. Evans gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act entitled an Act to revise Volume XXV, Chapter 120 Section 21 of the Laws of Delaware, relating to the disposition of revenue received from the licensing of automobiles and motor vehicles and the operators thereof and applying the same for the benefit of public roads only.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to provide an "Examiner" for the Department of Insurance.

Mr. Alexander gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act in relation to peddlers.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to raise revenue and to provide for the licensing of laundries.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to raise revenue and to provide for the licensing of dyers and scourers.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to raise revenue and to provide for the licensing of certain amusements within the State.

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Section 1, Chapter 11, Volume 15, Laws of Delaware, entitled "An Act taxing manufacturers and for other purposes."

Mr. Burton, Secretary of the Senate, being admitted presented the following concurrent resolution:

Be it resolved by the Senate of the General Assembly, the House of Representatives concurring therein, that Daniel O. Hastings, as Chief Counsel, and James M. Satterfield and Francis de H. Janiver, as associate counsel, be, and they are hereby appointed legal counsel for the present General Assembly.

On motion of Mr. Hoeffcker the resolution was adopted.

Mr. Burton, Secretary of the Senate, being admitted presented the following concurrent resolution:

Be it resolved by the Senate, the House concurring therein, that when we do this day adjourn, we do adjourn to meet on Monday, January twenty-third, 10:30 A. M.

On motion of Mr. Moore the House concurred in the above resolution.

On motion of Mr. White the House adjourned until January 23, 1911, 10.30 A. M.

January 23. 1911, 11:30 o'clock, A. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hastings, Hofferker, Hurdle, Johnson, Layton, Lecates, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr. Speaker.—34.

Reading of the journal begun, when on motion of Mr. Hart, further reading of the same was dispensed with.

Mr. Evans gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to appropriate ten thousand dollars to finish the work begun by the State, and to complete the equipment, at the Delaware Experiment Station farm at Newark, Delaware.

Mr. Conwell gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to impose a tax upon persons who sell such deadly weapons as are easily concealable.

Mr. Conwell gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend an Act entitled "An Act to re-incorporate the town of Camden" by increasing the annual appropriation of the Levy Court.

Mr. Gormley in pursuance of previous notice, asked leave to introduce a bill, (House Bill No. 3), entitled:

An Act to change the name of Drury Hinton Doggett, Leroy Benjamin Doggett and Edward Hartin Doggett.

And further on his motion, Rule 12 was suspended, and

the bill was read a second time by its title and referred to the Committee on Miscellaneous Business.

Mr. Hart gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend Chapter 147, Volume 25, Laws of Delaware, entitled "An Act regulating the use of pool tables, billiard tables, shuffle boards and bowling alleys."

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act prescribing fees for licenses for hunting and fishing in the State of Delaware.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to establish the Board of Game and Fish Commissioners of the State of Delaware.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act providing for the enforcement of the game and fish laws of Delaware.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act for the taxation of dogs.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to authorize the Treasurer of the Delaware Game Protective Association to pay over and transfer the funds and property of said association to the Board of Game and Fish Commissioners of the State of Delaware.

Mr. Robbins gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to amend an Act entitled An Act to incorporate The Sussex Trust, Title and Safe Deposit Company passed at Dover May 7th, 1895.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act for the protection of certain fish in the fresh waters of the State of Delaware other than the Delaware River.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act for the protection and preservation of birds and certain animals.

Mr. Cooper, T. O., gave notice that on to-morrow or some future day he would as leave to introduce a bill, entitled:

An Act to exempt automobiles used by fire engine companies from the payment of automobile license fees.

The following communication was presented and read:

To the House of Representatives of the State of Delaware,  
Dover, Delaware.

Gentlemen:

I have been directed by the Board of Trustees of the New Castle County Workhouse to invite you to visit the Workhouse, at Greenbank, some day at your earliest convenience. Hoping you may accept the invitation, and will indicate what day will be convenient, I am,

Yours very truly,

GEO. G. KERR,

President of the Board of Trustees of the New Castle County Workhouse.

On motion of Mr. Gormley the invitation was accepted.

On Mr. Buckingham's motion the House adjourned until  
2 P. M.

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Same day—2 P. M.

