

WITNESSES CONNECTED WITH LAW ENFORCEMENT

NAME	POSITION	TESTIFIED
Chandler, James T.	Director of Public Safety in Wilmington (1953-1955)	11-6-57
Craven, J. Donald	Attorney General (1955-)	9-30-57
Dube, Wilfred H.	Chief of Detectives, Camden County, N. J. (1956-)	11-15-57
Duffy, C. Edward	Chief Deputy Attorney General (1947-1951)	10-8-57 10-14-57
Hackett, Robert G.	Director of Public Safety in Wilmington (1948-1953)	10-14-57
Judge, Matthew F.	Director of Public Safety in Wilmington (1939-1951)	10-14-57
Kavanaugh, Andrew J.	Superintendent of Public Safety in Wilmington (1937-19)	10-8-57
Kwiakowski, Joseph	Assistant City Solicitor in Wilmington (1940-)	10-30-57
Leathen, Harvey	Sergeant, Wilmington Police Years Service (1940-)	10-7-57
Madala, John	Safety Director, Garden State Racing Ass'n, N. J. (1946-)	11-15-57 10-14-57
Richards, Robert H.	Director of Public Safety in Wilmington (1941-1956)	10-14-57
Rodenhiser, John D.	Sergeant, Wilmington Police Years Service (1941-1956)	10-7-57
Towers, Harry	Inspector, Wilmington Police Years Service (1940-)	10-7-57 10-14-57
Wassmer, Walter J.	State Detective (1952-)	9-30-57 10-10-57
Wilson, Arthur B.	Chief, Wilmington Police Years Service (1937-)	10-17-57

WITNESSES CONNECTED WITH GAMBLING

Name	Gambling Arrests	Convic- tions	Yrs. on Records	Total Fines	Active	Testified
Agnew, Ellwood W.	2	2	11	\$ 400	Yes	10-24-57
Aprille, Peter	23	12	20	3650	Yes	10-21-57
Butler, John H.	12	6	24	1850	Yes	10-25-57
DiMaio, Alfred J.	3	2	15	105	Yes	10-24-57
Donlon, Joseph M.	25	11	22	2155	Yes	10-21-57
Driscolli,* Roland						
Jannuzzio, Columbus W.	11	6	15	1300	?	10-25-57
Mancari, Domicick A.	12	3	11	205	Yes	10-25-57
Paolino, Joseph J.	6	2	11	250	Yes	10-24-57
Pascarelli,* Frank						
Pepe, Thomas	16	4	9	450	Yes	10-25-57
Smoothers, Van R.	3	2	6	300	Yes	10-21-57
Thompson, George	1	1	2	500	Yes	10-25-57
Vignola, Anthony		5	30	1155	No	10-8-57
Williams, John J.	7	4	9	1250	Yes	10-24-57

*No longer considered active.

THE NATURE AND EXTENT OF GAMBLING IN THE STATE OF DELAWARE

Gamblers tend to gravitate toward the more densely populated areas. It is not surprising, therefore, that the bulk of the State's unlawful gambling occurs in Wilmington, that there is a substantial amount in some of the other more populated areas of the State, and that, with the exception of an occasional crap game, there is relatively little in the rural areas.

The principal forms of unlawful gambling are: (1) Receiving and Recording Bets on Horse Races—"Bookmaking", (2) Lottery Policy Writing "Numbers", and (3) Craps. At present the first two are by far the most prevalent.

In Wilmington alone, according to Chief of Police Wilson, there are twenty known or suspected bookmaking and thirty-three known or suspected numbers joints in operation. Of these, eleven bookmaking and seven numbers joints do most of the business in their respective fields.

While no estimate of the sum gambled with bookmakers could be made, it was reliably estimated by Chief Wilson that each of the seven numbers joints, known as "banks", has a daily "take" of not less than \$3,000. Thus the total take for the seven banks would amount to about \$21,000 a day, or \$6,500,000 a year.

The total gambling "take" throughout all New Castle County may very well exceed \$50,000 a day, the estimate made by Attorney General J. Donald Craven.

The following persons and businesses purchased Federal Gambling Stamps for the year 1957:

July 17, 1957

WAGERING ACCOUNTS

PRINCIPALS

Peter Aprille
154 Killoran Drive
Collins Park, Delaware

James & Millard Pierce
T/A Central Sports Commissioners
503 West 7th Street
Wilmington, Delaware

Thomas Pepe
310½ East 8th Street
Wilmington, Delaware

Van R. Smothers
1130 Walnut Street
Wilmington, Delaware

AGENTS

Raleigh Barksdale
101 Floyd Street
Marshallton, Delaware

Dominick DeVito
611 West 2nd Street
Wilmington, Delaware

Reynold Elmer Garlic, Jr.
18 Harrisburg Avenue
New Castle, Delaware

William R. Jackson
503 East 11th Street
Wilmington, Delaware

Peter Hope
421 East 9th Street
Wilmington, Delaware

Joseph Paul Mazzio
911 Lancaster Avenue
Wilmington, Delaware

Anthony Pepe
324 S. Heald Street
Wilmington, Delaware

Ernest Roberts
310½ East 8th Street
Wilmington, Delaware

James Viscount
1817 West 10th Street
Wilmington, Delaware

Lee Walker
West Green Street
Middletown, Delaware

Wm. H. Deloatch
835 Wollaston Street
Wilmington, Delaware

Michael J. DiGuglielmo
222 West 39th Street
Wilmington, Delaware

Granville Church
234 Lombard Street
Wilmington, Delaware

James O. Church & Wands Wilkins
528 Lombard Street
Wilmington, Delaware

Lloyd Lee Dixon
301 West Second Street
Wilmington, Delaware

Robert N. Martin, Jr.
1006 Spruce Street
Wilmington, Delaware

John Pepe
145 Morris Avenue
Woodlyn, Pennsylvania

James J. Perillo
40 Aquilla Ave., Overview Gdns.
New Castle, Delaware

Robert A. Samuels
121 Bunche Blvd.
Wilmington, Delaware

Cowan B. Walker
1139 Walnut Street
Wilmington, Delaware

Charles E. Wynder
1234 East 22nd Street
Wilmington, Delaware

GAMBLERS AND POLICE BRIBERY

In 1948 substantial evidence was brought to the attention of Wilmington's top police officials that certain gamblers were paying bribes to at least one policeman, and that several policemen were dealing at the store of a known-gambler, generally considered a "pay-off" man for other gamblers, and receiving 20% discounts on their purchases. Not one gambler was prosecuted. Not one policeman was reprimanded.

Presumably because there was nothing to fear, the gamblers continued, and probably intensified, their efforts to corrupt the police force. The situation deteriorated until, in 1955, according to Attorney General J. Donald Craven:

"Wilmington was a wide-open city in the worst sense of the word. There was practically no attempt to enforce anti-gambling laws . . . The police force was badly demoralized."

At the Attorney General's request, the New Castle County Grand Jury reviewed the information accumulated by the Attorney General and interrogated many of the witnesses first hand. After a long, hard look at the situation in Wilmington, it reported on June 14, 1956:

"The other main reason, in the Grand Jury's opinion, for the prevalence of this gambling element is the fact that there exists a definite tie-in between one or more members of the Police Department and certain gamblers."

... Even in the absence of any established wrong doing on the part of the police force, the record is replete with instances of a rapport and intimacy between certain gamblers and policemen which is hardly conducive to effective law enforcement work."

The Committee questioned thirteen gamblers on the subject of police bribery. Of the thirteen, three denied ever having paid a bribe. One admitted having paid a bribe to John Rodenhiser but to no one else, while nine pled the Fifth Amendment.

Attorney General Craven and Chief Wilson both testified that conditions in the Police Department today are much improved over 1955. The improvement is largely due to factors which have entered the picture since 1955, namely; the intensive efforts of the Attorney General, with cooperation of the Grand Jury, to expose all aspects of the gambling situation in Wilmington, and the equally intensive efforts of Chief of Police, Wilson, appointed to that position in 1956, to re-establish harmony and morale within the Department. Much has been done. Much remains to be done.

THE 1948 INVESTIGATION INTO THE WILMINGTON POLICE DEPARTMENT

Early in 1948 Sergeant Rodenhiser[✓] began to suspect that the proprietors of gambling dens were being tipped off about impending raids—in some instances by police personnel. [✓] His suspicions were apparently shared by Superintendent Kavanaugh.[✓]

In the early morning of June 21, Rodenhiser himself was approached by Millard Edge, proprietor of a crap joint at 701½ Orange Street. Edge told him he wanted to bet a good horse for him and give him the profit of the bet.[✓] Rodenhiser said nothing, merely drove off.

[✓] It was decided that Rodenhiser's testimony was indispensable to a proper understanding of the 1948 investigative fiasco. Although fully appraised of his reputation, the Committee could not conclude that he was completely untrustworthy. He had joined the force in 1941, was promoted to Detective in 1947, to Sergeant in 1948, and to Lieutenant in 1949, each time pursuant to competitive examination.

[✓] Rodenhiser's testimony:

Q—Did you consider the raids successful from the standpoint of arrests?

A—No. In many instances when you got to the place you would find

the proprietors and patrons out on the sidewalk, or if inside, no activity at all. It was obvious your coming was known before you got there.

Q—You had the real suspicion that the people had been tipped off?

A—Yes, I did.

Q—Do you believe the tip-offs were coming from police personnel?

A—In some instances it would have had to be (P. 51).

[✓] Rodenhiser's testimony:

Q—Did you report these suspicions to anyone?

A— I did—to Supt. Kavanaugh.

Q—Did you mention them to him once, or more than once?

A—On many occasions. (P. 51).

Kavanaugh denied having received any reports from Rodenhiser, but later testified: We were all satisfied that there was something happening (P. 112). You hear rumors. Policemen were going in to those places and weren't getting evidence. They were not knocking them off. (P. 85).

✓ **Rodenhiser's testimony:**

Q—When was the first time you

were ever approached?

A—It was in the month of June, 1948. (The exact date was determined from notations made by Rodenhiser the next day.)

Q—Who approached you?

A—Millard Edge, the proprietor of a large night crap game at 701½ Orange Street.

Q—How did he approach you?

A—I neither told him to do it or not to do it. I just let him ramble and left in a short while. (P. 52).

The following morning at about 3:00 a. m., Rodenhiser met with Edge at Eighth and Monroe. Edge gave him a \$100 bill, saying the horse had won.✓ He was not arrested.✓ Upon completion of his tour of duty at 8:00 a. m., Rodenhiser called Kavanaugh and was told to come around to his residence that evening at 7:00 p. m.✓ Rodenhiser did so and related what had happened. He was told to tag the money for identification and turn it in to the Superintendent the next morning. Kavanaugh said he would take the matter up with the Directors.✓

✓ **Rodenhiser's testimony:**

Q—What happened next?

A—A night later—I would be working the same shift, midnight 'til morning—when I pulled up in front of 701½ Orange, Edge told me to follow him in his car. We went north on Orange, west on Eighth, and turned north on Monroe. About 100 feet north of Eighth he got out of his car and came to the driver's door of the police car and dropped \$100 in the window and told me the horse had won. (P. 53).

✓ **Rodenhiser's testimony:**

Q—You could have arrested Edge at the time. Why didn't you?

A—I wanted to use that as a means of further investigation if I could get approval. (P. 53).

✓ **Rodenhiser's testimony:**

Q—What did you do after this money had been dropped into your car?

A—I kept it until 8:00 that morning when I went off duty, and shortly afterward from my home I called Supt. Kavanaugh and told him that I wanted to see him.

Q—What did Kavanaugh say?

A—I made an appointment to go to his home at 7:00 that evening.

Q—Why did you go to him instead of your immediate superior?

A—Over a period of years I had been rather friendly with the Supt. I had been to his home on occasions. I always had a lot of dealings with Supt. Kavanaugh, and I trusted him implicitly. (P. 53).

✓ **Rodenhiser's testimony:**

Q—Did you go to Kavanaugh's home?

A—I did.

Q—Did you report all that had happened?

A—Just as I have described it here.

Q—Did you show him the money?

A—I did.

Q—What did he suggest?

A—He told me to keep it, put it in an envelope, tag it for identification and turn it in to him the following morning at his office in the building.

Q—What instructions, if any, did he give you?

A—He told me to continue, if offered, to take the bribes, and I believe he was going to take it up with the Directors of Public Safety. (P. 54).

Sometime the next day Kavanaugh met with the Directors, told them the story as related by Rodenhiser,[✓] and suggested they "make him prove what he believes—that there are others taking it."[✓] This met with the Directors' approval.

Accordingly, Rodenhiser continued accepting bribes, tagging them for identification, and turning them in to the Superintendent. Within five months he received \$720.[✓] Yet, despite evidence of extensive bribe taking,[✓] he was unable to obtain proof against anyone.[✓]

Kavanaugh's version is quite different. Said he: Rodenhiser's first activity was when he entered Edge's place. A crap game was in progress and Edge took him to one side and told him that all he'd get fined if they arrested him was \$100, and that he'd rather give it to him. So he took it. Then after thinking it over awhile, I imagine he came down to my place about 4:30 in the morning and got me out of bed. I thought he had killed somebody. He was all emotionally upset and was squeezing that \$100 bill so hard when I felt his hand it was wet. I asked him where he got it and he told me he got it from Millard Edge. I asked him: "Why did he give that to you? Did you have evidence? Did you see the game?" "Yes, Sir." Then there isn't anything I can do for you because Millard has committed a felony by bribery and you have committed a felony by receiving it—a bribe to stop you from doing your sworn duty. I'll take it up with the Directors tomorrow." (P. 82).

[✓] Concerning the Kavanaugh version, **Brown** said: I never heard that version until last Tuesday. (P.

130). **Hackett** and **Judge** said they hadn't either.

[✓] **Kavanaugh's testimony.** (P. 83).

[✓] **Rodenhiser's Report of 4-11-49**

6-22-48	Millard Edge	.....\$100
7-13-48	Millard Edge	..... 50
8-3 -48	Millard Edge	..... 50
8-24-48	Millard Edge	..... 50
9- 1-48	Tony Vignola	..... 90
9-15-48	Millard Edge	..... 100
9-17-48		..... 30
10-12-48	Tony Vignola	..... 60
10-28-48	Millard Edge	..... 50
10-28-48	Tony Vignola	..... 30
11- 4-48	Tony Vignola	..... 60
11-48-48	Millard Edge	..... 50

\$720

[✓] **Said Duffy:** I remember this—one of these men was talking with a gambler one day and was told they had a regular rate set up—so much for a patrolman, so much for a sergeant and so much for a lieutenant. (P. 112).

Towers said he had been approached twice and had no doubt that others had been also. (P. 255).

Kavanaugh testified: We were all satisfied that there was something happening. (P. 112).

[✓] **Kavanaugh's testimony.** (P. 83).

Early in November the Directors prevailed upon C. Edward Duffy, Chief Deputy Attorney General at the time, to take charge of the investigation in an unofficial capacity.[✓] They made available to him three police officers: Sgt. Rodenhiser, Lt. Towers, and Sgt. Leathem,[✓] who were to carry on the investigation in addition to their other duties so as not to excite suspicion. Duff was to direct them regarding the proper manner of gathering evidence.[✓]

[✓] **Said Brown:** Recognizing the difficulties of making an investigation of your own department, we concluded we would be doing bet-

ter if the investigation were turned over to some independent agency. Having had a long friendship with Mr. Richards, while he was a

director for some 7 years, I went to him for advice. (P. 135).

Richards suggested that they see Duffy. Said he: The only clear recollection I have is going with Mr. Brown to the office of Mr. Duffy and discussing with him whether or not he would be willing to take charge of an investigation into the police department on the question of whether or not they were receiving bribes.

Again **Kavanaugh's testimony** was at variance. Said he: The Directors had a meeting with the Attorney General and I got called over to the meeting. I was asked how much evidence we had. I gave a resume of what we had and how it was done. He said he'd take it on, that I shouldn't do any more investigating from then on. (P. 84 & 108).

Duffy confirmed Richards' statement and added: This was not an official investigation by the office of the Attorney General. I undertook it independently. No body in the office of the Attorney General

knew that I was doing it. I never met, on this investigation, with anyone other than Mr. Brown and Mr. Richards at the outset in my office and thereafter only with Rodenhiser, Towers, and Leathem. Never did I discuss or confer with Supt. Kavanaugh about this particular investigation. (P. 159).

✓ **Duffy's testimony:** At that time they all had the utmost confidence in Rodenhiser's integrity. Lt. Towers, everyone respected highly as a very efficient, straight-forward and honest police officer. Leathem they believed, would be a dependable, trustworthy person, so he was promoted to Lieutenant. (P. 160).

✓ **Duffy's testimony:** My participation in it was more or less to guide them. (P. 158). As far as setting up their operation, they knew the contacts. That was up to them. As to the method in getting the facts, I directed that and told them what to get so that it would be good evidence at such time as we could use it. (P. 182).

The three police officers had been working together less than two weeks when Rodenhiser, at a rendezvous with Millard Edge, was warned that the gamblers suspected he was accepting bribes and turning them in to be used as evidence against them.✓ Edge said the tip-off had come from a police official.✓ Within a month the investigation ground to a halt.

✓ **Rodenhiser's testimony:**

Q—When did you become pretty much convinced that the gamblers had been tipped off?

A—There was an occasion when I was to receive a bribe late in the year from Millard Edge.

Q—What happened?

A—Millard got out of his car and came back to the window of the police car on the driver's side and proceeded to tell me he had heard that I was accepting these amounts of money and turning them in. He seemed to have a pretty straight story. He made a threat that either he was going to kill himself or somebody.

Q—Do you recall whether he gave you any money at that time?

A—He did.

Q—Did you report what had happened?

A—Within minutes I met Towers and Leathem and told them. (P. 66).

According to the **Tower's Report** of 4-10-49, Rodenhiser reported that he denied it but wasn't sure he had convinced Edge; that Edge left Rodenhiser's car, went to his own, then came back and told Rodenhiser he would pay him anyway. (P. 143).

Duffy's testimony: They came out to my home—it must have been 1:30 or 2:00 a. m.—all excited, particularly Rodenhiser. Edge had told him that he was double-crossing them and that he had half a mind to kill him. (P. 166).

✓ **Tower's Report:** According to Rodenhiser, Edge went on to say that a police official had told him that Rodenhiser was accepting this money and turning it in. (P. 143).

Said Kavanaugh: Rodenhiser came into the office and told me

that it was all off, that Edge had accused him of turning the money over to Duffy. And he said, "I said to Edge, 'Who told you that?' And he said, 'A fellow named Driscoll.' And he said, 'He's the man that used to take bets from various people, and he took a bet from Duffy to take to Edge and Duffy told him to be careful!'"

Q—Do you recall how soon after this bribe from Edge that this conversation took place?

A—It was during that same day. I thought he came right over from Edge's place. (P. 117).

Tower's testimony:

Q—In your statement you said

that Rodenhiser came back and reported that Edge said a police official had tipped him off. Do you recall that Rodenhiser told anything about Edge having said he had gotten the word from Driscoll, who had gotten it from Duffy?

A—No. If he had, I would have had it in the report.

Q—Do you recall ever having heard that story before?

A—No. (P. 149).

'It is reliably reported that before the 1956 Grand Jury Kavanaugh testified that Duffy confided to him that he had accidentally tipped off the probe.)

While Mr. Duffy was in charge, Rodenhiser received a total of \$350 from 5 different gamblers.✓ Towers and Leathem acted as observers. In addition, one or more of the three officers watched 5 different police officers enter Vignola's place of business under somewhat suspicious circumstances.✓ However, no gambler was ever prosecuted,✓ nor was any policeman ever reprimanded.✓ Five months later Rodenhiser was promoted to Lieutenant.✓

✓ **Tower's Report:**

11-27-48	Panaro	\$ 30
12- 3-48	Tony Vignola	60
12- 8-48	Millard Edge	50
12-17-48	Jack Butler	100
12-22-48	Albert Marta	50
1- 3-49	Tony Vignola	60

(P. 137). \$350

✓ **Tower's Report:** The Committee refused to make the names public.

Q—Did what you saw create any suspicion in your own mind?

A—At the time, yes. (P. 242).

✓ **Kavanaugh's testimony:**

Q—Were any of these gamblers prosecuted for attempted bribery?

A—No.

Q—Why was that?

A—I can't give a reason. You should get that from the Attorney General's office. Certainly we had proof enough on Rodenhiser. He certainly accepted a bribe and told me Edge gave it to him. (P. 91).

Responded Duffy: This was not undertaken by the Attorney General's office. Cases that get to the Attorney General are those where

police have made arrests and they are sent up from the lower courts. All the evidence was in the possession of the police. If they had wanted to prosecute, they could have. (P. 172).

Both Duffy and Towers felt the evidence would have sustained a conviction in most cases. (P. 174 & 249).

✓ **Kavanaugh's testimony:**

Q—Is that good policy for police officers to frequent a place run by a known gambler?

A—I don't say it was good policy.

Q—Are there rules not to frequent such places?

A—We have rules to that effect.

Q—Do you feel it was a wise thing for policemen to be going to a place such as Vignola's and purchasing items and receiving a discount of 10, 15, even 20%? Does it strike you that that could give a misleading impression to the public?

A—Yes, but most of the business places in town give policemen at least 10% discount.

Q—Well, if they could get a discount elsewhere, wouldn't it have been better for them not to deal at Vignola's?

A—Well, Vignola gave them 20%.

Q—Were these policemen who did go to Vignola's reprimanded.

A—No. (P. 78).

Q—Were they interrogated?

A—I didn't interrogate them. (P. 89).

✓ Because of Kavanaugh's insistence that Rodenhiser had accepted a bribe under felonious circumstances and that the Directors had been so notified, there was a good bit of questioning about Rodenhiser's promotion.

Kavanaugh's testimony:

Q—How can you account for the promotion of a man who would accept a bribe to the position of Lt.?

A—I'm not accountable for it. The Directors make the promotion.

Q—Had you told them how Rodenhiser came to you originally?

A—Oh, yes, they knew that. The next day after Rodenhiser came to me I sat down with the Directors and told them. (P. 105).

Q—Did you tell them the story that Rodenhiser came up to your house at 4:30 in the morning and that you told him that he had committed a felony by receiving this bribe?

A—That's exactly what I told them. (P. 114).

Q—Don't they come to you just before they make a promotion and ask your opinion?

A—They didn't in this case.

Q—Did you object in any way when they made Rodenhiser a Lt.?

A—No. (P. 106).

Q—Did you during the spring of 1949 sit on a trial board at which you recommended that a patrolman be dismissed from the service because he had accepted a bribe of \$2? Somebody had given him \$2 and told him to go buy a lunch for himself and his buddy. Do you recall that?

A—Yes.

Q—Yet here was a man who you knew had accepted a \$100 bribe and the matter was never mentioned at the time that he was to be promoted?

A—Well, you see, with this man that you are referring to—the trial came up, we tried him, found out that he had accepted it and we fired him, because as far as I'm concerned when they come up before me and we find them guilty of a crime such as that, they're no good to us.

Q—Of a crime such as what?

A—Accepting a bribe. (P. 121).

Brown's testimony:

I never heard that second (Kavanaugh's) version until last Tuesday. I never understood that that was given to Rodenhiser specifically for the purpose of refraining from making an arrest on Millard Edge. I think it would have been a much different thing if he had deliberately agreed under certain circumstances to accept \$100 in exchange for some specific favor—to do something that his duty required him to do at that particular time. I think it would have made a difference (as to Rodenhiser's promotion). (P. 133).

Hackett's testimony:

Essentially what Mr. Brown said was my understanding.

Q—Do you feel that had it been brought to your attention that the Supt. of Police definitely felt that Rodenhiser had committed a misdemeanor or a felony by accepting a bribe, it would have changed your opinion with respect to his qualifications to be promoted?

A—I think it could have influenced me. (P. 201).

Judge's testimony:

Q—Had you ever heard the story as related by Mr. Kavanaugh here today?

A—I have no recollection of it at all. (P. 207).

Q—If you had heard the story at the time of his promotion that he had walked in on a crap game and had agreed to give protection for \$100, and then had had a change of heart, would not that have affected your decision?

A—I'm sure it would. (P. 208).

Duffy's testimony:

Q—Have you ever heard that (Kavanaugh's) version before?

A—Not until today. (P. 181).

THE PASCARELL INCIDENT

Frank Pascarell was a "bookie." Although arrested and convicted but twice for receiving and recording bets on horse races (in 1923 and again in 1947), he was generally considered one of the biggest bookmakers[✓] in the Wilmington area during a period of some 25 years prior to November, 1951, when the Federal Congress enacted a law requiring bookmakers to purchase gambling stamps. It was then, or so it would appear, that Mr. Pascarell gave up bookmaking and entered the real estate business.

With an assist from his good friend Director of Public Safety James T. Chandler, he became a member of the Wilmington Country Club,[✓] where he used to play golf with Mr. Chandler and two other gentlemen. Frequently the foursome would travel to New Jersey and play the different courses there. On occasion they would finish a round in the morning and think about how nice it would be to go to a race track in the afternoon. This they could not do. Mr. Pascarell, because of past and suspected present activities, was denied admittance to any New Jersey race track.[✓] Mr. Chandler determined to get his friend reinstated.[✓]

✓ According to off-the-record opinions of several law enforcement officers.

Said Pascarell: I can further state that at some point every member of high society has bet horses—people high in the judiciary, high in the legal branch, high in the executive chambers of our country, high in the clergy, and in industry, members of the duPont family, right down the line.

Q—Have you ever in the past taken bets from such people?

—I have at all times. (P. 327).

✓ Said Chandler: I feel that I was instrumental in his becoming a member. (P. 379).

✓ Said Chandler: We had a foursome. We would play a different golf course each week. Oftentimes we would play at Atlantic City. We would play in the morning and have visions of going to the races in the afternoon. He was not allowed to go.

✓ Said Chandler: During the time I was Director he never asked me to try to get him reinstated. I did that on my own say-so. (P. 382).

One day in the spring of 1954 while playing golf, Chandler confided to Pascarell that he and Supt. Kavanaugh were going to try to get him reinstated at the New Jersey race track.[✓] As soon thereafter as possible, Pascarell went to Kavanaugh's

✓ **Tower's Report of July 9, 1956:** On Monday, July 9, 1956, I contacted Pascarell at the Columbus Inn. He told me he was going to tell me something off the record. He then told me that once when he was playing golf with Mr. Chandler, he, Chandler, told him that he and Kavanaugh were going to have him reinstated at Garden State Park. (P. 339).

Said Pascarell of the Report: He has really made an error.

Q—Where has he erred?

A—He has erred in his manner of presenting what he heard.

Q—Is he in error when he states that you had said that while playing golf Chandler told you that he and Kavanaugh were going to have you reinstated?

A—You don't know Mr. Chandler.

Q—Let's have an answer.

A—I can't give you a "Yes" or "No." Mr. Chandler is liable to ramble on in a meaningless manner. He would say anything he thought was helping a friend at the moment.

Q—The question is whether you told Towers that Chandler told you that he and Kavanaugh were . . .

A—I do not believe I told Mr. Towers that.

Q—You feel that Towers is not telling the truth?

A—That's unfair. You're trying to make me say I do not believe Mr. Towers tells the truth. I have no reason for that belief. I only think his personal interpretation is decidedly wrong.

Q—Did you ever made that statement to Insp. Towers?

A—I don't recall ever telling him any such thing.

Q—Is it your testimony that you did not tell him that?

A—I just don't recall telling him that, and that's not an evasive answer. (P. 341).

Q—Did Chandler ever tell you

that he and Kavanaugh were going to go over and try to get you reinstated at the Garden State track?

A—That requires a factual answer that I'm not able to give you. Mr. Chandler is a very combustible person. He is not reluctant to take the initiative to help his friends.

Q—I asked you if Chandler had made the suggestion.

A—I can't answer you. If he did, I do not recall it. (P. 334).

Chandler's testimony:

Q—Did you ever, while playing golf with Pascereil, tell him you and Kavanaugh were going to Garden State to try to get him reinstated?

A—No. During the time I was Director of Public Safety, I did not talk to him about having him reinstated at Camden race track. (P. 383).

Q—Will you take a lie detector test on this question: Did you ever while playing golf, or at any other time, tell Pascereil that you were contemplating a trip to Garden State to try to get him reinstated?

A—I will not take the test on that. (P. 402).

office and urged him to do nothing of the kind because it would be highly improper.✓ The Superintendent listened in silence, made no reply.✓

Some time thereafter at a meeting of the Directors of Public Safety, Supt. Kavanaugh stated that he had been invited to have lunch with Mr. Donovan, vice-president of Garden State Racetrack, Camden, New Jersey. He invited the Directors to accompany him, but no one could go—that is, no one except Mr. Chandler.✓

✓ Tower's Report of July 9, 1956:

Mr. Pascereil said that after that he came to Kavanaugh's office and told him he didn't want him to do it and that he would have nothing to do with such an arrangement and that it was not the thing for the Supt. to do. Pascereil said if asked by anyone else if he had told me this he would refuse any knowledge of it. (P. 333).

Pascereil's testimony:

Q—Did you ever thereafter go to Kavanaugh's office and tell him you did not think he ought to go to Garden State track to intercede for you?

A—I did.

Q—What made you think he was planning such a trip?

A—I don't know. Something must have happened to make me think it. Possibly rumorwise or otherwise, things might have been called to my attention that someone might try to do something for me, and strictly on that basis I probably—that was why I went to Mr. Kavanaugh. (P. 336).

Q—And you told him you did not want him to go to Garden State track to intercede for you?

A—The substance of what you are saying is basically true.

✓ **Pascarell's testimony:**

Q—What did Kavanaugh tell you?

A—Mr. Kavanaugh at no point did anything but listen.

Q—He gave you no indication of what his action was going to be?

A—He certainly did not. (P. 348).

Q—Did he express any surprise that you were there?

A—He didn't. (P. 350).

