

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

YEAS: Cook, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Donovan, duPont, Manning, Snowden, Spicer, Wilgus—6.

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

Mr. Cook introduced SR 95 and moved for its adoption:

SR 95—Authorizing Payments for Services Rendered by Attaches and Employees of the Senate of the Present Session of the 121st General Assembly.

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

YEAS: Cook, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Steen, Tull, Mr. President Pro Tem Reilly—10.

NAYS: None.

ABSENT: Donovan, duPont Manning, Snowden, Spicer, Watson, Wilgus—7.

So the question was decided in the affirmative.

Mr. Cook introduced the following resolutions, which on further motion by him, were adopted:

SR 96—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

SR 97—Commending the Coverage by Harry C. McSherry, Delaware State News of the Proceedings of the Senate During the 121st General Assembly.

WHEREAS, it is in the interest of good government that the proceedings of the Senate be properly reported to the citizens of the State, and

WHEREAS, one of the more effective methods of reporting the legislative proceedings is through the press, and

WHEREAS, proper and full coverage of the legislative proceedings by the press can best be accomplished by the personal attendance and reporting of a competent, experienced and qualified reporter, and

WHEREAS, the Senate believes that Harry C. McSherry is a competent, experienced and qualified reporter and has effectively reported through the Delaware State News the legislative proceedings of the Senate of the 121st General Assembly.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware that Harry C. McSherry,

Delaware State News Reporter, be commended for his personal attendance at its proceedings and his diligent and conscientious reporting of matters considered by it.

BE IT FURTHER RESOLVED that the text of this resolution be made a part of the Journal of the proceedings of the Senate of the 121st General Assembly of the State of Delaware.

SR 98—Commending the Coverage by Jack K. Russell, News-Journal Reporter of the Proceedings of the Senate During the 121st General Assembly.

WHEREAS, it is in the interest of good government that the proceedings of the Senate be properly reported to the citizens of the State, and

WHEREAS, one of the more effective methods of reporting the legislative proceedings is through the press, and

WHEREAS, proper and full coverage of the legislative proceedings by the press can best be accomplished by the personal attendance and reporting of a competent, experienced and qualified reporter, and

WHEREAS, the Senate believes that Jack K. Russell is a competent, experienced and qualified reporter and has effectively reported through the News-Journal papers the legislative proceedings of the Senate of the 121st General Assembly.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware that Jack K. Russell, News-Journal Reporter, be commended for his personal attendance at its proceedings and his diligent and conscientious reporting of matters considered by it.

BE IT FURTHER RESOLVED that the text of this resolution be made a part of the Journal of the proceedings of the Senate of the 121st General Assembly of the State of Delaware.

Mr. Cook introduced the following concurrent resolution, which was referred to the Miscellaneous Committee:

SCR 43—Abolishing the Fiscal Policy Committee.

On motion of Mr. Cook, the Senate adjourned at 5:55 P. M. until Monday, December 18, 1961, at 1:00 P. M.

## 87TH LEGISLATIVE DAY

December 18, 1961

The Senate met pursuant to adjournment at 1:34 P. M. on Monday, December 18, 1961. Lieutenant-Governor Lam-mot presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present: duPont, Johnson, McCullough, Price, Tull, Wilgus—6.

Members absent: Cook, Donovan, Hoey, Manning, Mayhew, Simpson, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—11.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 2:45 P. M. Lieutenant-Governor Lamot presiding.

Messrs. Cook, Donovan, (Mrs.) Manning, Simpson, Spicer, Watson and Reilly asked to be marked present.

The Secretary proceeded to read the Journal of the previous day's session when Mr. McCullough moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. McCullough, **HB 259** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 259**—An Act to Amend Title 14, Sections 311 and 1904, Delaware Code, Relating to Notices of School Elections.

Mr. Hoey asked to be marked present.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, McCullough, Price, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Mayhew, Simpson, Snowden, Steen—4.

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

Messrs. McCullough and Watson, Chairmen of the Education and Elections Committees, reported the following bills from committees: **HB 259**, 3 favorably, 1 on merits; **HB 260**, 4 on merits.

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **HB 260**. Motion prevailed.

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **HB 259**. Motion prevailed.

On motion of Mr. Watson, **HB 260** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 260**—An Act to Appropriate Monies to the Kent County Department of Elections for the Creation of Additional Election Districts.

Mr. Mayhew asked to be marked present.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Snowden, Steen—2.

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

On motion of Mr. McCullough, **SB 142** with **SA 1** and **SA 3** with title as follows was lifted from the table and taken up for consideration and read a second time by title in order to pass the Senate:

**SB 142** with **SA 1** and **SA 3**—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore.

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

YEAS: Cook, Donovan, Johnson, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Snowden—2.

NOT VOTING: Mayhew, Simpson, Wilgus—3.

ABSENT: Hoey, Manning, Spicer—3.

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

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bill from committee: **HB 458**, 3 favorably.

Mr. Johnson moved that Rule 9 be suspended for the purpose of considering **HB 458**. Motion prevailed.

On motion of Mr. Johnson, **HB 458** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 458**—An Act to Amend Chapter 39, Volume 53, Laws of Delaware, Relating to the State Highway Department.

Mr. Steen asked to be marked present.

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: duPont, Manning, Simpson, Spicer, Wilgus—5.

ABSENT: Snowden—1.



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

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HS 1 for HB 309 with HA 1, HA 2, HA 3 and HA 4**—An Act Authorizing the State Highway Department to Purchase a Dredge and Making Appropriation Therefore. (To Education)

**HB 303**—An Act Authorizing the State of Delaware to Borrow Money to be Used by the State Board of Education for the Supervision and the Auditing of the School Construction Program Provided for Under Chapter 345, Volume 52, Laws of Delaware, and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board. (To Education)

**HB 449**—An Act to Permit the Employment of Retired School Employees in Event of Critical Need. (To Education)

**HB 460**—An Act to Permit the State Board of Corrections to Purchase Two Station Wagons at a Price Not to Exceed \$2300 Each. (To Finance)

**HB 392**—An Act to Amend Section 2501, Title 10, Delaware Code, Relating to Consolidation of the Offices of the Register in Chancery and Clerk of the Orphans Court. (To Judiciary)

On motion of Mr. Steen, **SS 1 for SB 61** with title as follows was lifted from the table and taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1 for SB 61**—An Act Making Supplementary Appropriation to the Board of Game and Fish Commissioners for the Fiscal Year Ending June 30, 1960, for the Purchase of Records' Pond.

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

**YEAS:** Cook, Johnson, McCullough, Price, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

**NAYS:** Donovan, Manning, Simpson—3.

**NOT VOTING:** duPont, Snowden, Wilgus—3.

**ABSENT:** Hoey, Mayhew—2.

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

On motion of Mr. Simpson, **HB 68** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 68**—An Act Appropriating Funds for Payment of Judgments of Coastal Tank Lines, Inc., Against the State of Delaware Arising Out of a Suit in Tort by Alice B. Dorsey

and Others Against the State of Delaware and Others, Authorized by the General Assembly by Volume 50, Laws of Delaware, Chapter 622.

Mr. Cook moved that **HB 68** be deferred.

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: duPont, Manning, Simpson, Spicer, Wilgus—5.

ABSENT: Snowden—1.

So the question was decided in the affirmative.

Mr. McCullough, Chairman of the Education Committee, reported the following bills from committee: **HB 303**, 2 favorably, 2 on merits; **HS 1** for **HB 359**, 4 favorably.

On motion of Mr. Johnson, **HB 444** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 444**—An Act to Amend Title 18, Delaware Code, to Provide for the Merger and Consolidation of One or More Mutual Insurance Companies Into a Surviving or New Mutual Insurance Company.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Cook—1.

ABSENT: Donovan, Snowden—2.

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

On motion of Mr. McCullough, **HB 303** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 303**—An Act Authorizing the State of Delaware to Borrow Money to be Used by the State Board of Education for the Supervision and the Auditing of the School Construction Program, Provided for Under Chapter 345, Volume 52, Laws of Delaware, and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board.

On motion of Mr. McCullough, the bill was deferred.

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **HB 303** and **HB 359**. Motion prevailed.

On motion of Mr. McCullough, **HS 1** for **HB 359** with **HA 1, HA 2, HA 3 and HA 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 359** with **HA 1, HA 2, HA 3 and HA 4**—An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions.

Mr. Spicer introduced **SA 1** to **HS 1** for **HB 359** with **HA 1, HA 2, HA 3 and HA 4**.

On motion of Mr. McCullough, the bill was deferred.