House met pursuant to adjournment.

Mr. Hoffecker offered the following resolution:

### House Resolution Providing Supplies for the House Stenographers.

Be it resolved by the House of Representatives of the State of Delaware in General Assembly met:

That the State Librarian be, and he is hereby authorized and directed to furnish the stenographers for the House of Representatives such supplies as may be necessary for performing their duties.

On motion of Mr. Hoffecker the resolution was adopted.

Mr. Moore in pursuance of previous notice, asked leave to introduce a bill, (House Bill No. 4), entitled:

An Act to amend Section 10 of Chapter 127 of the Revised Code of 1893 of the State of Delaware.

And further on his motion, Rule 12 was suspended, and the bill was read a second time by its title and referred to the Committee on Crimes and Punishment.

Mr. Wilson in pursuance of previous notice, asked leave to introduce a bill, (House Bill No. 5), entitled:

An Act to further amend Chapter 117, Volume 13, Laws of Delaware, entitled "An Act to raise Revenue and provide for the current expenses of the State Government.

And further on his motion, Rule 12 was suspended, and the bill was read a second time by its title, and referred to the Committee on Revenue and Taxation.

On motion of Mr. Wilson the bill (House Bill No. 6) entitled:

An Act to amend Section 1, Chapter 49 of the Laws of Delaware, as published in the Revised Code of 1852, as amended, &c. in 1893.

Was read a first time.

Mr. Beswick gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to repeal Chapter 132, Volume 23, Laws of Delaware, entitled "An Act to further protect the oyster inter-

ests of the State by prohibiting the use of certain winders in catching oysters."

Mr. Wilson gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

**An Act defining the license to be paid by merchant tailors.**

On motion of Mr. Moore, House adjourned until to-morrow morning, 11 o'clock.

January 24, 1911—11 o'clock, A. M.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called. Members present—Alexander, Bell, Beswick, Buckingham, Conwell, Cooper, B. F., Cooper, T. O., Davis, Elliott, Evans, Fisher, Garrison, Gillis, Gormley, Hammond, Hart, Hastings, Hoffecker, Hurdle, Johnson, Layton, Lecates, Marvel, Messick, Moore, Morris, Pool, Robbins, Swan, Talley, Tebo, White, Wilson, Wright, Mr. Speaker.—35.

Journal read and approved.

Mr. Garrison on behalf of the Committee on Crimes and Punishment to whom had been referred the bill (H. B., No. 4), entitled:

An Act to amend Section 10 of Chapter 127 of the Revised Code of 1893 of the State of Delaware.

Reported the same back to the House favorably.

Mr. Hart gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act in relation to assessors.

Mr. Hammond gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act authorizing the State Treasurer to pay over to The Commissioners of Rehoboth, for the use of the Town of Rehoboth, certain moneys which the said The Commissioner of Rehoboth were required to pay by the State Board of Health.

Mr. Hammond gave notice that on to-morrow or some future day he would ask leave to introduce a bill, entitled:

An Act to re-incorporate The Commissioners of Rehoboth.

Mr. Johnson offered the following concurrent resolution:



• Be it resolved by the House of Representatives, the Senate concurring therein, that the Librarian be instructed to furnish the Committee rooms with furniture now in possession of the State at the earliest possible moment.

On motion of Mr. Johnson the resolution was adopted and ordered to the Senate for concurrence.

The State Treasurer being admitted presented the following report:

To the Honorable Members of the General Assembly of the State of Delaware:

Sirs:

I have the honor to submit the report of the transactions and condition of the Treasury Department to January 10, 1911. The cash balace of the several funds are as follows:

General Fund .....	\$62,566.99
School Fund .....	15,585.63
Sinking Fund .....	2,772.06
Total ..	<u>\$80,924.68</u>

The assets of the State amount to .....	\$1,882,160.53
The liabilities are .....	<u>826,785.00</u>

Amount of assets over liabilities .....	<u>\$1,055,375.53</u>
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The total receipts for the year were, exclusive of balances \$743,675.51; the total expenditures were \$759,911.79, divided among the several funds as follows:

	Receipts.	Expenditures.
General Fund .....	\$562,341.27	\$581,507.49
School Fund .....	173,475.60	173,635.00
Sinking Fund .....	7,858.64	5,769.30

In all former reports of the Treasury Department, for some reason, the property of the State at the Delaware State Hospital has never been carried as as an asset, nor has the Delaware College Experimental Farm and buildings. In the list of assets of this report you will find the Delaware State

Hospital valued at \$270,000, and the Experimental Farm and Buildings at \$25,000. These estimates are very conservative, as are all estimates of the State's real estate.