✓ **Chandler's testimony:**

He invited the other Directors to go along. They could not go. I called my office and found out that I could go, and offered to drive him there as his guest. (P. 365).

After the meeting, Kavanaugh and Chandler motored to Garden State Park. They arrived at about 12:30 P. M. and went directly to Mr. Donovan's office.✓ In due time Chandler brought up the subject of Pascarell's reinstatement.✓ Donovan summoned John Madala, the track security officer, to his office, turned Kavanaugh and Chandler over to him and left.✓

✓ **Chandler's testimony:**

We arrived there about 12:30.

Q—Where did you go upon arrival?

A—Directly to Donovan's office.

Q—How long were you in his office?

A—About 10 minutes. (P. 366).

✓ **Towers-Wassmer Report of July 12, 1956:** Chandler stated that upon arriving at Garden State Park they went to Donovan's office and talked to him for approximately one-half hour during which time Kavanaugh never mentioned the name of Frank Pascarell; that any mentioning of Pascarell's name or interceding for Pascarell was done by himself. (P. 390).

Report of Directors of Public Safety of August 29, 1956: It appears that the matter of reinstatement was first mentioned by this private citizen (Chandler) in the temporary absence of the Supt. from the room and that he was referred to the track safety director. (P. 459).

Chandler's testimony:

Q—Did you bring up this Pascarell incident?

A—Nothing was discussed about Pascarell. (P. 366).

✓ **Madala's testimony:**

I received a call from Donovan.

He told me to come up to his office, that he wanted to see me. I went up there shortly after he summoned me up, and I met Chandler for the first time, and I also saw Kavanaugh in the office at that time.

Q—How long were you up there?

A—Not very long because Donovan had to go some place else, and he was turning the gentlemen over to me. I believe Donovan told me at the time that Chandler wanted to talk to me about some friend of his who wanted to get straightened out. Whether he mentioned the name of Pascarell at that time, I do not know. (P. 443).

See **Report of Directors Ftn.** ✓

Report from State Detective Wassmer to Attorney General Craven dated September 11, 1956: I cannot understand where the Directors received the information which indicated that Kavanaugh did not secure the interview with Madala with reference to the reinstatement of Pascarell. It is apparent they have completely overlooked the testimony of Mr. Madala before the Grand Jury. (Presumably, Madala's testimony before the Grand Jury was stronger than before the Committee with respect to Kavanaugh's interest in the whole matter.)

Madala took Kavanaugh and Chandler to his own office✓ where Chandler made an insistent plea on behalf of Pascarell, but to no avail.✓ During the entire time Kavanaugh listened in silence. Not until they had gotten up to leave did Kavanaugh say anything. Writing a telephone number on a

slip of paper, he handed it to Madala and said, "Well, if you change your mind, give us a call."✓

Kavanaugh and Chandler then went to lunch, after which they returned to Wilmington, arriving there at about 3:15 P. M.

✓ **Madala's testimony:**

Q—Then both Kavanaugh and Chandler went with you from Donovan's office to your office?

A—Yes, they did. (P. 445).

Towers-Wassmer Report of 7-12-1956: Chandler stated that he left the office of Mr. Donovan and went down to Madala's office alone and talked to him alone about Pascarell. (P. 390).

Chandler denied all. Said he: That statement I did not make. I did not go to Madala's office. I was never in Madala's office that day. (P. 391).

✓ **Madala's testimony:**

Q—When you went to your office, what conversation occurred there?

A—Chandler did all of the talking. He told me he was there in the interest of Pascarell and he would like very much to see him get straightened out at Garden State. He tried very hard to impress me with this man's background and the fact that he deserved a break. I was getting annoyed with him. I finally got up from my chair, trying to give him a hint that I wanted to do something else. (P. 445).

✓ **Madala's testimony:**

When I got up, both Chandler and Kavanaugh got up from their chairs and it was either Chandler or Kavanaugh that said, "Well, if

you change your mind, give us a call" or "give me a call," and Kavanaugh wrote out a phone number which he gave me. I thought it might have been his private number. When he left I threw it into the waste paper basket.

Q—To the best of your recollection, who made the statement?

A—My first impression is that it might have been Kavanaugh, but I could be mistaken.

Q—During that time you say Kavanaugh said not a word?

A—No. He just sat there in the corner and listened.

Q—Did he urge Chandler that perhaps they should leave?

A—No, he didn't.

Q—Did you see them again that day?

A—No. (P. 447).

Chandler's testimony:

We left Donovan's office and went to the dining room. Madala came by our table and sat down with us for about 5 minutes. He said, "Do you know Frank Pascarell?" I said, "Yes." He said that Senator Farley was a personal friend and that he would like to have Pascarell reinstated, but that William Duby, Chief of the County Detectives in the prosecutor's office in Camden was objecting. That was all that was said. (P. 366).

CONCLUSIONS AND RECOMMENDATIONS

"Gambling has been ignored, outlawed, legalized, outlawed in some forms and legalized in others; it has been taxed, licensed, and made a government monopoly. No other problem has inspired so many solutions, none of which has had more than a temporary success. In fact history seems to show a kind of cycle, repeated over and over again; (1) under open gambling, so many people eventually begin playing and losing that the whole social structure is threatened; (2) all gambling is outlawed; (3) the law proves to be unenforceable and a source of corruption; (4) a few types of gambling are legalized

but this proves to be an unworkable compromise; (5) finally all types are permitted and the cycle starts once more." Havermann, Gambling in the United States.

The people of Delaware are now in Stage (4) of the cycle. Unless they make some effort to understand the problems posed by gambling (not likely) and bestir themselves to take appropriate action (less likely), they will drift, or be pushed, into Stage (5)—wide-open gambling, which inevitably will be followed by Stage (1)—near disaster, and Stage (2)—prohibition of all gambling.

Quite apart from its effect upon religion and morals, widespread gambling is harmful to the economy. On this point the authorities are unanimous:

"The sum total taken away from the public by the United States gambling industry . . . it more than the combined profits of United States Steel, General Motors, General Electric, in fact more than those of all the hundred largest U. S. manufacturing companies . . ." Havermann, Gambling in the United States.

"There is more than an abundance of evidence that wherever gambling is allowed to exist, legally or illegally, money is taken out of the normal and legitimate channels of commerce, and that when gambling is minimized legitimate business flourishes." Kefauver, Crime in America.

" . . . gambling withdraws money from the regular channels of trade vital to the well-being of a nation or a community. Gambling is parasitic by nature. It creates no new wealth and performs no useful service. At best, it merely redistributes wealth from the possession of the many into the hands of the few. And those few who do benefit from the transfer tend to be members of the underworld who corrupt business and government." Peterson, Legalized Gambling.

Because of laws which provide inadequate penalties and other laws which hamstring the police, there is entirely too much gambling in Delaware at the present time. Before we give any further consideration to legalization of gambling at the dog track or the bingo table, we should take whatever steps are necessary to wipe out the numbers and bookmaking rackets and all other forms of organized unlawful gambling.

It is senseless to argue that we should by inadequate anti-gambling laws permit unlawful forms of gambling to flourish because they are no worse than certain lawful forms. Whatever their respective merits or demerits, the all-important fact is we cannot permit all forms at the same time. We must decide which we will allow and which we will not. That decision made, we must give our law enforcement officers the tools they need to wipe out organized unlawful gambling and then—and only then—hold them rigidly responsible for doing the job.

The Committee particularly recommends legislation which will provide stiffer penalties for repeated offenders, which will permit wire tapping under stringent safeguards, and which, without impairing basic constitutional safeguards, will remove some of the technical restrictions from the laws governing search warrants.

At 4:05 P. M., the President Pro Tempore left the rostrum, and Mr. Cook presided.

On motion of Mr. Reilly, **HB 262**—"An Act to Amend Chapter 13, Title 26, Delaware Code, Relating to Gas, Water and Oil Corporations," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly was granted privilege of the floor to comment on the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Lammot, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Messrs. Gray, Hoey, McCullough—3.

ABSENT—Messrs. Johnson and Nechay—2.

So the question was decided in the affirmative and the bill: **HB 262** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Pryor, **HB 392**—"An Act to Transfer a Certain Tract of Public Land to the Colorado Fuel and Iron Corporation," was taken up for consideration and read a third time by title in order to pass the Senate.

Messrs. Lammot, Hoey, McCullough and Behen were granted the privilege of the floor to discuss the bill.

On motion of Mr. Behen, **HB 392** was deferred.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 149**.

Mr. McCullough introduced the following concurrent resolution, which on further motion by him was adopted, and ordered by the Chair to be delivered to the House for concurrence: **SCR 36**—"Relating to the Reporting Date of the Special Committee Created by Senate Concurrent Resolution No. 28 to Study the School Construction Program."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the special committee created by Senate Concurrent Resolution No. 28 to study the school construction program shall report in writing to the General Assembly by February 14, 1958.

On motion of Mr. Reilly, the Senate adjourned at 4:35 P. M. until 1:00 P. M., January 13, 1958.

104TH LEGISLATIVE DAY

Dover, Delaware, January 13, 1958

Senate met pursuant to adjournment at 1:45 P. M., on Monday, January 13, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, deliver us from the fear of what might happen; direct us to an abiding trust in Thee as we seek to chart the course of the future. Give strength, wisdom and guidance to these men to whom has been entrusted the welfare of our State. Teach us the lesson of freedom, that it is not the right to do as we please, but the opportunity to please to do what is right. May we have that freedom now. In Jesus' Name we ask it. Amen."

Members present—Messrs. Cook, Correll, Gray, Harrison, Hickman, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—11.

Members absent—Messrs. Behen, Hoey, Johnson, Lam-mot, McCullough, Williams—6.

By direction of the Chair, and without objection, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Chair announced to the members that on Tuesday, January 14, 1958, a public hearing would be held in the House Chamber on the following: SB 261, SB 264, SB 265 and SB 266.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 374—"An Act to Amend Article 8 of the Constitution of the State of Delaware to Provide That Revenues from Estate or Inheritance Taxes Shall be Applied Solely to Reduction of State Debt," by Nechay; to Revised Statutes.

SB 375—"An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to Harness Racing," by McCullough; to Revised Statutes.

The following message from the Governor was delivered to the Senate, and was directed by the Chair to the Chairman of the Executive Committee:

GOVERNOR'S MESSAGE STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, 13 January, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

George K. Shockley, Dover, to be a Justice of the Peace in and for Kent County for a term to expire December 4, 1961.

Marvin A. Solomon, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire December 4, 1961.

George Collins, Milton, to be a Justice of the Peace in and for Sussex County for a term to expire January 20, 1962.

Mrs. Barbara King Madden, New Castle, to be a Justice of the Peace in and for New Castle County for a term to expire January 13, 1962.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chair, without objections, declared the Senate recessed at 2:57 P. M. until call of the Chair.

Senate met at expiration of recess at 4:38 P. M. President Pro Tempore presiding.

Messrs. Johnson, Williams, Hoey, McCullough and Behen asked to be marked present.

On motion of Mr. Behen, **HB 380**—"An Act to Amend Chapter 277, Volume 49, Laws of Delaware Entitled "An Act to Reincorporate the Town of Laurel" by Increasing the Annual Salary of the Mayor and Councilmen," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **HB 380** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 367**—"An Act to Amend "An Act to Reincorporate the Town of Middletown" and Relating to the Duties and Powers of the Aldermen, and the Jail of Said Town," was taken up for consideration and read a third time by title 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. Behen, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Cook and Lammot—2.

So the question was decided in the affirmative and the bill: **HB 367** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bill was reported by the majority of the Committee on Judiciary as follows: By Mr. Reilly, **SB 371**, 5 favorable.

On motion by Mr. Hoey, **SB 270** previously lost, was taken up for consideration and again read by title only in order to pass the Senate.

The Chair granted privilege of the floor to the following members to discuss the bill: Messrs. Melson, Reilly, McCullough, Pryor and Behen.

Mr. Behen moved that the bill be deferred. On the question, "Shall the Bill be deferred?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Pryor, Reilly, Williams—5.

NAYS—Messrs. Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Tull, Mr. President Pro Tem—11.

ABSENT—Mr. Lammot—1.

So the question was decided in the negative and the bill: **SB 270** not having received the required constitutional majority, for deferment, was taken up for roll call.

On motion of Mr. Hoey, **SB 270** was again taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Tull, Williams, Mr. President Pro Tem—11.

NAYS—Messrs. Behen, Cook, Nechay, Pryor, Reilly—5.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **SB 270** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On completion of the roll call and the announcement of the vote on **SB 270** and upon its being ordered to the House for concurrence, the Chair was advised that the bill had been voted on in error, since it had been previously called up for vote, lost, and not restored to the calendar. The bill, therefore, was not delivered to the House for concurrence.

The President Pro Tempore left the rostrum at 5:22 P. M., returning to his place on the floor. Lieutenant-Governor Buckson presided.

The Chair announced the signing of **HB 262**.

Upon motion by Mr. Behen, motion prevailing, Senate Rule 9 was suspended for the purpose of the consideration and passage of **SB 371**.

On motion of Mr. Behen, **SB 371**—"An Act to Amend Chapter 41, Title 11, Delaware Code, Relating to Non-Payment of Fines and Costs; Imprisonment and Discharge," was taken up for consideration and read a third time by title on order to pass the Senate.

Mr. Behen was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **SB 371** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion by Mr. Behen, **HB 84**—"An Act to Further Amend the Charter of the City of New Castle, by Increasing the Compensation of the City Clerk," was taken up for consideration and read a third time by title only in order to pass the Senate.

The Chair advised Mr. Behen that **HB 84** had not to date been reported by the Committee to which it had been referred.

Mr. Behen withdrew his request for roll call on the bill.

On motion of Mr. Steen, the Senate adjourned at 5:35 P. M. until 1:00 P. M., Tuesday, January 14, 1958.

105TH LEGISLATIVE DAY

Dover, Delaware, January 14, 1958

Senate met pursuant to adjournment at 1:50 P. M., on Tuesday, January 14, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Stop us, O God, for a minute of prayer. In our mad rush to get things done we fail to seek directions from our Divine Guide. Thus for a minute we pause for these directions. We ask not only for these directions but for the courage and faith to follow them. Give us an awareness of our need for such help. Change us from Egoist to Theist; in other words not self-centered but God-centered. In Christ' Name we make our prayer. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Reilly, Williams, Mr. President Pro Tem—11.

Members absent—Messrs. Hickman, Johnson, Lammot, Nechay, Pryor, Tull—6.

By direction of the Chair and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Chair directed the Reading Clerk to read a letter addressed by Mr. Jasper E. Crane of Wilmington to the President Pro Tempore, inquiring as to whether the members of the Senate would desire to have shown in the Senate certain movies on current economic matters. On privilege of the floor,

Messrs. Hoey and Melson commented on the letter, Mr. Hoey stating that it would be advisable to have the movies shown if they would be of help in assisting in legislative matters. Mr. Melson suggested that a committee be appointed to look into the matter of making arrangements for obtaining the movies and showing them, should they be found to be of a helpful nature. The Chair then appointed Messrs. Melson and Hoey and also named himself as members of the Committee.

The following bill was reported by the majority of the Committee on Municipal Corporations: By Mr. Behen, **HB 84**, 5 favorable.

On declaration by the Chair and without objections, the Senate recessed at 2:10 P. M. until call of the Chair.

Senate met at expiration of recess at 4:08 P. M. President Pro Tempore presiding.

Mr. Johnson asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 364**.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 376—"An Act to Amend Chapter 344, Volume 11, Laws of Delaware Relating to the Composition and Certain Powers of the Board of Managers of the Wilmington Institute," by Reilly; to Municipal Corporations.

SB 377—"An Act to Amend Chapter 5, Title 7, Delaware Code Relating to Fishing License Requirements for Non-Residents," by Steen and Hickman; to Fish, Oysters and Game.

On motion of Mr. Cook, the Senate adjourned at 4:15 P. M. until 1:00 P. M., Wednesday, January 15, 1958.

106TH LEGISLATIVE DAY

Dover, Delaware, January 15, 1958

Senate met pursuant to adjournment at 2:00 P. M., on Wednesday, January 15, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, in the midst of uncertainty we ask Thee to remind us of Thine invisible presence; that out of confused issues may come simplicity of plans; out of fear confidence; out of frustration power; out of impatience willingness to wait, to be still and know that Thou art God but above and beyond all this the humility to bow before Thee and to say, 'Thy will be done.' In Christ's Name we make this prayer. Amen."

Members present—Messrs. Behen, Correll, Gray, Harrison, Lammot, McCullough, Nechay, Reilly, Tull, Mr. President Pro Tem—10.

Members absent—Messrs. Cook, Hickman, Hoey, Johnson, Melson, Pryor, Williams—7.

By direction of the Chair and without objections, the reading of the Journal of the Previous Session was omitted, and the and the Journal was approved.

On motion of Mr. Behen, **HB 84**—"An Act to Further Amend the Charter of New Castle, as Amended, by Increasing the Compensation of the City Clerk," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Behen was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Correll, Gray, Harrison, Hickman, Hoey, Lammot, McCullough, Melson, Nechay, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Cook, Johnson, Pryor, Williams—4.

So the question was decided in the affirmative and the bill: **HB 84** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On privilege of the floor, Mr. Gray moved that rules be suspended for the passage of bills. Messrs. Melson and Reilly also commented on the matter, and made particular reference to the suspension of rules for the reconsideration of **SB 270** which bill was voted on in error, having being previously lost and there being no record whatever of said bill having been restored. The second roll call on **SB 270** was made in error on Monday, January 13th, 1958.

On the matter of the suspension of rules for the reconsideration of **SB 270**, the Chair ordered roll call to be taken, as follows:

YEAS—Messrs. Correll, Gray, Harrison, Hickman, Hoey, McCulloughs, Melson, Nechay, Tull, Mr. President Pro Tem—10.

NAYS—Messrs. Behen, Lammot, Reilly—3.

ABSENT—Messrs. Cook, Johnson, Pryor, Williams—4.

So the question was decided in the negative and the bill: **SB 270** not having received the required majority for reconsideration was not further considered.

The following bill was reported by the majority of the Committee on Revised Statutes as follows: By Mr. Nechay, **SB 374**, 3 favorable, 2 on merits.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 96**—"In Reference to Election of Officers."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that the following named persons be and they are hereby elected to the respective offices appearing opposite their names to serve during the pleasure of the Senate:

Secretary to Attorney—Rena Morgan

Reading Clerk—Thomas Holcomb, II

The President Pro Tempore administered the oath of office to those persons elected pursuant to SR 96.

ILLUSTRATION OF OATH OF OFFICE OF ATTACHE

The State of Delaware, County of Kent, ss.

I, Rena M. Morgan, 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's Secretary for the Senate in the General Assembly of the State, according to the best of my ability.

RENA M. MORGAN

Sworn and subscribed to this 15th day of January, A. D. 1958.

CURTIS W. STEEN

President Pro Tempore

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 378—"An Act to Amend Chapter 14, Title 14, Delaware Code, Relating to "Education," by Prohibiting Administrative Officers from Influencing Employees to Join or Refuse to Join Unions or Associations," by Lammot; to Labor.

SB 379—"An Act to Amend Chapter 3, Title 11, of the Delaware Code Relating to Obscene Literature," by Lammot; to Miscellaneous.

The following bill was reported by the majority of Committee on Municipal Corporations as follows: By Mr. Reilly for Mr. Behen, **SB 376**, 4 favorable.

Mr. Williams asked to be marked present.

On motion of Mr. Gray, **HB 364**—"An Act to Amend Section 716, Title 7, Delaware Code, Relating to Possession of Game," 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. Behen, Correll, Gray, Harrison, Hickman, Hoey, Lammot, McCullough, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Cook, Johnson, Pryor—3.

So the question was decided in the affirmative and the bill: **HB 364** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Sergeant-at-Arms admitted a messenger from the Governor. The Chair directed the message to the Chairman of the Executive Committee.

GOVERNOR'S MESSAGE

STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, January 15, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

Under the authority granted in Title 14, Section 5105 (c) Delaware Code, the Board of Trustees of the University of Delaware re-elected four members to that Board.

At the request of the Office of the President of the University of Delaware and in further compliance with the provisions of Title 14, Section 5105 (c) Delaware Code, I hereby submit for the consent and confirmation of the Senate the following:

Walter J. Beadle, 1101 Westover Road, Westover Hills, Wilmington, Delaware, re-elected by the Board of Trustees of the University of Delaware on December 7, 1957, to be a member of the Board of Trustees of the University of Delaware for a term to expire December 7, 1963.

R. R. M. Carpenter, Jr., Church and Montchanin Roads, Montchanin, Wilmington, Delaware, re-elected by the Board of Trustees of the University of Delaware on December 7, 1957, to be a member of the Board of Trustees of the University of Delaware for a term to expire December 14, 1963.

Joseph L. Marshall, Lewes, Delaware, re-elected by the Board of Trustees of the University of Delaware on December 7, 1957, to be a member of the Board of Trustees of the University of Delaware for a term to expire December 14, 1963.

Warren C. Newton, Bridgeville, Delaware, re-elected by the Board of Trustees of the University of Delaware on December 7, 1957, to be a member of the Board of Trustees of the University of Delaware for a term to expire May 31, 1964.

Respectfully submitted,

J. CALEB BOGGS, Governor

**GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

Dover, January 15, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Harvey H. Lawson, Millsboro, to be a member of the Department of Elections for Sussex County for a term to expire January 15, 1961.

Respectfully submitted,

J. CALEB BOGGS, Governor

Without objections, the President Pro Tempore declared the Senate recessed at 2:40 P. M. until call of the Chair.

Senate met at expiration of recess at 4:55 P. M. President Pro Tempore presiding.

Messrs. Cook, Johnson and Pryor asked to be marked present.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 380—"An Act to Amend Chapter 23, Title 11, Delaware Code by Granting Authority to the Attorney General or any Deputy Attorney General to Apply to a Judge of the Superior Court of the State of Delaware for an Order to Intercept and Record Telegraphic and Telephonic Communications of Persons Suspected of Violating the Criminal Laws of this State and Providing for Contempt Proceedings for Improper Use of Such Authority," by Melson and Hoey; to Revised Statutes.

SB 381—"An Act to Amend Chapter 51, Title 29, Delaware Code by Providing That Persons Who Receive Pensions Contributed to by the State of Delaware Shall be Ineligible for State Office or Employment by Virtue of Which Compensation is Received," by Hoey and Cook; to Finance.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 97**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate that the sum of \$375.26 is hereby appropriated to pay for printing in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to Delaware State News, Dover, Delaware, the sum of \$375.26 in payment for printing.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 36**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 450** and **HB 465**.

The Chair presented the following House Bills, which were twice read, by title only, and referred to committees as follows:

HB 450—"An Act to Amend Chapter 81, Title 9, Delaware Code, by Exempting Municipally Owned Real Estate from Taxation by Counties or Other Political Subdivision," to Revised Statutes.

HB 465—"An Act to Authorize the Townsend School District to Make Certain Tax Refunds," to Education.

On motion of Mr. Reilly, **SB 230**—"An Act to Amend Section 3113 of Title 10 of the Delaware Code Relating to Service of Process on Non-Resident Owners, Operators or Drivers of Motor Vehicles," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Samuel Russell, Jr., Senate attorney, was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, Lamot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Gray—1.

So the question was decided in the affirmative and the bill: **SB 230** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bill was reported by the majority of the Committee on Revised Statutes as follows: By Mr. Nechay, **SB 380**, 3 favorable, 2 unfavorable.

Mr. Melson moved that Senate Rule 9 be suspended for the sole purpose of the consideration and passage of **SB 380**. Motion was lost.

On motion of Mr. Cook, **SB 344**—"An Act to Amend Chapter 27, Title 25, Delaware Code Relating to Mechanics' Liens by Eliminating the Requirements That a Claim Against Two or More Structures Owned by the Same Person be Apportioned Among Each Structure," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, Lamot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Gray—1.

So the question was decided in the affirmative and the bill: SB 344 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, SB 345—"An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens by Liberalizing the Procedural Requirements Therefor," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Gray—1.

So the question was decided in the affirmative and the bill: SB 345 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, SB 38—"An Act to Amend Title 14 of the Delaware Code Entitled "Education" by Providing for a Duty Free Period Near the Lunch Time," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Behen, Hickman, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Tull, Williams—10.

NAYS—Messrs. Correll, Nechay, Mr. President Pro Tem—3.

NOT VOTING—Messrs. Cook, Harrison, Hoey—3.

ABSENT—Mr. Gray—1.

So the question was decided in the affirmative and the bill: SB 38 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On privilege of the floor, Mr. Pryor remarked that the founding of the Civil Service System under the administration of President Arthur was to be observed in the State by Governor's proclamation, and further noted that the Senate had earlier this session passed and sent to the House a bill relative to the establishment of a Civil Service System in Delaware. He concluded by saying that the serious financial condition now existing with regard to State funds precluded the early establishment of such a system.

On motion of Mr. Cook, the Senate adjourned at 5:40 P. M. until 1:00 P. M., Monday, January 20, 1958.

107TH LEGISLATIVE DAY

Dover, Delaware, January 20, 1958

Senate met pursuant to adjournment at 2:10 P. M., on Monday, January 20, 1958. President Pro Tem Steen presiding.

Prayer by the Rev. Charles W. Spry: "Through Thy providence, O Lord, we are permitted to assemble here in this fair city, the Capital of our grand little State of Delaware, Our Delaware, to assume the duties and responsibilities of another legislative day. Inspire our hearts and minds to a keen sense of the duties and the responsibility that each day may bring. Guide us as we counsel together. Awaken within us a patriotism that will lift us above the narrows of selfish endeavor and out of the realm of adverse criticism, and hold us away from the appeals of temptation. Father, reveal Thyself unto us as a very present help in each hour of need. Be Thou our light in moments of darkness; our comfort in affliction; our inspiration in every condition, and our assurance for each trial, and Thine shall be the glory. Our Father, Who art in Heaven: Hallowed be Thy Name, Thy kingdom come, Thy will be done, on earth as it is in Heaven. Give up this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory forever. Amen."

Members present — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Melson, Pryor, Reilly, Mr. President Pro Tem—10.

Members absent — Messrs. Hoey, Johnson, Lammot, McCullough, Nechay, Tull, Williams—7.

By direction of the Chair and without objections, the reading of the Journal of the Previous Session was not read, and the Journal stood approved.

On motion of Mr. Cook, the Senate recessed at 2:15 P. M. until call of the Chair.

Senate met at expiration of recess at 5:31 P. M. President Pro Tempore presiding.

Messrs. Williams, Hoey, Tull and Johnson asked to be marked present.

The Chair requested the Reading Clerk to read the following letters:

OPTIMIST CLUB OF WILMINGTON, DELAWARE

January 7, 1958

Senator Curtis W. Steen, Dover, Delaware

Dear Senator Steen:

I am submitting for your consideration a copy of a resolution recently passed by the Wilmington Optimist Club on the subject of anti-gambling and criminal legislation.

The Wilmington Optimist Club would appreciate your support in favor of this pending legislation.

Yours very truly,

C. F. GOODALE, JR.

President Wilmington Optimist Club

WHEREAS, the objects of Optimist International are to (1) aid and encourage the development of youth throughout the world, and (2) promote an active interest in good government and civic affairs, and

WHEREAS, investigations of gambling and criminal activities in Wilmington and New Castle County by the 1956 and 1957 New Castle County Grand Jury and other agencies reveal that more adequate crime and anti-gambling laws should be enacted, and

WHEREAS, State law enforcement agencies have requested assistance in their fight against organized crime by enactment of these stricter crime and anti-gambling laws, and

WHEREAS, eradication of the criminal element commonly associated with gambling activities can only lead to an improvement of environment for our youth and, in turn, better future citizens for Delaware, and

WHEREAS, the Attorney General has prepared and introduced to the Delaware State Legislature proposed legislation to make these laws stricter, and

WHEREAS, the 1957 New Castle County Grand Jury has endorsed this proposed legislation and urged its enactment into law.

BE IT THEREFORE RESOLVED that the Optimist Club of Wilmington, Delaware, both at the regular meeting of its Board of Governors on Monday, January 6, and the regular meeting of its entire membership on Tuesday, January 7, unanimously request the Delaware State Legislature to enact such proposed legislation into law at the earliest practicable date and with the least possible delay, and

FURTHER BE IT RESOLVED, that copies of this resolution be given to the press, to Mr. J. B. Jessup, Foreman of the 1957 New Castle Grand Jury for presentation by him to the Delaware State Legislature when he appears before it.

Passed 1/6/58—Board of Governors.

Passed 1/7/58—Meeting entire membership

(Signed) C. F. GOODALE, JR.

President Wilmington Optimist Club

104 Rodman Road, Penny Hill
Wilmington 3, Delaware, January 15th, 1958

Honorable Curtis W. Steen
President Pro Tem of the Senate, Dover, Delaware

Dear Sir:

I wish to advise you that the Executive Board of the Woman's Society of Christian Service of Peninsula Methodist Church, Wilmington, representing approximately two hundred women, at its business meeting held on Tuesday, January 14th, 1958, approved the following bills now before the House:

S. B. 261—Anti-gambling Act. To provide stiffer penalties for crimes connected with professional gambling by imposing larger fines, more jail sentences and greater penalties for repeated offenders.

S. B. 263—To provide stiffer penalties for persons selling liquor to minors, and for minors who make false statement of age to obtain liquor.

S. B. 264—To improve working of the law regarding refusal to sell or serve liquor to persons who are intoxicated or appear to be.

S. B. 265—To increase penalties for driving vehicle without consent of owner.

S. B. 266—To increase penalties for carrying a concealed deadly weapon.

The members of this board are concerned with keeping within our City and our State a safe and law abiding environment in which to reside. Therefore, we believe that the efforts of our public officials against crime should be implemented by strengthening our laws designed to bring criminals in our midst to justice.

In view of the board's action approving these bills, I was authorized to urge you to support the passage of these bills.