The Chair called **HS 1** for **HB 359** with **HA 1, HA 2, HA 3 and HA 4** and requested action on **SA 1**.

On motion of Mr. Spicer, the amendment was adopted.

On motion of Mr. McCullough, the bill was deferred.

On motion of Mr. McCullough, **HB 303** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 303**—An Act Authorizing the State of Delaware to Borrow Money to be Used by the State Board of Education for the Supervision and the Auditing of the School Construction Program, Provided for Under Chapter 345, Volume 52, Laws of Delaware, and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board.

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

**YEAS:** Cook, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

**NAYS:** None.

**NOT VOTING:** duPont, Manning.

**ABSENT:** Donovan, Hoey, Snowden.

On motion of Mr. McCullough, the roll call was tabled.

The Chair presented **HCR 34**, with title as follows, which was taken up for consideration and read in order to pass the Senate:

**HCR 34**—Fixing the Time for Adjournment by the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

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

**YEAS:** Cook, duPont, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** Manning—1.

**ABSENT:** Donovan, Hoey, Snowden—3.

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

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 464**—An Act to Amend Chapter 148, Volume 48, Delaware Code, Known as the School Building Program Act of 1951 to Authorize Bethel School District No. 99, a Part of the Laurel Special School District as of November 5, 1960, to Expend Certain Funds Raised Pursuant to Said Act. (To Finance)

**HB 465**—An Act Making a Deficiency Appropriation to Milton Consolidated School No. 8 for the Fiscal Year Ending June 30, 1961. (To Finance)

**HB 292**—An Act to Amend Section 1931, Title 14, Delaware Code, Relating to a Tax on Trailers. (To Revised Statutes)

Messrs. Watson and Mayhew, Chairmen of the Revised Statutes and Judiciary Committees, reported the following bills from committees: **HB 443**, 3 on merits; **HB 442**, 3 on merits; **SB 331**, 3 favorably, 2 on merits.

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

November 29, 1961

To the Members of the 121st General Assembly of the State of Delaware:

Under date of November 28, 1961, I provided the Senate of the 121st General Assembly with copies of two opinions rendered by the Supreme Court of the State of Delaware on certain legislative and executive actions.

Enclosed herewith is another opinion of the Supreme Court of the State of Delaware supplementing the two previous opinions.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:15 P. M. The Senate met at the expiration of the recess at 5:05 P. M. Lieutenant-Governor Lammot presiding.

The following bill was introduced, given first reading, and referred to committee:

SB 334—An Act Relating to a Pension for Marie K. Wharton, Widow of Dauphin D. Wharton, a Former Employee of the State of Delaware. (By Mr. Simpson, to Claims)

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 6:15 P. M. The Senate met at the expiration of the recess at 8:45 P. M. Lieutenant-Governor Lammot presiding:

The following messages were received and read to the Senate:

#### SUPREME COURT OF THE STATE OF DELAWARE

Opinion of the Justices of the Supreme Court  
in Response to a Question Propounded by  
the Governor of Delaware.

To His Excellency Elbert N. Carvel,  
Governor of Delaware:

Reference is made to your letter of September 19, 1961, addressed to the Chief Justice, requesting the opinions of the members of the Supreme Court upon three questions involving the construction of the provisions of two articles of the Constitution of the State of Delaware.

This opinion will deal with the first of these questions. It concerns the construction of Article III, Section 18, of the Constitution, which reads in part as follows:

"If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, **unless the General Assembly shall, by adjournment, prevent its return**, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty day after such adjournment." [Emphasis supplied.]

Your question is as follows:

"The first question raised is whether, before the final adjournment of the General Assembly, a bill not approved by the Governor and not returned to the General Assembly without the approval of the

Governor on the 10th day after its delivery to the Governor, due to the General Assembly not being in session, becomes law or is 'pocket vetoed'."

The facts out of which your question arises are set forth in your subsequent letter to the Chief Justice, dated October 10, 1961. Summarized, they are as follows:

On certain days in April, May, June and September in the present year certain bills, seven in number, were duly passed by both houses of the General Assembly and from time to time were duly delivered to the Governor, as required by the Constitution. The tenth calendar day after each delivery, Sundays excepted, fell upon a day on which both houses of the General Assembly were in recess. Four of these recesses, or adjournments (it is immaterial which term is used), were for periods from 3 to 18 days. One, the latest adjournment, was taken on September 22, subject to reconvening at the call of the presiding officers. As of the date of your last letter the General Assembly had not reconvened.

A table setting forth these facts is annexed to your letter of October 10, and a copy thereof is annexed to this opinion.

The controlling constitutional provision is set forth above. The answer to your question obviously depends upon the meaning of the italicized phrase in Section 18 of Article III, which embodies the provisions for the "pocket veto".

Provisions similar to those above quoted are found in the federal constitution and in the constitutions of many of our sister states.

It is elementary that the effect of such provisions is to grant to the Executive the right to share in the exercise of the legislative power, and that the legislature can do nothing to curtail this right. The Governor is entitled to the full period of ten days, Sundays excepted, to determine whether to approve or disapprove the bill. Hence, if the General Assembly by adjournment "prevents" the return, the bill, if the Governor wishes, may be "pocket vetoed". Of course, when the Constitution speaks of an adjournment by "the General Assembly", it necessarily means an adjournment of the originating house.

But does a temporary adjournment or recess have the effect of "preventing" a return? The answer to this question obviously depends upon whether the return must be made to the house in session.

Upon this question differing views have been expressed. On the one hand the majority of the state decisions that have considered the point hold that a temporary adjournment does

not prevent a return because the Governor's message may be delivered to officers or agents of the appropriate house of the legislature. See the following:

**State v. Dammann** (Wis.), 267 NW 433; "the settled practice for at least twenty-five years seems clearly to have been to return a bill to the clerk of the House in which it originated."

**Wood v. State Administrative Board**, 255 Mich. 220, 238 NW 16; "return may be made to the proper officer".

**State v. Holm** (Minn.), 215 NW 200; return may be made to "the Presiding Officer, Secretary (or clerk) and members of either house" or to any one of them.

**Opinion of Justices**, 45 NH 607; return may be made "to the speaker, or to the clerk, or some other proper official."

**Johnson City v. Tennessee etc. Elec. Co. (Tenn.)**, 182 SW 587; return may be made to Committee on Enrolled Bills, or to any member, or to clerk.

**Harpending v. Haight**, 39 Calif. 189; "the best return that the circumstances would admit" would be a proper return.

**Wright v. U. S.**, 302 US 583, 58 S. Ct. 395; return to the Senate during a three-day recess may be made to the Secretary of the Senate.

There are four other state decisions holding that "adjournment" means "final adjournment" only. **Hequembourg v. City of Dunkirk**, 48 Hun 550, 2 NYS 447; **Miller v. Hurford** (Neb.), 9 NW 477; **Opinion of the Justices**, 3 Mass. 567; **State v. Michel**, 92 La. Ann. 936, 27 So. 565. None of these decisions considers what we think is the important question: How is a return to be made if the house is not in session?

The contrary view—that a return must be made to the house in session—is forcefully set forth in "The Pocket Veto Case" (**Okanogan etc. v. U. S.**), 279 US 655, 49 S. Ct. 463. The Supreme Court held that a return to an officer of the House would not be a constitutional return, because the House, not being in session, could not have received it, nor have entered the objections upon its journal, nor have proceeded to reconsider the bill. The Court also set forth the grave practical difficulties attending an attempted return during a protracted recess or adjournment. These are discussed hereafter.

Finally, the Court gave considerable weight to "the long-settled and established practice" of the Presidents through the years in construing the pocket veto provision to be applicable to interim adjournments.

To the same effect is "In re 'An Act, etc. Concerning Public Utilities,'" 83 NJL 303, 84 A 706, in which the Court specifically rejected the suggestion that a return might be made by delivering the bill "to the Secretary of State, or to some officer of the house of origin".

In answering the question propounded to us, we must choose between the two views above outlined. Which view is more persuasive, having regard to the provisions of our own Constitution and to the practice under it?

We are of opinion that the second view—that a temporary adjournment does prevent the return of a bill—is the more persuasive. Several considerations have impelled us to this opinion.

First, the quoted language of Section 18 of Article III of our Constitution clearly distinguishes between "adjournment" and "final adjournment". The implication is that in its first use its meaning is broader than in the second use. This distinction does not exist in the federal constitution, nor, so far as we can determine, in the constitutional provisions considered in any of the decisions from the ten states above referred to, except in the provisions of the New York Constitution. In the *City of Dunkirk* case above mentioned the New York Supreme Court held that the word "adjournment" meant "final adjournment". Since our Section 18 was based on the corresponding New York provision (1 *Constitutional Debates*, 1897, p. 235), it might be thought that the same construction should be given to our Constitution. But the New York holding is based on the fact that the "final adjournment" clause was added in 1874 and was not intended to change the meaning of the original provision. Our Section 18 was adopted as a whole. We think the New York case inapposite.

