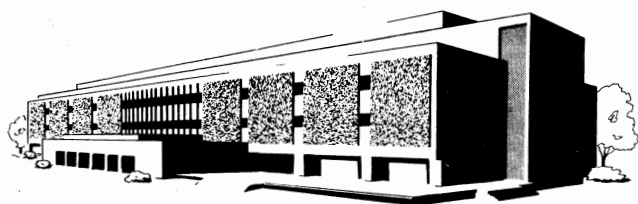


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1937
Special
Session



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STATE OF DELAWARE



JOURNAL

OF THE

STATE SENATE

AT THE SECOND SPECIAL SESSION OF THE

GENERAL ASSEMBLY

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

1937

State Doc.

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18A

1937, Spec. Session

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OFFICERS AND MEMBERS STATE SENATE

EDWARD W. COOCH.....	President
WILLIAM A. SIMONTON.....	President Pro Tem
DON R. MORTON.....	Secretary to President Pro Tem
J. HORACE DERICKSON.....	Secretary
W. HARRY DAWSON.....	Assistant Secretary
EBEN A. TOWNSEND.....	Reading Clerk
JULIAN C. WALKER.....	Attorney
REV. WILLIAM E. MATTHEWS.....	Chaplain
VERNON A. WESTFALL.....	Sergeant-at-Arms
EDWARD BAKER.....	Assistant Sergeant-at-Arms
J. WILMER FENNIMORE.....	Assistant Sergeant-at-Arms
JOHN M. ROE.....	Bill Clerk
NANCY WEBB.....	Stenographer

Members of the Senate and Their Post Office Addresses

NEW CASTLE COUNTY—WILMINGTON

District

- 1 WILLIAM A. SIMONTON...Bancroft Parkway and Park Drive, Wilmington
- 2 DANIEL E. KELLY.....514 South Harrison Street, Wilmington

RURAL NEW CASTLE COUNTY

- 3 DONALD P. ROSS.....Montchanin, Delaware
- 4 HECTOR W. HANNAM.....114 Catalpa Ave., Hayden Park, Delaware
- 5 NORRIS N. WRIGHT.....Newark, Delaware
- 6 FRANK MOODY.....Chestnut Hill Road, Newark, R. F. D., Delaware
- 7 LEVI L. MALONEY.....Townsend, Delaware

KENT COUNTY

- 1 WILLIAM E. MATTHEWS, JR.....Smyrna, Delaware
- 2 WILLIAM JENNINGS POORE.....Hartly, Delaware
- 3 ALFRED BAILEY THOMAS.....Camden, Delaware
- 4 EARL SYLVESTER.....Harrington, Delaware
- 5 JAMES L. DAVIS.....Milford, Delaware

SUSSEX COUNTY

- 1 DR. SAMUEL M. D. MARSHALL.....Milford, Delaware
- 2 JENNINGS H. MOORE.....Seaford, R. F. D., Delaware
- 3 EBE H. CHANDLER.....Dagsboro, Delaware
- 4 DAVID W. STEELE.....Ocean View, Delaware
- 5 FRED A. WALLS.....Milton, R. F. D., Delaware



JOURNAL

OF THE

STATE SENATE

«FIRST LEGISLATIVE DAY»

Dover, Delaware, May 18, 1937

Senate convened in Special Session with President Edward W. Cooch presiding.

Prayer by the Rev. W. E. Matthews.

Mr. Chandler moved that W. Harry Dawson be appointed Temporary Secretary of the Special Session of the Senate.

Motion prevailed.

W. Harry Dawson was seated.

The President requested that the Temporary Secretary call the roll.

Which being done showed the following members present: Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Simonton, Steele, Sylvester, Thomas, Walls, Wright—16.

A constitutional majority being present the Senate proceeded.

The President called attention to the State Constitution, Section 7, Article 2, and after reviewing same, ruled that the duly elected President Pro Tem of the Regular 106th General Assembly would become the President Pro Tem of this Special Session.

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

SENATE RESOLUTION NO. 1

OFFICERS FOR THE SPECIAL SESSION

BE IT RESOLVED, by the Senate of the One Hundred and Sixth General Assembly, in Special Session met:

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

President Pro Tem—William A. Simonton.

Secretary to President Pro Tem—Don R. Morton.

Secretary—J. Horace Derickson.