Respectfully yours

ANNIE K. TALLEY
(Mrs. Oscar S. Talley)
Secretary of Christian Social
Relations, WSCS, Peninsula
Methodist Church

January 13, 1958

J. B. Jessup, Foreman, 1958 New Castle County Grand Jury
New Castle, Delaware

Dear Mr. Jessup:

Enclosed find the original of our resolution, which the Wilmington Junior Chamber of Commerce adopted January

9, 1958. A copy of this resolution has been forwarded to the press, Speaker of the House, and President Pro Tem of the Senate.

Hoping this meets with your approval.

Sincerely yours

ROBERT W. KRAMER, President
Wilmington Junior Chamber of Commerce

"WHEREAS, Investigation of underworld crime and gambling conditions in Wilmington and New Castle County by the 1956 and 1957 New Castle County Grand Juries and others reveal that stricter crime and anti-gambling laws should be enacted, and

"WHEREAS, the 1956 New Castle County Grand Jury has had prepared and presented to the Delaware State Legislature proposed legislation to make these laws stricter, and

"WHEREAS, the 1957 New Castle County Grand Jury has endorsed this proposed legislation and urged its enactment into law.

"BE IT RESOLVED, that the Wilmington Junior Chamber of Commerce, of Wilmington, Delaware, Inc., at its regular meeting on Thursday, January 9, 1958, requests the Delaware State Legislature to enact such proposed legislation into law at the earliest practicable date, and further

"BE IT RESOLVED, that copies of this resolution be given to the press and a copy of it be given to Mr. John B. Jessup, Foreman of the 1958 New Castle County Grand Jury for presentation by him to the Delaware State Legislature when he appears before it."

The Chair announced the signing of the following:
HB 84, HB 364, HB 367 and HB 380.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 382—"An Act to Amend Chapter 27, Title 21, Delaware Code Relating to Restricted Licenses for Persons Convicted of the First Offense in Any One Calendar Year of Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor," by Hoey, Pryor and Melson; to Revised Statutes.

SB 383—"An Act Authorizing and Directing the Milford Board of Education to Reimburse Paul E. Thomas a Certain Sum Which Was Erroneously Collected for School Taxes," by Hoey; to Claims.

Mr. Cook introduced the following resolution, which on further motion by him was adopted: **SR 98**—"Expressing the Sympathy of the Senate on the Death of Former Senator Samuel Weigel, Jr."

WHEREAS, The Almighty, in His infinite wisdom on December 21, 1957, called former Senator Samuel Weigel, Jr., of Kenton, Delaware, to his reward, and

WHEREAS, during his lifetime he served the people of his State and Community in many public capacities, serving in an elected capacity and in every phase of community life, and

WHEREAS, he has served faithfully and well as a member of the Senate of the 114th General Assembly of the State of Delaware, and

WHEREAS, it is with deepest sorrow and regret that the Members of the Senate mourn the passage of former Senator Weigel, NOW, THEREFORE

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware and of each member thereof, is hereby expressed and extended unto the widow and the family of the late Samuel Weigel, Jr., for the great loss which they have suffered by reason of his death on the twenty-first day of December, 1957, and further

That we do humbly and reverently pray to God Almighty that He comfort and be with the bereaved widow and the family of the late Mr. Weigel in this hour of their bereavement and further,

That a copy of this resolution be spread upon the respective Journal of the Senate of the 119th General Assembly of the State of Delaware and a copy be forwarded to his widow, Mrs. Ethel Weigel, Kenton, Delaware, and further copy be delivered to the press.

Mr. Cook introduced the following concurrent resolution, which on his further motion was adopted, and ordered by the Chair to be delivered to the House for concurrence: SCR 37—
“In Reference to the Holding of Hearings by the Legislative Joint Finance Committee.”

BE IT RESOLVED, by the Senate of the 119th General Assembly, the House of Representatives concurring therein that the Legislative Joint Finance Committee is directed to hold hearings of state agencies to determine whether their respective appropriations for the fiscal year ending June 30, 1959, can be reduced without seriously impairing their abilities to render those services required of them by law, and to prepare and present legislation in accordance with its findings.

Mr. Cook introduced the following concurrent resolution, which on his further motion was adopted, and ordered by the Chair to be delivered to the House for concurrence: SCR 38—
“Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 119th General Assembly.”

BE IT RESOLVED by the Senate of the 119th General Assembly, the House of Representatives concurring therein, that both the Senate and the House adjourn temporarily at the conclusion of business on Monday, January 20, 1958, until Monday, January 27, 1958, at 1:00 P. M.

On privilege of the floor, Mr. Melson remarked that some economy could be effected in the printing of the Senate Calendar by omitting in the printing of subsequent issues those bills which had been enacted by both Houses and which had been signed by the Governor, noting that such an omission would result in a fewer number of pages in the printed Calendar at the present time issued weekly.

The Chair then suggested that Mr. Hickman, Chairman of the Committee on Printing and Supplies, notify the Delaware State News, printer of the Calendar, of the changes to be made. Mr. Hickman advised the Chair that he would do so.

The Senate recessed at 6:10 P. M.

The Senate met at expiration of recess at 6:40 P. M. President Pro Tempore presiding.

On motion of Mr. Cook, the Senate adjourned at 6:43 P. M. until 1:00 P. M., Thursday, January 23, 1958.

108TH LEGISLATIVE DAY

Dover, Delaware, January 23, 1958

Senate met pursuant to adjournment at 2:05 P. M., on Thursday, January 23, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, we pray that we may have the faith to walk with Thee one step at a time. We would rather walk with Thee than grope our way alone. In life we face duties unperformed, promptings disobeyed, beckonings ignored and opportunities neglected. Help us to face up with ourselves and seeing our limitations rely upon Thee, knowing without Thee we can do nothing. Let not foolish pride or stubborn will keep us from confession it. We want to do the right thing but know not what it is. Help us most at those times when we do know perfectly well what we ought to do and do not do it. In Christ's Name we make our prayer. Amen."

Members present — Messrs. Behen, Cook, Correll, Harrison, Hickman, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—11.

Members absent—Messrs. Gray, Hoey, Johnson, Lammot, McCullough, Williams—6.

By direction of the Chair and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Chair announced the signing of the following: SB 149 and SB 364.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 384—"An Act to Amend Chapter 12, Title 14, Delaware Code, Relating to "Education" by Setting Certain Regulations for the Renewal of Emergency and Temporary Certificates," by Behen; to Miscellaneous.

SB 385—"An Act to Amend Section 5715, Title 11, Delaware Code Concerning the Municipal Court for the City of Wilmington and Relating to Fees, Costs, and Charges in Said Court," by Reilly and Lammot; to Judiciary.

On privilege of the floor, Mr. Melson remarked that **SB 350**, relative to representational reapportionment and yet to be acted upon, merited consideration, and also commented on **SB 58**, relative to the establishment of a State Civil Service System, presently in committee in the House, stating that both bills merited further consideration. Mr. Pryor concurred in Mr. Melson's remarks concerning the Civil Service Bill.

The following bill was reported by the majority of the Committee on Finance as follows: By Mr. Hoey, **SB 381**, 3 on merits.

On motion by Mr. Hoey, motion prevailing, Senate Rule 9 was suspended for the rest of this legislative day.

On motion of Mr. Hoey, **SB 381**—"An Act to Amend Chapter 51, Title 29, Delaware Code, by Providing That Persons Who Receive Pensions Contributed to by the State of Delaware Shall be Ineligible for State Office or Employment by Virtue of Which Compensation is Received," 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. Cook, Correll, Harrison, Hickman, Hoey, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Behen, Gray, Johnson, Lammot,

So the question was decided in the affirmative and the bill: **SB 381** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Mr. Gray asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills: **HB 404** and **HB 443**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 404—"An Act Authorizing the State Treasurer to Transfer Certain Balance in the Accounts of Former State Treasurer Clarence S. Collins, Jr., to the General Fund of the State of Delaware," to Finance.

HB 443—"An Act to Authorize the Mayor and Council of Wilmington to Issue Negotiable Notes in Anticipation of the Issuance of Bonds Previously Authorized for Lawful Purposes," to Judiciary.

The following bill was reported by the majority of the Committee on Judiciary as follows: By Mr. Reilly, **HB 443**, 4 favorable.

On motion of Mr. Reilly, **HB 443**—"An Act to Authorize the Mayor and Council of Wilmington to Issue Negotiable Notes in Anticipation of the Issuance of Bonds Previously Authorized for Lawful Purposes," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Melson, Nechay, Pryor, Reilly, Tull Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Johnson, Lammot, McCullough—3.

So the question was decided in the affirmative and the bill: **HB 443** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chair, without objections, declared the Senate ceased at 2:40 P. M. until call of the Chair.

Senate met at expiration of recess at 4:45 P. M. President Pro Tempore presiding.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 386—"An Act to Amend Title 24, Delaware Code, by Creating the State Board of Beauty Culture, and Providing for Examination and Registration of Those Who Desire to Engage in the Occupation of Beauty Culture; Defining Beauty Culture and Regulating Beauty Culture Shops, Schools, Students, Apprentices, Teachers and Beauticians; Appeals; Penalties," by Melson and Hoey; to Finance.

On motion of Mr. Pryor, **HB 135**—"An Act to Require the State Highway Department to Install a Traffic Light Control for the Talleyville Fire Company, Inc., at Talleyville,

New Castle County, Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Messrs. Pryor, Cook, Hoey and Melson were granted the privilege of the floor to discuss the bill.

On motion of Mr. Melson, **HB 135** was deferred.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 99**—"Expressing the Sympathy of the Senate on the Illness of Senator Calvin R. McCullough."

WHEREAS, it has come to the attention of the Senate of the 119th General Assembly of the State of Delaware that Senator Calvin R. McCullough has been confined due to illness, and

WHEREAS, all the members of the Senate of the 119th General Assembly of the State of Delaware desire to express and extend their regret and sympathy unto Senator Calvin R. McCullough.

NOW THEREFORE

BE IT RESOLVED that the members of the Senate of the 119th General Assembly of the State of Delaware do hereby express their best and sincere wishes for a complete and speedy recovery of Senator Calvin R. McCullough.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 119th General Assembly of the State of Delaware and a copy be forwarded to Senator Calvin R. McCullough, and a further copy be delivered to the Press.

Mr. Reilly introduced the following concurrent resolution: **SCR 39**—"Relating to the Publication of "Delaware Blue Book—1958."

WHEREAS, the General Assembly has commissioned Arden E. Bing of Rehoboth Beach, Delaware, to compile and publish a book entitled "Delaware Blue Book—1958", **NOW, THEREFORE**

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the sum of \$8,000 be paid to Arden E. Bing upon delivery to the Secretary of State 2,000 copies of "Delaware Blue Book—1958".

BE IT FURTHER RESOLVED that the Secretary of State is hereby directed to make the following distribution of the said publication, (a) 5 copies to each member of the 119th General Assembly, (b) 1 copy to the head of each Department, Agency or Commission of the State of Delaware, (c) 1 copy to the library of each public school, the University of Delaware and Delaware State College.

BE IT FURTHER RESOLVED that the Secretary of State shall retain the remaining copies of the "Delaware Blue Book—1958" for sale to the public at \$5 per copy. The monies

received by the Secretary of State from the sale of the said books shall be paid into the General Fund of the State of Delaware.

The Chair directed the Reading Clerk to read the resolution in full. Messrs. Nechay, Melson and Hickman were granted the privilege of the floor to discuss the resolution, following which the Chair, without objections, ordered SCR 39 to be deferred.

The Chair recognized Mr. Ronald Richey, attorney of Chicago, Illinois, and requested him to come forward to address the members concerning compulsory motor vehicle insurance. Mr. Hoey questioned the attorney regarding the costs of such insurance for the motor vehicle owner. Mr. Melson also asked several questions relative to motor vehicle insurance.

On motion of Mr. Cook, the Senate adjourned at 5:25 P. M., until 1:00 P. M., Monday, January 27, 1958.

109TH LEGISLATIVE DAY

Dover, Delaware, January 27, 1958

Senate met pursuant to adjournment at 2:00 P. M., on Monday, January 27, 1958. Mr. Cook presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, we want to do that which is right, to do right is to start right, thus we seek Thy divine guidance before beginning the business of the day. We would not weary Thee with our constant begging, rather we offer thanks; thanks for work to do and the potential to do that work. Amid the pressures upon this group may they hear Thy small voice and follow Thy guidance. Give unto these, Thy servants, the grace to accept criticism for what it is; to accept that which is helpful and to be forgiving for that which is unkind and unjust. This we ask in Jesus' Name. Amen."

Members present — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Lammot, Nechay, Reilly, Tull—11.

Members absent—Messrs. Johnson, McCullough, Melson, Pryor, Williams, Mr. President Pro Tem—6.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

On privilege of the floor, Mr. Behen read the following statement, requesting that it be placed in the Journal of the Senate and that a copy be delivered to the Governor:
Mr. President and Members of the Senate:

In the very near future, I hope, Governor Boggs will submit to the Senate the name of some person who he will ask us to approve as a member of the Delaware Public Service Commission. By law this person must be a member of my Party, a Democrat, and from my County, Kent. In anticipation

of this forth-coming appointment a number of able Democrats in Kent County have indicated their interest in being appointed to the Public Service Commission. Among those who have shown interest and who would make excellent appointments are: Mr. Creadick Ennis of Smyrna, a successful automobile dealer and civic leader; Mr. Jess Cooper, former State Treasurer and a very able CPA from Camden; Robert H. Reed of Dover, a very successful truck operator and active in many civic affairs throughout our State; Mr. Ernest Killen of Harrington, a former Director of the Internal Revenue Office in Wilmington, and past Mayor of Harrington; former State Senator William O. Cabbage of Willow Grove, who was the sponsor of the bill that created the present PSC; and Howard "Doc" Furness of Milford, a successful business man and very active in the Lions International of Delaware. These men and other able and loyal Democrats have indicated they would like the appointment; however, another man has forced himself into the picture all of a sudden and has seen fit to try and force the Democratic members of the Senate to accept him and he alone as a member of the PSC. In my estimation this is a new low in political maneuvering to force himself upon his own party and members of this honorable Senate.

Last Thursday night Vernon B. Derrickson, Chairman of the Kent County Democratic Executive Committee and a present member of the PSC, invited the members of the Kent County Committee to be his guests at dinner at Alexander's in Dover. The purpose of the meeting supposedly was to hear a report from Richard A. Haber, Chief Engineer of the State Highway Department. I have learned that Mr. Haber didn't speak very long. After some lively discussion of various subjects someone suggested that the meeting adjourn, and then the real purpose behind the meeting came out. Just at that moment one of Derrickson's chief lieutenants, one Walter A. Handsberry, who I understand is angling to "run" again on the ticket, jumped up and made a motion that the County Committee endorse Derrickson for the PSC appointment. Derrickson then put on the old act and said he was entirely surprised by such a move and then quite quickly excused himself from the meeting. At this point Derrickson's lieutenants rushed through approval, and it wasn't unanimous, without giving the committee members any chance to inquire as to the status of other Democrats who were interested. It was further suggested that the Democratic members of the Senate of Kent County be informed of this action and asked to support Derrickson in spite of the fact that we Senators knew of other interested Democrats. Vernon B. Derrickson himself knows that this is entirely an appointment by Governor Boggs and has nothing whatsoever to do with any action by the Kent County Democratic Executive Committee. Many of the members of the Committee knew very little of

the situation and were not even given a chance to be properly informed. Is ask you, my fellow Democrats, how could a County Chairman allow himself to be approved by the Committee he heads when he knew there were many other able members of his party asking for the same appointment? Would you call this keeping party harmony? Is this the right type of leadership for a political party? Is this not self-interest leadership of the purest kind? How long can Kent County Democrats put up with this want-all-good-appointments-for-myself leadership? Shouldn't Derrickson, in the interest of party harmony, have stayed in the room and prevented the County Committee from voting against many of its loyal members and thus bringing discord and dissatisfaction?

I am requesting that Governor Boggs submit to us his nomination to the PSC immediately. I will vote for any good, loyal Democrat who I think is qualified that Governor Boggs nominates, however I hope that Vernon Derrickson is not nominated because I absolutely will not vote for his appointment to the Delaware Public Service Commission. Derrickson by his political maneuvering has tried to swing the weight of the Kent County Democratic Committee behind himself in an effort to force the Democratic members of the Senate to make a deal for his appointment.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bill and resolution: **HB 475** and **HCR 17**.

The Chair presented the following House Bill, which was given first and second reading by title only, and referred to committee as follows:

HB 475—"An Act to Repeal Chapter 266, Volume 51, Laws of Delaware (Chapter 14, Title 24, Delaware Code) Pertaining to "Electrical Contractors," to Revised Statutes.

The Chair presented the following House Concurrent Resolution, which having been read once in full, was on the prevailing motion by Mr. Reilly, adopted by voice vote, and then ordered by the Chair to be returned to the House: **HCR 17**—"Expression of Deep Regret by Members of the House of Representatives and the Members of the Senate of the 119th General Assembly of the Untimely Death of Charles E. Klingmeyer."

WHEREAS, the death of Charles E. Klingmeyer has resulted in the loss to the State of Delaware, the County of New Castle and the City of New Castle of a man who spent the greater portion of his adult life in efficient and honest public service, and

WHEREAS, most recently in position as President of the New Castle County Levy Court he had brought to this office qualities of outstanding citizenship, and

WHEREAS, his interest in good government, efficiently operated, was well known to all the people of this State and particularly New Castle County, and

WHEREAS, his passing is a loss to all of the citizens whom he had served so faithfully during his public career, NOW THEREFORE

BE IT RESOLVED that the sympathy of each member of the House of Representatives and each member of the Senate is hereby extended to the family of the late Charles E. Klingmeyer in their loss, with a Prayer that the Father of all mercies sustain and comfort them in this hour, and that the Peace which cometh from God alone and passeth all understanding, temper their grief for the loss they have sustained; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the Journal of the House and of the Senate of the 119th General Assembly of the State of Delaware, and a copy sent to the immediate family of the late Charles E. Klingmeyer at their home in New Castle, Delaware, and a copy delivered to the Press.

The following bill was reported by the majority of the Committee on Revised Statutes as follows: Mr. Mr. Nechay, **HB 450**, 2 favorable, 2 on merits.

Mr. Pryor asked to be marked present.

On motion of Mr. Nechay, the Senate recessed at 2:25 P. M. until call of the Chair.

Senate met at expiration of recess at 3:55 P. M. Mr. Cook presiding.

Messrs. Johnson and Williams asked to be marked present.

The following bills were reported by the majority of the respective committee as follows: By Mr. Reilly, Judiciary—**SB 378**, 3 favorable, **SB 385**, 1 favorable, 2 on merits; by Mr. Beben, Miscellaneous, **SB 379**, 3 favorable.

On motion of Mr. Pryor **HB 135**, previously deferred—"An Act to Require the State Highway Department to Install a Traffic Light Control for the Talleyville Fire Company, Inc., at Talleyville, New Castle County, Delaware," was again taken up for consideration in order to pass the Senate.

Mr. Hoey was granted the privilege of the floor to comment on the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, Pryor, Reilly, Tull, Williams—13.

NAYS—None.

ABSENT—Messrs. McCullough, Melson, Nechay, Mr. President Pro Tem—4.

So the question was decided in the affirmative and the bill: **HB 135** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Upon motion by Mr. Hickman, motion prevailing, the Senate resolved into Executive Session at 4:00 P. M.

At 4:10 P. M. the Senate concluded sitting in Executive Session, and again sat in Regular Session. Mr. Cook presiding.

On motion of Mr. Reilly, the Senate adjourned at 4:13 P. M. until 1:00 P. M., Tuesday, January 28, 1958.

110TH LEGISLATIVE DAY

Dover, Delaware, January 28, 1958

Senate met pursuant to adjournment at 4:10 P. M., on Tuesday, January 28, 1958. Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, Thy Son said "If ye have the faith of a grain of mustard seed you can remove mountains." Give unto these Thy servants faith as they face mountains. May they not be awed by difficulties nor frightened by problems. Hold them by Thy mighty hand that their doubts may cease; thus will they find all things possible. We are so often confused, live at cross purposes with our central aims and hence are at cross purposes with each other. Take us by Thy hand and lead us to see things from Thy viewpoint. May we come to choices and decisions with a prayer upon our lips, for our wisdom fails us. In Jesus' Name. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Pryor, Reilly, Tull, Williams—12.

Members absent—Messrs. Lammot, McCullough, Melson, Nechay, Mr. President Pro Tem—5.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Chair announced the signing of **HB 135**, **HB 443**, and **HCR 17**.

Mr. Cook introduced the following resolution, which on further motion by him was adopted: **SR 100**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 119th General Assembly."

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present Session of the 119th General Assembly of the State of Delaware, up to and including the 110th Legislative Day which said expenses are

hereby declared to be proper and reasonable expenses actually incurred by the President and by the respective members of the Senate for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and in returning from Dover to their respective homes, in the performance of their duties as President and members of the Senate, during the present Legislative Session thereof, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the President and the respective members of the Senate hereinafter named, the respective amounts set opposite their respective names, viz:

Clifford Pryor	\$120.00
John Reilly	300.00
Eugene Lammot	300.00
Peter Nechay	90.00
Allen Cook	90.00
William Behen	15.00
Jester A. Gray	72.00
Wilmer Williams	270.00
Jacob Correll	246.00
Thomas L. Johnson	264.00
S. W. Harrison	24.00
Lemuel Hickman	360.00
Curtis W. Steen	300.00
Calvin McCullough	276.00
Elwood Melson	336.00
Walter J. Hoey	144.00
Earl Tull	270.00
Lt. Gov. David Buckson	60.00

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 387—"An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to the Term of Office of the Levy Court Commissioner of New Castle County," by Pryor; to Elections.

On motion of Mr. Cook, the Senate recessed at 4:22 P. M. for 15 minutes.

Senate met at expiration of recess at 4:50 P. M. Mr. Cook presiding.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 101**—"Expressing the Sympathy of the Senate on the Illness of Mrs. Elwood F. Melson, Jr."

WHEREAS, it has come to the attention of the Senate of the 119th General Assembly of the State of Delaware that the wife of Senator Elwood F. Melson, Jr., has been confined due to illness, and

WHEREAS, all the members of the Senate of the 119th General Assembly of the State of Delaware desire to express and extend their regret and sympathy to Mrs. Melson.

NOW THEREFORE

BE IT RESOLVED that the members of the Senate of the 119th General Assembly of the State of Delaware do hereby express their best and sincere wishes for the complete and speedy recovery of Mrs. Elwood F. Melson, Jr.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 119th General Assembly of the State of Delaware and a copy be forwarded to Mr. Melson, and a further copy be delivered to the Press.

The following bill was reported by the majority of the Committee on Finance as follows: By Mr. Hoey—SB 386, 3 on merits.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bill: **HB 403**.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 403—"An Act to Amend Chapter 41, Title 16, Delaware Code, Entitled "Ice Cream" Relating to Ice Milk," to Agriculture.

On motion of Mr. Reilly, the Senate adjourned at 4:55 P. M. until 1:00 P. M., Wednesday, January 29, 1958.

111TH LEGISLATIVE DAY

Dover, Delaware, January 29, 1958

Senate met pursuant to adjournment at 2:07 P. M., on Wednesday, January 29, 1958. Mr. Cook presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, we ask this morning that Thou wouldst not give us something but take something from us. Take out of our hearts any bitterness that lies there, any resentment that disturbs our peace of mind. Take away the stubborn pride that keeps us from apology and confessing our limitations and make us willing to open our hearts to one another. If our hearts are closed to others they are closed to Thee. We make our prayer in Jesus' Name. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Lammot, Melson, Nechay, Reilly, Tull—12.

Members absent—Messrs. Johnson, McCullough, Pryor, Williams, Mr. President Pro Tempore—5.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The following bills were reported by the majority of the respective committees as follows: Revised States, by Mr. Nechay, **HB 475**, 3 favorable, 2 on merits; Finance, Mr. Hoey, 4 favorable.

Mr. Nechay introduced the following resolution, which on further motion by him was adopted: **SR 102**—"Authorizing an Appropriation for Telephone Service Charges and Toll Calls in Connection With the Work of the Senate of the 119th General Assembly of the State of Delaware."

BE IT RESOLVED, by the Senate that the amount of \$361.69 is hereby appropriated, to pay for telephone service charges, and toll calls in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to the Diamond State Telephone Company the sum of \$361.29 for telephone service charges according to the statements dated June 11, 1957 to December 11, 1957.

On privilege of the floor, Mr. Melson expressed his thanks to the members of the Senate for their resolution, adopted on January 28th, 1958, tendering their sympathy to Mrs. Melson, who was ill.

Mr. Williams asked to be marked present.

On motion of Mr. Nechay, **HB 450**—"An Act to Amend Chapter 81, Title 9, Delaware Code, by Exempting Municipally Owned Real Estate from Taxation by Counties or Other Political Subdivisions," 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Lamnot, Nechay, Reilly, Tull, Williams—11.

NAYS—None.

NOT VOTING—Messrs. Hoey and Melson—2.

ABSENT—Messrs. Johnson, McCullough, Pryor, Mr. President Pro Tem—4.

So the question was decided in the affirmative and the bill: **HB 450** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 388—"An Act Authorizing the Levy Court of New Castle County to Appropriate Certain Sums to the Five Points Volunteer Fire Co. for the Maintenance of a Rescue Wagon," by Williams; to Finance.

On motion of Mr. Reilly, **SB 385**—"An Act to Amend Section 5715, Title 11, Delaware Code, Concerning the Municipal Court for the City of Wilmington and Relating to Fees,

Costs, and Charges in Said Court," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor. Messrs. Hoey and Pryor question Mr. Lynch concerning the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Hoey, Lammot, Melson, Nechay, Pryor, Reilly, Tull, Williams—13.

NAYS—None.

ABSENT — Messrs. Behen, Johnson, McCullough, Mr. President Pro Tem—4.

So the question was decided in the affirmative and the bill: SB 385 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Lammot, SB 379—"An Act to Amend Chapter 3, Title 11, of the Delaware Code Relating to Obscene Literature," was taken up for consideration and read a third time in order to pass the Senate.

On motion of Mr. Lammot, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor, also Messrs. Nechay and Melson, the latter noting that the bill contained an error which warranted a redrafting of the bill.

On motion of Mr. Hoey, the Senate recessed for five minutes, at 2:35 P. M.

The Senate met at expiration of recess at 3:02 P. M. Mr. Cook presiding.

Mr. Johnson asked to be marked present.

On motion of Mr. Lammot, SB 379—"An Act to Amend Chapter 3, Title 11, of the Delaware Code, Relating to Obscene Literature," was again taken up for consideration in order to pass the Senate.

Mr. Lammot introduced SA 1, which was read and by order of the Chair, roll call was taken on the same.

On the question, "Shall the Amendment pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, Nechay, Reilly, Tull, Williams—12.

NAYS—None.

ABSENT—Messrs. Correll, McCullough, Melson, Pryor, Mr. President Pro Tem—5.

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

On motion of Mr. Lammot, SB 379 as amended was taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, Melson, Reilly, Tull, Williams—13.

NAYS—None.

NOT VOTING—Mr. Nechay—1.

ABSENT—Messrs. McCullough and Pryor, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: SB 379 with SA 1 having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

The following bill was reported by the majority of the Committee on Public Health as follows: By Mr. Reilly for Mr. Cook, SB 207, 3 favorable, 1 on merits.

On the prevailing motion by Mr. Hoey, Senate Rule 9 was suspended for the rest of this legislative day.

On motion of Mr. Hoey, SB 207—"An Act to Amend Chapter 25, Title 24, Delaware Code, Entitled "Pharmacy," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion by Mr. Hoey, Mr. McCloskey of the State Board of Pharmacy was given the privilege of the floor. Messrs. Williams and Reilly questioned Mr. McCloskey concerning the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Correll, Harrison, Hickman, Hoey, Johnson, Lammot, Melson, Nechay, Reilly, Tull, Williams—12.

NAYS—Mr. Cook—1.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Gray, McCullough, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: SB 207 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 389—"An Act Conferring Upon the Mayor and Council of Wilmington Power to Enact, Levy and Collect a Tax on Employers Engaged in a Trade or Business Within the City of Wilmington," by Reilly and Lammot; to Revised Statutes.

The following bill was reported by the majority of the Committee on Finance as follows: By Mr. Mr. Hoey—SB 388, 2 favorable, 2 on merits.

The Chair recognized former State Senator Charles G. Moore, and invited him to be seated on the rostrum. Mr. Moore declined the invitation.

On motion of Mr. Reilly, SB 158—"An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to the Definition of the Term "10 Months Per Year," Employed in the Basic Salary Schedule for Teachers, Principals, and Superintendents," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Reilly, Mr. Earl McGinnis was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Johnson, Lamot, Melson, Reilly, Tull, Williams—11.

NAYS—Messrs. Correll and Nechay—2.

NOT VOTING—Messrs. Hoey and Pryor—2.

ABSENT—Mr. McCullough and Mr. President Pro Tem—2.

So the question was decided in the affirmative and the bill: SB 158 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Williams, SB 388—"An Act Authorizing the Levy Court of New Castle County to Appropriate Certain Sums to the Five Points Volunteer Fire Co. for the Maintenance of a Rescue Wagon," 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lamot, Melson, Nechay, Pryor, Reilly, Tull, Williams—15.

NAYS—None.

ABSENT—Mr. McCullough and Mr. President Pro Tem—2.

So the question was decided in the affirmative and the bill: SB 388 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Reilly, HB 204—"An Act to Amend Chapter 39, Title 10, Delaware Code, Entitled "Pleading and Practice" by Permitting a Civil Action Against the Parents of Children Who Maliciously Destroy or Damage Property," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Melson was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lamot, Melson, Nechay, Pryor, Reilly, Tull, Williams—15.

NAYS—None.

ABSENT—Mr. McCullough and Mr. President Pro Tem—2.