It will be noticed that the cash balance of the Treasury Department have decreased somewhat from those of last year, but when the amount expended upon the new State House and the investments made are considered, this is a very good showing.

The principal increase in receipts for the past year has been through the office of the Secretary of State. The increase in corporation tax from this department was \$19,880.79; from automobile licenses, \$3,912; from civil commissions, \$363; from fees, \$3,315, making a total of \$27,470.79. The amount received from licenses and fees shows a decrease under the year 1909 of \$27,428.62. This apparent falling off from this source of revenue is in the receipts of the Clerk of the Peace of New Castle County, which show a decrease of \$30,971.50. In explanation of this I would state that the Clerk of the Peace made a settlement as of January 1, 1910, for licenses sold during December, 1909. This was not done for December, 1910, the receipts for that month being carried over to the first of February, and will be included in the regular bi-monthly settlement. The amount received from licenses sold during last December was \$18,339.02. I am informed by the Clerk of the Peace of New Castle County that the remaining deficiency is the result of the delay in signing the liquor licenses, which will amount to about \$15,000, and will be included in the settlement of the first of February. It will be seen, therefore, that the amount of business actually done in this office is somewhat in excess of that of the year 1909.

There has been a gradual increase in all other sources of revenue.

In Franchise Tax .....	\$3,662.39
In tax on telegraph and telephone companies .....	484.70
In collateral inheritance tax .....	1,334.41
In receipts from Delaware State Hospital at Farnhurst .....	2,190.71

Regarding the expenditures, with the exception of the cost of the new State House, the disbursements were all made in accordance with the regular appropriation. The amount spent by the State House Commission to date is \$59,475.06.

It may be of interest to know that the State spends each year for educational purposes about \$255,000, for charities and corrections \$112,000, for agriculture \$9,000, for preservation of public health \$5,500, for the improvement of public highways about \$30,000, and for the support of the National Guard of Delaware \$16,000. The above figures are given in round numbers and not the actual amount. This shows that the State each year expends \$427,500 for purposes that have nothing to do, except possibly indirectly, with the government.

As you know the last Legislature set aside into a special fund the amounts that had been deposited with the State Treasurer by railroad and railway companies proposing to build in this State, which were forfeited for non-compliance with the provisions of the General Corporation Law, and authorized the investment of the same. This amount, \$50,900.00, together with \$3,000 more which was placed to the credit of this fund during the past year, has been invested in bonds and bank stock. In the pages following will be found a complete list of this investment and an account of the transactions of this fund from its beginning to the present. There has been purchased with this money bonds to the par value of \$51,000 and also four shares of the Farmers Bank of Delaware, market value of \$500. The interest from these investments is paid to the Sinking Fund. However, I wish to advise you that at this time there are suits against the State, one in the Federal Court and one in the Court of Chancery, for the recovery of these deposits; until these suits are decided it cannot be known whether or not this fund is secure. If the decision should be against the State, the securities which have been purchased would have to be sold and the money refunded to the several companies.

The General Assembly of 1909 also authorized the State Treasurer as Sinking Fund Commissioner to invest the moneys in the Sinking Fund in interest bearing securities. This fund now has investments in bonds to the par value of \$16,000, all of which have been purchased during the past two years, and also a Certificate of Indebtedness of the State for \$20,000. This Certificate was issued in lieu of bonds of the State of Delaware which were purchased by my predecessor and which have been cancelled.

I wish to commend to you this scheme of investing the State's surplus moneys, as it is the only way by which the State receives interest for its money. I would recommend that there be some provision made whereby the Treasury Department would be enabled to invest more money in this way than in the past. However, an appropriation of this kind, if one is made, should not be large enough to affect the standing balance of the General Fund.