Assistant Secretary—W. Harry Dawson.

Reading Clerk—Eben A. Townsend.

Attorney—Julian C. Walker.

Chaplain—Rev. William E. Matthews.

Sergeant-at-Arms—Vernon A. Westfall.

Assistant Sergeant-at-Arms—Edward Baker.

Assistant Sergeant-at-Arms—J. Wilmer Fennimore.

Bill Clerk—John M. Roe.

Stenographer—Nancy Webb.

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

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

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

YEAS—Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Simonton, Steele, Sylvester, Thomas, Walls, Wright—16.

NAYS—None.

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

The President proceeded to swear in the officers as follows:

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

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

W. A. SIMONTON

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH

President of the Senate

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

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

DONALD R. MORTON

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH

President of the Senate

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

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

J. HORACE DERICKSON

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH

President of the Senate

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

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

W. HARRY DAWSON

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH

President of the Senate

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

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

EBEN A. TOWNSEND, JR.

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH

President of the Senate

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

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

JULIAN C. WALKER

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH

President of the Senate

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

I, William E. Matthews, Sr., do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Chaplain for the Senate in the General Assembly of the State, according to the best of my ability.

W. E. MATTHEWS, SR.

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH
President of the Senate

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

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

VERNON A. WESTFALL

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH
President of the Senate

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

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

EDWARD BAKER

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH
President of the Senate

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

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

J. WILMER FENNIMORE

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH
President of the Senate

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

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

JOHN M. ROE

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH
President of the Senate

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

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

NANCY WEBB

Sworn and subscribed to this 18th day of May, A. D. 1937.

EDWARD W. COOCH
President of the Senate

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

SENATE RESOLUTION NO. 2

RULES GOVERNING SPECIAL SESSION

BE IT RESOLVED, by the Senate, that the Senate Rules of the Regular Session of 1937, be and the same are hereby adopted as the Rules to govern this Special Session, with the exception of Rules 16 and 31.

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

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

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

YEAS—Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—16.

NAYS—None.

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

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

SENATE RESOLUTION NO. 3

APPOINTING COMMITTEES FOR SPECIAL SESSION

BE IT RESOLVED, by the Senate, that the President Pro Tem be and he is hereby authorized to appoint a Committee on Passed Bills, a Committee on Claims, and a Committee on Miscellaneous, to act during this Special Session.

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

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

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

YEAS—Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—16.

NAYS—None.

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

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

The Messenger, upon being admitted, presented House Resolution No. 1, which was read and is as follows:

HOUSE RESOLUTION NO. 1

BE IT RESOLVED by the House of Representatives that the Speaker of the House is hereby authorized and directed to appoint a Committee of Two to notify the Senate that the House of Representatives is in session and ready to transact such business as may be presented to the Second Special Session of the One Hundred Sixth Session of the General Assembly of the State of Delaware.

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

SENATE CONCURRENT RESOLUTION NO. 1

COMMITTEE TO NOTIFY THE GOVERNOR

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

That the Presiding Officer is hereby authorized and directed to appoint a Committee of Two on the part of the Senate to act with a like Committee on the part of the House of Representatives, to notify the Governor that both Branches of the General Assembly are duly organized and ready to receive any communication he may have; and the Secretary of the Senate is hereby instructed to notify the House of Representatives of the adoption of this Resolution and the names of the Senate members of the said Committee.

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

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

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

YEAS—Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—16.

NAYS—None.

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

Ordered to the House for concurrence.

The President announced the appointment of Messrs. Chandler and Poore to conform with Senate Concurrent Resolution No. 1.

Messrs. Chandler and Poore left immediately to notify the Governor.

The President Pro Tem announced the following appointments in compliance with Senate Resolution No. 3:

PASSED BILLS

Messrs. Walls, Chairman; Marshall, Hannam, Davis, Moore.

CLAIMS

Messrs. Chandler, Chairman; Maloney, Steele, Simonton, Moody.

MISCELLANEOUS

Messrs. Simonton, Chairman; Wright, Marshall, Maloney, Poore.