So the question was decided in the affirmative and the bill: **HB 204** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Reilly introduced the following concurrent resolution: **SCR 40**—"Relating to the Publication of "Delaware Blue Book—1958."

WHEREAS, Arden E. Bing of Rehoboth Beach, Delaware, has compiled and published a book entitled "Delaware Blue Book—1958", NOW, THEREFORE

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the sum of \$8,000 be paid to Arden E. Bing upon the delivery to the Secretary of State of 2,000 copies of the "Delaware Blue Book—1958".

BE IT FURTHER RESOLVED that the Secretary of State is hereby directed to make the following distribution of the said publication, (a) 5 copies to each member of the 119th General Assembly, (b) 1 copy to the Governor, (c) 1 copy to each State Officer, (d) 1 copy to each County Officer of the respective counties, (e) 1 copy to the Library of Congress, (f) 1 copy to the State Library of each of the United States, (g) 1 copy to the library of each public school, (h) 1 copy to each: the University of Delaware, Wilmington Institute Free Library, New Castle County Law Library, State Law Library at Dover, Judges Library at Georgetown, (i) Legislative Reference Bureau.

BE IT FURTHER RESOLVED that the remainder shall be retained for subsequent sale by the Secretary of State at a price of \$5 per copy; with discretion left to the Secretary of State to send out a reasonable number of free copies on an exchange basis.

BE IT FURTHER RESOLVED that the monies received by the Secretary of State for the sale of said books shall be paid into the General Fund of the State of Delaware.

BE IT FURTHER RESOLVED that there is hereby appropriated the sum of \$8,000 to be paid Arden E. Bing by the State Treasurer out of the General Fund of the State of Delaware upon the warrant of the Secretary of State.

Messrs. Williams and Hoey were granted the privilege of the floor to discuss the resolution, following which, the Chair, without objections, referred it to the Committee on Finance.

On motion of Mr. Nechay, **HB 475**—"An Act to Repeal Chapter 266, Volume 51, Laws of Delaware (Chapter 14, Title 24, Delaware Code) Pertaining to "Electrical Contractors," was taken up for consideration and read a third time by title in order to pass the Senate.

Messrs. Melson and Hoey were granted the privilege of the floor to discuss the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Gray, Hickman, Hoey, Nechay, Pryor, Tull—7.

NAYS—Messrs. Behen, Correll, Harrison, Johnson, Lammot, Melson, Reilly, Williams—8.

ABSENT—Mr. McCullough and Mr. President Pro Tem—2.

So the question was decided in the negative and the bill: **HB 475** not having received the required constitutional majority, was lost.

On the prevailing motion by Mr. Behen, **HB 475** was restored to the calendar.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 319 with **HA 1**—"An Act to Add to Title 15 of the Delaware Code a New Chapter 20 Providing for Registration of Voters Who Because of Sickness or Physical Disability are Unable to Apply in Person at the Designated Place for Registration and Making the Other Chapters of Title 15 Apply Insofar as Pertinent to Registration Under This New Chapter 20, and to Amend Sections 2302 to 2303 of Chapter 23 of Title 15 of the Delaware Code to Make Certain Penalties Apply to Violations of New Chapter 20 of Title 15," to Elections.

HB 449—"An Act to Amend Chapter 489, Volume 50 Laws of Delaware, (1955-56) and to Provide for the Use of the Old Detention Home as a Temporary Place of Residence for Persons on Probation or Released from Correctional Institutions," to Miscellaneous.

HB 464 with **HA 1**—"An Act to Amend Section 703, Title 7, Delaware Code, Relating to Open Season for Game," to Fish, Oysters and Game.

HB 469 with **HA 1**—"An Act to Amend Title 14, Chapter 19, Delaware Code Entitled "Education" Relating to Collection of School Taxes by Providing for the Elimination of the Abatement of Taxes for Early Payment, and by Providing for a Penalty for Late Payment of Taxes," to Education.

The following bills were reported by the majority of the respective committees as follows: Miscellaneous, by Mr. Behen—**SB 384**, 1 favorable, 3 on merits; Revised Statutes, by Mr. Nechay, **SB 389**, 5 on merits.

On motion of Mr. Nechay, **HB 475**, previously lost and then restored, entitled: "An Act to Repeal Chapter 266, Volume 51, Laws of Delaware (Chapter 14, Title 24, Delaware Code) Pertaining to "Electrical Contractors," was again taken up for consideration in order to pass the Senate.

On motion of Mr. Nechay, Mr. McGonigal of Wilmington, was granted privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Hoey, Lammot, Nechay, Pryor, Tull—10.

NAYS—Messrs. Correll, Johnson, Melson, Reilly, Williams—5.

ABSENT—Mr. McCullough and Mr. President Pro Tem—2.

So the question was decided in the affirmative and the bill: **HB 475** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chair, without objections, declared the Senate recessed at 4:45 P. M.

The Senate met at expiration of recess at 4:55 P. M. Mr. Cook presiding.

On motion of Mr. Reilly, **SB 389**—"An Act Conferring Upon the Mayor and Council of Wilmington Power to Enact, Levy and Collect a Tax on Employers Engaged in a Trade or Business Within the City of Wilmington," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Lammot, Melson, Nechay, Pryor, Reilly, Tull, Williams—14.

NAYS—None.

ABSENT—Messrs. Johnson, McCullough, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: **SB 389** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 390—"An Act to Amend Chapter 27, Title 21, Delaware Code Relating to Restricted Licenses After Revocation and Providing Penalties for Violations," by Melson, Hoey and Pryor; to Revised Statutes.

SB 391—"An Act to Amend Titles 14 and 15, Delaware Code by Transferring Certain Functions of Clerks of the Peace to the Departments of Elections," by Pryor; to Elections.

SB 392—"An Act to Amend Chapter 83, Title 9 Delaware Code Pertaining to the Valuation and Assessment of Real Property in New Castle County by Eliminating the Requirement That Assessment Rolls be Prepared by Election Districts," by Pryor; to Elections.

SB 393—"An Act to Amend Chapter 16, Title 10, Delaware Code Relating to the Salaries of the Clerk and Other Officers of the Court of Common Pleas for Sussex County," by Hickman; to Finance.

On privilege of the floor, Mr. Pryor advised the members that at the next session, Monday, February 3, 1958, he would bring up for vote certain bills previously considered and deferred.

On motion of Mr. Reilly, the Senate adjourned at 5:15 P. M. until 1:00 P. M., Monday, February 3, 1958.

112TH LEGISLATIVE DAY

Dover, Delaware, February 3, 1958

Senate met pursuant to adjournment at 2:35 P. M., on Monday, February 3, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: In the beginning of a new week we lift our hearts in prayer to Thee. May we move onto ever widening horizons, may our intentions be more than good, may they live in good deeds. We can't do everything; help us to do something that others may rise up to bless and not curse us. Lift us above unrighteous anger and mistrust onto the plateau of the "Golden Rule," where we shall do unto others as we would have others do unto us. In Jesus' Name we make our prayer. Amen."

Members present—Messrs. Cook, Correll, Gray, Hickman, Johnson, McCullough, Tull, Mr. President Pro Tem—8.

Members absent—Messrs. Behen, Harrison, Hoey, Lamot, Melson, Nechay Pryor, Reilly, Williams—9.

There being no quorum present, the Chair directed the Sergeant-at-Arms to again advise the absent Senators that the Senate was in session. Messrs. Lamot and Reilly entered and requested the Chair that they be marked present. With-

out objections, the Chair ordered the reading of the Journal of the Previous Session to be omitted, and the Journal stood approved.

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

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills: **HB 470** with **HA 1** and **HB 500**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 470 with **HA 1**—"An Act to Amend Chapter 119, Volume 28, Laws of Delaware, Entitled "An Act Providing for the Collection of Taxes for the City of Wilmington" by Amending Section 9 thereof," to Judiciary.

HB 500—"An Act to Amend Section 1, Article 8, of the Constitution of the State of Delaware Entitled "Uniformity of Taxes; Collection Under General Laws; Exemption for Public Welfare Purposes" by Prohibiting Any Form of Taxation Being Retroactive," to Miscellaneous.

Messrs. Nechay and Behen asked to be marked present.

The following bill was introduced, given reading twice by title only, and referred to committee as follows:

SB 394—"An Act to Appropriate Funds to the State Highway Department for the Purpose of Constructing Concrete Sidewalks on Certain Approaches to Ogletown Junior High School in New Castle County," by McCullough and Correll; to Buildings and Highways.

The following bill was reported by the majority of the Committee on Miscellaneous as follows: By Mr. Behen, **HB 499**, 4 favorable.

On motion by Mr. Behen, motion prevailing, Senate Rule 9 was suspended for the purpose of the consideration and passage of **HB 449**.

Messrs. Hoey, Williams, Melson and Pryor asked to be marked present.

On motion of Mr. Behen, **HB 449**—"An Act to Amend Chapter 489, Volume 50, Laws of Delaware, (1955-56) and to Provide for the Use of the Old Detention Home as a Temporary Place of Residence for Persons on Probation or Released from Correctional Institutions," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Behen, Mr. Herbert Cobin, Attorney of Wilmington, was granted privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Hickman, Hoey, Lamnot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Harrison and Johnson—2.

So the question was decided in the affirmative and the bill: **HB 449** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **SB 374**—"An Act to Amend Article 8 of the Constitution of the State of Delaware to Provide That Revenues from Estate or Inheritance Taxes Shall be Applied Solely to Reduction of State Debt," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Nechay, Mr. Samuel Russell, Senate Attorney, was granted the privilege of the floor.

On motion of Mr. Melson, **SB 374** was deferred.

On motion of Mr. Cook, the Senate recessed at 3:15 P. M. until call of the Chair.

Senate met at expiration of recess at 4:30 P. M. Mr. Cook presiding.

The following bills were introduced, given reading twice by title only, and referred to committees as follows:

SB 395—"An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Hunting or Shooting from Motor Vehicles, Boats or Farm Machinery," by Steen; to Fish, Oysters and Game.

SB 396—"An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles" by Requiring Automobile Liability Policies Issued in the State to Include Uninsured Motorist Coverage and to Impose Penalties on Motor Vehicle Operators Involved in Accidents Who Cannot Show Proof of Financial Responsibility," by Steen and Correll; to Banking and Insurance.

On motion by Mr. Steen, Mr. Keller, former Motor Vehicle Commissioner, and Mr. Dorsey B. Kinnamon, an insurance agent, of Wilmington, were granted the privilege of the floor to explain compulsory motor vehicle insurance.

The following bill was introduced, given reading twice by title only, and referred to committee as follows:

SB 397—"An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors," by Lammot; to Temperance.

Mr. Cook left the rostrum at 5:15 P. M. President Pro Tempore then presided.

On motion of Mr. Pryor, **SB 190**—"An Act to Amend Chapter 15, Title 9, Delaware Code, by Authorizing the Levy Court of New Castle County to Regulate or Prohibit the Dumping of Garbage, Rubbish, Ashes or Other Waste Material, and Providing Penalties for Violations Thereof," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Pryor introduced **SA 1**, which was read and by order of the Chair, roll call taken thereon.

On the question, "Shall the Amendment pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Correll, Hickman, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—Mr. Nechay—1.

NOT VOTING—Messrs. Gray and Hoey—2.

ABSENT—Messrs. Behen, Cook, Harrison—3.

So the question was decided in the affirmative and SA 1 to SB 190 having received the required constitutional majority, was adopted by the Senate.

On motion of Mr. Pryor, SB 190 as amended was taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Correll, Hickman, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Messrs. Gray and Hoey—2.

ABSENT—Messrs. Behen and Harrison—2.

So the question was decided in the affirmative and the bill: SB 190 as amended by SA 1 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Mr. Pryor presented the following letter, which he requested to have read:

Wilmington, Delaware, January 30, 1958

Mr. John Cahalan, County Engineer New Castle County
Public Building, Wilmington, Delaware

Re: Regulation of Garbage, etc. by the Levy Court

Dear Mr. Cahalan:

I represent the Suburban Garbage Collectors Association, which comprises most of the garbage collectors in New Castle County.

Said association has voted at a duly held meeting to support Senate Bills 189 and 190, authorizing the Levy Court of New Castle County to regulate or prohibit the dumping of garbage, rubbish, ashes, or other waste material, if the Levy Court will agree to one minor addition, in said Senate Bill 190.

Said addition to be in connection with Senate Bill 190, Section 1, sub-paragraph b, which will cause said sub-paragraph to read as follows:

"The Levy Court shall have the power to license public garbage collectors who comply with and meet the requirement of the rules, regulations and ordinances adopt-

ed by the Levy Court and the Levy Court shall charge each public garbage collectors \$100.00 per year for said license."

Very truly yours,

RAYMOND L. BECKER

On motion of Mr. Pryor, SB 189—"An Act to Amend Chapter 24, Title 9, by Defining the Term "Garbage Disposal Plant" as Used Therein," was taken up for consideration and read a third time by title 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. Cook, Correll, Hickman, Hoey, Lammot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Mr. Gray—1.

ABSENT—Messrs. Behen, Harrison, Johnson—3.

So the question was decided in the affirmative and the bill: SB 189 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair recognized Girl Scouts Troops 206 and 275 of Wilmington, seated in the gallery.

On motion of Mr. Pryor, SB 284—"An Act to Amend Chapter 15, Title 9, of the Delaware Code, Relating to the Powers and Duties of the Levy Court of New Castle County," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Pryor, former U. S. Representative Harris B. McDowell was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Hoey, Lammot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—10.

Nays—Messrs. Cook and Correll—2.

NOT VOTING—Messrs. Gray and Hickman—2.

ABSENT—Messrs. Behen, Harrison, Johnson—3.

So the question was decided in the affirmative and the bill: SB 284 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, SB 289—"An Act Proposing an Amendment to the Constitution of the State of Delaware to Abolish the Office of Coroner in New Castle County," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, former U. S. Representative Harry B. McDowell was granted the privilege of the floor.

On motion of Mr. McCullough, SB 289 was deferred.

Mr. Nechay introduced the following resolution, which on further motion by him was adopted: **SR 103**—"Authorizing Payments for Services Rendered by Attaches and Employees of the Senate."

BE IT RESOLVED by the Senate of the 119th General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the Senate whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches and employees for the period commencing with the 101st Legislative Day, January 6, 1958, to and including the 110th Legislative Day, January 28, 1958, of the current session:

Mary David	\$225.00
Edna Vadden	250.00
Louise Eskridge	250.00
Joseph Rawlins	275.00
Alvin Lyons	250.00
Carl Prettyman	235.00
William Poore	200.00
Elisha Hickman	200.00
J. Noble Carroll	235.00
Matthew Donohue	200.00
Beatrice V. Hubbard	330.00
Samuel R. Russell	750.00
Thomas C. Mulligan	200.00
Rena Morgan	175.00
Thomas Holcomb, II	125.00
Thomas Bayard, III	330.00

On motion of Mr. Cook, the Senate adjourned at 6:02 P. M. until 1:00 P. M., Tuesday, February 4, 1958.

113TH LEGISLATIVE DAY

Dover, Delaware, February 4, 1958

Senate met pursuant to adjournment at 2:35 P. M., on Tuesday, February 4th, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: Give us a faith to live victoriously even in the midst of dangerous opportunity that is called crisis. Give us a faith that goes singing in the rain; 'a faith that will not shrink though pressed by every foe, that will not tremble on the brink of any earthly woe.' A faith that overcomes fears and doubts. Give this body of statesmen a vision of the unseen thousands whose lives will be affected by what they do here. The task before them is great. May they not ask for life without trials nor work without difficulties but remind them that oaks grow strong in contrary winds and diamonds are made under pressure. In Jesus' Name we make our prayer. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Melson, Reilly, Tull, Mr. President Pro Tem—11.

Members absent—Messrs. Johnson, Lammot, McCullough, Nechay, Pryor, Williams—6.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 398—"An Act to Amend Chapters 1, 3 and 5 of Title 10, of the Delaware Code Relating to the Supreme Court, Court of Chancery and Superior Court," by Cook; to Judiciary.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bill: **HB 452**.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 452—"An Act Making a Supplementary Appropriation to the State Board of Education, Certain School Districts and the Wilmington Board of Education for the Fiscal Year Ending June 30, 1958," to Miscellaneous.

On the prevailing motion by Mr. Behen, Senate Rule 9 was suspended for the rest of this legislative day.

Messrs. McCullough and Pryor asked to be marked present.

The following bills were reported by the majority of the respective committees as follows: Judiciary, by Mr. Reilly—**SB 398**, 3 favorable; **HB 470** as amended, 1 favorable, 3 on merits; Miscellaneous, by Mr. Behen—**HB 452**, 4 favorable.

On motion of Mr. Behen, **HB 452**—"An Act Making a Supplementary Appropriation to the State Board of Education, Certain School Districts and the Wilmington Board of Education for the Fiscal Year Ending June 30, 1958," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Johnson, Lammot, Nechay, Williams—4.

So the question was decided in the affirmative and the bill: **HB 452** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **SB 384**—"An Act to Amend Certain Regulations for the Renewal of Emergency and Temporary Certificates," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Behen introduced **SA 1** which was read and by order of the Chair, roll call taken thereon.

On the question, "Shall the Amendment to the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Johnson, Lammot, Nechay, Williams—4.

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

The President Pro Tempore left the rostrum at 3:05 P. M. Mr. Cook then presided.

On motion of Mr. Behen, **SB 384** as amended was taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Gray, Harrison, Hoey, McCullough, Reilly—6.

?NAYS—Messrs. Behen, Correll, Melson—3.

NOT VOTING—Messrs. Hickman, Pryor, Tull—3.

ABSENT—Messrs. Johnson, Lammot, Nechay, Williams, Mr. President Pro Tem—5.

So the question was decided in the negative and the bill: **SB 384** with **SA 1** not having received the required constitutional majority, was lost.

On motion by Mr. Behen, and without objections, **SB 384** as amended was restored to the calendar.

Mr. Behen requested the privilege of the floor for Mr. Earl McGinnis, of the Delaware State Educational Association, who explained the requirements of teachers in regard to certification. Messrs. Melson, Hoey and Hickman questioned him on certain points relative to the matter.

Mr. Williams asked to be marked present.

On motion of Mr. Reilly, **HB 470** as amended—"An Act to Amend Chapter 119, Volume 28, Laws of Delaware, Entitled "An Act Providing for the Collection of Taxes for the City of Wilmington" by Amending Section 9 thereof," 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Behen—1.

ABSENT—Messrs. Johnson, Lammot, Nechay, Tull—4.

So the question was decided in the affirmative and the bill: **HB 470** with **HA 1** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Steen, the Senate recessed at 3:40 P. M. until call of the Chair.

Senate met at expiration of recess at 4:25 P. M. President Pro Tempore presiding. Mr. Johnson asked to be marked present.

The following bills were reported by the majority of the respective committees as follows: Elections, by Mr. Pryor—**SB 392**, 4 favorable; **HB 465**, 4 favorable; Education, by Mr. Pryor—**HB 469** as amended, 4 favorable.

On motion of Mr. Pryor, **SB 392**—"An Act to Amend Chapter 83, Title 9, Delaware Code, Pertaining to the Valuation and Assessment of Real Property in New Castle County by Eliminating the Requirement That Assessment Rolls be Prepared by Election Districts," was taken up for consideration and read a third time by title in order to pass the Senate.

At Mr. Pryor's request, Mr. Reilly was given the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

(NAYS—None.

ABSENT—Messrs. Cook, Johnson, Lammot, Nechay—4.

So the question was decided in the affirmative and the bill: **SB 392** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bills were reported by the majority of the Committee on Fish, Oysters and Game as follows: By Mr. Gray—**SB 377**, 4 favorable; **SB 395**, 4 favorable.

On motion of Mr. McCullough, **HB 469** as amended—"An Act to Amend Title 14, Chapter 19, Delaware Code, Entitled "Education" Relating to Collection of School Taxes by Providing for the Elimination of the Abatement of Taxes for

Early Payment, and by Providing for a Penalty for Late Payment of Taxes," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Robert McClary, Tax Receiver for New Castle County, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Gray, Harrison, Hickman, Hoey, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Behen, Cook, Johnson, Lammot, Melson, Nechay—6.

So the question was decided in the affirmative and the bill: **HB 469** with **HA 1** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 168** and **SB 371** and that the House had passed and requested the concurrence of the Senate in the following bill: **HB 478**.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 478—"An Act Refunding Certain Monies to Insurance Companies by the State Insurance Commissioner, Said Monies Having Been Collected by Authority of Acts of the 118th General Assembly Subsequently Declared Unconstitutional," to Banking and Insurance.

On motion of Mr. Pryor, **HB 465**—"An Act to Authorize the Townsend School District to Make Certain Tax Refunds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Pryor, Representative Sherman Tribbitt was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Wililams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Behen, Cook, Johnson, Lammot, Nechay—5.

So the question was decided in the affirmative and the bill: **HB 465** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 399—"An Act to Amend Title 8, Delaware Code Relating to Membership or Non-Profit Corporations and Associations Requiring an Oath, Pledge or Other Affirmation as a Prerequisite or Condition of Membership," by McCullough; to Education.

The Chair announced the signing of the following: **HB 207, HB 449, HB 450 and HB 475.**

On motion by Mr. Hickman, motion prevailing, the Senate resolved into Executive Session at 4:40 P. M.

The Senate concluded sitting in Executive Session at 4:45 P. M. and again sat in Regular Session.

On motion of Mr. Reilly, the Senate adjourned at 4:48 P. M. until 1:00 P. M., Wednesday, February 5, 1958.

114TH LEGISLATIVE DAY

Dover, Delaware, February 5, 1958

Senate met pursuant to adjournment at 2:00 P. M., on Wednesday, February 5, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: Save us from ergophobia which is fear of work. May we hear the Master of men as He says, 'I work and My Father works also.' Make us conscious that we are co-workers with Thee. Workman who need not be ashamed. 'Lift us above pettiness and destroy the hate that is the great destroyer throughout the earth. May that which we profess come about in human relation.' May this brief moment of prayer find each of us reaching out for Thy help and guidance. May we fear nothing, except knowing what is right and failing to do it. In Jesus' Name. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Nechay, Reilly, Tull, Mr. President Pro Tem—12.

Members absent—Messrs. Hickman, Johnson, Lamot, Pryor, Williams—5.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

Messrs. Hickman and Pryor asked to be marked present.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, February 5, 1958

Senate of the 119th General Assembly of the State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

January 27, 1958—Senate Bill 364—An Act Authorizing and Directing the Smyrna Special School District to Repay to Frank P. and Helen Johnson Certain School Tax Overpayments.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chair announced the signing of **SB 168** and **SB 372**.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 37** and **SB 327** with **HA 1**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 485** with **HA 1**.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 485 as amended by **HA 1**—"An Act to Amend "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington", Being Chapter 92, Volume 23, Laws of Delaware, as Amended, by Changing the Procedure Applicable to the Exercise of the Right of Eminent Domain by and in Behalf of the Board of Public Education in Wilmington," to Education.

SB 327 having been returned by the House with **HA 1** to the same, the Chair presented the amendment to the bill. On the question, "Shall the Bill as Amended" passed the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—11.

NAYS—None.

NOT VOTING—Messrs. Hoey and McCullough—2.

ABSENT—Messrs. Gray, Johnson, Lamot, Williams—4.

So the question was decided in the affirmative and the bill: **SB 327** as amended by **HA 1** having received the required constitutional majority, passed the Senate.

On motion of Mr. Hickman, **SB 377**—"An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Fishing License Requirements for Non-Residents," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Hoey was granted the privilege of the floor to comment on the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Johnson, Lammot, Nechay, Williams—4.

So the question was decided in the affirmative and the bill: SB 377 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On privilege of the floor, Mr. Melson read a letter addressed to him concerning the present personal income tax law, recently enacted during the special session of the 119th General Assembly, held December 3 to December 20, 1957. He remarked that perhaps the present serious financial situation of the State might not be as critical, were the citizens to take more active interest in the legislation to be considered for enactment.

The President Pro Tempore left the rostrum at 2:25 P. M. and took his seat on the floor. Mr. Cook then presided.

On motion of Mr. Steen, SB 395—"An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Hunting or Shooting from Motor Vehicles, Boats or Farm Machinery," was taken up for consideration and read a third time by title in order to pass the Senate.

Messrs. Melson, Hoey and Nechay were granted the privilege of the floor to comment on the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Johnson, Lammot, Williams—3.

So the question was decided in the affirmative and the bill: SB 395 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Reilly, the Senate recessed at 2:35 P. M. until call of the Chair.

Senate met at expiration of recess at 5:10 P. M. President Pro Tempore presiding. Mr. Williams asked to be marked present.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 400—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to Specific Organizations Exempt from Certain Taxation and Assessment on Real Property," by Williams and Reilly; to Judiciary.

Mr. Johnson asked to be marked present.

Mr. Reilly introduced the following concurrent resolution, which on his further motion was adopted by voice vote, and ordered by the Chair to be delivered to the House for concurrence: **SCR 41**—"Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly, the House of Representatives concurring therein that both the Senate and the House shall adjourn temporarily at the conclusion of business on the 114th Legislative Day for the purpose of providing an opportunity for the Joint Finance Committee to study and examine the fiscal affairs of the State, and the Senate and House shall reconvene on Monday, March 3, 1958, at 1:00 P. M. for whatever purposes they determine, provided however that the Senate may be convened at any time upon call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and further provided that the Senate and House may be reconvene at any time upon the call of the President Pro Tempore and the Speaker of the House.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 401—"An Act to Amend Chapter 29, Title 21, Delaware Code by Providing for Financial Responsibility as a Prerequisite to Motor Vehicle Registration and Imposing Certain Penalties and Suspension for Persons Failing to Maintain Financial Responsibility," by Hickman and Melson; to Banking and Insurance.

Mr. McCullough introduced the following concurrent resolution, which on his further motion was adopted, by voice vote, and then ordered to the House by the Chair for concurrence: **SCR 42**—"Relating to the Reporting Date of the Special Committee Created by Senate Concurrent Resolution No. 28 to Study the School Construction Program."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the special committee created by Senate Concurrent Resolution No. 28 to study the school construction program shall report in writing to the General Assembly no later than January 15, 1959.

Upon the prevailing motion by Mr. McCullough, Senate Rule 9 was suspended for the rest of this legislative day.

The Chair announced the signing of **HB 452** and **HB 465**.

On motion of Mr. McCullough, **HB 485** as amended—"An Act to Amend "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington", Being Chapter 92, Volume 23, Laws of the Delaware, as Amended, by Changing the Procedure Applicable to the Exercise of the Right of Eminent Domain by and in Behalf of the Board of Public Education in Wilmington," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Stuart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Messrs. Behen and Hoey—2.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **HB 485** as amended having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **HB 478**—"An Act Refunding Certain Monies to Insurance Companies by the State Insurance Commissioner, Said Monies Having Been Collected by Authority of Acts of the 118th General Assembly Subsequently Declared Unconstitutional," was taken up for consideration and read a third time by title 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams—14.

NAYS—None.

ABSENT—Messrs. Behen, Lammot, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: **HB 478** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 282**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolution: **HB 466**, **HB 476** and **HCR 18**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 466—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide That Frederica School #32 be Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds," to Education.

HB 476—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, so as to Provide That Middletown #60 School District be Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds," to Education.

The Chair presented the following House Concurrent Resolution, which was read twice by title only: **HCR 18**—"Relating to Toll Charges for Non-Profit Delaware Ambulance Services in the State of Maryland."

WHEREAS, the non-profit ambulance services of the State of Delaware render a great service to the people of this State, and

WHEREAS, these non-profit ambulance services are connected with such non-profit organizations as the American Legion, Veterans of Foreign Wars and various fire departments of the State of Delaware, and

WHEREAS, ambulance service is often required into the neighboring states, and

WHEREAS, it is understood that the policy of the Delaware Memorial Bridge is to permit ambulances to travel across the said Bridge without charge, and

WHEREAS, it is desirable that non-profit Delaware organizations with ambulance services be rendered a like advantage of traveling over bridges in other states, NOW, THEREFORE

BE IT RESOLVED by the House of Representatives of the 119th General Assembly of the State of Delaware the Senate concurring therein that the Legislature of the adjoining State of Maryland be notified of the sentiments of the 119th General Assembly of the State of Delaware and requested to permit the non-profit Delaware ambulance services free passage over toll roads and bridges in the State of Maryland.

BE IT FURTHER RESOLVED that the Legislature of the State of Maryland and the State Highway Commission of Maryland be sent a copy of this Resolution.

On motion by Mr. Cook, motion prevailing, **HCR 18** was adopted, by voice vote, and was ordered by the Chair to be returned to the House.

The President Pro Tempore left the rostrum at 5:30 P. M. and returned to the floor. Mr. Cook presided.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 402—"An Act Appropriating Money to the Selbyville American Legion Post No. 39, Sussex County, With Which to Operate and Maintain an Ambulance," by Hickman; to Finance.

On motion of Mr. Melson, **SB 380**—"An Act to Amend Chapter 23, Title 11, Delaware Code by Granting Authority to the Attorney General or any Deputy Attorney General to Apply to a Judge of the Superior Court of the State of Delaware for an Order to Intercept and Record Telegraphic and Telephonic Communications of Persons Suspected of Violating the Criminal Laws of This State and Providing for Contempt Proceedings for Improper Use of Such Authority," was taken up for consideration and read a third time by title 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. Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Tull, Williams, Mr. President Pro Tem—11.

NAYS—Messrs. Behen, Cook, Nechay, Pryor, Reilly—5.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **SB 380** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bills were reported by the majority of the respective committees as follows: Revised Statutes, by Mr. Nechay—**SB 341**, 4 on merits; **SB 312**, 4 on merits; **SB 390**, 4 on merits. Temperance, by Mr. Harrison—**SB 397**, 2 favorable, 2 on merits. Finance, by Mr. Hoey—**SB 402**, 2 favorable, 2 on merits. Buildings and Highways, by Mr. Pryor—**SB 394**, 3 on merits. Elections, by Mr. Pryor—**SB 350**, 3 on merits.