Second, our only judicial precedent supports, by way of dictum, the view we have chosen. *State v. Homiak*, 36 Del. 188, 172 A. 838. The facts were that a bill had been presented to the Governor on April 4, 1933, and the General Assembly was not in session on the tenth day thereafter, that being a Saturday. The Governor did not return the bill and did not act upon it until after the adjournment of the legislature on May 16. On June 5 he signed the bill. It was argued for the defendant that the attempted approval was invalid, and that his power to sign the bill expired on the tenth day. This contention was rejected, the court naturally applying the thirty-day clause of the section. The case is not directly in point,



but the following argument of the defendant and the answer of the court are worth noting:

"It is true, as argued, that when the Governor fails to return a bill to the House in which it originated within the ten-day period, the Legislature may not know what disposition he proposes to make of the bill until the expiration of thirty days after its final adjournment. The Legislature has it in its power, however, to learn whether the Governor disapproves of a bill which has been presented to him by remaining in session during the entire ten-day period after the date upon which it was presented to him"\*

Third, there is some evidence of a practical construction of Section 18 in the past supporting our view. This is an important consideration in resolving a question involving the relationship of two branches of government. Practical construction was relied on in the **Pocket Veto Case**, *supra*, as supporting the view that adjournment in the federal constitution is not limited to "final adjournment"; and it was likewise given great weight in three of the state decisions upholding the contrary view. See the Wisconsin, Michigan and Minnesota cases, heretofore cited.

The evidence of practical construction in Delaware is meager, but it is suggestive.

(a) Toward the end of the 1923 session, the General Assembly adjourned on March 28, 1923, until April 10, 1923—eleven calendar days excluding Sundays. See **House Journal**, 1923, p. 555, and **Senate Journal**, p. 516.

From accounts in the public press concerning the adjournment, it appears that the legislature, at odds with the Governor, had passed certain legislation which it had expected the Governor to veto. The Governor took the position that the adjournment of the General Assembly had prevented the return of the legislation, and that the "pocket veto" provision applied. When the legislature reconvened, the Governor advised both houses that he had nothing to submit to them. See the issues of the **Wilmington Every Evening** of the following dates: March 28, April 10, 11 and 14, May 1, 9, 11, 12 and 14. See also **House Journal**, p. 608 and **Senate Journal**, p. 559.

Although the legal position was question, the Governor's decision prevailed.

\*Of course it would be sufficient for this purpose for the legislature to be in session on the tenth day.

(b) It appears also, from the data submitted with your letter of October 10, 1961, that in the 119th General Assembly House Bill 531 was delivered to the Governor on May 15, 1958. On the tenth day thereafter, excluding Sundays, the General Assembly was not in session, having adjourned on April 2, 1958, to reconvene at the call of the Chair.

The Governor, evidently disapproving the bill, never signed it. He made no attempt to return it to the House. The bill was never published as a law, and the Governor's action does not appear to have been questioned.

(c) Finally, we have been advised by you that your policy, during the entire time when you have been Governor, and the policy of other Governors of recent years, as far as you have been able to determine, has been to return vetoed bills to the Presiding Officer of the house of origin while that house is in session. The method of return, you advise us, has been as follows:

"The delivery has been made by special messenger who knocks at the door of the particular House and announces that he has a message from the Governor. The Presiding Officer of the House then announces that the House will receive a message from the Governor, admits the messenger of the Governor and receives the vetoed bill and the veto message of the Governor. This special messenger has, at least in the last thirteen years, been either the Secretary of State, the Secretary of the Governor, or the Administrative Assistant to the Governor."

This, you state, is the only method, as far as you know, that has been used to return bills to the General Assembly.

It seems a fair conclusion that the practical construction of the "pocket veto" provisions of our Constitution supports the view that the return of a vetoed bill must be a return to the house in session.

On principle, also, there is certainly much to be said for this view. Delivery to an officer of the house involves not only a serious constitutional question, but, as a practical matter, presents serious difficulties. These are forcefully set forth in Justice Sanford's opinion in the *Pocket Veto Case*, as follows:

"Manifestly it was not intended that, instead of returning the bill to the House itself, as required by the constitutional provision, the President should be authorized to deliver it, during an adjournment of

the House, to some individual officer or agent not authorized to make any legislative record of its delivery, who should hold it in his own hands for days, weeks or perhaps months,—not only leaving open possible questions as to the date on which it had been delivered to him, or whether it had in fact been delivered to him at all, but keeping the bill in the meantime in a state of suspended animation until the House resumes its sittings, with no certain knowledge on the part of the public as to whether it had or had not been seasonably delivered, and necessarily causing delay in its reconsideration which the Constitution evidently intended to avoid.”

It is true that the later Supreme Court decision in the **Wright case** appears to overrule certain of the holdings in the **Pocket Veto case**; but the Court in the **Wright case**, which involved only a three-day adjournment, expressly disclaimed any attempt to lay down a rule applicable to a protracted adjournment.

In any event, we think the objections noted in the **Pocket Veto Case** are applicable with especial force to our own situation. So far as we know, the General Assembly, unlike Congress\*, does not maintain a secretariat at the legislative hall during the entire time from the opening of the session until final adjournment. And if no officer of the house of origin is in the legislative hall, the Governor would be obliged to deliver his message to some officer at the officer's home or place of business—a highly incongruous method of proceeding.

Again, when it is said that a return may be made to an officer of the originating house, the question arises: What officer? And who determines who is the proper officer?

The vagueness of the holdings in the reported cases authorizing delivery to an agent suggests the weakness in this procedure. As we have shown, it has even been said that the veto message may be delivered to any member of the house. **State v. Holm, supra**. Surely it is no part of the official duties of a member, as such, to receive veto messages from the Governor, make a record thereof, and present the record to the house on its reconvening. Where in the Constitution is any such procedure contemplated?

\*“The Houses of Congress have officers and agents of great power and responsibility who act in their stead, and who are constantly in their places when the Houses are in session, and when they are not in session.” Per Mr. Hatton Sumners, *amicus curiae*, in the **Pocket Veto Case**, quoted in **U. S. v. Wright**, 53 S. Ct. 398.

Again, suppose that, as happened in 1958, the houses recess to reconvene at the call of the presiding officers, but in fact never reconvene, and the Assembly expires. Suppose that after the recess the Governor has delivered a veto message to the Speaker of the House, who is not re-elected. What becomes of the veto message? How is it entered on the journal?

It may be said that a requirement that the return be made to the house in session tends to impair the right of the General Assembly to repass a bill over a veto, because, as in the **Homiak case**, the General Assembly is not usually in session on Saturdays. The answer is, as we have heretofore said, that the house can elect to be in session on the tenth day after delivery of the bill. To which we may add: And the General Assembly can also control the date when the bill is presented to the Governor.

Upon examination of the decided cases, and in the light of all of the considerations above set forth, we are of opinion that a temporary or interim adjournment of the originating house prevents the return by the Governor of a disapproved bill, within the meaning of the Constitution.

It follows from the foregoing that the seven bills listed in the chart annexed to your letter have not become law. It would not be correct to say that they have been "pocket vetoed", because under the thirty-day clause of Section 18 the Governor may sign such bills within thirty days after final adjournment of the General Assembly. **State v. Homiak, supra.**

As to House Bill 531 of the 119th General Assembly, heretofore mentioned, it is clear that it did not become law and cannot become law because the former Governor never signed it.

The foregoing opinion, which is the opinion of all the members of the Court, answers the first question in your letter of September 19, 1961, above referred to.

The answers to the other questions, involving the construction of the recent amendment to Article II, Section 4 of the Constitution, will be the subject of a separate opinion.