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

SENATE CONCURRENT RESOLUTION NO. 2

THE PUBLISHING OF FALSE AND LIBELOUS REPORTS

WHEREAS, certain out-of-State Newspapers and Magazines have been publishing false and libelous reports concerning the conduct of the Members of this General Assembly during the closing hours of the Regular Biennial Session; and

WHEREAS, the members of this General Assembly are satisfied that these false reports did not originate with any of the Members of the Press, who are regular attendants at the Sessions of the Delaware Legislature, but undoubtedly emanated from one or more scandal mongers who snook around the Legislative Building seeking notoriety for themselves by attempting to assassinate the character of people far above their own low state in life; therefore

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the Members of this General Assembly hereby condemn in the strongest terms the unscrupulous conduct of these scandal mongers and notice is hereby given to each and all of them, if there be more than one of them, that their presence here is very offensive to all of us, and they are warned to apply their nefarious trait elsewhere; and

BE IT FURTHER RESOLVED, that we strongly condemn the unseemly conduct of the newspapers and magazines that published such false reports without taking the trouble to find out the truth or falsity of such reports.

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

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

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

YEAS—Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—16.

NAYS—None.

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

Ordered to the House for concurrence.

The President Pro Tem announced that with the compliments of the Governor he is instructing the Sergeant-at-Arms to pass cigars.

Mr. Chandler moved that the Senate recess until two o'clock P. M.

Motion prevailed.

Same Day, 2 o'clock P. M.

Senate met at expiration of recess.

The Sergeant-at-Arms announced the presence of the Secretary of State, Mr. Charles L. Terry, Jr., who delivered the following messages from the Governor:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
P R O C L A M A T I O N

By virtue of the authority vested in me by the provisions of Section 16 of Article III of the Constitution of the State of Delaware, whereby "He (the Governor) may on extraordinary occasions convene the General Assembly by proclamation,"

I, Richard C. McMullen, Governor of the State of Delaware, do issue this my proclamation:

That the One Hundred and Sixth General Assembly of the State of Delaware shall convene at Dover, the Capital of the State, on Tuesday, the eighteenth day of May, A. D. 1937, at eleven o'clock in the morning, to consider and act upon the following matters:

1—To enact legislation providing for an appropriation for the School Budget for the years beginning respectively July 1, 1937 and July 1, 1938 and ending respectively June 30, 1938 and June 30, 1939.

2—To enact legislation which will provide for the diversion or transfer of future Franchise Tax receipts to the General Fund, to be used to meet the appropriations required of the State for the University of Delaware, the State College for Colored Students and the State Tax Department, for the biennium beginning July 1, 1937 and ending June 30, 1939.

IN WITNESS WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed this fourth day of May, in the year of our Lord one thousand nine hundred and thirty-seven and of the Independence of the United States of America, the one hundred and sixty-first.
(Great Seal)

RICHARD C. McMULLEN

By the Governor.

CHARLES L. TERRY, JR.
Secretary of State

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

May 18, 1937

To the Honorable, the Members of the Senate,
The 106th General Assembly, State of Delaware,
Dover, Delaware.

Gentlemen:

You have been called together in Special Session in order to consider legislation necessary to enable the State of Delaware to carry out its duties to our citizens during the next biennium.

It is my recommendation that you consider the following matters:

1. To enact legislation providing for an appropriation for the School Budget for the years beginning respectively July 1, 1937 and July 1, 1938 and ending respectively June 30, 1938 and June 30, 1939.

2. To enact legislation which will provide for the diversion or transfer of future Franchise Tax receipts to the General Fund, to be used to meet the appropriations required of the State for the University of Delaware, the State College for Colored Students and the State Tax Department, for the biennium beginning July 1, 1937 and ending June 30, 1939.

3. To enact legislation appropriating the sum of \$19,000.00 for the indigent deaf, blind, dumb and crippled children of the State for each of the two fiscal years ending June 30, 1938 and June 30, 1939.

I respectfully ask your cooperation on these matters.

Very truly yours,

RICHARD C. McMULLEN
Governor

EXECUTIVE SESSION

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

Motion prevailed.

Mr. Chandler moved that the Senate recess for ten minutes.

Motion prevailed.

Same Day, Later

Senate met at expiration of recess.

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

House Concurrent Resolution No. 2, entitled:

With reference to Legislation to be enacted at this Special Session.

And presented the same to the Senate.