On motion of Mr. Tull, **HB 403**—"An Act to Amend Chapter 41, Title 16, Delaware Code, Entitled "Ice Cream" Relating to Ice Milk," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Tull introduced **SA 1**, which was read and adopted by roll call as follows: 16 yeas, 1 absent.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **HB 403** as amended by **SA 1** having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

On motion of Mr. McCullough, **SB 289**—"An Act Proposing an Amendment to the Constitution of the State of Delaware to Abolish the Office of Coroner in New Castle County," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Williams introduced **SA 1**, which was read and on roll call ordered by the Chair.

On the question, "Shall the Amendment to the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Johnson, Melson, Nechay, Pryor, Williams, Mr. President Pro Tem—7.

NAYS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Hoey, McCullough, Reilly—8.

NOT VOTING—Mr. Tull—1.

ABSENT—Mr. Lammot—1.

So the question was decided in the negative and **SA 1** to **SB 289** not having received the required constitutional majority, was lost.

On the prevailing motion by Mr. Williams, **SB 289** was deferred.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 403—"An Act to Amend Title 15, Delaware Code Relating to Absentee Registration and Voting of Members of the Armed Forces and of Others in Keeping With the Federal Voting Assistance Act of 1955," by Pryor (by request) to Elections.

On motion of Mr. Reilly, **SB 376**—"An Act to Amend Chapter 344, Volume 11, Laws of Delaware, Relating to the Composition and Certain Powers of the Board of Managers of the Wilmington Institute," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **SB 376** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 104**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate, that the sum of \$1128.48 is hereby appropriated to pay for printing in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and the State Treasurer be, and she is hereby authorized and directed to pay to the Delaware State News, Dover, Delaware, the sum of \$1128.48 in payment for printing of Calendars for the period ending January 31, 1958.

The Chair recognized Mrs. Vera Davis, former State Senator and presently State Treasurer, and invited her to be seated on the rostrum.

On motion of Mr. McCullough, **SB 289**—previously deferred this day—entitled "An Act Proposing an Amendment to the Constitution of the State of Delaware to Abolish the Office of Coroner in New Castle County," was again taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—9.

NAYS — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Williams—7.

ABSENT—Mr. Lammot—1.

So the question was decided in the negative and the bill: **SB 289** not having received the required constitutional majority, was lost.

On motion of Mr. McCullough, **SB 291**—"An Act Proposing an Amendment to the Constitution of the State of Delaware to Abolish the Office of Clerk of the Peace in New Castle County," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Harris B. McDowell, former Secretary of State, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **SB 291** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At 6:30 P. M., the Chair, without objections, declared the Senate to be in recess until 8:00 P. M.

The Senate met at expiration of recess at 9:15 P. M. President Pro Tempore presiding.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 193** and **SCR 41**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 495**, **HB 512**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 495—"An Act to Amend Title 10, Section 4913, Relating to Exemption and Attachment of Wages in Sussex County," to Judiciary.

HB 512—"An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to Corporation Income Tax," to Judiciary.

On the prevailing motion by Mr. Cook, **SB 289** was restored to the calendar.

The following bill was reported by the majority of the Committee on Judiciary as follows: By Mr. Reilly—**HB 512**, 4 favorable.

On motion of Mr. Reilly, **HB 512**—"An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to Corporation Income Tax," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Hickman, Hoey, Johnson, McCullough, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Gray, Harrison, Lammot, Melson—4.

So the question was decided in the affirmative and the bill: **HB 512** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 404—"An Act to Amend Title 9, Delaware Code by Establishing the New Castle Regional Park District for the Development, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," by McCullough; to Public Lands.

On motion of Mr. McCullough, **SB 289**, previously deferred and restored this day, was again taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—Mr. Williams—1.

ABSENT—Messrs. Gray, Harrison, Lamnot, Melson—4.

So the question was decided in the affirmative and the bill: SB 289 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair announced the signing of the following: SB 193, SB 282, SB 327 as amended, and the signing of SCR 41, and then the signing of the following: HB 485 as amended, HB 478, HB 512 and HCR 18.

At 9:50 P. M., Mr. Cook moved that the Senate adjourn according to the provisions of SCR 41, adopted by both Houses this legislative day, until 1:00 P. M., Monday, March 3, 1958.

115TH LEGISLATIVE DAY

Dover, Delaware, March 3, 1958

Senate met pursuant to temporary adjournment at 2:10 P. M., on Monday, March 3, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father: We thank Thee for the joy of living, for the privilege of serving our fellow men. Service means sacrifice, make us aware that we are in the Lenten Season when we should be thinking of the sacrifices and the service of Thy Son, Jesus our Lord. Forgive us, Father, for being anxious to win the approval of men, forgetting that it is Thy approval that brings us peace of mind and a clear conscience. May these statesmen remember that the real record is not noted by the journal clerk but by Thy Recording Angel. Make them aware that they are recording for eternity. Bless their work of today, may it be a blessing to our beloved State. In Jesus' Name. Amen."

Members present—Messrs. Cook, Gray, Harrison, Hoey, Johnson, Lamnot, McCullough, Nechay, Reilly, Tull, Mr. President Pro Tem—11.

Members absent — Messrs. Behen, Correll, Hickman, Melson, Pryor, Williams—6.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Chair directed the Reading Clerk to read the following communications:

WILMINGTON LIONS CLUB

January 24, 1958

Mr. Curtis W. Steen, President Pro Tem of Senate
State House, Dover, Delaware

Dear Sir:

Copies of the enclosed resolution are being forwarded to the Speaker of the House of Representatives, the President Pro Tem of the Senate of the State of Delaware, Mr. John B. Jessup, Foreman of the 1957 New Castle Grand Jury and also released to the press.

Yours truly,

C. ROSS DONOVAN, Secretary

WHEREAS, the members of the Wilmington Lions Club of Delaware are cognizant of their interest in making and keeping the State of Delaware a safe and law-abiding place to live, and believe that law-enforcement authorities should have the benefit of laws effectively designed to safeguard this interest; and

WHEREAS, the members of this club commend the efforts of the citizens of the 1956 and 1957 New Castle County Grand Juries in revealing evidence that the existence of organized gambling attracts undesirable criminal elements to this State; and

WHEREAS, the members approve the anti-gambling and criminal legislation which has been introduced into the Delaware State Legislature at the request of the Attorney General of Delaware as a consequence of the Grand Jury investigations;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Wilmington Lions Club of Delaware hereby urge that favorable consideration be given by the Delaware State Legislature to the proposed legislation designed to strengthen the laws against gambling and other crime, and request its passage; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Speaker of the House of Representatives, and to the President Pro Tem of the Senate, of the State of Delaware, be released to the press, and be delivered to John B. Jessup, Foreman of the 1957 New Castle County Grand Jury in order that he may present it to the Delaware State Legislature should he appear there to testify.

I, the undersigned, Secretary of the Wilmington Lions Club of Delaware, hereby certify that the foregoing is a true copy of a resolution adopted by the members of the Wilmington Lions Club at a regular meeting dated January 14, 1958.

C. ROSS DONOVAN, Secretary

DELAWARE STATE SOCIETY
DAUGHTERS OF THE AMERICAN REVOLUTION

Milford, Delaware, January 30, 1958

Senator Curtis Steen, President Pro Tempore of Senate
Legislative Hall, Dover, Delaware

Dear Sir:

The Delaware State Society N. S. D. A. R. wish to protest the passage of Senate Bill No. 382. We believe that this bill is contrary to the best interest of the people of Delaware and that its passage will lessen safety on the highway.

Please have this letter read and make a part of the Journal.

Yours truly,

Delaware State Society N. S. D. A. R.
M. CATHERINE DOWNING
Corresponding Secretary

JUNIOR SECTION
WASHINGTON HEIGHTS CENTURY CLUB

Wilmington, Delaware, January 29, 1958

Honorable Curtis Steen, President Pro Tem
Delaware State Senate, Legislative Hall, Dover, Delaware

Dear Sir:

The Washington Heights Century Club, Junior Section, would like to go on record supporting the following bills: SB 261, SB 263, SB 264, SB 265, SB 266, SB 267.

We feel that the anti-gambling bills and stiffer penalties on drinking and fire arms is for the betterment of the community. Thank you.

Very truly yours,

MIRIAM CONN SHEEHAN
(Mrs. Jerome J. Sheehan)
Corresponding Secretary

Felton, Delaware, March 2, 1958

Mr. Curtis Steen, President Pro Tem
Legislative Hall, Dover, Delaware

Dear Mr. Steen:

On Friday, February 28, 1958, a meeting of the presidents and directors of the eight Kent County Women's Clubs of the Delaware State Federation of Women's Clubs was held. At that time House Bill 494 was discussed at length. This organization wishes to go on record as strongly opposing the erection of a modern building for the State Department of Health (or any other state department) in the vicinity of the State Capitol building. The officers mentioned above are deeply interested in our historic state house and other buildings of Colonial architecture in Dover.

We would greatly appreciate careful consideration in this matter as we feel that the subject is a vital one not only to Dover but to the entire State of Delaware.

Very truly yours,

MRS. HOWARD E. HENRY
Vice President, Kent County

Arden, Delaware, February 8, 1958

The Honorable Elwood F. Melson, Jr., Senator
The State House, Dover, Delaware

Dear Mr. Melson:

At the regular meeting of the Arden Town Assembly held on Monday, January 27, 1958 in the Gild Hall, Arden, Delaware, the following resolution was unanimously adopted:

"Resolved—that the Arden Town Assembly record its unanimous objections to the sale of the State owned river bottom lands to the Colorado Fuel and Iron Company for the expansion of its plant in Claymont, unless full and open public hearings are held and the entire transaction openly discussed prior to the consummation of the sale."

We urge that full consideration be given this resolution as the use of the lands under consideration for a blast furnace will have an extremely deleterious effect on thousands of home owners in the area.

Sincerely,

HAMILTON D. WARE
Trustee of Arden

Chairman of Arden Town Assembly
MARY MORLEY

Secretary, Arden Town Assembly

DELAWARE STATE SOCIETY
DAUGHTERS OF THE AMERICAN REVOLUTION

February 28, 1958

Hon. Walter J. Hoey, Milford, Delaware

Dear Senator Hoey:

Our Delaware State Society, D. A. R. went on record last Saturday at our February State Conference as being opposed to the erection of the proposed modern Public Health Building in the Plaza section of Dover. Our Corresponding Secretary was empowered to write you in this respect.

It would be a pity to spoil the effect of our lovely Colonial buildings with the erection of such a building, and if this style of architecture is deemed best, could it not be placed in a different location? This, I feel should be done, to preserve what has taken so many years to complete.

I write from a personal standpoint as well as State Regent of D. A. R. in our State, but also am expressing the opinions of many women in club work in this section to whom I have talked concerning this new building.

I hope it will be possible to have the site of the building changed if the present style of architecture is not.

very truly yours,

BETTY NEWKIRK SEIMES
(Mrs.) E. F. Seimes, Regent

Delaware State Society, N. S. D. A. R.
R. D. Rehoboth Beach, Delaware

Laurel, Delaware, February 19, 1958

To the Honorable Senator Steen:

On motion, duly made and seconded, and carried unanimously by the members of the Laurel School Faculty Club, the following Resolution is presented for your consideration:

WHEREAS, it has been reported that the General Assembly is preparing to lower standards of Delaware's educational system and in the face of every effort on the part of the public to raise them, and

WHEREAS, the educational system is the last to be recognized for its efforts to advance the general welfare through adequate educational services, and among the first to be curtailed financially and otherwise whenever emergencies arise, and

WHEREAS, educational systems at the present time are under pressure to institute more extensive and expensive programs of scientific and technical training, and

WHEREAS, it is reported that plans are underway to emasculate the Delaware school system unit plan, it is therefore

RESOLVED, That we, the undersigned, are in favor of continued improvement of the Delaware school system to meet the growing needs of the people, individually and collectively, and it is further

RESOLVED, That we, the undersigned, oppose any curtailment in the educational services offered as being prejudicial to the best interests of the State and Nation, and it is further

RESOLVED, That we, the undersigned, having the best interests of the school system as our primary aim, do solicit your continued cooperation in support of our mutual efforts to prevent Delaware from retreating from its present position of leadership in education.

(Signed): Jane G. Hudson, Mildred H. Harrington, Eleanor M. Paradee, William L. Torbert, Jr., Willard H. Froher, William P. Austin, Elizabeth E. Anderson, Edith W. Johnson, Frederick R. Fuller, Harriet Richardson, Erminie Nye, Imogene Gordy, Jean P. Stephens, Lillian Egan, Elsie W. Barnes, Mildred S. Burchard, Anna A. Chance, Norma P. Pegelow, Lillian M. Ruston, Gladys K. Henry, Irene Hastings, Adelina W. Motley, Pearl E. Cain, Kathryn

Flood, Genevieve S. McGee, Evelyn P. Prettyman, Mary G. Morgan, Frank H. Horner, Nancy K. Taylor, Carmel Moore, Arthur Waldburner, Orvalene Hitchens, E. Blanche Ralph, W. W. Price, Jr., Eleanor D. Williamson, Mary Windsor, Marie Wheeler, Carolyn W. Leh, T. Allan Phillips, Louise Keller, George S. Schollenberger, Robert W. Hopp, T. R. Ruston, Alma S. Smith, Francis I. Pat Sharon, Dorie W. Ritchie, John J. Yurek, Mary L. Waller, Katherine S. Henry, H. Keith Barts, Lois W. Adkins, Helen K. Ellis, C. E. Minnich, Mabel E. Moffett, Egel Gyansee, Jr., Rachel M. Milliren, Lloyd L. Foster, Catherine Auston, Ira E. Hastings, Uancy P. Robinson, Ruth E. Joyce, Lucy K. Wilson, Carrie C. Cooper, Margaret S. Nelson, Ellen P. Burford, Elizabeth H. Oliphant, Vada Barts, L. G. Shelton, Emily F. Haarde, H. Proger, Leon B. Elder, Mildred H. Wolfe, D. M. Campbell.

Messrs. Melson, Correll, Behen, Williams and Pryor asked to be market present.

The Hon. John N. McDowell, Secretary of State, delivered to the Senate, the following message from the Governor, which was referred by the Chair to the Executive Committee:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 3, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Albert R. Abele, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire February 24, 1962.

John M. Willson, Milford, to be a member of the Department of Elections for Kent County for a term to expire January 15, 1961.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 405—"An Act to Amend the Charter of the "Town of Milton" as Established by Chapter 194, Volume 45, Laws of Delaware, by Increasing the Amount of Taxes That May be Raised for Municipal Purposes," by Johnson and Steen; to Judiciary.

Mr. Hoey introduced the following resolution, which on further motion by him was adopted: **SR 105**—"In Reference to the Election of Officers."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that the following named person be and she is hereby elected to the respective office appearing opposite her name, to serve during the pleasure of the Senate:

Secretary to Attorney—Eleanor Ann Steen

The following bills were reported by the majority of the respective committees as follows: Judiciary, by Mr. Reilly—**SB 405**, 4 favorable. Education, by Mr. McCullough—**SB 476**, 3 favorable.

Rising on point of personal privilege, Mr. Melson observed the need of anti-gambling legislation, referring to one of the communications previously read, and pointing out the great sums of money involved in gambling and which were non-productive in regards to the State's economy.

On motion by Mr. Johnson, motion prevailing, Senate Rule 9 was suspended for the purpose of considering and for the passage of **SB 405**.

On motion of Mr. Johnson, **SB 405**—"An Act to Amend the Charter of the "Town of Milton" as Established by Chapter 194, Volume 45, Laws of Delaware, by Increasing the Amount of Taxes That May be Raised for Municipal Purposes," 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. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Hickman and Lammot—2.

So the question was decided in the affirmative and the bill: **SB 405** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On the prevailing motion by Mr. McCullough, Senate Rule 9 was suspended for the purpose of consideration and passage of **HB 476**.

On motion of Mr. McCullough, **HB 476**—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, so as to Provide That Middletown #60 School District be Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds," 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. Behen, Correll, Gray, Harrison, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—Mr. Cook—1.

ABSENT—Messrs. Hickman and Lammot—2.

So the question was decided in the affirmative and the bill: **HB 476** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On declaration by the Chair, and without objections, the Senate recessed at 2:55 P. M.

The Senate met at expiration of recess at 5:05 P. M. President Pro Tempore presiding.

Mr. Hickman asked to be marked present.

Mr. Reilly introduced the following concurrent resolution, which on his further motion was adopted, and ordered by the Chair to be sent to the House for concurrence: **SCR 43**—"Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly, the House of Representatives concurring therein that both the Senate and the House shall adjourn temporarily at the conclusion of business on the 115th Legislative Day for the purpose of providing a further opportunity for the Joint Finance Committee to study and examine the fiscal affairs of the State, and the Senate and the House shall reconvene on Tuesday, March 11, 1958, at 1:00 P. M., for whatever purposes they determine.

At the request of Mr. Hoey, the Chair ordered the reading of the following communication:

CAPTAIN JONATHAN CALDWELL CHAPTER

Milford, Delaware, March 3rd, 1958

Honorable Walter J. Hoey, State Legislative Hall
Dover, Delaware

Dear Senator Hoey:

I am the regent of the Captain Jonathan Caldwell Chapter of the Daughters of the American Revolution and our members wish to go on record as opposing the erection of a modern steel and glass, Public Health Building in the vicinity of Historic Dover Green. It was from this present Dover Circle that the Revolutionary troops gathered and left, to fight for our freedom. The fact that this spot has been preserved all of these many years in its original condition and is surrounded by many of the same old buildings, is a credit to the people of the State. If you mingled with the many visitors on old Dover Day you would realize the respect that people from other states have, for such preservation. A modern building in the background

would certainly detract from its historic value. I feel it would be a source of regret to every one where it would be too late to rectify it. No other town in the State, except New Castle, has so much of the past to be proud of and they are certainly anxious to preserve their antiquity, by spending a hundred thousand dollars to restore their old court house.

There surely must be other sites in the vicinity of Dover which could be used for this new building and let us keep our Capital grounds as a memorial to the memory of the ones who fought for it. I am enclosing a list of members signatures and we wish to enter this protest as a part of the Senate Journal.

Thanking you for any consideration I am,

Very truly yours,

MRS. HOEY S. FARROW
Milford, Delaware

(Signed) : Huldah C. Willis, Martha L. Butler, Florence O. Gruwell, Marjorie C. Jewell, Mattie C. Dill, Marjorie R. Fry, Mrs. O. T. Roberts, Catherine M. Downing, Sarah E. Webb, Elizabeth D. Truitt, Nina Miller, Hester S. Forest, Mary H. Ulery, Elsie M. Robinson, Nettie F. Jester, Jeannie R. Short, Louise C. Farrow, Elizabeth C. Bennett, Connie G. Fooks, Mrs. S. W. Wagamon

The Chair directed the Reading Clerk to read the following advisory from the Governor:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 3, 1958

Members of the 119th General Assembly of the State of Delaware:

This is to advise each member of the General Assembly that on recommendation of the Joint Legislative Finance Committee, the Budget Commission has made available the sum of \$8,000 to the account of the Secretary of State's Office for the purpose of purchasing 2,000 copies of DELAWARE BLUE BOOK—1958.

This BLUE BOOK will take the place for 1958 of the Delaware State Manual.

Five copies of this BLUE BOOK will be made available to each member of the 119th General Assembly. They are now available in the Secretary of State's Office.

After distribution has been made to appropriate State officials and institutions, it will be available for purchase from the Secretary of State at the price of \$5.00 per copy.

This is the first time the State of Delaware has made available a yearbook of this type. Most other states publish an annual BLUE BOOK. This book contains a vast amount of information concerning the State.

This book was prepared by Mr. Arden E. Bing of Rehoboth, Delaware, as a private venture and accepted after consideration by the State of Delaware on an experimental basis for 1958 only.

It is hoped that the members of the General Assembly will pick up their books from the Secretary of State's Office at their earliest convenience so that distribution may be completed.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Hoey introduced the following resolution, which on further motion by him was adopted: **SR 106**—"In Reference to the Election of an Officer."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that the following named person be and he is hereby elected to the respective office appearing opposite his name effective February 10, 1958:

Accountant—Hubert Kenney

Mr. Williams introduced the following joint resolution: **SJR 7**—"An Act Providing for the Appointment of a Civil War Centennial Commission to Commemorate This Event in the State of Delaware."

WHEREAS, the Civil War required great sacrifices from the citizens of Delaware in life, manpower, natural resources and wealth; and

WHEREAS, this internal conflict resulted in the consolidating of our Nation, it is proper that the one hundredth anniversary of this momentous event be commemorated; and

WHEREAS, the Federal Government has established a Civil War Centennial Commission to mark this anniversary during the years 1961-1965 and has called upon the states to participate in a proper observance, **NOW, THEREFORE**,

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein that:

1. There is hereby created a commission to be known as The Civil War Centennial Commission of the State of Delaware.

2. The Governor is authorized and requested to appoint to this Commission eighteen members, all three counties of the State to be represented by residents thereof, who shall serve without remuneration from the time of appointment for the duration of the anniversary period ending in 1965 or until their successors are appointed.

3. In selecting members for the Commission, the Governor shall appoint them on a non-political basis and he shall give preferential consideration to those active, interested or associated with the study of the Civil War.

4. Within thirty days after the appointment of the Commission, it shall meet, at the call of the Governor, to organize by electing a chairman, vice-chairman and secretary.

5. The purpose of this Commission shall be the planning and execution of those plans for the successful commemoration of the one hundredth anniversary of the Civil War.

6. The said Commission shall make a final report and submit it to the General Assembly within six months of the completion of its duties.

On presentation of **SJR 7** for adoption by voice vote, Mr. Pryor dissented, whereupon the Chair ordered roll call.

On the question, "Shall the Resolution pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Johnson, Lammot, Melson, Nechay, Reilly, Tull, Williams—10.

NAYS—Messrs. Gray, Hoey, McCullough, Pryor, Mr. President Pro Tem—5.

NOT VOTING—Messrs. Harrison and Hickman—2.

So the question was decided in the affirmative and **SJR 7** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Mr. Nechay made the request that **SB 374** be stricken from the calendar.

The President of the Senate administered the oath of office to the following attaches, elected by resolution this day, as follows:

OATH OF OFFICE

The State of Delaware, County of Kent, ss.

I, Eleanor Steen, 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 Senate Attorney's Secretary for the Senate in the General Assembly of the State, according to the best of my ability.

ELEANOR STEEN

Sworn and subscribed to this 3rd day of March, A. D. 1958.

DAVID B. BUCKSON
President of the Senate

OATH OF OFFICE

The State of Delaware, County of Kent, ss.

I, Hubert Kenney, 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 Accountant for the Joint Legislative Budget Committee in the General Assembly of the State, according to the best of my ability.

HUBERT KENNEY

Sworn and subscribed to this 3rd day of March, A. D. 1958.

DAVID B. BUCKSON
President of the Senate

After administering the oath of office to the aforementioned attaches, the President of the Senate left the Senate Chamber. The President Pro Tempore then presided.

The Chair announced to the members that on Thursday, March 13, 1958, at 2:00 P. M., there would be held a public hearing on certain Senate and House Bills on compulsory motor vehicle insurance bills.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 406—"An Act to Amend Article 8 of the Constitution of the State of Delaware to Provide for Amortization of State Bonded Indebtedness and That Revenues from Estate or Inheritance Taxes Shall be Applied Solely to Reduction of State Bonded Indebtedness," by Nechay; to Revised Statutes.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, 3 March, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

This will advise you that on the dates indicated I have approved the following legislation:

February 5, 1958—House Bill No. 512—An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to Corporation Income Tax.

February 6, 1958—Senate Bill No. 149—An Act to Amend Chapter 3, Title 11, of the Delaware Code Relating to Specific Crimes by Regulating Certain Advertising of "Farmers Market" and "Farmers Auction Market."

February 6, 1958—Senate Bill No. 193—An Act to Amend Chapter 81, Title 9, Delaware Code Relating to the Exemption of the Brookland Terrace Civic Club from Taxation Upon Its Real Property.

February 6, 1958—Senate Bill No. 282—An Act to Authorize the Levy Court of New Castle County to Plan, Construct, Equip and Furnish an Additional County Building for New Castle County and to Issue Bonds to Finance the Cost Thereof.

February 6, 1958—Senate Bill No. 371—An Act to Amend Chapter 41, Title 11, Delaware Code, Relating to Non-Payment of Fines and Costs; Imprisonment and Discharge.

February 6, 1958—House Bill No. 135—An Act to Require the State Highway Department to Install a Traffic Light Control for the Talleyville Fire Company, Inc., at Talleyville, New Castle County, Delaware.

February 6, 1958—House Bill No. 204—An Act to Amend Chapter 39, Title 10, Delaware Code, Entitled "Pleading and Practice" by Permitting a Civil Action Against the Parents of Children Who Maliciously destroy or Damage Property.

February 6, 1958—House Bill No. 449—An Act to Amend Chapter 489, Volume 50, Laws of Delaware, (1955-56) and to Provide for the Use of the Old Detention Home as a Temporary Place of Residence for Persons on Probation or Released from Correctional Institutions.

February 6, 1958—House Bill No. 450—An Act to Amend Chapter 81, Title 9, Delaware Code, by Exempting Municipally Owned Real Estate from Taxation by Counties or Other Political Subdivisions.

February 6, 1958—House Bill No. 465—An Act to Authorize the Townsend School District to Make Certain Tax Refunds.

February 6, 1958—House Bill No. 478—An Act Refunding Certain Monies to Insurance Companies by the State Insurance Commissioner, Said Monies Having Been Collected by Authority of Acts of the 118th General Assembly Subsequently Declared Unconstitutional.

February 14, 1958—Senate Bill No. 168—An Act to Amend Section 3521, Title 12, Delaware Code Relating to Accounting and Distribution of Trust Funds.

February 21, 1958—House Bill No. 485 with H. A. #1—An Act to Amend "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington", Being Chapter 92, Volume 23, Laws of Delaware, as Amended, by Changing the Procedure Applicable to the Exercise of the Right of Eminent Domain by and in Behalf of the Board of Public Education in Wilmington.

February 24, 1958—Senate Bill No. 327 with H. A. #1—An Act to Amend Paragraph (8), Subsection (C), Section 132, Title 17, Delaware Code, Pertaining to the Power of the State Highway Department to Grant Franchises and Licenses to Use the State Highways.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bills were reported by the majority of the respective committees as follows: Education, by Mr. McCullough—**HB 466**, 4 favorable. Revised Statutes, by Mr. Nechay—**SB 406**, 4 favorable, 1 on merits.

On motion by Mr. McCullough, motion prevailing, Senate Rule 9 was suspended for the purpose of consideration and passage of **HB 466**.

On motion of Mr. McCullough, **HB 466**—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide That Frederica School District #32 be Permitted to Finance Capital Improvements Thereunder and Appropriating Necessary Funds," was taken up for consideration and read a third time by title only 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative and the bill: **HB 466** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following substitute bill was introduced, given first and second readings, by title only, and referred to committee as follows:

SS 1 for SB 404—"An Act to Amend Title 9, Delaware Code of 1953, Entitled Counties by Establishing the New Castle Regional Park District for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof."

On motion by Mr. McCullough, motion prevailing, **SS 1 for SB 404** was adopted in lieu of the original bill.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 43**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 444**, **HB 445**, **HB 483**, **HB 490**, **HB 502**, **HB 504**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 444—"An Act to Amend Chapter 1, Title 17, Delaware Code, and Relating to Controlled-Access Facilities and Other Public Ways," to Buildings and Highways.

HB 445—"An Act to Amend Chapter 1, Title 17, of the Delaware Code Relating to the Authority of the Highway Department to Establish Controlled Access Facilities," to Buildings and Highways.

HB 483—"An Act to Amend Chapter 299, Volume 51, Laws of Delaware (Chapter 11, Title 30, Delaware Code) by Changing the Effective Date of the Increase in the Rate of Tax on Personal Incomes," to Finance.

HB 490—"An Act to Amend Chapter 167, Volume 37, Laws of Delaware, Entitled "An Act to Incorporate the Town of Slaughter Beach" Relating to the Duties and Powers of Aldermen; Taxation," to Municipal Corporations.

HB 502—"An Act to Amend Chapter 69, Title 16, Delaware Code, Relating to the Sale of Fireworks," to Miscellaneous.

HB 504—"An Act to Amend Chapter 191, Title 45, Laws of Delaware, "An Act to Reincorporate the Town of Delaware City," to Municipal Corporations.

On motion by Mr. Reilly, motion prevailing, the Senate temporarily adjourned pursuant to **SCR 43**, introduced and adopted, and concurred in by the House this day, at 5:55 P. M., until 1:00 P. M., Tuesday, March 11, 1958.

116TH LEGISLATIVE DAY

Dover, Delaware, March 11, 1958

Senate met pursuant to adjournment at 1:20 P. M., on Tuesday, March 11, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father: Grant that sense of need not custom brings us to Thee at this hour. We thank Thee that our forefathers had the courage to declare their independence but forbid that we should declare our independence of Thee. We are too godly to enjoy sinning on the other hand too fond of sinning to enjoy godliness. Most of the time we know what to do—our trouble rests in the fact that we don't want to do it. Make us want to do right and give us the ability to do it. May we this day not be swayed by ambition or emotion but by calm conviction. May we ask not what's wrong with the State or Nation, rather what's wrong with me. While we discuss taxes may we know too often we are a tax upon Thy divine patience. Give us a 'oneness' with Thee. In Jesus Name. Amen."

Members present — Messrs. Correll, Gray, Harrison, Hickman, Johnson, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—10.