Respectfully submitted,

/S/ C. A. SOUTHERLAND, Chief Justice  
 /S/ DANIEL F. WOLCOTT, Associate Justice  
 /S/ WM. DUFFY, Judge

November 17, 1961

Bill No	Date Delivered to Governor	10th Day	Adjournment or Resolution No.	Adjourned From	To
HB 127	April 4, 1961	April 15, 1961	<b>Senate</b> 'On motion of Mr. Steen the Senate adourned at 6 p. m., untill Mon- day, April 17, 1961."	April 13	April 17, 1961
			<b>House</b> "Mr. Eskridge moved the House adjourn until April 17 at 1 p. m."		
SB 132	May 17, 1961	May 29, 1961	SCR 20	May 18	June 5, 1961
HB 216	May 18, 1961	May 30, 1961	SCR 20	May 18	June 5, 1961
SB 136	June 13, 1961	June 24, 1961	<b>Senate</b> "On motion of Mr. Steen the Senate adjourned at 1:45 a. m. on June 23, 1961, until Monday, June 26, 1961."	June 23	June 26, 1961
			<b>House</b> "On motion of Mr. Shockley the House adjourned until Monday, June 26, at 1 p. m."		
SB 114	June 21, 1961	July 3, 1961	HCR 27	June 29	July 10, 1961
HB 132 HB 347	Sept. 22, 1961		<b>Senate</b> "On motion of Mr. Steen the Senate recessed at the call of the Presi- dent Pro Tempore."	Sept. 19, 1961	Have not recor- vened as of pres- ent date, Oct. 9, 1961.
			<b>House</b> "On motion of Mr. Eskridge the House recessed at the call of the Speaker of the House."		

Bill No	Date Delivered to Governor	10th Day	Adjournment or Resolution No.	Adjourned From	To
HB 531 (119th General Assembly)	May 15, 1958	May 27, 1958	(Senate, April 2, 1958) "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."	April 2, 1958	June 16, 1958
			(Senate, June 17, 1958) "At 12:08 a. m., Tuesday, June 17, 1958, Mr. Reilly moved that the Senate recess at the call of the Chair. His motion prevailed."	June 16 and 17, 1958 and never reconvened.	
			(House, April 2, 1958) "On motion by Mr. Quigley, the House recessed at the call of the Chair at 10:30 p. m."		
			(House, June 16, 1958) "On motion of Mr. Quigley, the House recessed at the call of the Chair at 11:10 p. m."		

Note: The above information is found in the House Journal on pages 590 and 596 and in the Senate Journal on pages 695 and 701. Both House and Senate Journals dated 1957.

Mr. Hoey introduced SS 1 for SB 328, which on further motion by him, was adopted in lieu of the original.

Mr. Reilly moved to defer the bill (SS 1 for SB328).

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

YEAS: Cook, duPont, Manning, Mayhew, McCullough, Price, Spicer, Tull, Mr. President Pro Tem Reilly—9.

NAYS: Hoey, Steen—2.

ABSENT: Donovan, Johnson, Simpson, Snowden, Watson, Wilgus—6.

So the question was decided in the affirmative.

On motion of Mr. Price, SB 293 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 293—An Act Making a Supplementary Appropriation to Smyrna Special School District at Smyrna, Delaware, June 30, 1962.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Cook, Donovan, Snowden, Watson, Wilgus—5.

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

Messrs. Hoey and McCullough, Chairmen of the Finance and Education Committees, reported the following bills from committees: HB 399, 1 favorably, 3 on merits; SB 293, 4 on merits; HB 464, 1 favorably, 2 on merits; HB 437, 2 favorably, 2 on merits; HB 465, 1 favorably, 2 on merits; HB 449, 1 favorably, 4 on merits; SB 326, 1 favorably, 2 on merits; SB 327, 1 favorably, 2 on merits.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering HB 464, HB 399 and HB 465. Motion prevailed.

Mr. Price moved that Rule 9 be suspended for the purpose of considering SB 293. Motion prevailed.

Mr. Johnson moved that Rule 9 be suspended for the purpose of considering HB 437. Motion prevailed.

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering SB 326 and SB 327. Motion prevailed.

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering HB 449. Motion prevailed.

On motion of Mr. Steen, **HB 399** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 399**—An Act Making a Supplementary Appropriation to the Budget Commission for the Undertaking of a Survey of the Auditing Procedures of the State of Delaware.

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

**YEAS:** Cook, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Steen, Tull, Mr. President Pro Tem Reilly—10.

**NAYS:** duPont, McCullough, Spicer—3.

**ABSENT:** Donovan, Snowden, Watson, Wilgus—4.

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

On motion of Mr. Steen, **HB 464** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 464**—An Act to Amend Chapter 148, Volume 48, Delaware Code, Known as the School Building Program Act of 1951 to Authorize Bethel School District No. 99, a Part of the Laurel Special School District as of November 5, 1960, to Expend Certain Funds Raised Pursuant to Said Act.

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

**YEAS:** Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** duPont—1.

**ABSENT:** Cook, Donovan, Snowden—3.

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

On motion of Mr. Johnson, **HB 437** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 437**—An Act Making a Supplementary Appropriation to Middletown School No. 60 for Operational Expenses.

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

**YEAS:** duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Spicer, Steen, Tull, Wilgus Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Simpson, Snowden, Watson



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

On motion of Mr. Steen, **HB 465** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 465**—An Act Making a Deficiency Appropriation to Milton Consolidated School No. 8 for the Fiscal Year Ending June 30, 1961.

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

YEAS: Hoey, Johnson, Mayhew, McCullough, Price, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning—2.

ABSENT: Cook, Donovan, Simpson, Snowden, Watson—5.

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

On motion of Mr. McCullough, **HB 449** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 449**—An Act to Permit the Employment of Retired School Employees in Event of Critical Need.

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

YEAS: duPont, Manning, Simpson, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—7.

NAYS: Cook, Hoey, Mayhew, Price, Tull—5.

NOT VOTING: Johnson, McCullough—2.

ABSENT: Donovan, Snowden, Watson—3.

So the question was decided in the negative and the bill was lost.

On motion of Mr. Hoey, **SB 326** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 326**—An Act Making a Supplementary Appropriation to the State Board of Education for the Improvement of the Grounds of the Greenwood School District No. 91.

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

YEAS: duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Manning—1.

ABSENT: Cook, Donovan, Snowden, Watson—4.

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

On motion of Mr. Hoey, **SB 327** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 327**—An Act Making a Supplementary Appropriation to the State Board of Education for Completion of the Athletic Field of the Bridgeville Consolidated School District #90.

Mr. duPont moved to defer action on **SB 327**.

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

YEAS: duPont, Manning, McCullough—3.

NAYS: Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—10.

ABSENT: Cook, Donovan, Snowden, Watson—4.

So the question was decided in the negative.

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

YEAS: Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

NOT VOTING: duPont, Manning—2.

ABSENT: Cook, Donovan, Snowden, Watson—4.

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

On motion of Mr. Reilly, **HB 443** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 443**—An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Pension Benefits for Surviving Spouses of Employees of the Levy Court of New Castle County.

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

YEAS: duPont, Hoey, Manning, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Price—1.

NOT VOTING: Johnson, Mayhew, McCullough—3.

ABSENT: Cook, Donovan, Snowden, Watson—4.

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

On motion of Mr. Reilly, **HB 442** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 442**—An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, Relating to Pension Benefits for Surviving Spouses of Employees of the Mayor and Council of Wilmington.

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

YEAS: duPont, Manning, Steen, Tull, Mr. President Pro Tem Reilly.

NAYS: Johnson, Price.

NOT VOTING: Hoey, Mayhew, McCullough, Simpson, Wilgus.

ABSENT: Cook, Donovan, Snowden, Spicer, Watson.

On motion of Mr. Reilly, the roll call was tabled.

On motion of Mr. Steen, **HB 430** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 430**—An Act to Amend Title 10, Section 2704, Delaware Code, to Provide an Additional Constable for Sussex County.

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

YEAS: duPont, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Wilgus—9.

NAYS: None.

NOT VOTING: Manning, Simpson, Spicer—3.

ABSENT: Cook, Donovan, Snowden, Watson, Mr. President Pro Tem Reilly—5.

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

On motion of Mr. McCullough, **HB 303** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 303**—An Act Authorizing the State of Delaware to Borrow Money to be Used by the State Board of Education for the Supervision and the Auditing of the School Construction Program Provided for Under Chapter 345, Volume 52, Laws of Delaware, and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board.

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

YEAS: Cook, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: duPont, Manning—2.

ABSENT: Donovan, Snowden—2.

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

On motion of Mr. Mayhew, **HB 373** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 373**—An Act to Amend Chapter 11, Title 10, Delaware Code, of 1953, Entitled Juvenile Court of Kent and Sussex Counties, by Changing the Name of the Juvenile Court of Kent and Sussex Counties to the Family Court of Kent and Sussex Counties.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus—12.

NAYS: None.

ABSENT: Cook, Donovan, Snowden, Watson, Mr. President Pro Tem Reilly—5.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **SB 323**, 4 on merits.

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering **SB 323**. Motion prevailed.