I would recommend to your honorable body that some provision be made whereby the State would receive interest on its daily balances. This interest is paid by most banks on their deposits, and I see no reason why the State should not benefit in this way. I am cognizant of the fact that the State of Delaware owns fifty-seven per cent. of the stock of the Farmers Bank, in which bank the moneys are kept, in accordance with the provisions of the law, but if other banks are able to pay interest on deposits, I believe that the Farmers Bank would afford to do so without affecting their dividend. This is a matter which should receive serious consideration.

The text books purchased by the schools of this State are now ordered through this Department. I recommend a change in this system. In my opinion these books should be ordered through the Superintendents of the public schools, who, having intimate knowledge of the schools of their several counties, could regulate the purchase of these books. I also recommend that the State pay for the books so purchased out of the General Fund, and without deducting the amount from the School Dividends of the Districts. The dividend per teacher has been growing less each year, because of the increase in the number of teachers in the State, and I think that something should be done to increase the School Fund. The amount expended for text books by the schools each year is about \$15,000. If these books were purchased by the General Fund it would have the same affect upon the School Fund as raising the annual appropriation by that amount.

The corporation business has grown to such proportions that the present method of accounting as regards this source of revenue in this Department has become inadequate and cumbersome. I shall ask the present session of the General Assembly for an appropriation to install a more up-to-date and convenient system of accounting.

An itemized statement of the assets and liabilities and the receipts and the disbursements of the several funds will be found in the pages following.

Respectfully submitted,

DAVID O. MOORE,  
State Treasurer.

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### ASSETS.

#### Bank Stock—Par Value.

5,700 Shares Farmers' Bank stock, at \$50 per share .....	\$285,000.0
114 Shares National Bank of Delaware, at \$100 per share .....	11,400.00
254 Shares Union National Bank, at \$25 per share ..	6,350.0
114 Shares National Bank of Smyrna, at \$50 per share ..	5,700.00
	<hr/>
	\$308,450.00

#### Bank Stock—Market Value.

5,700 Shares Farmers' Bank stock, at \$125 per share ..	712,500.00
114 Shares National Bank of Delaware, at \$225 per share .....	25,650.00
254 Shares Union National Bank stock, at \$88 per share .....	22,352.00
114 Shares National Bank of Smyrna, at \$80 per share .....	9,120.00
	<hr/>
	\$769,622.00

#### Mortgages.

Junction & Breakwater Railroad Company at 3 per cent. ....	\$185,000.00
Breakwater & Frankford Railroad Company at 3 per cent .....	200,000.00
	<hr/>
	\$385,000.00

## Bonds.

One bond, State of Delaware to School Fund, at 6 per cent .....	\$178,785.00
Certificate of Indebtedness, State of Delaware to Sinking Fund, at 4 per cent .....	20,000.00
Eleven New Castle County 4 per cent. Highway Improvement bonds .....	11,000.00
Ten State of Delaware 4 per cent. bonds, "Loan of 1909," .....	5,000.00
Five State of Delaware 4 per cent. bonds, "Loan of 1907," .....	5,000.00
	<hr/>
	\$219,785.00

## Real Estate.

State House, including Law Library, estimated..	\$65,000.00
State House Lot, estimated .....	5,000.00
Armory building at Wilmington, estimated .....	10,000.00
Delaware State Hospital at Farnhurst, estimated	270,000.00
Delaware College Experimental Farm and buildings, estimated .....	25,000.00
	<hr/>
	\$375,000.00

## Cash.

Cash in Treasury January 10, 1911 .....	\$80,924.68
	<hr/>
Total of assets .....	\$1,830,331.68

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ASSETS OF RAILROAD AND RAILWAY GUARANTY  
DEPOSIT FUND.