Members absent—Messrs. Behen, Cook, Hoey, Lammot, McCullough, Nechay, Pryor—7.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Chair directed the following communication, addressed to the Members of the Senate, to be read:

WILMINGTON CENTRAL LABOR UNION—AFL - CIO

Wilmington, Delaware, March 10, 1958

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

In behalf of the Wilmington Central Labor Union, we protest against the additional taxation recently passed by the Delaware Legislature at Dover.

This additional tax, being added at a time when inflation has cut deeply in the actual earnings of the workers and at a time when the recession has left many of us on part-time work—and some with no work at all; consequently, lowering our wages—is strongly condemned.

The fact that the Legislature has seen fit to add this additional burden on the wage earners only, as a retroactive tax going back to January, 1957, thus placing additional burdens on those who are least able to stand such taxation, indicates a lack of political morality on the part of our lawmakers. This tax is unfair and unjust.

The tax, which strikes at the pocketbook of the workers and exempts the corporations who have made high profits, and who are best able to stand such a tax, makes this “class legislation” and indicates not only political immorality but a lack of conscience on the part of the Legislature. This tax is discriminatory and oppressive.

The representatives of the State, both Democratic and Republican who support such unfair and discriminatory legislation are to be condemned for disregarding the pledges they made to the voters in the last election. What’s more, such an attitude shows callous contempt for the voters of Delaware.

We call upon the Legislature to vote against this tax by reversing themselves. We pledge to rally all the progressive and all workers for the defeat of this discriminatory tax bill. We stand against any other additional taxation that will effect the wage earners of Delaware.

LEO GREEN, President

SAM McCLAFFERTY, Secretary

The Chair ordered the following communication to be read:

Wilmington, Delaware, March 8, 1958

Hon. Curtis W. Steen, The Senate, Dover, Delaware:

Because we believe that a General Sales Tax provides inequities to the population, would destroy Delaware’s competitive position, would make tax collectors of the merchants of the State, would penalize spending and pave the way for city and county taxes at increased rates, therefore, in the best interests of the people and business enterprises of Dela-

ware the managing committee of the Retail Merchants' Section of the Delaware State Chamber of Commerce unanimously went on record today as being unalterably opposed to a State Sales Tax.

E. A. SCOTTON
Secretary Retail Merchants'
Section Delaware State Chamber
of Commerce, Inc.

On declaration by the Chair, and without objections, the Senate recessed at 1:25 P. M. until call of the Chair.

Senate met at expiration of recess at 4:52 P. M. President Pro Tempore presiding.

The following bills and resolution were reported by the majority of the respective committees as follows: Buildings and Highways, by Mr. Pryor—**HB 444**, 3 on merits; **HB 445**, 3 on merits. Elections, by Mr. Pryor—**SB 403**, 2 favorable, 1 on merits. Miscellaneous, by Mr. Behen—**HJR 3**, 2 favorable, 1 on merits; **HB 297** with **HA 1**, 3 favorable. Finance, Mr. Hoey, **HB 483**, 1 on merits, 3 unfavorable.

On motion of Mr. Pryor, **HB 392**, previously deferred, entitled—"An Act to Transfer a Certain Tract of Public Land to the Colorado Fuel and Iron Corporation," was taken up for reconsideration and read again by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Edmund Carpenter, Attorney, of Wilmington, was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Johnson, Williams, Mr. President Pro Tem—4.

NAYS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Nechay, Pryor, Reilly, Tull—12.

ABSENT—Mr. Lammot—1.

So the question was decided in the negative and the bill: **HB 392** not having received the required constitutional majority, was lost.

On the prevailing motion by Mr. Reilly, **HB 392** was restored to the calendar.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 407—"An Act to Provide for a Tax on the Gross Receipts Derived from the Sale Within the State of Delaware of All Goods, Wares and Merchandise Within the State Along With Which Any Stamps, Coupons, Tickets, Certificates, Cards or Other Similar Devices are Delivered to the Purchaser," by Correll and Hoey; to Finance.

On motion by Mr. Pryor, motion prevailing, Senate Rule 9 was suspended for the consideration and passage of **HB 444** and **HB 445**.

On motion of Mr. Pryor, **HB 444**—"An Act to Amend Chapter 1, Title 17, Delaware Code and Relating to Controlled-Access Facilities and Other Public Ways," was taken up for consideration and read a third time by title 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. Behen, Hoey, Pryor—3.

NAYS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Johnson, McCullough, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—13.

ABSENT—Mr. Lammot—1.

So the question was decided in the negative and the bill: **HB 444** not having received the required constitutional majority, was lost.

On motion of Mr. Pryor, **HB 445**—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the Authority of the Highway Department to Establish Controlled-Access Facilities," was taken up for consideration and read a third time by title 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. Behen, Hoey, Pryor, Reilly—4.

NAYS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Johnson, McCullough, Melson, Nechay, Tull, Williams, Mr. President Pro Tem—12.

ABSENT—Mr. Lammot—1.

So the question was decided in the negative and the bill: **HB 445** not having received the required constitutional majority, was lost.

Following roll call, Mr. Pryor changed his vote from yea to nay.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 408—"An Act to Amend Chapter 51, Title 25, Delaware Code Relating to Removal Notice Requirements Applicable to Leases of Farm Lands in New Castle County for One or More Years," by Pryor; to Public Lands.

Mr. Reilly moved that **HB 444** and **HB 445** be restored to the calendar. His motion not prevailing, the Chair ordered a roll call taken on the restoration of the bills, as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Melson, Nechay, Pryor, Reilly, Tull, Williams—13.

NAYS—Mr. McCullough and Mr. President Pro Tempore—2.

ABSENT—Messrs. Johnson and Lammot—2.

A majority of the members thus assenting, **HB 444** and **HB 445** were restored to the calendar.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 409—"An Act to Amend Chapter 1, Title 20, Delaware Code Relating to the Delaware National Guard," by Williams and Reilly; to Revised Statutes.

The following bill was reported by the majority of the Committee on Revised Statutes, as follows: By Mr. Nechay, **SB 409**, 4 favorable.

On the prevailing motion by Mr. Behen, Senate Rule 9 was suspended for the purpose of consideration and passage of **HB 297** as amended.

On motion of Mr. Behen, **HB 297** as amended—"An Act to Amend Chapter 63, Title 29, Delaware Code, Relating to the General Powers and Duties of the Budget Commission," was taken up for reconsideration and read again by title in order to pass the Senate, said bill having been recalled from the Governor on June 11, 1957.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Correll, Harrison, Hickman, Hoey, Johnson, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Messrs. Cook, Gray, McCullough—3.

ABSENT—Messrs. Lammot and Pryor—2.

So the question was decided in the affirmative and the bill: **HB 297** as amended by **HA 1** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Williams moved that Senate Rule 9 be suspended for the purpose of the passage of **SB 409**. Motion prevailed.

On motion of Mr. Williams, **SB 409**—"An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Delaware National Guard," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Williams was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Lammot—1.

So the question was decided in the affirmative and the bill: **SB 409** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, the Senate adjourned at 5:55 P. M. until 1:00 P. M., Wednesday, March 12, 1958.

117TH LEGISLATIVE DAY

Dover, Delaware, March 12, 1958

Senate met pursuant to adjournment at 2:30 P. M., on Wednesday, March 12, 1958. Mr. Nechay presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father: Help us to do less talking and more thinking; less work more worship; less pressure more prayer. Help us to know where our duty lies then give us a push that we may continue in the right direction. We consider our resources in dollars; we forget the spiritual resources without which we dare not and cannot solve the financial and other vexing problems which so heavily beset us. In this Lenten season may we remember the sacrifices of Thy Son and be willing to walk the sacrificial way. In His Name we make our prayer. Amen."

Members present—Messrs. Behen, Gray, Harrison, Hoey, Johnson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—10.

Members absent — Messrs. Cook, Correll, Hickman, Lammot, McCullough, Melson, Reilly—7.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

At the request of Mr. Hoey, the following communication was read:

If you want to save some money for the State take all that money you gave to Mr. Charlton and Dr. Trumianz to spend on retarded children and give it to someone who won't waste it.

TAXPAYER

On motion of Mr. Behen, **HJR 3**—"In Respect to Jet Military Aircraft," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Behen was granted the privilege of the floor to explain the joint resolution.

On the question, "Shall the Resolution pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Gray, Harrison, Hoey, Johnson, Nechay, Tull, Williams, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Messrs. Correll and Pryor—2.

ABSENT—Messrs. Cook, Hickman, Lammot, McCullough, Melson, Reilly—6.

So the question was decided in the affirmative and **HJR 3** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Steen, the Senate recessed at 2:45 P. M. until call of the Chair.

Senate met at expiration of recess at 5:15 P. M. President Pro Tempore presiding.

The following bills were reported by the majority of the respective committees as follows: Miscellaneous, by Mr. Behen—**HB 502**, 2 on merits, 1 favorable. Municipal Corporations, by Mr. Behen—**HB 504**, 3 favorable.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 409**, and that the House had passed and requested the concurrence of the Senate in the following bill: **HB 507**.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 507—"An Act to Amend Chapter 162, Volume 37, Laws of Delaware, Entitled "An Act Changing the Name of 'The Town of Milford' to 'The City of Milford', and Establishing a Charter Therefor", by Making Provision for Salaries to Members of the City Council and the Mayor," to Municipal Corporations.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 410—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, Relative to Rehoboth School District," to Municipal Corporations.

On motion of Mr. Cook, the Senate adjourned at 5:25 P. M. until 1:00 P. M., Thursday, March 13, 1958.

118TH LEGISLATIVE DAY

Dover, Delaware, March 13, 1958

Senate met pursuant to adjournment at 1:30 P. M., on Thursday, March 13, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: We thank Thee for the faith others have placed in us. May we be true to that faith. May we have a time of self examination before criticizing others for their seeming faults. 'There is so much bad in the best of us and so much good in the worst of us that it hardly behooves any of us to talk about the rest of us.' Give us understanding hearts. Inspire these our leaders as they seek to steer our Ship of State through troubled waters. Today perhaps they will be discussing 'insurance'. May they have the blessed 'assurance' in their souls that Thou art their Father and Thy Son their Saviour. This we ask in Jesus' Name. Amen."

Members present — Messrs. Correll, Gray, Harrison, Hickman, McCullough, Melson, Reilly, Tull, Mr. President Pro Tem—9.

Members absent—Messrs. Behen, Cook, Hoey, Johnson, Lamnot Nechay, Pryor, Williams—8.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor, which the Chair directed to the Chairman of the Executive Committee:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 13, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Jonathan E. Wheatley, Delmar, to be a member of the Department of Elections for Sussex County for a term to expire January 15, 1961.

Harry R. Jackson, Dover, to be a member of the Public Service Commisison for a term to expire September 1, 1963.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bill was reported by the majority of the Committee on Fish, Oysters and Game, as follows: By Mr. Gray—SB 24, 3 favorable.

The Chair announced the signing of SB 409 and the signing of HB 403 as amended, HB 466 and HB 476.

The Chair advised the members that a public hearing on certain Senate Bills relative to compulsory motor vehicle insurance would be held this day at 2:00 P. M. in the House of Representatives.

On motion of Mr. Cook, the Senate recessed at 1:45 P. M. until call of the Chair.

Senate met at expiration of recess at 4:45 P. M. President Pro Tempore presiding.

Messrs. Behen, Pryor and Williams asked to be marked present.

The following bill was reported by the majority of the Committee on Temperance, as follows: By Mr. Harrison—HB 88, 3 favorable, 1 on merits.

On motion of Mr. Behen, **HB 502**—"An Act to Amend Chapter 69, Title 16, Delaware Code, Relating to Fireworks," 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. Behen, Cook, Correll, Gray, Harrison, Hickman, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Hoey, Johnson, Lammot, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: **HB 502** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chair directed the Reading Clerk to read the following letter, addressed to the Members of the General Assembly by Mr. Howard S. Abbott, former Tax Commissioner of the State of Delaware:

Georgetown, Delaware, March 13, 1958

Members of the General Assembly, Dover, Delaware

Dear Members:

The ever-present problem of making State Taxes equal State expenditures is particularly pressing now. Whatever action you may decide to take could have far reaching effects in the years to come. During the four years (1949-1953) that as State Tax Commissioner I was a member of the Permanent Budget Commission, I was exposed to some tax problems, and that is why I presume to address you in this manner.

Our State revenue for the most part comes from three sources: income taxes, use taxes and death taxes. May I point out we could not get revenue from the use or death tax levy if there had not been income in the first place. Therefore, if we want to be frank about taxes, all we can talk about, or increase, is a tax that in one way or another depends on income.

A few months ago we enacted a corporation income tax of 5%. This additional tax of 5%, for the most part, will be reflected in higher prices to the consumer. A sales tax would do more of the same.

May I offer for your consideration a few objections to a sales tax:

1. It places a relatively heavier burden on low and middle income groups, especially burdening retired people, widows, students and the like.
2. Many consumers could not buy all the necessities of life because of what they have to put up for this penny, penny tax.
3. It is unfair to large families.
4. It is costly and difficult to administer.
5. It is a nuisance to consumers.

6. It is a nuisance to business people to have to act as collectors.
7. It inflates the cost of living.
8. It deflates living standards.
9. It encroaches upon municipal and county tax programs.
10. Without it Delaware will receive more in income tax revenue because of increased sales to customers who live in our neighboring "sales tax" states, Maryland and Pennsylvania.
11. A sales tax plan stifles rather than encourages business.

Please do not force us to be a penny, penny Sales Tax State.

Respectfully submitted,

HOWARD S. ABBOTT

Following the reading of the letter, Mr. McCullough made the request of the Chair that the letter be placed in the Journal.

On motion of Mr. Behen, **HB 504**—"An Act to Amend Chapter 191, 45 Laws of Delaware, "An Act to Reincorporate the Town of Delaware City, was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough was granted the privilege of the floor to explain the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Hoey, Johnson, Lammot, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: **HB 504** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion by Mr. Behen, Senate Rule 9 was suspended for the rest of this legislative day on his motion prevailing.

On motion of Mr. Behen, **SB 24**—"An Act to Repeal Chapter 5, Title 7, Delaware Code of 1953, Relating to "Boat Inspector" to Abolish Such Office at the Expiration, Removal or Resignation of the Present Inspector's Term and Thereupon Establish a New Office of Boat Inspector to be Appointed and Removed by the Board of Game and Fish Commissioners of the State of Delaware," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Gray, Harrison, Hickman, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Hoey, Johnson, Lammot, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: SB 24 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 411—"An Act to Amend Title 21, Delaware Code by Providing for Suspension for Persons Failing to Possess Financial Responsibility and the Collection and Disposition of Certain Fees for the Filing of Proof of Financial Responsibility," by McCullough; to Banking and Insurance.

At 5:05 P. M., the Chair, without objections, declared the Senate to be in recess for five minutes.

The Senate met at expiration of recess at 5:15 P. M. President Pro Tempore presiding.

On motion by Mr. Hickman, motion prevailing, the Senate sat in Executive Session.

At 5:25 P. M., on the prevailing motion by Mr. Hickman, at the conclusion of the Executive Session, the Senate again resumed Regular Session.

On motion by Mr. Cook, the Senate adjourned at 5:28 P. M., until 1:00 P. M., Monday, March 17th, 1958.

119TH LEGISLATIVE DAY

Dover, Delaware, March 17, 1958

Senate met pursuant to adjournment at 1:50 P. M., on Monday, March 17, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: This glorious day we thank Thee for the privilege of being alive. Troubles, problems pressures may seek to blot out the sunshine but make us aware that troubles are merely opportunities in work clothes. May we seek to solve our personal and State problems on the heart level being assured that more people perish through hardening of the heart than through hardening of the arteries. May our hearts and minds be aware of the poor and the masses of our people who have no lobbyists to present their case. This is St. Patrick's Day: May we celebrate by dedicating ourselves to the task of driving out the snakes of fear, frustration and laziness. In Jesus' Name. Amen."

Members present — Messrs. Correll, Gray, Harrison, McCullough, Melson, Reilly, Mr. President Pro Tem—7.

Members absent—Messrs. Behen, Cook, Hickman, Hoey, Johnson, Lammot, Nechay, Pryor, Tull, Williams—10.

There being no quorum present, the Chair declared the Senate to be in recess at 1:55 P. M.

Messrs. Tull and Hoey asked to be marked present, following the expiration of recess at 2:00 P. M. The Chair, without objections, did not order the reading of the Journal of the Previous Session, and the Journal stood approved. There were no memorials, petitions or communications to be read.

Mr. Cook asked to be marked present.

On motion by Mr. Cook, the Senate recessed at 2:04 P. M. until call of the Chair.

The Senate met at expiration of recess at 4:25 P. M. President Pro Tempore presiding.

Messrs. Johnson, Williams and Pryor asked to be marked present.

The Chair announced the signing of **HJR 3** and of **HB 297** as amended.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 412—"An Act to Appropriate Funds for the Use of Hockessin School No. 29," by Williams; to Finance.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 198**, but had not considered **SB 344** or **SB 345**, and that the House had passed and requested the concurrence of the Senate in the following bill: **HB 522**.

SB 344 and **SB 345** were returned to the Senate, there being no enactment clause contained in either bill.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 522—"An Act to Authorize the Board of School Trustees of Bridgeville School District #90 to Transfer Eight Thousand Dollars (\$8000) Which Had Been Raised by School Taxation for the Purpose of Paying Certain General and Current Expenses," to Finance.

Messrs. Cook and Hoey introduced the following resolution, which on further motion by Mr. Cook, was adopted: **SR 107**—"Expressing the Sympathy of the Senate on the Illness of Senator Peter Nechay."

WHEREAS, it has come to the attention of the Senate of the 119th General Assembly of the State of Delaware that Senator Peter Nechay has been confined due to an unexpected illness, and

WHEREAS, the members of the Senate of the 119th General Assembly of the State of Delaware desire to express and extend their regret and sympathy unto Senator Peter Nechay.

NOW THEREFORE

BE IT RESOLVED that the members of the Senate of the 119th General Assembly of the State of Delaware do hereby express their best and sincere wishes for the speedy recovery of Senator Peter Nechay.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 119th General Assembly of the State of Delaware, and that a copy be forwarded to Senator Peter Nechay, and that a further copy be delivered to the Press.

On motion of Mr. Hoey, **HB 404**—"An Act Authorizing the State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Clarence S. Collins, Jr., to the General Fund of the State of Delaware," 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. Cook, Correll, Gray, Harrison, Hoey, Johnson, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

NOT VOTING—Mr. McCullough—1.

ABSENT — Messrs. Behen, Hickman, Lammot, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: **HB 404** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Behen asked to be marked present.

On motion of Mr. Cook, the Senate adjourned at 4:40 P. M. until 1:00 P. M., Wednesday, March 19, 1958.

120TH LEGISLATIVE DAY

Dover, Delaware, March 19, 1958

Senate met pursuant to adjournment at 2:32 P. M., on Wednesday, March 19, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: If we can't do what we like, help us to like what we do. May we know that truth will be vindicated, may it be in our time. May we give ourselves wholly to the challenge of the hour, and out of travail may there be born a new day. May we not stead credit for success nor deny responsibility for failure. Lift us out of our economic depression but more important and vital to our existence itself, lift us from spir-

itual depression. In this season of resurrection, resurrect within us the faith of our fathers who put their trust not in gold but in God. In Jesus' Name. Amen."

Members present — Messrs. Behen, Gray, Harrison, Hickman, Hoey, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

Members absent—Messrs. Cook, Correll, Johnson, Lam-mot, McCullough, Nechay—6.

Without objections, the Chair ordered the reading of the Journal of the Previous Session omitted, and the Journal stood approved.

The following bill was reported by the majority of the respective Committee on Municipal Corporations as follows: By Mr. Behen, SB 410, 3 favorable.

The Chair announced the signing of SB 198.

Mr. Correll asked to be marked present.

Mr. Pryor made the request of the Chair that SB 387 and SB 391 be stricken from the calendar.

Without objections, the Chair declared the Senate to be in recess at 2:38 P. M.

The Senate met at expiration of recess at 4:40 P. M. President Pro Tempore presiding.

Messrs. Cook and McCullough asked to be marked present.

The Hon. John N. McDowell, Secretary of State, delivered the following message to the Senate, which the Chair referred to the Chairman of the Executive Committee:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 19, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Edwin R. Powell, Ocean View, to be a member of the Department of Elections for Sussex County for a term of three years to January 15, 1961.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: SR 108—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 119th General Assembly."

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present Session of the 119th General Assembly of the State of Delaware, up to and including the 120th Legislative Day which said expenses are hereby declared to be proper and reasonable expenses actually incurred by the President and by the respective members of the Senate for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and in returning from Dover to their respective homes, in the performance of their duties as President and members of the Senate, during the present Legislative Session thereof, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the President and the respective members of the Senate hereinafter named, the respective amounts set opposite their respective names, viz:

Clifford Pryor	\$120.00
John Reilly	300.00
Eugene Lammot	300.00
Peter Nechay	90.00
Allen Cook	90.00
William Behen	15.00
Jester A. Gray	72.00
William Williams	270.00
Jacob Correll	246.00
Thomas L. Johnson	264.00
S. W. Harrison	24.00
Lemuel Hickman	360.00
Curtis W. Steen	300.00
Calvin McCullough	276.00
Elwood Melson	336.00
Walter J. Hoey	144.00
Earl Tull	270.00
Lt. Gov. David Buckson	60.00

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 413—"An Act to Amend Chapter 122, Volume 29, Laws of Delaware, Entitled "An Act Providing for Assessment Against Abutting Properties in the City of Wilmington for a Portion of the Cost of Paving and Improving the Public Street Roadways", as Amended by Chapter 58, Volume 51, Laws of Delaware, by Repealing All Provisions Requiring and Making Mandatory Notices and Public Hearings in Connection With the Paving, Repaving or General Resurfacing of Any Street, Block or Blocks Located Within the City of Wilmington," by Reilly; to Judiciary.

SB 414—"An Act to Authorize and Empower the Mayor and Council of Wilmington to Have and Exercise the Power to Acquire by Purchase or Through the Power of Condemnation Lands to be Used as a Dumping Ground Upon Which to Place Garbage and Refuse," by Reilly; to Judiciary.

The following bill was reported by the majority of the Committee on Municipal Corporations as follows: By Mr. Behen, **HB 507**, 5 favorable.

The Chair directed the reading of the following message, addressed by the Governor to the President of the Senate:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 19, 1958

The Honorable David P. Buckson
Lieutenant-Governor of the State of Delaware
President of the Senate, 119th General Assembly
Legislative Hall, Dover, Delaware

Dear Governor Buckson:

Pursuant to the authority vested in me by Section 3, Article IV of the Constitution of the State of Delaware, as amended, I herewith address to you this public letter informing you that I intend to submit to the Senate for confirmation the name of Albert J. Stiftel, Esquire, resident in Wilmington, Delaware, as Associate Judge at Large of the Superior Court and the Orphans' Court of the State of Delaware, for a term of twelve years and to succeed the Honorable Daniel L. Herrmann, whose resignation I have accepted at his request, effective April 15, 1958.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion by Mr. Johnson, motion prevailing, Senate Rule 9 was suspended for the rest of this Legislative Day.

On motion of Mr. Johnson, **SB 410**—"An Act to Amend Chapter 283, Volume 21, Laws of Delaware, Relative to the Rehoboth School District," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Johnson, Mr. Shockley was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Correll, Harrison, Hickman, Johnson, McCullough, Melson, Pryor, Reilly, Williams—10.

NAYS—None.

NOT VOTING—Messrs. Behen, Gray, Hoey, Tull, Mr. President Pro Tem—5.

ABSENT—Messrs. Lamot and Nechay—2.

Prior to the announcement of the vote, Mr. Johnson moved that the roll call be tabled. Motion prevailed.

The following bills were reported by the majority of the Committee on Judiciary as follows: Br. Mr. Reilly—SB 413, 3 on merits, 1 favorable; SB 414, 3 on merits, 1 favorable.

The Chief Clerk of the House informed the Senate that the House had concurred in SB 230, and that the House had passed and requested the concurrence of the Senate in the following bills: HB 414, HB 489 with HA 1 and HA 2, HB 515, HB 523.

On motion of Mr. Reill, SB 413—"An Act to Amend Chapter 122, Volume 29, Laws of Delaware, Entitled "An Act Providing for Assessment Against Abutting Properties in the City of Wilmington for a Portion of the Cost of Paving and Improving the Public Street Roadways", as Amended by Chapter 58, Volume 51, Laws of Delaware, by Repealing All Provisions Requiring and Making Mandatory Notices and Public Hearings In Connection With the Paving, Repaving or General Resurfacing of Any Street, Block or Blocks Located Within the City of Wilmington," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Reilly, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Lammot, Nechay, Pryor—3.

So the question was decided in the affirmative and the bill: SB 413 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion by Mr. Johnson, the Senate recessed for five minutes, at 5:25 P. M.

The Senate met at expiration of recess at 5:35 P. M. President Pro Tempore presiding.

On motion of Mr. Reilly, SB 414—"An Act to Authorize and Empower the Mayor and Council of Wilmington to Have and Exercise the Power to Acquire by Purchase or Through the Power of Condemnation Lands to be Used as a Dumping Ground Upon Which to Place Garbage and Refuse," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Cook, Correll, Harrison, Hickman, Johnson, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—Mr. Behen—1.

ABSENT—Messrs. Gray, Hoey, Lammot, Nechay—4.

So the question was decided in the affirmative and the bill: **SB 414** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Harrison, **HB 88**—"An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Licenses and Taxes, by Providing Additional Grounds for Refusal of Licenses for the Sale of Alcoholic Liquors," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Harrison, Mr. H. D. Furniss, of Milford, was granted the privilege of the floor.

On motion of Mr. Hickman, **HB 88** was tabled.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 109**—"Relative to the Death of Bishop Hubert James Cartright."

WHEREAS, the Senate of the 119th General Assembly of the State of Delaware has learned with deep regret of the recent death of the Most Reverend Hubert James Cartright, Coadjutor Bishop of the Catholic Diocese of Wilmington on March 6, 1958; and

WHEREAS, Bishop Cartright had attained a position of great eminence and affection in his diocese, community and State, and

WHEREAS, Bishop Cartright's long and valuable service in community and Church affairs will long be remembered and appreciated by the people of his diocese, community, and State, and,

WHEREAS, it is fitting and proper that the members of the Senate should express their sympathy to the family and friends of a man who by his faithful, diligent and unselfish labors, earned the esteem and regret of his fellow citizens;

NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware that the sincere sympathy of the Senate is hereby extended to the family and friends of the Most Reverend Hubert James Cartright, and,

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal, that a copy be sent to the family of Bishop Cartright, that a copy be sent to the Most Reverend Edmond J. Fitzmaurice, Bishop of the Catholic Diocese of Wilmington, and copies be delivered to the press.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 110**—"Authorizing Payments for Services Rendered by Attaches and Employees of the Senate and to Pay Certain Other Expenses of the Present Session of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the Senate whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches and employees for the period commencing with the 111th Legislative Day and including the 120th Legislative Day, March 19, 1958, of the current session.

Mary David	\$325.00
Edna Vadden	250.00
Louise Eskridge	275.00
Joseph Rawlins	275.00
Alvins Lyons	250.00
Carl Prettyman	235.00
William Poore	200.00
Elisha Hickman	293.50
J. Noble Carroll	258.50
Matthew Donohue	200.00
Beatrice V. Hubbard	363.00
Samuel R. Russell	825.00
Thomas C. Mulligan	200.00
Rena Morgan	275.00
Thomas Holcomb	225.00
Thomas Bayard, III	330.00
Eleanor Ann Steen	175.00

BE IT FURTHER RESOLVED by the Senate of the 119th General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the Senate whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches and employees to the Joint Finance Committee:

Hubert Kenney	\$625.00
Rena Morgan	375.00
Beatrice V. Hubbard	250.00

BE IT FURTHER RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present Session of the 119th General Assembly of the State of Delaware, up to and including the 120th Legislative Day which said expenses are hereby declared to be proper and reasonable

expenses actually incurred by certain members for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and in returning from Dover to their respective homes, in the performance of their duties as members of the Joint Finance Committee, during the present Legislative Session thereof, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the respective members of the Senate hereinafter named, the respective amounts set opposite their respective names, viz:

William Behen	\$ 18.75
Calvin McCullough	345.00
Elwood Melson	420.00
Walter J. Hoey	180.00
Earl Tull	337.00

BE IT FURTHER RESOLVED by the Senate of the 119th General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the Senate whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches during the Special Session called by the Governor on December 3, 1957.

Louise Eskridge	\$ 50.00
Beatrice V. Hubbard	132.00
Samuel R. Russell	300.00
Thomas Bayard, III	132.00
Matthew Donohue	80.00

On motion of Mr. Reilly, the Senate adjourned at 6:15 P. M. until 1:00 P. M., Monday, March 24, 1958.

121ST LEGISLATIVE DAY

Dover, Delaware, March 24, 1958

Senate met pursuant to adjournment at 2:05 P. M., on Monday, March 24, 1958. President Pro Tem Steen presiding.

Prayer by the Rev. Charles W. Spry, substituting for the regular Chaplain: "Eternal and most merciful Father, how grateful we should be that we have in Thee the source and the divine disclosure of all those virtues by which we live and by which the home and friendship survive and man is redeemed. We pray Thee that we may control any pride which lifts us above and out of any sympathy with others. Oh, lead us to stand for the rights, the dignities, and the honors of our fellow men. Blessed Lord, subdue those lower facilities, appetite, greed and passions which make discord in our country and nations. Deliver all man, we pray Thee, from

the sternness, the restraints, and the hardships of winter, and bring them into the joy of spring and the promise of summer. We entreat Thee, our Father, that we may live and labor for liberty, the pursuit of happiness, and for the achievement of spreading truth and noble ideals along life's pathway. We praise Thee that some day we shall know how full and glorious is that great truth—"The memory of the just is blessed." Amen!"