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

HOUSE CONCURRENT RESOLUTION NO. 2
WITH REFERENCE TO LEGISLATION TO BE ENACTED
AT THIS SPECIAL SESSION

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

That the Second Special Session of the 106th General Assembly of the State of Delaware, shall consider and act upon the following bills, and no others:

- 1—An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937.
- 2—An Act making appropriation for the School Budget for the school years beginning respectively July 1, 1937, and July 1, 1938, and ending respectively June 30, 1938 and June 30, 1939.
- 3—An Act to provide for the protection from erosion of the Beach Front opposite the Town of Bethany Beach, Sussex County, Delaware.
- 4—An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, entitled "Fish, Oysters and Game" by prohibiting the catching of fish in waters under the jurisdiction of this State by means of trawlnets or other similar devices; Penalty.

- 5—An Act to amend An Act entitled "An Act making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1938 and June 30, 1939, respectively," approved April 26, 1937.

Mr. Chandler moved that House Concurrent Resolution No.

2, entitled:

With Reference to Legislation to be Enacted at this Special Session.

Be referred to the Miscellaneous Committee.

Motion prevailed.

Mr. Chandler moved that the Senate recess for five minutes.

Motion prevailed.

Same Day, Later

Senate met at expiration of recess.

Mr. Simonton, on behalf of the Committee on Miscellaneous, to whom had been referred, House Concurrent Resolution No. 2, as follows:

That the Second Special Session of the 106th General Assembly of the State of Delaware, shall consider and act upon the following bills, and no others:

- 1—An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937.
- 2—An Act making appropriation for the School Budget for the school years beginning respectively July 1, 1937, and July 1, 1938, and ending respectively June 30, 1938 and June 30, 1939.
- 3—An Act to provide for the protection from erosion of the Beach Front opposite the Town of Bethany Beach, Sussex County, Delaware.

- 4—An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, entitled "Fish, Oysters and Game" by prohibiting the catching of fish in waters under the jurisdiction of this State by means of trawlnets or other similar devices; Penalty.
- 5—An Act to amend An Act entitled "An Act making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1938 and June 30, 1939, respectively," approved April 26, 1937.

Reported the same back to the Senate favorably.

W. A. SIMONTON
NORRIS N. WRIGHT
L. L. MALONEY
S. M. D. MARSHALL
W. J. POORE

Mr. Chandler moved that all rules be suspended and that action proceed on House Concurrent Resolution No. 2.

Motion prevailed.

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

With Reference to Legislation to be Enacted at this Special Session.

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

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

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

YEAS—Messrs. Chandler, Davis, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—16.

NAYS—None.

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

Ordered returned to the House.

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

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, entitled "Fish, Oysters and Game" by prohibiting the catching of fish in waters under the jurisdiction of this State by means of trawlnets or other similar devices; penalty.

Mr. Chandler moved that all rules be suspended and that so much be considered the first reading of Senate Bill No. 1, the second reading by title only, and referred to the Committee on Miscellaneous.

Motion prevailed.

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

An Act to provide for the protection from erosion of the Beach Front opposite the Town of Bethany Beach, Sussex County, Delaware.

Mr. Chandler moved that all rules be suspended and that so much be considered the first reading of Senate Bill No. 2, the second reading by title only, and referred to the Committee on Miscellaneous.

Motion prevailed.

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

House Bill No. 1, entitled:

An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937, by directing the State Treasurer to deposit a portion of the funds derived from Franchise Tax Collections to the General Fund.

And presented the same to the Senate.

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

House Bill No. 2, entitled:

An Act making appropriation for the School Budget for the School Years beginning respectively July 1, 1937, and July 1, 1938, and ending respectively June 30, 1938, and June 30, 1939.

And presented the same to the Senate.

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

House Bill No. 3, entitled:

An Act to amend An Act entitled "An Act making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1938 and June 30, 1939, respectively," approved April 26, 1937, by making an appropriation for Deaf and Dumb, Blind, Idiotic and Crippled Children.

And presented the same to the Senate.

The Chair presented House Bill No. 1, entitled:

An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937, by directing the State Treasurer to deposit a portion of the funds derived from Franchise Tax Collections to the General Fund.

Mr. Poore moved that all rules be suspended and that so much be considered the first reading of the bill.

Motion prevailed.

House Bill No. 1 referred to Committee on Miscellaneous.

The Chair presented House Bill No. 2, entitled:

An Act making appropriation for the School Budget for the School Years beginning respectively July 1, 1937, and July 1, 1938, and ending respectively June 30, 1938, and June 30, 1939.