On motion of Mr. Hoey, **SB 323** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 323**—An Act Making a Supplementary Appropriation to the State Fire Prevention Commission for the Fiscal Year Ending June 30, 1962.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Cook, Donovan, Snowden, Watson—4.

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

On motion of Mr. McCullough, **HS 1** for **HB 359** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1 for HB 359**—An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions.

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

**YEAS:** duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Hoey, Snowden—4.

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

On motion of Mr. Mayhew, **SB 331** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 331**—An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Providing for the Appointment of an Assistant Deputy Attorney General in Kent County.

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

**YEAS:** Cook, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

**NAYS:** Manning, Simpson, Spicer, Wilgus—4.

**ABSENT:** Donovan, duPont, Snowden—3.

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

On motion of Mr. Reilly, **HB 442** with title as follows was lifted from the table and taken up for consideration in order to pass the Senate:

**HB 442**—An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, Relating to Pension Benefits for Surviving Spouses of Employees of the Mayor and Council of Wilmington.

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

**YEAS:** Cook, duPont, Manning, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** Johnson—1.

**NOT VOTING:** Hoey, McCullough—2.

**ABSENT:** Donovan, Snowden—2.

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

## SECOND REGULAR SESSION OF THE 121ST GENERAL ASSEMBLY

### 1ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:35 P. M. on Tuesday, February 6, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

Members absent: Cook, McCullough, Watson—3.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Steen introduced the following resolutions, which on further motion by him, were adopted:

**SR 99—Re-Election of President Pro Tempore.**

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that John E. Reilly be and he is hereby elected to the office of President Pro Tempore of the Senate of the second regular session of the 121st General Assembly of the State of Delaware.

**SR 100—In Reference to Election of Officers for the Second Regular Session of the 121st General Assembly.**

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that all the officers of the first session of the 121st General Assembly duly elected to serve, and serving in their respective office at the end of the first regular session of the 121st General Assembly, which ended on December 18, 1961, be re-elected to their respective office for the second regular session of the 121st General Assembly to serve at the pleasure of the Senate on the same terms and at the same rate of compensation as they heretofore served.

**SR 101—Relating to Classification, Titles, and Compensation Rates for Officers of the Senate of the Second Regular Session of the 121st General Assembly.**

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware, that all persons elected as officers of the Senate for the second regular session of the 121st General Assembly shall be subject to the following classifications, shall receive one of the following titles, and for their services shall receive compensation for each day that

the Senate is in session in accordance with the following schedule:

Title	Daily Rate
Attorneys .....	\$75.00
Secretary of the Senate .....	33.00
Secretaries .....	27.50
Bill Clerk .....	27.50
Assistant Secretary of the Senate .....	25.00
Reading Clerk .....	25.00
Document Clerk .....	25.00
Majority Leader's Clerk .....	25.00
Minority Leader's Clerk .....	25.00
Multilith Operator .....	25.00
Chaplain .....	20.00
Senate Messenger .....	20.00
Sergeant-at-Arms .....	20.00
Page .....	20.00
Mail Clerk .....	20.00
Supply Clerk .....	20.00
Cloak Room Attendant .....	20.00

**SR 102**—In Reference to Standing Committees of the Second Regular Session of the 121st General Assembly.

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, that the Standing Committees as previously appointed for the 121st General Assembly, and existing at the end of the first Regular Session of the 121st General Assembly, which ended on December 18, 1961, be and they are hereby reappointed and continued and the members of said committees so serving at the end of the first regular session of the 121st General Assembly be and they are reappointed to serve in their respective committee assignments.

**SR 103**—Notifying the House of Representatives That the Senate is Organized and Ready for Business.

**SR 104**—Appointing a Committee to Notify the Governor That the Senate is Organized.

In accordance with **SR 104**, the President Pro Tem appointed Senators Steen and duPont. The Senators left and upon their return announced that the Governor would address the Senate on Thursday, February 8, 1962, at 11:00 A. M.

Mr. Steen introduced the following resolution, which on further motion by him, was adopted:

**SR 105**—In Reference to Rules of the Senate for the Second Regular Session of the 121st General Assembly.



BE IT RESOLVED by the Senate of the 121st General Assembly that the Rules of the Senate at the first regular session of the 121st General Assembly be and they hereby are adopted as the permanent rules for the governing of the present second regular session of the 121st General Assembly.

The Senate recessed at the call of the Chair at 2:00 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lammot presiding.

Messrs. McCullough and Cook asked to be marked present.

Mr. Donovan introduced the following resolution, which on further motion by him, was adopted:

**SR 106**—Relative to the Death of Former Senator Earl Sylvester.

WHEREAS, the Senate of the 121st General Assembly of the State of Delaware has learned with regret of the passing of Earl Sylvester, a former member of the Senate; and

WHEREAS, former State Senator Earl Sylvester served his State faithfully and well during his term in the General Assembly of the State of Delaware, and

WHEREAS, the members of the Senate desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware; NOW

#### THEREFORE

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Earl Sylvester, a prominent figure in his community and a former member of the Senate; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the Senate of the 121st General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the Senate of the 121st General Assembly of the State of Delaware.

The Chair presented the following House Concurrent Resolution, which was adopted and ordered returned to the House:

**HCR 35**—That the Two Houses Meet in Joint Session to Hear the Message of the Governor.

On motion of Mr. Steen, the Senate adjourned at 5:00 P. M. until February 8, 1962, at 10:00 A. M.

## 2ND LEGISLATIVE DAY

February 8, 1962

The Senate met pursuant to adjournment at 10:50 A. M. on Thursday, February 8, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present: Cook, Donovan, Johnson, Manning, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus—11.

Members absent: duPont, Hoey, Mayhew, McCullough, Snowden, Mr. President Pro Tem Reilly—6.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Steen, Rule 23 was suspended.

Messrs. duPont, Hoey, Mayhew and Reilly asked to be marked present.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 10:55 A. M. The Senate met at the expiration of the recess at 11:00 A. M. Lieutenant-Governor Lammot presiding.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant-Governor Lammot invited the Speaker of the House to a seat on the rostrum.

## JOINT SESSION

Mr. Steen moved that the House and Senate convene in Joint Session. Motion prevailed.

Mr. Steen moved that the President of the Senate preside over the Joint Session. Motion prevailed.

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

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Messrs. Steen, duPont, Best, and Robbins.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the Rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

## GOVERNOR'S MESSAGE

## MESSAGE OF THE HONORABLE ELBERT N. CARVEL

Governor of Delaware

to the Second Regular Session of the One Hundred Twenty-  
First General Assembly of the State of Delaware

Dover, February, Nineteen Hundred and Sixty-Two

Mr. President

Mr. Speaker

Members of the One Hundred and Twenty-First  
General Assembly of the State of Delaware:

## PROGRESS FOR PEOPLE

## INITIAL ACCOMPLISHMENTS

A little over a year ago we embarked upon a joint venture. At that time the State of Delaware was faced with many serious problems, bordering on the nature of emergencies, which required prompt and decisive action. As your Chief Executive, it was my responsibility to chart a course to solve these serious problems so that all the resources of our State Government could once again be directed toward our goal of "Progress for People" in the State of Delaware.

We were successful in meeting and solving many of these pressing needs. This success is a tribute to every member of this General Assembly, and is a glowing public testament to deliberative democratic process, supported by wide public participation. Without the fine spirit of cooperation which prevailed between the Legislative and Executive Branches, Delaware would today still be operating in a state of crisis. Instead, we are in the midst of a dynamic program of progress for the citizens of our State.

A year ago we suffered through an unusually severe winter. Unemployment had reached a critical stage, and the resources of our welfare agencies were strained to the breaking point. Our highway construction program had been stalled and we were in grave danger of losing 12 to 15 millions of dollars of Federal support. We had inherited a revenue deficit which our outgoing Governor, in his message dated December 30, 1960, estimated to be 3 1/2 million dollars for June 30, 1961, and worse, for the fiscal year ending June 30, 1963, he estimated this deficit would rise to almost 6 3/4 million dollars.

Together, we faced this bleak situation that was not of our making. Together, we took positive action to remedy it. An Act to provide for the distribution of Federal surplus food to the needy was introduced on February 15, approved on February 23, and the surplus food distribution to over 21,000 needy Delawareans actually started on February 28.

An Act to provide temporarily extension of unemployment compensation benefits for the thousands of Delawareans then out of work was introduced on February 15 and approved on February 23, months before the Federal Government acted on this emergency.

The stalled highway construction program was of grave concern. It was a serious blow to our economy—workers and businessmen alike. It was jeopardizing our grants from the Federal Government; and it was disheartening to our citizens who had to continue to use roads whose reconstruction was long overdue.