## Bonds.

29 New Castle County 4 per cent. Highway Improvement bonds .....	\$29,000.00
15 New Castle County 4 1-2 per cent. Highway Improvement bonds .....	15,000.00
10 State of Delaware 4 per cent. bonds, "Loan of 1909" .....	5,000.00

City of Wilmington 4 per cent. bonds .....	2,000.00
	<u>\$51,000.00</u>
Bank Stock.	
Four shares Farmers' Bank, at \$125 per share, market value .....	\$500.00
Cash.	
Cash on hand January 10, 1911 .....	\$328.85
Total of Assets .....	\$51,828.85
Total of Assets of General, School and Sinking Funds .....	\$1,830,331.68
Total of Assets of Railroad and Railway Guaranty Deposit Fund .....	51,828.85
Grand total of Assets .....	<u>\$1,882,160.53</u>

## LIABILITIES.

245 Bonds, \$1,000 each, at 3 per cent. issue of 1897, payable December 1, 1927; redeem- able at option on any June 1 or December 1 after December 1, 1922 .....	\$245,000.00
230 Bonds, \$1,000 each, at 4 per cent. issue of 1907, payable June 1, 1932 .....	230,000.00
40 Bonds, \$1,000 each, at 4 per cent., issue of 1907 payable July 1, 1927; redeemable at option on any January 1 or July 1 in or after 1917	40,000.00
20 Bonds, \$1,000 each, at 4 per cent., issue of 1907, payable July 1, 1917 .....	20,000.00
20 Bonds, \$500 each, at 4 per cent. issue of 1909, payable July 1, 1919 .....	10,000.00
1 Bond, State of Delaware to School Fund, at 6 per cent, issued July 1, 1906, payable July 1, 1926 .....	178,785.00

1 Certificate of Indebtedness to the Trustees of Delaware College, at 6 per cent. perpetual .. . . . . .	83,000.00
1 Certificate of Indebtedness of State of Delaware to Sinking Fund, at 4 per cent. payable June 1, 1932 .. . . . . .	20,00.00
Total of Liabilities .. . . . . .	<u>\$826,785.00</u>
Total of Assets .. . . . . .	\$1,882,160.53
Total of Liabilities .. . . . . .	<u>826,785.00</u>
Amount of Assets over Liabilities .. . . . . .	\$1,055,375.53

## GENERAL FUND—INVESTMENTS.

## Bank Stock—Par Value.

40 Shares National Bank of Delaware Stock, at \$100 per share .. . . . . .	\$4,000.00
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## Bank Stock—Market Value.

40 Shares National Bank of Delaware Stock, at \$225.00 per share .. . . . . .	\$9,000.00
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## Mortgages.

Junction and Breakwater Railroad Company, at 3 per cent .. . . . . .	200,000.00
Breakwater and Frankford Railroad Company, at 3 per cent. .. . . . . .	200,000.00
	<u>\$385,000.00</u>

Total value of Investments .. . . . . .	\$394,000.00
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## GENERAL FUND—RECEIPTS.

Balance .. . . . . .	\$80,733.21
Receipts from Clerks of the Peace—	
Licenses .. . . . . .	136,319.68
H. A. Brown, New Castle County..	\$115,768.58
S. W. Darby, Jr., Kent County ....	8,968.76
Jabez T. Willey, Sussex County ....	11,582.34



Receipts from the Secretary of State Corporation Taxes .....	95,419.56	125,749.06
Fees from Certified Copies, etc. ....	20,033.50	
Automobile Licenses .....	9,394.00	
Civil Commissions .....	902.00	
Receipts from Insurance and Banking Department .....		\$65,055.76
Tax on Life Insurance Companies..	26,962.87	
Tax on Fire Insurance Companies ..	8,308.74	
Tax on Miscellaneous Insurance Cos.	2,196.16	
Licenses, etc. ....	10,099.00	
Tax on State Banks and Trust Cos.	11,266.69	
Tax on National Banks .....	6,222.30	
Tax on Railroad Companies .....		107,000.00
P. B. & W. R. R. Co. ....	50,000.00	
Balto. & Phila. R. R Co. (B. & O.) ..	30,000.00	
Delaware R. R. Co. ....	20,000.00	
Phila. & Reading Ry. Co. ....	5,000.00	
D. M. & V. R. R. Co. ....	1,500.00	
M. D. & V. R. R. Co. ....	500.00	
Interest on R. R. Mortgages .....		11,550.00
Junction & Breakwater R. R. Co.	5,550.00	
Breakwater & Frankford R. R. Co.	6,000.00	
Telegraph & Telephone Companies		10,731.90
Western Union Telegraph Co. ....	538.10	
Postal Telegraph-Cable Co. ....	229.00	
Diamond State Telephone Co. ....	1,571.90	
Delaware & Atlantic Telephone Co.	7,570.20	
Wilmington Light, Power & Telephone Co. ....	712.45	
American Teleg'ph & Telephone Co.	76.93	
Maryland & Delaware Telegraph & Telephone Co. ....	33.23	
Express Companies .....		2,778.58
Adams Express Co. ....	2,408.32	
United States Express Co. ....	370.26	
Franchise taxes from Corporations		38,688.90
Dividends from Bank Stock .....		400.00
National Bank of Delaware .....	400.00	