Mr. Wright moved that all rules be suspended and that so much be considered the first reading of the bill.

Motion prevailed.

House Bill No. 2 referred to Committee on Miscellaneous.

The Chair presented House Bill No. 3, entitled:

An Act to amend An Act entitled "An Act making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1938 and June 30, 1939, respectively," approved April 26, 1937, by making an appropriation for Deaf and Dumb, Blind, Idiotic and Crippled Children.

Mr. Wright moved that all rules be suspended and that so much be considered the first reading of the bill.

Motion prevailed.

House Bill No. 3 referred to Committee on Miscellaneous.

Mr. Simonton, on behalf of the Committee on Miscellaneous, to whom had been referred, Senate Bill No. 1, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, entitled "Fish, Oysters and Game" by prohibiting the catching of fish in waters under the jurisdiction of this State by means of trawlnets or other similar devices; penalty.

Reported the same back to the Senate favorably.

W. A. SIMONTON
N. N. WRIGHT
L. L. MALONEY
S. M. D. MARSHALL
W. J. POORE

Mr. Simonton, on behalf of the Committee on Miscellaneous, to whom had been referred, Senate Bill No. 2, entitled:

An Act to provide for the protection from erosion of the Beach Front opposite the Town of Bethany Beach, Sussex County, Delaware.

Reported the same back to the Senate favorably.

W. A. SIMONTON
N. N. WRIGHT
L. L. MALONEY
S. M. D. MARSHALL
W. J. POORE

Mr. Simonton, on behalf of the Committee on Miscellaneous, to whom had been referred, House Bill No. 1, entitled:

An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937, by directing the State Treasurer to deposit a portion of the funds derived from Franchise Tax Collections to the General Fund.

Reported the same back to the Senate favorably.

W. A. SIMONTON
N. N. WRIGHT
L. L. MALONEY
S. M. D. MARSHALL
W. J. POORE

Mr. Simonton, on behalf of the Committee on Miscellaneous, to whom had been referred, House Bill No. 2, entitled:

An Act making appropriation for the School Budget for the School Years beginning respectively July 1, 1937, and July 1, 1938, and ending respectively June 30, 1938, and June 30, 1939.

Reported the same back to the Senate favorably.

W. A. SIMONTON
N. N. WRIGHT
L. L. MALONEY
S. M. D. MARSHALL
W. J. POORE

Mr. Simonton, on behalf of the Committee on Miscellaneous, to whom had been referred, House Bill No. 3, entitled:

An Act to amend An Act entitled "An Act making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1938 and June 30, 1939, respectively," approved April 26, 1937, by making an appropriation for Deaf and Dumb, Blind, Idiotic and Crippled Children.

Reported the same back to the Senate favorably.

W. A. SIMONTON
N. N. WRIGHT
L. L. MALONEY
S. M. D. MARSHALL
W. J. POORE

Mr. Kelly moved that all rules be suspended and that House Bill No. 3 be put on its way for action, entitled:

An Act to amend An Act entitled "An Act making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1938 and June 30, 1939, respectively," approved April 26, 1937, by making an appropriation for Deaf and Dumb, Blind, Idiotic and Crippled Children.

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

Mr. Kelly moved that all rules be suspended and so much be considered the third and final reading of the bill.

Motion withdrawn.

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

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

YEAS—Messrs. Chandler, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Sylvester, Thomas, Walls, Mr. President Pro Tem—12.

NAYS—Mr. Hannam—1.

So the question was decided in the affirmative, and the bill Senate.

Ordered returned to the House.

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

Senate Concurrent Resolution No. 2 with House Amendment No. 1, entitled:

In reference to false reports published in certain newspapers and magazines.

And presented the same to the Senate.

The Chair presented House Amendment No. 1 to Senate Concurrent Resolution No. 2, entitled:

In reference to false reports published in certain newspapers and magazines.

Mr. Simonton moved its adoption.

Motion prevailed.

Mr. Marshall moved that the Senate recess for ten minutes.

Motion prevailed.

Same Day, Later

Senate met at expiration of recess.

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

House Concurrent Resolution No. 3, entitled:

In reference to Adjournment Sine Die.

And presented the same to the Senate.