No one is completely satisfied with a compromise by its very nature, but our democratic process is founded on this approach. Working together we were successful in clearing the way and embarking on a 70 million dollar highway construction program, with 44 million dollars of this being provided by Federal funds.

In spite of the 3 1/2 million dollar deficit for 1961 estimated by our former Governor, plus the 1 1/2 million dollars it became necessary to appropriate to our public schools, welfare and correctional agencies late last winter, we ended up on June 30, 1961, with a deficit, not of 5 millions, but of 2 1/2 million dollars. This was accomplished without raising taxes for that period.

There has been some criticism about a statement which I made during the summer and fall of 1960 to the effect that I did not believe it would be necessary to raise taxes in Delaware. At the time I made this statement, I was relying upon the forecasts of President Eisenhower's Administration that the National Republican Administration would have a 4 1/2 billion dollar surplus for the fiscal year ending June 30, 1961. This 4 1/2 billion dollar surplus turned into a 3.9 billion dollar deficit, or an 8.4 billion dollar drop in our economy. Immediately after the 1960 election, we all realized that we were in the midst of a serious recession, and Delaware, because of this recession, as well as the rest of the nation, suffered for lack of revenue. The pre-election prosperity forecasts by the National Republican Administration just did not hold up, and I freely admit that like millions of other Americans, I, too, was misled as to the condition of our expected prosperous economy.

Together, we were successful in raising the necessary revenue for the current fiscal year, not only to finally pay off the 2 1/2 million dollar debt that has plagued us for so many years, and to meet the increases in debt service and rapidly growing school costs, but also to provide many of the first steps in our program of "Progress for People."

Increased funds were made available for higher education, rehabilitation, deaf and homebound children, mental health, correctional services, health and welfare, consumer

protection, revenue collection, and substantially increased state police protection.

In reflecting on the complex and serious problems confronting us only a year ago, and on the time and energy required to solve them, it is remarkable that so much progress was made on so many other fronts to better serve so many of our people.

In the administration of justice, you completed the necessary constitutional action to increase the number of Superior Court Judges and Vice-Chancellors. In addition, we have provided for a second judge for the Family Court of Kent and Sussex Counties, put the Court of Common Pleas of Kent County on a full-time basis, and assigned additional duties to this Court.

For years we have realized that the bonds on the Delaware Memorial Bridge would be paid off, making it toll free. In this event the State of Delaware would be saddled with its high maintenance costs. The passage of the Delaware-New Jersey River Crossings Compact virtually guarantees that this maintenance will not fall on the State of Delaware, and it opens up a whole new field for the financing and construction of additional Delaware River approaches and crossings from Claymont to Lewes.

The combination of the rapid growth of residential and commercial developments along the highways of New Castle County and the increasing volume of interstate traffic on these highways has produced a situation of frustration and danger for motorist and pedestrian alike. The creation of the new toll road authority to link the Maryland toll road from Baltimore directly with the Delaware Memorial Bridge was a positive step in Delaware planning. Plans for this important artery are almost complete. It is expected that financing will be completed this month and that this splendid modern arterial facility will be completed early in 1964.

We recognized that in the long view, physical planning should not be conducted on the basis of individual emergencies. Legislation to establish a State Planning Office was promptly enacted and later the necessary funds for this office were provided.

With the same alertness to the need for long-range planning, the historic Delaware River Basin Compact with New Jersey, New York, Pennsylvania and the Federal Government was ratified. This compact, aimed primarily toward the conservation of water resources in the Delaware River Basin, will in addition provide flood control and recreation for future generations of the Delaware River and Bay Area.

For a quarter century we have recognized the need for a State Department of Labor and Industrial Relations, yet session after session failed to provide for this vital service. Today we can proudly take our place with forty-eight other

states who provide this important public service. By law, at the end of March this department will come into being. It will bring about a closer working relationship among the Industrial Accident Board, the Employment Security Commission and the Department of Labor and Industrial Relations. It will play a vital role in promoting apprenticeship training, in developing a new Industrial Safety Code, and in providing for State Mediation of our labor-management disputes. Our deep concern for the working men and women of our State was further manifested by the enactment of legislation to increase maximum unemployment benefits from \$40 to \$50 per week, and by liberalizing the Workmen's Compensation for employees injured in industrial accidents.

One important aspect of the attack on unemployment is the stimulation of small and medium sized industrial ventures, particularly those with a stable labor force that can be recruited from within our own State. In order to provide a positive incentive to desirable businesses of this type, an Industrial Building Commission with the power to loan up to ten million dollars for plant investment has been created.

Delaware workers are entitled to preference in employment on projects financed by the State Government, and to reasonable and fair wages for services rendered, within the frame work of fair construction costs to the taxpayers. For this reason I am recommending the enactment of House Bill No. 29 to establish the prevailing wage rate for State construction. This bill passed the House and is now in the Senate for action.

The members of the newly-created State Department of Labor and Industrial Relations cannot be appointed until March 28. Because of this timing, it was impossible to have a detailed plan of the fiscal needs of this department included in the Budget Act. In order, however, to assure that funds are available for expanding the vital services of this agency, including the new mediation service and the Fair Employment Practices Act, I am requesting a supplemental appropriation of \$25,000 for this new department in the contingency bill.

As a result of our program of "Progress for People," our cities and towns have been given greater self-determination and broader powers for local government by the passage of the Municipal Home Rule Bill. The protection of Delaware consumers has been extended by a whole new Weights and Measures Code which provides for qualified personnel, modern equipment and effective enforcement; our Volunteer Fire Companies have been granted increased revenues for their vital program to protect the lives and homes of our Delaware citizens; the human rights of all our people will be better safeguarded now that a State Human Relations Commission has been authorized; for the needy senior citizens

of Delaware, increased facilities at the Smyrna Welfare Home and Hospital for the Chronically Ill are being provided; our deserving State employees can look forward to retirement with dignity now that we have broadened our pension program by adding Federal Social Security to the State Pension benefits; and our Land Conservation program was vastly expanded through our authorization of the 1 1/2 million dollar Nanticoke River Watershed project.

The operation of the Executive Branch of our Government has been undergoing extensive study and improvement during this past year. Ever since 1949 the Budget Commission has had the statutory authority to exercise auditing and accounting control within the agencies. Now, during this past year, the Budget Commission has been hard at work auditing the State Agencies on an annual basis, giving special attention to long neglected school construction funds and eliminating loose and inefficient practices within our State Agencies. Initial funds for the development of a modernized and uniform system of accounting have been provided. Such businesslike procedures are the essence of good government and efficient executive control.

For years the State Tax Department has been handicapped by insufficient funds to provide for maximum collections of taxes due the State. During the past year we were able to substantially increase its appropriation in order to provide improvements in both staff and office facilities. This investment will be returned many times over in higher tax collections and more efficient service to the public. Already a new short form for the filing of personal income tax has been initiated, and concrete steps have been taken to modernize and mechanize many operations previously performed by hand in this department.

The State Council of Presidents and Executives, the Governor's informal cabinet, was reinstituted last fall, and two meetings have been held. Special committees are appointed to consider and implement my proposed executive order for a Code of Ethics; make recommendations in the areas of agency bulk purchasing; develop uniform agency accounting; and to promote rehabilitation and uniform personnel policies. As these committees complete their reports and recommendations, administration bills will be prepared to accomplish such improvements as will require legislative action.

Those given to the philosophy of negative thinking will undoubtedly choose to emphasize the programs we were not able to effectuate during this first year at the expense of the Assembly's many far-reaching achievements. Such biased criticism will not tarnish our record of accomplishment; it should act as a spur for all of us during this "Historic First" Second Session of the 121st General Assembly to continue

the fine spirit of cooperation into the second phase of our program of "Progress for People."

## **"PROGRESS FOR PEOPLE"**

### **BLUEPRINT FOR THE FUTURE**

In our concern for the promotion of "Progress for People" we should provide for important positive programs in the areas of education, re-education and rehabilitation.

#### **EDUCATION**

The future of our State depends just as surely as the future of our Nation upon the maintenance and improvement of our educational system—a system which undergirds our whole democratic way of life. The way we support our educational program will determine the success of our future leaders in government, in business, in agriculture and in science. A sound educational program will lessen unemployment and the number of welfare claimants. It will reduce the demands upon our mental health and correctional institutions.

Public education accounts for one-half of our annual State expenditures, and Delaware makes the highest per capita expenditure for education of any state in the nation. No other activity of our State Government cuts across so many facets of the lives of our citizens. No other investment of our State's resources can return such great dividends as our program of "Progress for People" in education.