Collateral Inheritance Tax .....		4,778.20
Francis M. Walker, Register of Wills, N. C. Co. ....	922.88	
Edgar Spruance, Register of Wills, Kent Co. ....	796.81	
Thos. R. Purnell, Register of Wills, Sussex Co. ....	58.51	
Manufacturers of Steam, Gas and Electricity ..		647.03
U. S. Government Appropriation to Colleges ..		45,000.00
State Board of Pharmacy .....		201.00
Fines and Forfeitures .....		39.61
Summary Court of National Guard of Delaware .....	39.61	
Delaware State Hospital—Receipts from Pay Patients .....		12,782.87
*Delaware State Tuberculosis Commission ..		505.98
**Appropriations Refunded .....		112.70
		<hr/>
		\$643,074.48

\*This is not a regular source of revenue. The amount, \$505.98, was placed to the credit of the Commission and expended.

\*\*Made up of unexpended balances of appropriations paid in lump sum.

#### EXPENDITURES.

Executive:		
Governor ..		5,000.00
Salary ..	\$4,000.00	
Contingent Fund .....	1,000.00	
Lieutenant Governor .....		100.00
Salary ..	100.00	
Department of Secretary of State..		6,898.00
Salary of Secretary of State .....	4,000.00	
Salary of Stenographer and Asst. ..	900.00	
Salary of Clerk .....	500.00	
Contingent Expenses .....	1,498.00	
Official Bond		

Department of Attorney General ..		8,447.25
Salary of Attorney General .....	2,500.00	
Salary of Deputies .....	2,000.00	
Contingent Expenses .....	1,243.95	
State Detectives' Salaries .....	2,400.00	
Extradition .. .....	303.30	
Treasury Department .....		4,125.00
State Treasurer's Salary .....	1,450.00	
Purchasing Text Books .....	500.00	
Commissions on Franchise Tax Col- lections .. .....	1,775.00	
Contingent Expenses .....	400.00	
Department of Auditor of Accounts		3,267.14
Salary of Auditor Clerk .....	1,461.11	
Salary of Auditor Townsend .....	505.55	
Salary of Auditors' Clerk .....	800.01	
Contingent Expenses .....	500.47	
Department of Banking and In- surance .. .....		3,898.00
Salary of Insurance Commissioner..	2,000.00	
Salary of Clerk .....	900.00	
Contingent Expenses .....	998.00	
State Library .....		1,450.00
Salary of Librarian .....	800.00	
Contingent Expenses .....	150.00	
Law Reports for Library .....	500.00	
Janitor, salary .....		500.00
Fish Commissioner .....		624.96
Salary .. .....	500.00	
Contingent Expenses .....	124.96	
Collection of Oyster Revenue, Salary Crew of Oyster Guard Boat, Salaries		700.00 2,340.00
State Revenue Collector .....		1,500.00
Salary .. .....	1,200.00	
Contingent Expenses .....	300.00	
Factory Inspector, Salary .....		1,026.67
Board of State Supplies, Expenses ..		500.00