Members present — Messrs. Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

Members absent—Messrs. Behen, Cook, Lammot, Nechay, Williams—5.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The following House Bills, delivered to the Senate by the Chief Clerk of the House at the Previous Session, were presented by the Chair, read twice by title only, and referred to committee, as follows:

HB 414—"An Act to Amend Chapter 43, Title 29, Delaware Code, Relating to the Appointment of Notaries for Service Organizations; Limitations," to Judiciary.

HB 489 with **HA 1** and **HA 2**—"An Act to Amend the Motor Vehicle Laws of the State of Delaware by Repealing Title 21, Delaware Code, and by Enacting in Lieu Thereof a new Title 21, Delaware Code," to Buildings and Highways.

HB 515—"An Act to Amend Section 522, Title 28, Delaware Code Relating to the Award of Dates for Harness Racing Meets," to Miscellaneous.

HB 523—"An Act to Amend Chapter 33, Title 19, Delaware Code Relating to Unemployment Compensation," to Labor.

The Chair announced the signing of **SB 230**.

On motion of Mr. Behen, **HB 507**—"An Act to Amend Chapter 162, Volume 37, Laws of Delaware, Entitled "An Act Changing the Name of 'The Town of Milford' to 'The City of Milford', and Establishing a Charter Therefore," by Making Provision for Salaries to Members of the City Council and the Mayor," 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. Behen, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Cook, Lammot, Nechay, Williams—4.

So the question was decided in the affirmative and the bill: **HB 507** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 415—"An Act to Amend Chapter 11, Title 28, Delaware Code, Also Known as Section 1, Chapter 65, Volume 51, Laws of Delaware, Relating to the Conduct of a Bingo Referendum," by Reilly; to Judiciary.

Mr. Behen moved that Senate Rule 22 be suspended for the rest of the legislative day. Motion prevailed.

The following bills were reported by the majority of the respective committees as follows: Miscellaneous, by Mr. Behen—**HB 515**, 4 on merits. Labor, by Mr. Reilly—**HB 523**, 3 favorable, 1 on merits. Finance, by Mr. Hoey—**HB 347**, 5 on merits; **HB 522**, 5 on merits.

Mr. Cook asked to be marked present.

The Chair recognized Mr. Clifford E. Timmons, Director of Admissions of the Peddie School, Hightstown, New Jersey, and formerly of Frankford, Delaware.

The following bill was reported by the majority of the Committee on Judiciary, as follows: By Mr. Reilly—**SB 415**, 4 favorable, 1 on merits.

On motion by Mr. Reilly, motion prevailing, Senate Rule 9 was suspended for the rest of this legislative day.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 405**.

On motion of Mr. Reilly, **SB 415**—"An Act to Amend Chapter 11, Title 28, Delaware Code, Also Known as Section 1, Chapter 65, Volume 51, Laws of Delaware, Relating to the Conduct of a Bingo Referendum," was taken up for consideration and read a third time by title 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. Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Gray—1.

ABSENT—Messrs. Behen, Lammot, Nechay, Williams—4.

So the question was decided in the affirmative and the bill: **SB 415** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, the Senate recessed at 2:40 P. M. until call of the Chair.

Senate met at expiration of recess at 3:45 P. M. President Pro Tempore presiding.

The Chair announced the signing of the following bills: **SB 405**, and **HB 404**, **HB 502** and **HB 504**.

On motion of Mr. Reilly, **HB 523**—"An Act to Amend Chapter 33, Title 19, Delaware Code Relating to Unemployment Compensation," 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. Behen, Correll, Harrison, Hoey, Johnson, McCullough, Melson, Pryor, Reilly, Tull—10.

NAYS—Messrs. Cook and Gray—2.

NOT VOTING—Mr. President Pro Tem—1.

ABSENT—Messrs. Hickman, Lammot, Nechay, Williams—4.

So the question was decided in the affirmative and the bill: **HB 523** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor, which the Chair directed to the Chairman of the Executive Committee:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 24, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Richard C. Hairgrove, Camden, to be a Justice of the Peace in and for Kent County for a term to expire March 24, 1962.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chief Clerk of the House informed the Senate that the House had passed over the Governor's veto: **HB 475**.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 376**, **SB 377**, **SB 395**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolution: **HB 382**, **HB 477** and **HCR 20**.

The Chair presented the following House Bills and Concurrent Resolution, which were given first and second reading by title only and referred to committees as follows:

HB 382—"An Act to Amend Chapter 1, Title 10, of the Delaware Code Relating to the Time for Taking Appeals to the Supreme Court," to Judiciary.

HB 477—"An Act Appropriating Money to the Appomattox Camp No. 2, Sons of Union Veterans of the Civil War," to Finance.

HCR 20—"Request to the Governor of the State of Delaware to Return House Bill No. 403 as Amended for Reconsideration," to Miscellaneous.

On motion of Mr. Behen, **HB 515**—"An Act to Amend Section 522, Title 28, Delaware Code Relating to the Award of Dates for Harness Racing Meets," 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Lammot, Nechay, Williams—3.

So the question was decided in the affirmative and the bill: **HB 515** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 111**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate that the sum of \$68.05 is hereby appropriated to pay to International Business Machines Corporation, Wilmington, Delaware, for service to typewriters, in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be, and she is hereby authorized and directed to pay to International Business Machines Corporation, Wilmington, Delaware, the sum of \$68.05, for the repair of typewriters.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 112**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate that the sum of \$91.83 is hereby appropriated to pay for telephone service in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to The Diamond State Telephone Company, Dover, Delaware, the sum of \$91.83 for telephone service.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 416—"An Act to Appropriate \$60,886 to the Claymont Special School District," by Melson; to Education.

SB 417—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of Maintaining Suburban Roads as Authorized and Required by Section 131, Title 17, Delaware Code," by McCullough; to Finance.

Without objections, the Chair declared the Senate to be in recess for five minutes, at 4:25 P. M.

The Senate met at expiration of recess at 4:30 P. M. Mr. Cook presiding.

The following resolution was reported by the majority of the Committee on Miscellaneous, as follows: By Mr. Behen—**HCR 20**, 4 favorable.

The Chair again presented **HCR 20**, which was read one time in full, and then on the prevailing motion by Mr. Behen, offered for adoption. On being adopted by voice vote, without dissent, the Chair ordered **HCR 20** to be returned to the House: **HCR 20**—"Request to the Governor of the State of Delaware to Return House Bill No. 403 as Amended for Reconsideration."

WHEREAS, the Senate and the House of Representatives of the 119th General Assembly desire to change and modify certain provisions of House Bill No. 403 as amended; NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 119th General Assembly, the Senate concurring therein, that the Governor of the State of Delaware respectfully be requested to return House Bill No. 403 as amended to the House of Representatives for reconsideration by the General Assembly.

On motion of Mr. Hoey, the Senate adjourned at 4:35 P. M. until 1:00 P. M., Tuesday, March 25, 1958.

122ND LEGISLATIVE DAY

Dover, Delaware, March 25, 1958

Senate met pursuant to adjournment at 2:40 P. M., on Tuesday, March 25, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: We are deeply concerned with the fact that we as a State are in debt; this Lenten Season may we realize how greatly indebted we are to Thee for Thy patience with us, but above all for Thy forgiving love which did not hesitate in sending Thy Son into our world to save our souls and to show us a happier way of living down here. Bless the deliberations of this body of men that under Thy direction the greatest good will be accomplished for the greatest number. In Jesus' Name. Amen."

Members present—Messrs. Behen, Cook, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—15.

Members absent—Messrs. Correll and Nechay—2.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

Mr. Correll asked to be marked present.

On motion by Mr. Johnson, SB 410—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, Relative to the Rehoboth School District," and which bill the roll call had previously been tabled, was again considered for the purpose of the resumption of the roll call. Mr. Lammot, who was not present at the initial roll call, voiced his vote "yea". Mr. President Pro Tempore and Mr. Tull, previously voicing their vote "not voting", changed their vote to "yea." The completed roll call on SB 410 was therefore as follows:

YEAS — Messrs. Cook, Correll, Harrison, Hickman, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Messrs. Behen, Gray, Hoey—3.

ABSENT—Mr. Nechay—1.

So the question was decided in the affirmative and the bill: SB 410 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair announced the signing of SB 376, SB 377 and SB 395.

Upon declaration by the Chair, and without objections, the Senate recessed at 2:55 P. M.

The Senate met at expiration of recess at 4:40 P. M. President Pro Tempore presiding.

The following message from the Governor was delivered to the Senate:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, March 25, 1958

Senate of the 119th General Assembly of the State of Delaware:

This will advise that on the dates indicated I have approved the following legislation:

March 24, 1958—House Bill No. 466—An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide That Frederica School #32 be Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds.

March 24, 1958—House Bill No. 476—An Act to Amend Chapter 283, Volume 51, Laws of Delaware, so as Provide That Middletown #60 School District be Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds.

March 24, 1958—Senate Bill No. 198—An Act to Amend Chapter 15, Title 13, Delaware Code by Removing New Castle County from the Original Territorial Jurisdiction of the Superior Court With Respect to Distribution, Care and Maintenance of Children in an Action for Annulment of Marriage or Divorce.

March 24, 1958—Senate Bill No. 409—An Act to Amend Chapter 1, Title 20, Delaware Code Relating to the Delaware National Guard.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bill was reported by the majority of the Committee on Judiciary, as follows: By Mr. Reilly—**HB 382**, 4 favorable, 1 on merits.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 299**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 527** and **HB 530**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 527—"An Act to Amend Chapter 9, Title 10, Delaware Code, by Empowering the Judges of the Family Court to Appoint Masters," to Judiciary.

HB 530—"An Act to Amend Chapter 23, Title 10, Delaware Code, Pertaining to the Office of the Prothonotary," to Miscellaneous.

The following bill was reported by the majority of the Committee on Banking and Insurance as follows: By Mr. McCullough—**SB 411**, 3 favorable, 2 on merits.

On motion by Mr. Reilly, motion prevailing, Senate Rule 9 was suspended for the rest of this legislative day.

At 5:45 P. M., the President of the Senate came to the rostrum and presided.

On motion of Mr. McCullough, **SB 411**—"An Act to Amend Title 21, Delaware Code, by Providing for Suspension for Persons Failing to Possess Financial Responsibility and the Collection and Disposition of Certain Fees for the Filing of Proof of Financial Responsibility," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Frank O'Donnell, Deputy Attorney General, was granted the privilege of the floor.

Mr. McCullough introduced **SA 1**, which was read and by order of the Chair, roll call thereon was taken.

On the question, "Shall the Amendment pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Behen, Lammot, Nechay—3.

So the question was decided in the affirmative and **SA 1** to **SB 411** having received the required constitutional majority, was adopted.

Mr. McCullough then moved that the bill as amended be taken up for consideration in order to pass the Senate. Mr. Williams moved that the bill as amended be deferred.

On the question, "Shall **SB 411** as Amended be deferred?" the yeas and nays were taken, and which were as follows:

YEAS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Johnson, McCullough, Melson, Tull, Williams—10.

NAYS—Messrs. Hoey, Pryor, Reilly, Mr. President Pro Tem—4.

ABSENT—Messrs. Behen, Lammot, Nechay—3.

So the question of deferment having received the required constitutional majority, was decided in the affirmative.

On motion of Mr. Reilly, **HB 382**—"An Act to Amend Chapter 1, Title 10, of the Delaware Code, Relating to the Time for Taking Appeals to the Supreme Court," was taken up for consideration and read a third time by title 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. Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Reilly, Tull, Williams—12.

NAYS—None.

NOT VOTING—Mr. Cook—1.

ABSENT—Messrs. Behen, Lammot, Nechay, Mr. President Pro Tem—4.

So the question was decided in the affirmative and the bill: **HB 382** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, the Senate adjourned at 5:15 P. M. until 1:00 P. M., Wednesday, March 26, 1958.

123RD LEGISLATIVE DAY

Dover, Delaware, March 26, 1958

Senate met pursuant to adjournment at 2:10 P. M., on Wednesday, March 26, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: On the coming Sabbath we will or we should be singing 'Hosanna' to Thy Son. May our lives proclaim more eloquently than our lips our love for Him. May we dedicate our selves toward making our world His Kingdom, where love for fellow man rather than love for self shall permeate our entire social structure. May those who sit in high places yield to Divine pressure which would have them do unto others as they would have others do unto them. In Jesus' Name. Amen."

Members present—Messrs. Behen, Correll, Gray, Harrison, Hickman, Hoey, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—11.

Members absent — Messrs. Cook, Johnson, Lammot, McCullough, Nechay, Williams—6.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

Messrs. Cook and McCullough asked to be marked present.

The Chair declared the Senate recessed at 2:15 P. M. until call of the Chair.

Senate met at expiration of recess at 4:03 P. M. President Pro Tempore presiding.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 418—"An Act to Amend Chapter 27, Title 10, Delaware Code Relating to the Qualifications of Special Constables," by Reilly; to Judiciary.

On motion of Mr. Pryor, **HB 319** with **HA 1**—"An Act to Add to Title 15 of the Delaware Code a New Chapter 20, Providing for Registration of Voters Who Because of Sickness or Physical Disability are Unable to Apply in Person at the Designated Place for Registration and Making the Other Chapters of Title 15 Apply Insofar as Pertinent to Registration Under This New Chapter 20, and to Amend Sections 2302 and 2303 of Chapter 23 of Title 15 of the Delaware Code to Make Certain Penalties Apply to Violations of New Chapter 20 of Title 15," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Pryor, Representative Margaret Manning and Mr. Edwin Hutchinson, Secretary of the New Castle County Department of Elections, were granted the privilege of the floor.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Cook, Correll, McCullough, Melson, Reilly, Williams—6.

NAYS — Messrs. Behen, Gray, Harrison, Pryor, Mr. President Pro Tem—5.

NOT VOTING—Messrs. Hickman, Hoey, Tull—3.

ABSENT—Messrs. Johnson, Lammot, Nechay—3.

So the question was decided in the negative and the bill: **HB 319** with **HA 1** not having received the required constitutional majority, was lost.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bill: **HB 503** as amended.

The Chair presented the following House Bill, which was given first and second reading by title only and referred to committee as follows:

HB 503 with HA 1—"An Act to Amend Chapter 75, Title 16, Delaware Code, Relating to Buildings Requiring Fire Escapes; Kinds," to Miscellaneous.

The Chair announced the signing of **SB 299** and **HB 507**, **HB 515**, **HB 523**.

Mr. Melson moved that **HB 319** as amended by **HA 1** be restored to the calendar. Motion prevailed.

On motion of Mr. McCullough, **SB 411** as amended—"An Act to Amend Title 21, Delaware Code, by Providing for Suspensions for Persons Failing to Possess Financial Responsibility and the Collection and Disposition of Certain Fees for the Filing of Proof of Financial Responsibility," was taken up for consideration and read a third time by title 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. Correll, Gray, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Willilams, Mr. President
Pro Tem—11.

NAYS—Messrs. Cook and Harrison—2.

NOT VOTING—Mr. Behen—1.

ABSENT—Messrs. Johnson, Lammot, Nechay—3.

So the question was decided in the affirmative and the bill: **SB 411** as amended having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 419—"An Act to Amend Chapter 23, Title 14, Delaware Code Relating to Legal Services Rendered in Connection With the School Building Program," by Hoey and Steen; to Finance.

Mr. Hoey, following the referring of **SB 419**, requested the Chair that the bill be withdrawn, there being an error in the drafting of the original bill.

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 420—"An Act to Amend Chapter 89, Volume 51, Laws of Delaware Relating to the State Soil Conservation Commission," by Hoey; to Agriculture.

Mr. Pryor requested that **SB 303** and **SB 403** be stricken from the calendar.

The following bill was reported by the majority of the Committee on Miscellaneous, as follows: By Mr. Behen—**HB 530**, 3 favorable, 1 on merits.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bill: **HB 403** as amended.

Mr. Behen moved that Senate Rule 9 be suspended for the rest of this legislative day. Motion prevailed.

On motion of Mr. Behen, **HB 530**—"An Act to Amend Chapter 23, Title 10, Delaware Code, Pertaining to the Office of the Prothonotary," was taken up for consideration and read a third time by title 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. Behen, Correll, Harrison, Hickman, Hoey, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Cook, Gray, Johnson, Lammot, Melson, Nechay—6.

So the question was decided in the affirmative and the bill: **HB 530** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 403** as amended by **HA 2**—"An Act to Amend Chapter 41, Title 16, Delaware Code, Entitled "Ice Cream" Relating to Ice Milk," was taken up for consideration and read a third time by title 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. Behen, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Cook, Johnson, Lammot, Melson, Nechay—5.

So the question was decided in the affirmative and the bill: **HB 403** as amended having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 113**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED BY THE SENATE, that the sum of \$764.16 is hereby appropriated to pay for printing in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and the State Treasurer be, and she is hereby authorized and directed to pay to the Delaware State News, Dover, Delaware, the sum of \$764.16 in payment for printing of Calendars for the period ending March 14, 1958.

On motion of Mr. Cook, the Senate adjourned at 5:10 P. M. until 1:00 P. M., Monday, March 31st, 1958.

124TH LEGISLATIVE DAY

Dover, Delaware, March 31, 1958

Senate met pursuant to adjournment at 2:10 P. M., on Monday, March 31, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: This Holy Week we come before Thee thanking Thee for the faith of our fathers who declared this to be a Christian nation. May we keep faith with them and may our nation live up to the ideals of Thy Son. May we be willing to sacrifice for Him Who gave His life for us. He does not ask us to die for Him but to live for Him. Bless the deliberations of this body, especially this Holy Week. We open this session with prayer believing in separation of Church and State, but not in the separation of the State and Religion. In Jesus' Name. Amen."

Member present — Messrs. Cook, Correll, Harrison, Hickman, Hoey, Lammot, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—11.

Members absent — Messrs. Behen, Gray, Johnson, McCullough, Nechay, Reilly—6.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

Mr. Gray asked to be marked present.

On privilege of the floor, Mr. Lammot requested the Chair that the students of the Alexis I. duPont High School, of Wilmington, seated in the gallery, be recognized.

Mr. Reilly asked to be marked present.

The Chair directed the Reading Clerk to read the following letter, addressed to the President and members of the Executive Committee of the University of Delaware to the President Pro Tempore:

UNIVERSITY OF DELAWARE

Newark, Delaware, March 27, 1958

The Honorable Curtis W. Steen, President Pro Tem
119th General Assembly, Dover, Delaware

Dear Senator Steen:

The Trustees of the University of Delaware are distressed that the budget bill (H. B. 533) now before you as members of the General Assembly for the 1958-59 fiscal year reduces the University's appropriation from the State by \$216,000, a reduction of 7½ per cent. The Trustees of the University strongly urge you to take whatever action is necessary to restore these proposed cuts.

This reduction of \$216,000 is not apparent if one compares the University's general appropriation for 1958-59 with that for 1957-58. In fact, it appears that the University gains \$26,500. However, this is not the case because \$150,000 of the University's appropriation for 1957-58 does not appear in the general appropriation bill. This sum, earmarked for salaries and wages, came to the University in 1957-58 through House Bill 398, although it is an integral part of the University's appropriation and is budgeted as such. Under the proposed budget bill, this \$150,000 for salaries and wages is eliminated. In addition, the University's general appropriation was cut by \$66,000; \$50,000 for equipment, \$16,000 for repairs and replacements.

The impression that the University's appropriation has been increased by \$26,500 stems from the fact that two special scholarship bills passed in 1957-58 are merged into the proposed appropriation for the University. These scholarships were not requested by the University. They do not provide operating funds for the University. They are simply transmitted by us to students as the law requires.

The University of Delaware today stands at a cross-roads. It has, with the help of recent General Assemblies, become an institution at which Delaware youth can be well educated. But even with the support of the General Assembly, the days ahead for our University, as for other colleges, will be most difficult. Enrollments are increasing. Faculty of quality are in extremely short supply. Salaries necessary to attract them are on the rise. Owing to the demands of our civilization the country needs more youth with technical higher education, and to give it to them the course offerings of the University necessarily must be broadened. At the same time, these courses are more complex, requiring better qualified teachers, more expensive specialized classrooms and equipment. If the State does not do its part, its University cannot even maintain its present program, not to mention meeting the enrollment problems and the more complicated instruction needed. To reduce the University's funds at this crucial time will cause our best faculty to lose faith in the University's future and leave, replacements will not be found for less money, and the University's library and other vital activities will also deteriorate. All this, at the very time when more Delaware youth of ability to do college work will be seeking admission and the economy and safety of the United States depend upon their having first-rate higher educations.

We want you to realize that the loss to the University of \$150,000 in salaries and wages and \$66,000 in other funds will have damaging and far-reaching consequences. In the interest of the University of Delaware—so essential to the

people of Delaware, young and old—we earnestly urge you to do everything you can to prevent the threatened serious injury to Delaware and its people.

Sincerely,

John A. Perkins
Henry B. duPont
Harold W. Horsey
George Burton Pearson, Sr.
Warren C. Newton
P. C. Townsend
Members of the Executive
Committee

Hugh M. Morris, Chairman
Executive Committee
Richard S. Rodney
John P. Cann
Madalin W. James
Elbert N. Carvel

On privilege of the floor, Mr. Melson spoke on **HB 392**, which bill had previously been twice deferred, and subsequently lost and restored to the calendar, stating that he had received numerous letters concerning the bill, both in favor of it and against it, and suggested that a public hearing on the bill be held in the Senate.

The President Pro Tempore left the rostrum at 2:25 P. M., and requested Mr. Melson to preside.

Mr. Behen asked to be marked present.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 421—"An Act to Amend Chapter 83, Title 11, Delaware Code by Creating a State Police Commission With Jurisdiction Over the State Police," by Behen; to Miscellaneous.

SB 422—"An Act to Amend Chapter 23, Title 14, Delaware Code Relating to Legal Services Rendered in Connection With the School Building Program," by Hoey and Steen; to Education.

Mr. McCullough asked to be marked present.

On motion by Mr. Cook, the Senate recessed at 2:35 P. M. until call of the Chair.

The Senate met at expiration of recess at 5:50 P. M. President Pro Tempore presiding.

Mr. Johnson asked to be marked present.

The Chair announced the signing of **HB 382**.

The following bills were reported by the majority of the respective committees as follows: Public Lands, by Mr. Tull, **SB 408**, 4 favorable. Education, by Mr. McCulloughs, 2 favorable, 2 on merits.

Mr. Pryor requested of the Chair the permission to announce that on Wednesday, April 2, 1958, there would be held in the Senate Chamber a public hearing on **HB 392**.

The Chair directed the Reading Clerk to read the following communication from the Governor, dated March 3, 1958, and addressed to the House of Representatives, relative to his disapproval of **HB 475**, previously concurred in by the 119th General Assembly.

**GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

Dover, March 3, 1958

To the House of Representatives of the
119th General Assembly:

On February 5, 1958, I received House Bill No. 475, entitled:

AN ACT TO REPEAL CHAPTER 266, VOLUME
51, LAWS OF DELAWARE (CHAPTER 14, TITLE
24, DELAWARE CODE) PERTAINING TO ELEC-
TRICAL CONTRACTORS.

I respectfully return herewith this Bill without my approval.

The Act creating the State Board of Electrical Examiners had for its purpose the reduction of fire hazards and the protection of life and property. This Act was passed after careful and thoughtful consideration of this 119th General Assembly. The need for reduction of fire hazards and for the protection of life and property remains the same today as it was in 1957 when this Act was passed by the General Assembly.

The full benefits of this Act to the State of Delaware and its people have not been realized because it has not had more than several months of operation. Experience gained so far, however, indicates that certain amendments would be desirable in both furtherance of the objective of the Act and from the standpoint of eliminating causes of complaints against the Act.

I am attaching herewith an amendment which may be introduced as a Bill to eliminate certain complaints and weaknesses of this Act.

This amendment preserves the basic structure of the Act. It eliminates, however, any license, regulation or inspection requirement over a person who installs his own electrical work unless the installation involves an amount in excess of \$25.00.

It eliminates the inequity of the original short-term license.

It eliminates the bond requirement.

It eliminates all but the two basic types of licenses.

It makes the expressed intent of the Act creating the State Board of Electrical Examiners that nothing contained in the Act shall be construed in any manner to limit the number of qualified licensees.

It is my opinion that with these amendments, the hardships and complaints registered against this Act will be removed and the basic and important purpose of the Act to reduce fire hazards and provide further protection of life and property will be accomplished.

It has been suggested to me that I should sign this repealer Bill and submit a new Bill to recreate the Board of Electrical Examiners and the regulatory provisions. After careful consideration of this suggestion, I chose the course I am following because the Board is already created and established; licenses have been issued, money has been spent and collected; much work has been accomplished; experience gained and, progress made. To wipe out all of this and start again appears to me to be a great waste. Therefore, I believe with the proper amendments to the present Act, the Board can be retained; the work and progress made will not be lost, and, public interest will be better served.

I should also point out to the General Assembly that I cannot give my approval to this repealer Bill because approximately \$10,000 have already been collected for licenses issued and no provision is made in H. B. 475 for the repayment of these funds.

Respectfully submitted,

J. CALEB BOGGS, Governor

HB 475, entitled—"An Act to Repeal Chapter 266, Volume 51, Laws of Delaware (Chapter 14, Title 24, Delaware Code) Pertaining to 'Electrical Contractor,'" having been previously passed by the House over the Governor's veto, was (on motion by Mr. Hoey) brought up for consideration again, following the reading of the Governor's objections.

On the question, "Shall **HB 475** pass the Senate over the Governor's veto?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Hoey, Lamot, McCullough, Reilly, Tull, Mr. President Pro Tem—11.

NAYS—Messrs. Melson, Pryor, Williams—3.

NOT VOTING—Mr. Johnson—1.

ABSENT—Messrs. Correll and Nechay—2.

So the question was decided in the affirmative and the bill: **HB 475** having received the required constitutional majority, again passed the Senate, the objections of the Governor notwithstanding, and was ordered by the Chair to be returned to the House.

On motion of Mr. Hoey, **HB 483**—"An Act to Amend Chapter 299, Volume 51, Laws of Delaware (Chapter 11, Title 30, Delaware Code) by Changing the Effective Date of the Increase in the Rates of Tax on Personal Incomes, was taken up for consideration and read a third time by title in order to pass the Senate.

Messrs. Williams, Cook, Melson, Hoey, McCullough and Hickman were granted the privilege of the floor to discuss the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Gray, Harrison, Hickman, Hoey, Lammot, McCullough, Pryor, Reilly, Tull—10.

NAYS—Messrs. Cook, Correll, Johnson, Melson, Williams, Mr. President Pro Tem—6.

ABSENT—Mr. Nechay—1.

So the question was decided in the affirmative and the bill: **HB 483** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 306**, **SB 318**, and that the House had passed and requested the concurrence of the Senate in the following bill: **HB 468** as amended.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 423—"An Act to Amend Chapter 23, Title 11, Delaware Code Relating to Search and Seizure," by Reilly; to Judiciary.

SB 424—"An Act to Amend Title 15, Delaware Code Relating to Absentee Registration and Voting of Members of the Armed Forces and of Others in Keeping With the Federal Voting Assistance Act of 1955," by Reilly; to Judiciary.

SB 425—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware, to Redefine the Functions of the Commission, Qualifications of Executive Director, Setting His Salary, Appointment of Other Personnel, Powers and Duties of the Commission, Custody of Children Committed to Institutions Prior to July 1, 1958," by Tull; to Miscellaneous.

On motion of Mr. Cook, the Senate adjourned at 6:32 P. M. until 1:00 P. M., Tuesday, April 1, 1958.

125TH LEGISLATIVE DAY

Dover, Delaware, April 1, 1958

Senate met pursuant to adjournment at 2:20 P. M., on Tuesday, April 1, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: Today we remember the incident of Holy Week when Thy Son cleansed the temple. May the forces of righteousness cleanse the temple of our civilization of its unclean influences, greed, hate, selfishness and the oppression of the weak and helpless. May we personally with Thy help cleanse our hearts of the things which are displeasing in Thy sight. We offer a prayer of intercession for the sick and afflicted thinking of one of our own members and praying that the Hand of the Great Physician may bring healing to him. In Jesus' Name. Amen."

Members present—Messrs. Behen, Cook, Correll, Harrison, Hoey, Melson, Reilly, Tull, Mr. President Pro Tem—9.

Members absent—Messrs. Gray, Hickman, Johnson, Lamot, McCullough, Nechay, Pryor, Williams—8.

Without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

The following bills were reported by the majority of the respective committees as follows: Judiciary, by Mr. Reilly—SB 423, 3 favorable 1 on merits; SB 424, 2 favorable, 2 on merits. Miscellaneous, by Mr. Behen—SB 421, 1 favorable, 2 on merits.

The following message from the Governor was delivered to the Senate:

**GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

Dover, April 1, 1958

To the Members of the
119th General Assembly of the State of Delaware:

On March 31, 1958, the Senate passed legislation amending the personal income tax bill enacted in December 1957. This bill, previously passed by the House of Representatives, would reduce Delaware's revenues by an estimated six million dollars.

The law to raise this extra six million dollars was enacted by this same legislature only slightly more than three months ago as part of a program to rectify what a bipartisan, non-legislative group of leading citizens described as an anticipated deficit of 27 million dollars by June 30, 1959. Even the legislative enactments of last December left an estimated deficit of nearly five million dollars for this biennium.

In view of the foregoing, and the fact that Delaware's budget is still out of balance, the legislature's action in passing a bill to reduce revenues is an astounding evidence of financial irresponsibility. It is even ironic that on the very day the Senate passed this bill the Governor, State Treasurer and Secretary of State borrowed an additional \$2,300,000 so that the salaries of Delaware employees and other authorized expenditures, including those of an unnecessarily prolonged legislative session, might be paid.