During the current year our support to higher education was substantially increased. I have recommended further substantial increases in the budget for fiscal 1963 in order that we can continue to move ahead in the task of providing our high school graduates with the very highest quality of academic training. At the same time, we must recognize that there are certain weaknesses in our program of higher education which require special attention.

Because of the small size of our State, we cannot economically and efficiently provide top quality higher education in all the major fields of learning. Equal educational opportunity demands that qualified students who wish to pursue such programs as medicine, dentistry, law, veterinary medicine, psychiatry and many other callings vital to the welfare of our society, be assisted just as we are now assisting those who choose engineering, education, chemistry, agriculture, home economics, physical education and business administration. For this reason I have appointed a committee to investigate the need for such an expanded service in Delaware. Upon the completion of this committee's work, I plan to make recommendations as to the desirability of utilizing the services of the Southern Regional Education



Board or establishing a direct scholarship program for higher education not available within our State.

The all-important broad base underlying higher education, technical-vocational programs and good citizenship training is our system of public schools. Over the past thirteen years we have developed an enviable plan for uniform financing designed to assure at least minimum acceptable educational standards in all districts.

Unfortunately, continued nation-wide inflation during the first eight of the past nine years has reduced the purchasing power of our uniform unit allotment to a critical point. For this reason, I am recommending a much-needed increase of \$125 per unit for other costs in our budget for fiscal 1963. This will increase the State support of these costs from \$650 per unit to \$775 per unit, the first such increase in five years.

It has become evident that the great difference between the real estate values in the districts has made it impossible for some districts to provide adequate local supplementary funds, even when a high level of initiative is exercised. While I do not now intend to recommend that regular State funds be allocated on such a basis of need, I do direct your attention to House Bill No. 319. Should the Federal Government decide to make additional funds available to the states, this measure would provide a system of fund distribution within Delaware that would more adequately assist those districts now handicapped by a small local tax base. This measure would utilize one of the principles of the well-known "Mort Report."

An exception in our efforts to equalize educational opportunity has developed in certain areas receiving Federal assistance. These few districts are receiving both Federal and State appropriations for the same children. The Joint Finance Committee may well wish to study this problem and make appropriate adjustments.

Many of our current educational problems are related to the inefficient organization of our school districts. Unequal local tax bases, pirating of teachers from district to district, insufficient enrollment for comprehensive secondary programs, varying educational standards, restricted supervision and higher school construction costs are all aggravated by this situation. A comprehensive study of this problem, such as is contemplated by House Joint Resolution No. 8 is certainly desirable.

As school building has mushroomed, all the real and imagined faults in recent construction programs have aroused our citizens to the need for more efficient school construction.

During the past session, we belatedly provided funds for State supervision, inspection and auditing of the school

building program already underway, and provided similar funds for the new school building program. To strengthen this position, I call to your attention the need to require by statute (1) a uniform formula for determining the allotment of State funds for construction, and (2) a provision to give the voters in the local districts more voice in the determination of their local school building costs. For this purpose I urge the passage of House Bill No. 283.

It is my intention, with the assistance of the Governor's Goals Committee, to encourage the State Board of Education to conduct a comprehensive study of building standardization, and a further evaluation of the building space allocations for the various phases of the educational program.

Much misunderstanding has developed in recent years concerning the disposition of construction funds left over after a district has completed its authorized building program. This money was authorized by both the General Assembly and by a referendum of the district's voters for a specific purpose. It is not an open fund which the local school district can use for other purposes, no matter how worthwhile such a new project may be, and these funds should not be left in a position which invites misuse. The State's share of these unexpended funds should revert to the State for future school construction requirements, and the school district's share should be used for the retirement of their bonds. This problem was corrected in the most recent school construction bond bill, and I urge the speedy enactment of House Bill No. 356 to likewise correct this condition in school bond bills already enacted.

Closely allied with the area of school construction is that of the maintenance, repair and replacement of this capital investment. Over the past few years the lack of attention to this problem has encouraged unsupervised "pork-barrel" appropriations. In Delaware we have a system of uniform appropriation to the districts, based on their units of pupils. It is my philosophy that we should live up to this procedure except in cases of most extreme emergency. Routine maintenance and repair, such as the replacement of glass, painting, and re-finishing of floors, should be kept up to date and should be paid out of the unit appropriation for all other costs. Major capital replacements such as a new roof, a new heating plant, a new plumbing or an electrical system or structural repairs usually expected to last a generation, are legitimate items for a bond issue. In the next few days an administration bond bill will be introduced to cover these major capital replacements in the several school districts. This measure sets forth a guide of the purposes for which the funds can be expended and will provide for the supervision of these expenditures by the State Board of Education.

In our quest for extending and improving the quality of our educational program, one shortcoming becomes more and more acute with each passing day. Delaware should be utilizing television as an educational tool. This shortcoming handicaps our education program at every level—elementary, secondary, college and adult. There is a vast, untapped reservoir of opportunity for “Progress for People” available to us. We still have the possibilities of UHF, VHF, or closed circuit facilities. I strongly urge the House and Senate Education Committees, or a Joint Committee of the Assembly to work with the Governor to make a first-hand study of the opportunities and benefits that are available to us.

It is not my idea to eliminate a single teacher through the use of educational TV. It is my hope that we will be able to broaden our courses of study and the effectiveness of our communication of ideas through the use of master teachers and communicators on educational television, complemented by on-the-spot classroom teachers.

Russia has learned that our outstanding educational system is fundamental to our successful scale of living. They are placing great emphasis on science and research, and are doubling and trebling our efforts in these areas.

Our secret weapon is our splendid TV equipment. It is plentiful, outstanding and efficient machinery for communication. Let us use this wonderful asset for the constructive purpose of inspiring and informing all those who seek self-improvement and advancement. Let us especially utilize this wonderful boon to broaden the horizons of our Delaware students of college and public school age in the fields of science, mathematics, human relations, foreign languages, health and government.

If we fail to continue to forge ahead in the field of education we may well become a second-class nation within a generation. Let us lose no time in making use of the wonderful machinery of communication—television—to educate our people and keep our nation strong and great.

#### RE-TRAINING AND RE-EDUCATION

Delaware's growing industrial complex has not only opened up new job opportunities, but it has brought about a degree of unemployment, even in good times, unknown to our State just a few years ago. Automation and the continuing technological revolution have produced a persistent core of unemployment, which is always hovering near the critical point. This unemployment is working untold personal hardships on the families involved; it is a waste of our human resources; and it is an economic loss to our State, both in uncollected taxes and in unemployment and welfare benefits paid out.

As a first step in attacking this problem I appointed a Governor's Committee on re-training for employment last August. Since that time this committee has been systematically studying the various causes and solutions of unemployment in Delaware. A State-wide area skill survey is currently being conducted jointly by the Employment Security Commission and the University of Delaware to determine the long-range pattern of community training needs. Our apprenticeship and on-the-job training program is being overhauled. Specific legislation to allow unemployed persons to participate in approved programs of re-training without jeopardizing their unemployment benefits has my wholehearted approval, and will be shortly introduced as an administration measure in the Legislature.

Through our study into the problems of persistent unemployment, it has become apparent that we need some form of technical and vocational program at the post-high school, non-academic level. The Governor's Committee will be giving special attention to this problem during the coming months, and our findings and recommendations will be made available to you as soon as they are determined. Every unemployed citizen returned to work, not only restores a high measure of human dignity, but is an important financial asset of the State of Delaware.

Special emphasis is being placed on endeavoring to overcome the high school drop-out problem. The State Board of Education, the Commission on Children and Youth, the Governor's Committee on Re-Training for Employment, and the Vocational Education Division are all giving consideration to ways of providing more appealing programs to encourage teenagers to remain in school, and to persuade them to return in the event they have dropped out of school and are aimlessly drifting, unemployed, and developing undesirable traits and companions.

In some large metropolitan areas of our nation this condition has degenerated into a highly serious social problem. Let us utilize all of our energies and abilities to overcome this challenge of degeneration before it gains the discouraging headway so apparent elsewhere.

Our young people are truly our hope, our strength and our future. Whatever we can do to inspire them, to encourage them, and to help them find their way in this complex and difficult world, we must do.

I call on all our good Delaware citizens to aid in this most worthy and critical cause!

## REHABILITATION

One of the great success stories of our State has been the outstanding program of the Vocational Rehabilitation Division of the State Board of Education. For many years this department has helped to rehabilitate about 500 physically handicapped Delawareans annually by helping them to overcome their physical handicaps, thus enabling these people to obtain useful employment.