Publishing Laws, Allowance to Secretary of State .....		350.00
State Revenue and Taxation Commission .. .....		1,389.13
Revised Code Commission .....		294.65
Judiciary .. .....		\$6,100.00
Salary of Chancellor .....	4,500.00	
Salary of Stenographer .....	1,200.00	
Reporting .. .....	200.00	
Contingent Expenses .....	200.00	
Chief Justice, Salary .....		4,500.00
Associate Judges, Salaries .....		16,000.00
Associate Judge of Kent County, for reporting .....		200.00
Official Court Stenographer, Salary .....		2,000.00
Transcripts for Supreme Court .....		470.20
Education .. .....		\$225,929.75
Annual Appropriation to School Fund .. .....	\$132,000.00	
Interest on Bond to School Fund ..	10,727.10	
Interest on Bond to Delaware College .. .....	4,980.00	
Free Graded Schools .....	15,000.00	
Education at Normal Schools .....	3,000.00	
Salaries of School Superintendents ..	3,600.00	
Expenses of School Superintendents ..	886.80	
White Teachers' Institutes .....	450.00	
Colored Teachers' Institutes .....	150.00	
State Board of Education and County School Commissions .....	2,486.10	
Purchase of Books for the Blind ..	30.65	
State Library Commission .....	1,200.00	
Free Libraries in School Districts ..	300.00	
Historical Society of Delaware .....	300.00	
Division of Records .. .....	819.10	
Delaware College, U. S. Government Appropriation .....	36,000.00	
State College for Colored Students, U. S. Government Appr'n .....	9,000.00	
Delaware College, Special Appr'n ..	5,000.00	

Public Health .....		\$5,677.95
State Board of Health .....	2,499.59	
Pathological and Bacteriological Laboratory .....	2,498.29	
Medical Council of Delaware .....	300.00	
State Board of Pharmacy .....	380.07	
Charities and Corrections .....		\$109,463.73
Delaware Industrial School for Girls	3,000.00	
St. Michael's Day Nursery .....	500.00	
Indigent Deaf, Dumb, Blind and Idiotic Children .....	8,695.82	
Supervision of same .....	100.00	
Prevention of Cruelty to Children ..	900.00	
Burial of Indigent Soldiers, Sailors and Marines .....	475.00	
G. A. R. Memorial Day Observance	1,000.00	
Delaware Commission for the Blind	1,499.88	
Delaware State Tuberculosis Com- mission .....	15,505.98	
Delaware State Hospital, Appr'n ..	65,000.00	
Delaware State Hospital, Special ..	12,787.05	
Agriculture .. .....		\$8,117.58
Peninsula Horticultural Society ....	500.00	
Farmers' Institutes .....	510.38	
State Board of Agriculture .....	2,996.35	
State Board of Agriculture, Special	825.41	
State Board of Immigration .....	2,086.64	
Prevention of Infectious Diseases among the Lower Animals ..	1,198.80	
Improvement of Public Highways..		\$29,271.75
New Castle County .....	10,000.00	
Kent County .....	7,271.75	
Sussex County .....	10,000.00	
Salaries of Highway Commissioners for New Castle and Kent ....	2,000.00	
Military Department .....		\$16,700.00
Maintenance of National Guard ...	5,000.00	
Field Practice .....	8,000.00	
Uniforms and Equipment .....	2,500.00	
Adjutant General, Salary .....	600.00	
Salary of Clerk at Headquarters ...	600.00	

Interest on State Debt .....		\$20,150.00
(Not including interest on Bonds to School Fund and Delaware, which was accounted for in Educational Expenses.)		
Printing .....		\$9,394.06
Oysters .....		\$2,863.55
Survey of Oyster Grounds .....	2,798.55	
Purchase of New Guard Boat .....	65.00	
State House Expenses .....		\$2,649.75
Water Rent .....	112.50	
Telephone .....	25.84	
Heating, Lighting and Repairing ..	1,004.41	
Insurance on States' Property .....	1,507.00	
Elections .....		\$18,498.44
Registrars and Assistant Registrars	14,220.00	
Department of Elections of the City		
of Wilmington .....	4,278.44	
Rewards (Casey Murder) .....		500.00
Building New State House .....		58,131.16
Legislative Auditing Committee ...		1,000.00
Balance .....		62,566.99
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		\$643,074.48

### INVESTMENTS OF SCHOOL FUNDS.

#### Bank Stock—Par Value.

5,700 Shares Farmers' Bank Stock, at \$50 per share .....	\$285,000.00
254 Shares Union National Bank Stock, at \$25 per share .....	6,350.00
114 Shares National Bank of Smyrna Stock, at \$50 per share .....	5,700.00
74 Shares of National Bank of Delaware Stock, at \$100 per share .....	7,400.00
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	\$304,450.00