Mr. Chandler moved that the Senate recess at the call of the Chair.

Motion prevailed.

Same Day, Later

Senate met at call of the Chair.

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

House Concurrent Resolution No. 1, entitled:

In reference to appointment of a Committee to notify the Governor that the Legislature is in Session.

And presented the same to the Senate.

On motion of Mr. Steele, Senate Bill No. 1, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, entitled "Fish, Oysters and Game" by prohibiting the catching of fish in waters under the jurisdiction of this State by means of trawlnets or other similar devices; penalty.

Was taken up for consideration.

Mr. Steele moved that all rules be suspended and action proceed on Senate Bill No. 1.

Motion prevailed.

Mr. Steele moved that so much be considered the third and final reading of the bill.

Motion prevailed.

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

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

YEAS — Messrs. Chandler, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—14.

NAYS—Mr. Hannam—1.

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

Ordered to the House for concurrence.

On motion of Mr. Steele, Senate Bill No. 2, entitled:

An Act to provide for the protection from erosion of the Beach Front opposite the Town of Bethany Beach, Sussex County, Delaware.

Was taken up for consideration.

Mr. Steele moved that all rules be suspended and action proceed on Senate Bill No. 2.

Motion prevailed.

Mr. Steele moved that so much be considered the third and final reading of the bill.

Motion prevailed.

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

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

YEAS — Messrs. Chandler, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Steele, Sylvester, Thomas, Walls, Wright, Mr. President Pro Tem—14.

NAYS—Mr. Hannam—1.

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

Ordered to the House for concurrence.

Mr. Poore moved that all rules be suspended and action proceed on House Bills Nos. 1, 2 and 3.

Motion prevailed.

The Chair presented for action House Bill No. 1, entitled :

An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937, by directing the State Treasurer to deposit a portion of the funds derived from Franchise Tax Collection to the General Fund.

Mr. Kelly moved that all rules be suspended and so much be considered the third and final reading of the bill.

Motion prevailed.

Mr. Chandler moved that the Senate recess for five minutes.

Motion prevailed.

Same Day, Later

Senate met at expiration of recess.

On motion of Mr. Kelly, House Bill No. 1, entitled :

An Act to amend An Act entitled "An Act authorizing and directing the State Treasurer to pay out of the School Fund of the State of Delaware any appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for operation and maintenance of the State Tax Department," approved April 12, 1937, by directing the State Treasurer to deposit a portion of the funds derived from Franchise Tax Collections to the General Fund.

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

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

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

YEAS — Messrs. Chandler, Hannam, Kelly, Maloney, Marshall, Matthews, Moody, Moore, Poore, Sylvester, Thomas, Walls, Mr. President Pro Tem—13.

NAYS—None.

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

Ordered returned to the House.

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

Senate Bill No. 1, entitled:

An Act to amend Chapter 74 of the Revised Code of Delaware, 1935, entitled "Fish, Oysters and Game" by prohibiting the catching of fish in waters under the jurisdiction of this State by means of trawlnets or other similar devices; penalty.

And returned the same to the Senate.

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

Senate Bill No. 2, entitled:

An Act to provide for the protection from erosion of the Beach Front opposite the Town of Bethany Beach, Sussex County, Delaware.

And returned the same to the Senate.

The President announced he is about to sign:

Senate Concurrent Resolution No. 2.

Senate Bill No. 2.

Senate Bill No. 1.

Senate Concurrent Resolution No. 1.

House Bill No. 1.

House Bill No. 2.

House Bill No. 3.

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

In reference to Adjournment Sine Die.

Mr. Simonton moved the adoption of House Concurrent Resolution No. 3.

Motion prevailed and House Concurrent Resolution No. 3 was adopted and ordered returned to the House.

The Sergeant-at-Arms announced the presence of a House Committee, Messrs. Daniels and Zebley, who informed the Senate that the House was ready to Sine Die.

Mr. Chandler moved that the Chair appoint a member to accompany a member of the House to inform the Governor that the Second Special Session of the 106th General Assembly was ready to Sine Die.

The President appointed Mr. Marshall to act as a Committee of One to notify the Governor that the Senate was ready to Sine Die.

Mr. Marshall reported the Governor had not further message and wishes the members good luck.

Mr. Chandler moved that the Senate do now Sine Die.

Motion prevailed.



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