Incidentally, this borrowing on March 31st increased Delaware's total of outstanding deficiency notes to \$13,300,000, the largest amount of deficiency borrowing ever known to have been outstanding at any given time in the history of this State. It is obvious any repeal of the revenue in question will necessitate additional borrowing to make refunds of substantial amounts already collected. Under such circumstances, I seriously question the State's ability to continue borrowing in good faith on a temporary basis.

It is also pertinent to this situation that only as recently as March 18th, settlement was made on \$21,000,000 of State of Delaware bonds which had been sold on February 20th by the bond issuing officers at a favorable rate of interest in current markets. These bonds were sold at a favorable interest rate on behalf of the people of this State by the Governor, Treasurer and the Secretary of State based on the good faith statements of those officers that Delaware had substantially remedied its fiscal problems and would proceed to preserve the credit of Delaware by taking appropriate additional steps to balance the State's budget.

About two weeks ago I stated publicly, and such statement appeared in the newspapers of this State, that I would find it necessary to veto any bill reaching my desk which would reduce current revenues unless such bill was accompanied by other legislation providing for new revenues of at least an amount equal to the revenue being lost by any repealer. Now the legislature has acted to reduce revenue substantially while it has taken no action to produce equal or greater amounts of State income.

Consequently, this is to inform you respectfully that the bill passed by the legislature reducing revenue will be vetoed by me if other legislation providing for the required new revenue has not reached my desk by the time I must act on the revenue repealing measure.

This letter is also to inform you respectfully that should the legislature's failure to assume its financial responsibility necessitate my veto, and should that veto be overridden by the General Assembly, the bond issuing officers of this State will not offer any additional State of Delaware bonds for sale until this or a succeeding General Assembly enacts legislation to bring this State's budget into balance and to preserve the reputation and credit of this State and its people. Should the legislature's failure to fulfill its responsibility cause the bond issuing officers to take such a position, you recognize, of course, that no additional construction funds from bonds for schools, highways, institutional and other public works in Delaware will be available until the budget is balanced.

The choice of whether this State will continue to make progress and to go forward to meet the needs of its people, therefore, rests solely with the members of the 119th General Assembly.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chair presented the following House Bill, delivered to the Senate at the previous session, which was read by title twice and referred to committee as follows:

HB 468 as amended by HA 1—"An Act to Amend Title 9, Chapter 86, Delaware Code Relating to Collection of Taxes in New Castle County by Providing for the Elimination of

the Abatement of Taxes, and by Increasing the Penalty for Late Payment of Taxes in New Castle County," to Judiciary.

The Chair announced the signing of SB 306 and SB 318.

Mr. Reilly moved that Senate Rule 9 be suspended for the rest of this legislative day. His motion prevailed.

Mr. Hickman asked to be marked present.

On motion of Mr. Reilly, SB 424—"An Act to Amend Title 15, Delaware Code, Relating to Absentee Registration and Voting of Members of the Armed Forces and of Others in Keeping With the Federal Voting Assistance Act of 1955," was taken up for consideration and read a third time by title 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. Cook, Correll, Harrison, Hickman, Reilly—5.

NAYS—Messrs. Hoey, Melson, Mr. President Pro Tem—3.

NOT VOTING—Mr. Tull—1.

ABSENT — Messrs. Behen, Gray, Johnson, Lammot, McCullough, Nechay, Pryor, Williams—8.

So the question was decided in the negative and the bill: SB 424 not having received the required constitutional majority, was lost.

Following the roll call, Messrs. Cook and Reilly changed their vote from yea to nay. Without objections, Mr. Reilly requested that SB 424 be restored to the calendar.

Messrs. Pryor, Gray and McCullough asked to be marked present.

On motion of Mr. Reilly, SB 423—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Search and Seizure," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Reilly, Mr. Stewart Lynch, City Solicitor of Wilmington, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Correll, Gray, Harrison, Hickman, McCullough, Melson, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Messrs. Cook and Hoey—2.

ABSENT — Messrs. Johnson, Lammot, Nechay, Pryor, Williams—5.

So the question was decided in the affirmative and the bill: SB 423 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Mr. Hoey introduced SA 1 to SB 421, previously reported by the committee to which it had been referred, and moved for the adoption of the amendment. The Chair ordered roll call taken thereon, as follows:

On the question, "Shall the Amendment to the Bill pass the Senate?" the yeas and nays were taken, as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Melson, Reilly, Tull, Mr. President Pro Tem—11.

NAYS—Mr. McCullough—1.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Johnson, Lammot, Nechay, Williams—4.

So the amendment to the bill having received the required majority, was adopted.

On motion of Mr. Cook, the Senate recessed at 2:52 P. M. until call of the Chair.

Senate met at expiration of recess at 4:15 P. M. President Pro Tempore presiding.

Messrs. Johnson and Williams asked to be marked present.

The following bill was reported by the majority of the Committee on Judiciary, as follows: By Mr. Reilly—SB 325, 4 favorable, 1 on merits.

On motion of Mr. Reilly, SB 424, previously lost and restored and entitled—"An Act to Amend Title 15, Delaware Code, Relating to Absentee Registration and Voting of Members of the Armed Forces and of Others in Keeping With the Federal Voting Assistance Act of 1955," was again taken up for consideration in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Johnson, McCullough, Melson, Reilly, Tull, Williams—11.

NAYS—Mr. Hoey and Mr. President Pro Tem—2.

ABSENT—Messrs. Gray, Lammot, Nechay, Pryor—4.

So the question was decided in the affirmative and the bill: SB 424 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, SB 325—"An Act to Amend Chapter 59, Title 11, Delaware Code, Relating to Justices of the Peace," was taken up for consideration and read a third time by title in order to pass the Senate.

An error in the draft of the bill was discovered, and so on motion of Mr. Hoey, SB 325 was deferred.

The Chair announced the signing of HB 403 as amended and HB 530.

The following bills were introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 426—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of Maintaining Suburban Roads as Authorized and Required by Section 131, Title 17, Delaware Code and to Retire Bonds and Interest on Bonds Issued in Connection With Suburban Street Improvements in the Three Counties," by McCullough; to Buildings and Highways.

SB 427—"An Act to Amend Chapter 6, Title 9, Delaware Code Providing for the Establishment of Park Districts for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," by McCullough; to Public Lands.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, April 1, 1958

Senate of the 119th General Assembly of the State of Delaware:

This will advise that on the dates indicated I have approved the following legislation:

March 26, 1958—House Bill No. 404—An Act Authorizing the State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Clarence S. Collins, Jr., to the General Fund of the State of Delaware.

March 31, 1958—Senate Bill No. 377—An Act to Amend Chapter 5, Title 7, Delaware Code Relating to Fishing License Requirements for Non-Residents.

March 31, 1958—Senate Bill No. 395—An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Hunting or Shooting from Motor Vehicles, Boats or Farm Machinery.

March 31, 1958—Senate Bill No. 405—An Act to Amend the Charter of the "Town of Milton" as Established by Chapter 194, Volume 45, Laws of Delaware, by Increasing the Amount of Taxes That May be Raised for Municipal Purposes.

March 31, 1958—House Bill No. 502—An Act to Amend Chapter 69, Title 16, Delaware Code Relating to the Sale of Fireworks.

March 31, 1958—House Bill No. 504—An Act to Amend Chapter 191, 45 Laws of Delaware "An Act to Reincorporate the Town of Delaware City."

March 31, 1958—House Bill No. 507—An Act to Amend Chapter 162, Volume 37, Laws of Delaware, Entitled “An Act Changing the Name of ‘The Town of Milford’ to ‘The City of Milford’, and Establishing a Charter Therefor”, by Making Provision for Salaries to Members of the City Council and the Mayor.

March 31, 1958—House Bill No. 515—An Act to Amend Section 522, Title 28, Delaware Code Relating to the Award of Dates for Harness Racing Meets.

April 1, 1958—Senate Bill No. 230—An Act to Amend Section 3112 of Title 10 of the Delaware Code Relating to Service of Process on Non-Resident Owners, Operators or Drivers of Motor Vehicles.

April 1, 1958—Senate Bill No. 376—An Act to Amend Chapter 344, Volume 11, Laws of Delaware Relating to the Composition and Certain Powers of the Board of Managers of the Wilmington Institute.

April 1, 1958—House Bill No. 523—An Act to Amend Chapter 33, Title 19, Delaware Code Relating to Unemployment Compensation.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 385** with **HA 1**, **SB 392**, **SB 415**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 518**, **HB 531**, **HB 543**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 518—“An Act Appropriating Money to Blades School District #172,” to Finance.

HB 531—“An Act to Amend Chapter 27, Title 25, Delaware Code Relating to Mechanics’ Liens by Eliminating the Requirement That a Claim Against Two or More Structures Owned by the Same Person be Apportioned Among Each Structure and Liberalizing the Procedural Requirement for Such Liens,” to Private Corporations.

HB 543—“An Act to Amend Title 14, Delaware Code, Entitled “Education” by Providing for the Payment of Local School Expenses by Districts Not Maintaining High Schools; Taxes,” to Finance.

On motion of Mr. Reilly, **SB 385** as amended by **HA 1**—“An Act to Amend Section 5715, Title 11, Delaware Code, Concerning the Municipal Court for the City of Wilmington and Relating to Fees, Costs, and Charges in Said Court,” was taken up for consideration and read again by title and the amendment read in order to pass the Senate.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Lammot, Nechal, Pryor—4.

So the question was decided in the affirmative and the bill: **SB 385** as amended by **HA 1** having received the required constitutional majority, passed the Senate.

At 4:45 P. M., the Chair, without objections, declared the Senate to be in recess.

The Senate met at expiration of recess at 5:00 P. M. President Pro Tempore presiding.

On motion by Mr. Cook, the Senate adjourned at 5:03 P. M. until 1:00 P. M., Wednesday, April 2, 1958.

126TH LEGISLATIVE DAY

Dover, Delaware, April 2, 1958

Senate met pursuant to adjournment at 1:50 P. M., on Wednesday, April 2, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Father: Man's extremity is Thy opportunity. Help us to know when we have reached our extremity and then give us the faith to turn to Thee for direction. This week we are remembering the suffering of Thy Son Who sacrificed His life for mankind. May we be willing to sacrifice for the good of others. Bless the people of our beloved State in these days of crisis and this elected body selected to safeguard their interests. May the crisis pass and the better day dawn in Jesus' Name. Amen."

Members present—Messrs. Behen, Gray, Harrison, Hoey, Pryor, Reilly, Tull, Mr. President Pro Tem—8.

Members absent — Messrs. Cook, Correll, Hickman, Johnson, Lammot, McCullough, Melson, Nechal, Williams—9.

Mr. Correll asked to be marked present.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

Without objections, the Chair declared the Senate recessed at 1:55 P. M.

Senate met at expiration of recess at 2:10 P. M. for the public hearing on **HB 392**. Mr. Pryor, Chairman of the Committee on Buildings and Highway presiding. The public hearing concluded at 3:10 P. M., following which the Senate was in recess until 4:40 P. M.

The Senate sat again in regular Session at 4:40 P. M. President Pro Tempore presiding.

Messrs. Cook, Hickman, Johnson, McCullough, Melson and Williams asked to be marked present.

The Chair announced the signing of SB 385, SB 392 and SB 415 and the signing of HB 483.

The following Governor's message was delivered to the Senate:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, April 2, 1958

Senate of the 119th General Assembly of the State of Delaware:

This will advise that on the dates indicated I have approved the following legislation:

April 2, 1958—Senate Bill No. 299—An Act to Amend Title 11 of the Delaware Code Entitled "Crimes and Criminal Procedure" by Abolishing Capital Punishment.

April 2, 1958—House Bill No. 403 as amended—An Act to Amend Chapter 41, Title 16, Delaware Code, Entitled "Ice Cream" Relating to Ice Milk.

April 2, 1958—House Bill No. 530—An Act to Amend Chapter 23, Title 10, Delaware Code, Pertaining to the Office of the Prothonotary.

April 2, 1958—House Bill No. 382—An Act to Amend Chapter 1, Title 10, of the Delaware Code Relating to the Time for Taking Appeals to the Supreme Court.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bills were reported by the majority of the respective committees, as follows: Miscellaneous, by Mr. Tull—SB 425, 4 favorable, 1 on merits. Public Lands, by Mr. Tull—SB 427, 3 favorable. Judiciary, by Mr. Reilly—HB 527, 3 favorable, 2 on merits. Private Corporations, by Mr. Cook—HB 531, 3 favorable, 2 on merits. Buildings and Highways, by Mr. Pryor—SB 426, 4 on merits. Finance, by Mr. Hoey—SB 412, 5 on merits; HB 518, 5 on merits.

On motion of Mr. Pryor, HB 392, previously lost and restored, entitled—"An Act to Transfer a Certain Tract of Public Land to the Colorado Fuel and Iron Corporation," was again taken up for consideration and read by title in order to pass the Senate.

Messrs. Cook, Hoey, Melson, McCullough and Tull was granted privilege of the floor to discuss the bill.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Correll, Harrison, Hickman, Johnson, McCullough, Melson, Pryor, Reilly, Williams, Mr. President Pro Tem—10.

NAYS—Messrs. Behen, Cook, Gray, Hoey, Tull—5.

ABSENT—Messrs. Lammot and Nechay—2.

So the question was decided in the affirmative and the bill: **HB 392** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Reilly moved that Senate Rule 9 be suspended for the rest of this legislative day. His motion prevailed.

On motion of Mr. Hoey, **SB 325**—"An Act to Amend Chapter 59, Title 11, Delaware Code, Relating to Justices of the Peace," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and adopted by roll call, the vote on the same being identical with the vote on the bill as amended, which vote was as follows:

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were order, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Johnson, Lammot, Nechay—3.

So the question was decided in the affirmative and the bill: **SB 325** as amended by **SA 1** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

At 5:10 P. M., the President Pro Tempore left the Senate Chamber. Mr. Cook then presided.

On motion of Mr. Reilly, **HB 527**—"An Act to Amend Chapter 9, Title 10, Delaware Code, by Empowering the Judges of the Family Court to Appoint Masters," was taken up for consideration and read a third time by title 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. Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Reilly, Tull, Williams—10.

NAYS—None.

NOT VOTING—Mr. Behen—1.

ABSENT—Messrs. Hickman, Johnson, Lammot, Nechay, Pryor, Mr. President Pro Tem—6.

So the question was decided in the affirmative and the bill: **HB 527** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, SB 427—"An Act to Amend Chapter 6, Title 9, Delaware Code, Providing for the Establishment of Park Districts for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough introduced SA 1, which was read and by roll call, as follows:

On the question, "Shall the Amendment pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Reilly, Tull, Williams—10.

NAYS—None.

ABSENT—Messrs. Behen, Hickman, Johnson, Lammot, Nechay, Pryor, Mr. President Pro Tem—7.

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

On motion of Mr. McCullough, SB 427 as amended—"An Act to Amend Chapter 6, Title 9, Delaware Code Providing for the Establishment of Park Districts for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," was taken up again for consideration in order to pass the Senate.

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Williams—12.

NAYS—None.

ABSENT—Messrs. Hickman, Johnson, Lammot, Nechay, Mr. President Pro Tem—5.

So the question was decided in the affirmative and the bill: SB 427 as amended by SA 1 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Williams, SB 412—"An Act to Appropriate Funds for the Use of Hockessin School No. 29," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Williams—12.

NAYS—None.

ABSENT—Messrs. Hickman, Johnson, Lammot, Nechay, Mr. President Pro Tem—5.

So the question was decided in the affirmative and the bill: SB 412 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Tull, SB 425—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware, to Redefine the Functions of the Commission, Qualifications of Executive Director, Setting His Salary, Appointment of Other Personnel, Powers and Duties of the Commission, Custody of Children Committed to Institutions Prior to July 1, 1958," was taken up for consideration and read a third time by title 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. Behen, Correll, McCullough, Melson, Pryor, Reilly, Tull, Williams—8.

NAYS—None.

NOT VOTING—Messrs. Cook, Gray, Harrison, Hoey—4.

ABSENT—Messrs. Hickman, Johnson, Lammot, Nechay, Mr. President Pro Tem—5.

On motion by Mr. Behen, the roll call on the bill was tabled.

Mr. Behen moved that the roll call be lifted from the table, and further moved that the roll call be resumed. His motions prevailed.

Mr. Steen, previously absent at the commencement of the roll call, voiced his vote as "yea", and so therefore the yeas and nays being taken, the vote on SB 425 was as follows:

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS — Messrs. Behen, Correll, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Messrs. Cook, Gray, Harrison, Hoey—4.

ABSENT—Messrs. Hickman, Johnson, Lammot, Nechay—4.

So the question was decided in the affirmative and the bill: SB 425 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, SB 394—"An Act to Appropriate Funds to the State Highway Department for the Purpose of Constructing Concrete Sidewalks on Certain Approaches to Ogletown Junior High School in New Castle County," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough introduced SA 1, which was read and adopted by roll call, as follows:

On the question, "Shall the Amendment pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hoey, McCullough, Melson, Pryor, Reilly, Tull, Williams—11.

NAYS—None.

ABSENT — Messrs. Gray, Hickman, Johnson, Lammot, Nechay, Mr. President Pro Tem—6.

So the question was decided in the affirmative and SA 1 to SB 394 having received the required constitutional majority, passed the Senate.

On the prevailing motion by Mr. McCullough, SB 394 as amended, was deferred.

The following message from the Governor was delivered to the Senate and referred by the Chair to the Executive Committee:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, April 2, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Albert J. Stiffel, Wilmington, to be Associate Judge At Large of the Superior Court and of the Orphans' Court of the State of Delaware for a term of twelve years from April 16, 1958.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bill was introduced, given first and second readings, the second by title only, and referred to committee as follows:

SB 428—"An Act to Amend Title 24, Delaware Code by Providing for the Licensing and Regulation of the Business of Servicing and Installing Radio, Television and Other Electronic Devices and Equipment in New Castle County and Providing Penalties for Violations," by Reilly; to Private Corporations.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 114**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate that the sum of \$361.02 is hereby appropriated to pay for printing in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to Delaware State News, Dover, Delaware, the sum of \$361.02 in payment for printing.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 115**—"Authorizing an Appropriation for Telephone Service Charges and Toll Calls in Connection With the Work of the Senate of the 119th General Assembly of the State of Delaware."

BE IT RESOLVED, by the Senate that the amount of \$264.65 is hereby appropriated to pay for telephone service charges, and toll calls in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to the Diamond State Telephone Company the sum of \$264.65 for telephone service charges according to the statements ending March 11, 1958.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 116**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate that the sum of \$5.00 is hereby appropriated to pay for repairing lock on Filing Cabinet in the Senate Attorney's Office, and that the State Treasurer be, and she is hereby authorized and directed to pay to James Lewis, 18 N. New Street, Dover, Delaware, the sum of \$5.00 for repairing lock in Senate Attorney's Office.

Mr. Reilly introduced the following Concurrent Resolution, which on his further motion was adopted, and then ordered by the Chair to be delivered to the House for concurrence: **SCR 44**—"Fixing the Time for Temporary Adjournment of the Senate and the House of Representatives of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly, the House of Representatives concurring therein, that both the Senate and the House adjourn temporarily at the conclusion of business on the 126th legislative day, and that the Senate and the House reconvene on Monday, June 2, 1958, at 1:00 P. M. for whatever purposes they determine, provided however, that the Senate may be convened at any time upon the call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and

further provided that the Senate and House may be reconvened at any time upon the call of the President Pro Tempore and the Speaker of the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 413**, **SB 414**, **SB 410**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 510**, **HB 506**, **HB 528** and **HB 437**.

The Chair presented the following House Bills, which were given first and second reading by title only and referred to committees as follows:

HB 506—"An Act to Amend Chapter 27, Title 29, Delaware Code, Relative to the Method of Payment of State Officials, and Employees," to Private Corporations.

HB 510—"An Act Making a Deficiency Appropriation for State Pension Plans and State's Share of Social Security Appropriations," to Finance.

HB 528—"An Act Making a Supplementary Appropriation to the State Tax Commissioner to Cover Additional Costs Incurred by Added Responsibilities Placed Upon This Office," to Finance.

HB 437—"An Act to Amend Title 28, Delaware Code, Relating to Horse and Dog Racing in the State of Delaware," to Public Health.

Without objections, the Chair declared the Senate recessed at 5:05 P. M. until 8:00 P. M.

Senate met at expiration of recess at 9:55 P. M. President Pro Tempore presiding.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 117**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 119th General Assembly."

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present Session of the 119th General Assembly of the State of Delaware, up to and including the 126th Legislative Day which said expenses are hereby declared to be proper and reasonable expenses actually incurred by the President and by the respective members of the Senate for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and in returning from Dover to their respective homes, in the performance of their duties as President and members of the Senate, during the present Legislative Session thereof, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully em-

powered and directed to pay to the President and the respective members of the Senate hereinafter named, the respective amounts set opposite their respective names, viz:

Clifford Pryor	\$ 36.00
John Reilly	90.00
Eugene Lamot	90.00
Peter Nechay	27.00
Allen Cook	27.00
William Behen	4.50
Jester Gray	21.60
Wilmer Williams	81.00
Jacob Correll	73.80
Thomas L. Johnson	79.20
S. W. Harrison	7.20
Lemuel Hickman	108.00
Curtis W. Steen	90.00
Calvin McCullough	82.80
Ellwood Melson	100.80
Walter J. Hoey	43.20
Earl Tull	81.00
David Buckson	18.00

Mr. Hoey introduced the following Concurrent Resolution: SCR 45—"In Reference to the Proposed Dumping of Sewage Sludge by the City of Philadelphia in the Atlantic Ocean."

WHEREAS it has come to the attention of the General Assembly of the State of Delaware that the City of Philadelphia has applied for a Department of the Army to permit to dump sewage sludge into the Atlantic Ocean in an area off Cape Henlopen, Delaware, and Cape May, New Jersey, and,

WHEREAS to dump sewage sludge near Delaware beaches may create an offensive nuisance, insanitary conditions, and great damage to a heavily populated resort area and to the fishing industry of the State of Delaware, NOW THEREFORE

BE IT RESOLVED by the Senate of the 119th General Assembly (the House of Representatives concurring therein):

1. That the State of Delaware opposes the granting of a permit to the City of Philadelphia, or to any other agency, public or private, permitting the dumping of sewage sludge or any other material in the Atlantic Ocean near the shores of the State of Delaware which may create an offensive nuisance to a heavily populated resort area and a danger to the fishing industry of this State.

2. That the Governor of the State of Delaware and the Attorney General of the State of Delaware are requested to take such action as they may deem necessary to oppose said application by the City of Philadelphia.

3. That the Secretary of the Senate is directed to send a copy of this resolution to the Governor, the Attorney General, the Mayor of Philadelphia, the Department of the Army, the United States Army Engineer District (Philadelphia), members of Delaware's congressional delegation, the Delaware Commission on Interstate Cooperation, the mayors of the Towns of Lewes, Rehoboth Beach, Bethany Beach and Fenwick Island, Delaware, and to the press.

On motion of Mr. Hoey, **SCR 45**—"In Reference to the Proposed Dumping of Sewage Sludge by the City of Philadelphia in the Atlantic Ocean," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Lammot, Melson, Nechay—4.

So the question was decided in the affirmative and **SCR 45** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Reilly, **HB 414**—"An Act to Amend Chapter 43, Title 29, Delaware Code, Relating to the Appointment of Notaries for Service Organizations; Limitations," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Lammot, Melson, Nechay—4.

So the question was decided in the affirmative and the bill: **HB 414** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, **HB 531**—"An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens by Eliminating the Requirement That a Claim Against Two or More Structures Owned by the Same Person be Apportioned Among Each Structure and Liberalizing the Procedural Requirements for Such Liens," was taken up for consideration and read a third time by title 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. Behen, Cook, Correll, Harrison, Johnson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Messrs. Hoey and McCullough—2.

ABSENT — Messrs. Gray, Hickman, Lammot, Melson, Nechay—5.

So the question was decided in the affirmative and the bill: **HB 531** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 510**—"An Act Making a Deficiency Appropriation for State Pension Plans and State's Share of Social Security Contributions," was taken up for consideration and read a third time by title 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. Cook, Correll, Harrison, Hoey, Johnson, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Behen, Gray, Hickman, Lammot, Melson, Nechay—6.

So the question was decided in the affirmative and the bill: **HB 510** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **SB 426**—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of Maintaining Suburban Roads as Authorized and Required by Section 131, Title 17, Delaware Code, and to Retire Bonds and Interest on Bonds Issued in Connection With Suburban Street Improvements in the Three Counties," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. McCullough introduced **SA 1**, which was read and adopted by roll call, the vote therein being the same as on the bill as amended, which vote was as follows:

On the question, "Shall the Bill as Amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Lammot, Melson, Nechay—4.

So the question was decided in the affirmative and the bill: **SB 426** as amended by **SA 1** having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, **HB 506** as amended by **HA 1**—"An Act to Amend Chapter 21, Title 29, Delaware Code, Relative to the Method of Payment of State Officials, and Employees," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Hoey, Mrs. Vera Davis, State Treasurer, was granted the privilege of the floor.

On the question, "Shall the Bill pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Harrison, Johnson, Tull, Williams—5.

NAYS — Messrs. Cook, Hickman, Hoey, McCullough, Pryor, Reilly—6.

ABSENT — Messrs. Behen, Gray, Lammot, Melson, Nechay, Mr. President Pro Tem—6.

So the question was decided in the negative and the bill: **HB 506** as amended by **HA 1** not having received the required constitutional majority, was lost.

The Chair announced the signing of **SB 410**, **SB 413** and **SB 414**.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 118**—"Authorizing Payments for Services Rendered by Attaches and Employees of the Senate."

BE IT RESOLVED by the Senate of the 119th General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the Senate whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches and employees for the period ending with the 126th Legislative Day, April 2, 1958, of the current session.

Mary David	\$165.00
Edna Vadden	150.00
Louise Eskridge	150.00
Joseph Rawlins	302.50
Alvin Lyons	150.00
Carl Prettyman	141.00
William Poore	120.00
Elisha Hickman	141.00
J. Noble Carroll	141.00
Matthew Donohoe	120.00
Beatrice V. Hubbard	198.00
Samuel R. Russell	450.00
Thomas Mulligan	120.00
Rena Morgan	150.00
Thomas Holcomb	175.00
Thomas Bayard, III	198.00
Eleanor Ann Steen	150.00
Marion Corder	87.50

Without objections, the Chair declared the Senate to be in recess at 11:00 P. M.

The Senate met at expiration of recess at 11:05 P. M. President Pro Tempore presiding.

Mr. Hickman moved that the Senate sit in Executive Session. His motion prevailed.

The Senate concluded sitting in Executive Session at 11:15 P. M. and then recessed until 11:25 P. M.

The Senate met at expiration of recess at 11:25 P. M. President Pro Tempore presiding.

The following bill was introduced, given first and second readings by title only, and referred to committee as follows:

SB 429—"An Act to Appropriate Funds to the New Castle Special School District," by McCullough; to Education.

The House of Representatives having received SCR 44 earlier this day, and not having concurred therein, Mr. Reilly moved that the Senate recess until call of the Chair.

At 11:29 P. M., therefore, the President Pro Tempore of the Senate, without objections, declared the Senate recessed until the call of the Chair.

127TH LEGISLATIVE DAY

Dover, Delaware, June 16, 1958

Senate met pursuant to recess declared by the Chair on April 2, 1958 at 9:52 P. M. on Monday, June 16, 1958. President Pro Tem Steen presiding.

Prayer by Mr. Harrison.

Members present—Messrs. Behen, Harrison, Hickman, Hoey, Lammot, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—10.

Members absent—Messrs. Cook, Correll, Gray, Johnson, McCullough, Melson, Williams—7.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal stood approved.

Messrs. Cook, Correll, Johnson, McCullough, Melson and Williams asked to be marked present.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor, which the Chair referred to the Chairman of the Executive Committee:

GOVERNOR'S MESSAGE STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, June 16, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following:

Thomas Herlihy, Jr., Wilmington, to be Chief Judge of the Municipal Court for the City of Wilmington for a term to expire April 11, 1970.

Robert A. Short, Georgetown, to be a member of the State Board of Agriculture for a term to expire March 1, 1961.

Charles duPont Ridgely, Camden, to be a Justice of the Peace in and for Kent County for a term to expire April 16, 1962.

Harry R. Jackson, Dover, to be a member of the Public Service Commission for a term to expire September 1, 1963.

Roy A. Luzier, Frankford, to be a Justice of the Peace in and for Sussex County for a term to expire April 7, 1962.

George J. Schulz, Hartly, to be Secretary of State of the State of Delaware effective July 1, 1958, and to serve during the pleasure of the Governor.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion by Mr. Reilly, motion prevailing, the Senate recessed at 9:56 P. M. until call of the Chair.

The Senate met at expiration of recess at 10:40 P. M. President Pro Tempore presiding.

The following bills were introduced, given first and second readings by title only, and referred to committee as follows:

SB 430—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50, Laws of Delaware," by Reilly for Steen; to Buildings and Highways.

SB 431—"An Act to Amend Chapter 5, Title 31, Delaware Code Relating to the Financial Participation of the Counties in Administering the State Public Assistance Code," by Cook; to Miscellaneous.

SB 432—"An Act to Amend Chapter 35, Title 12, Delaware Code, Relating to Trusts," by Williams and Steen; to Banking and Insurance.

SB 433—"An Act to Amend Chapter 195, Volume 24, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Newport" as Amended by Chapter 90, Volume 47, Laws of Delaware, by Giving the Town Alderman Power to Impose Larger Fines and by Changing Residence Requirements of the Town Bailiff," by Williams; to Municipal Corporations.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 119**—"Authorizing the Payment of the Sum of \$382.90 to the Delaware State News, Dover, Delaware, for Job Printing #4729."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, that the State Treasurer be and she hereby is authorized and directed to pay out of the General Fund unto Delaware State News the sum of \$382.90 to cover the cost of printing 200 Calendars for period ending April 2, 1958.