#### Bank Stock—Market Value.

5,700 Shares Farmers' Bank Stock, at \$125 per share .....	\$712,500.00
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254 Shares Union National Bank Stock, at \$88 per share .....	22,352.00
114 Shares National Bank of Smyrna Stock, at \$80 per share .....	9,120.00
74 Shares National Bank of Delaware Stock, at \$225 per share .....	16,650.00
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	\$760,622.00
Bonds.	
1 Bond, State of Delaware, at 6 per cent. ....	\$178,785.00
10 Bonds of State of Delaware, \$500 each, at 4 per cent. ....	5,000.00
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	\$183,785.00
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Total ..	\$944,407.00
Receipts.	
Balance ..	\$15,745.03
Interest ..	10,827.10
Certificate of Indebtedness .....	\$10,727.10
Bonds ..	100.00
Dividends ..	30,648.50
Farmers' Bank of Delaware .....	28,500.00
National Bank of Delaware .....	740.00
Union National Bank .....	852.50
National Bank of Smyrna .....	456.00
Free Public Schools .....	132,000.00
Annual Appropriation from General Fund of State .....	\$132,000.00
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	\$189,220.63
Expenditures.	
Apportionment of School Fund ....	\$161,819.55
City of Wilmington .....	33,825.00
New Castle County .....	33,360.99
Kent County .....	39,692.34
Sussex County .....	54,941.22
Free Text Books .....	11,815.45
Balance ..	15,585.63
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	\$189,220.63

## SINKING FUND.

## Investments—Bonds.

I Certificate of Indebtedness of State of Delaware, at 4 per cent., due July, 1919 .....	\$20,000.00
II New Castle County 4 per cent. Highway Improvement Bonds .....	11,000.00
5 State of Delaware 4 per cent. Bonds, Loan of 1907 .....	5,000.00
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	\$36,000.00

## Receipts.

Balance .....	\$682.72
Collector of Oyster Revenue .....	5,346.14
J. Burton Wharton, Collector .....	\$5,346.14
Interest on Bonds held by Sinking Fund .....	1,042.50
Interest on Bonds held by the Railroad and Railway Guaranty Deposit Fund .....	1,470.00
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	\$8,541.36

## Expenditures.

Hatching, Propagating and Distributing Food Fish .....	\$600.00
Investment of Sinking Fund .....	5,169.30
Purchase of Bonds .....	\$5,169.30
Balance .....	2,772.06
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	\$8,541.36

## RAILROAD AND RAILWAY GUARANTY DEPOSIT FUND.

## Investments—Bonds.

29 New Castle County 4 per cent. Highway Improvement Bonds .....	\$29,000.00
15 New Castle County 4 1-2 per cent. Highway Improvement Bonds .....	15,000.00
10 State of Delaware 4 per cent. Bonds, Loan of 1909 .....	5,000.00
2 City of Wilmington 4 per cent Bonds .....	2,000.00



## Bank Stock.

Four Shares Farmers' Bank Stock, at \$125 per share, market value .....	500.00
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\$51,500.00

## Receipts.—1909.

Appropriation from General Fund .....	\$50,900.00
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1910.

Amount forfeited by the Wilmington & West Chester Electric Railway Company .....	3,000.00
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\$53,900.00

## Expenditures.

## Purchase of Bonds—1909:

L. L. Maloney, for \$14,000 New Castle County 4 1-2 per cent. Highway Improvement Bonds	\$15,392.40
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David O. Moore, State Treasurer, for \$5,000 State of Delaware 4 per cent. Bonds, Loan of 1909 .....	5,000.00
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James F. Nields, for \$29,000 New Castle County 4 per cent. Highway Improvement Bonds ..	29,619.53
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## Purchase of Bonds—1910:

L. L. Maloney, for \$1,000 New Castle County 4 1-2 per cent. Bond, Highway Improvement .....	1,063.32
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L. L. Maloney, for \$2,000 City of Wilmington 4 per cent. Bonds .....	1,975.90
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\$53,051.15

## Purchase of Bank Stock—1909:

L. L. Maloney, for 4 shares of Farmers' Bank Stock ..	520.00
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Cash Balance .....	328.85
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\$53,900.00