Many of these unfortunate citizens were forced to depend upon public welfare before rehabilitation. Last year, after rehabilitation, 520 Delawareans were able to earn well over one million dollars from their various endeavors. These individuals were benefited, their employer was benefited and the State was benefited—all because a human liability was rehabilitated into a human asset. Welfare and family dependents become taxpaying citizens.

This is an inspiring and encouraging lesson for us all, and this successful experience should show us the opportunities for human rehabilitation in other areas of human failure. The fields of mental illness, juvenile delinquency and adult delinquency can all be helped enormously by stepped-up programs of analysis, understanding, better communication of human goals and responsibilities, and the follow-up which an intelligent system of counselling provides to help the rehabilitated adjust themselves to becoming a constructive member of society.

In the field of mental health I have recently appointed a group of dedicated Delaware leaders to the "Governor's Advisory Committee to the Board of Trustees of the State Hospital." One of their important jobs is to encourage public support for a program of intensified rehabilitation of those who are mentally ill. With sufficient qualified personnel, the mental hospitals of some states have succeeded in reducing their number of patients by fifty per cent. Delaware can match these success stories if given sufficient trained staff and money.

Similar opportunities for successful rehabilitation exist in our State correctional institutions. A distinguished "Governor's Committee for a State Correctional Program," in co-operation with the National Council on Crime and Delinquency, is hard at work on a study of archaic conditions in our present institutions. The State is hopefully awaiting the recommendations of this capable group, and we owe a debt of gratitude to the Delaware Crime Commission for their generosity and leadership in providing substantial funds for this survey.

Another long-neglected area of human need is the medical care for our indigent, elderly citizens. Every year Delaware is losing hundreds of thousands of dollars of "Kerr-

Mills" Federal funds because we have not authorized a plan of medical care of our indigent senior citizens. As an initial step in helping to meet this need, legislation will be introduced to appropriate sufficient monies to the Department of Welfare to enable Delaware to receive its share of the "Kerr-Mills" Federal funds.

### HIGHWAY SAFETY

I cannot let this opportunity pass without praising the people of our State for the splendid record they have established in recording the lowest number of highway fatalities in recorded Delaware history. In addition, our State succeeded in leading the nation with the highest per capital reduction of highway fatalities in 1961 over the previous year.

Great credit should be given to our State Police for the enforcement which discouraged high speeds, our Motor Vehicle Department for their efficient car inspections and for enforcement of license revocation for driving under the influence of alcohol, to the Delaware Safety Council for their splendid and relentless safety program, to the Delaware press and radio for their constant cooperation in promoting our programs for safety, and to the hundreds of thousands of Delaware motorists and out-of-state visitors who used our roads in such a safe manner.

To provide for an even better safety program on our highways for the next fiscal year, I urge you to support an appropriation of \$15,000 to our splendid, hard-working Delaware Safety Council.

### EQUITABLE REPRESENTATION

In order that the fundamentals upon which our State and Nation were founded may be upheld, just and equitable representation must be accorded every citizen of Delaware. Just as each state has always had representation in the lower House of the United States Congress, based upon a census taken every ten years, so should each county and the City of Wilmington be represented in the House of Representatives of the Delaware Legislature. Just as each state, large or small, has an equal number of Senators in the upper House of the United States Congress, so should the counties and the City of Wilmington continue with their present senatorial representation.

Delaware citizens should not be forced to seek a remedy for their grievance of unfair representation in the Federal Courts. I have proposed legislation in the form of House Bill No. 361 to carry out the principle of equitable representation which was the rallying cry of the War of the Revolution which Delaware supported 185 years ago when, through its chosen

representatives, it signed the Declaration of Independence. I urge your support of this Constitutional Amendment now, in order that it may receive final consideration by the 122nd General Assembly.

## JUDICIARY

I have already noted the great strides that were made during the past year to improve our Judicial System. Our program this year must be concentrated on the improvement of our lower Courts.

Under the leadership of the Supreme Court of Delaware a study has been made of the Magistrate System in Delaware. The recommendations made by this distinguished body should be enacted into law so that the people of Delaware will be assured of the impartial administration of justice by qualified magistrates appointed by the Governor who are paid salaries in keeping with the responsibilities imposed upon them. This would eliminate the fee system which presently gives incentive to the building up of case volume and encourages law enforcement officers to take their cases to the magistrate who will render them a favorable verdict.

The recommendation provides for a reduction of the total number of Justices of the Peace and for convenient locations of Magistrates' Courts to be established throughout the counties of the State and Wilmington. These Courts are to be staffed on a 24-hour basis by providing for shift operation of the Judiciary.

Constables would likewise be compensated by salary rather than by fees.

Within the Magistrate System, all part-time Judgeships should be abolished, and full-time Judges appointed who should receive sufficient increases in salary to compensate them for their full-time work.

## LAW ENFORCEMENT

House Bills 383, 385, 386, 387, 389 and 390 have not as yet been acted upon. These are the so-called Anti-Crime Bills which were drafted by a bi-partisan group of public spirited citizens known as the "Committee of 39." These bills were carefully reviewed by a bi-partisan committee of able attorneys and are endorsed in principle by the present Republican Attorney General and the former Democratic Attorney General, as well as by the Delaware Crime Commission.

While these bills leave something to be desired by many who are anxious for more effective law enforcement and more stringent penalties, I believe it is essential that in the interest of good government and improved law and order, these bills be promptly passed.

In my inaugural message I called for the merger of the New Castle County Police with the Delaware State Police. Since that time, we have substantially increased the size of the State Police, but this in no way lessens the need for a merger. The purpose of the merger is to eliminate the dual jurisdiction which now exists in Rural New Castle County, to provide for uniform supervision and direction of police protection in this area, to improve the quality of our law enforcement program, and to remove it as far from political control as possible. House Bill No. 410, which I wholeheartedly recommend to you, would establish the present County Police Unit as the New Castle Division of the State Police. The details of this measure have been carefully worked out to assure both the integrity of the State Police and the rights of the present members of the county unit.

### POLITICAL INTEGRITY

During the past few years the General Assembly has made tremendous progress in providing the citizens of our State with an up-to-date, efficient and honest registration and election system.

Up until 1953, there was a provision in the Delaware Code that after each statewide election, the treasurer of each political party should submit a report of the receipts and expenditures for the previous election.

Unfortunately, this law was not included in the Delaware Code of 1953, and I urge its re-enactment.

In addition, a ceiling should be placed on campaign expenditures of any one person running for political office, both in the primaries and the general election.

### PHYSICAL PLANNING

It has been aptly stated that land is one of the few things incapable of being increased or created. While our State population is increasing by leaps and bounds, our land area remains the same. Increasing population and modern progress require large acreages of land for residences, schools, hospitals, stores, factories, airfields, recreational areas, office buildings, garages, parking lots and highways.

Our new planning department will shortly begin to function. It is probable that one of its first steps will be to take inventory of the public lands held by the State of Delaware. These are substantial, but it is my opinion that it is highly desirable for us to plan to acquire more State lands in the northern part of Delaware for recreational and other public purposes.

Steps have been taken by this Administration to acquire over 300 acres of land and water in the Lums Pond area now being held as surplus by the United States Army Engineers.



The rapid growth of our population and consequent needs for public service has long since caused our Government housing facilities to become inadequate. Here in the State Capital, we are desperately in immediate need of a new legislative office building and a new State building. These buildings, as authorized in Senate Bill No. 237, would provide the members of the General Assembly with the office facilities so urgently required by the increased demand upon their services. This bill would provide the housing facilities needed by the State Department of Public Instruction, the State Supreme Court, the State Bank Commissioner, the Corporation Department and the Franchise Tax Department of the Office of the Secretary of State, and it would also provide for the renovation, restoration and protection of our magnificent Old State House. Our Old State House is the second oldest in use in the United States today, and it is invaluable because of its rich historic traditions, because of its Colonial beauty, and because of the strong attraction it holds for the millions of Americans who are desirous of visiting the hallowed structures of the founding States and identifying themselves with their inspiring past.

Just as in Dover, many of the Wilmington offices of our various State Agencies are overcrowded and inefficiently scattered in many locations. It is my plan to work closely with the administration of the City of Wilmington to assure a central location and consolidation of our State offices in Wilmington when the City of Wilmington finalizes its office building program. The substantial rentals we are now paying for office space in this area would go a long way toward paying the amortization and interest on such a State-owned building. In addition, centrally located offices would enable the State to provide more efficient service to its citizens.

### FISCAL RESPONSIBILITY

A sound program of "Progress for People" requires responsible financing, and responsible financing means balanced budgets and living within our means. This type of government generates confidence and respect by all who do business with our State. This includes those who sell the State services or materials and those who provide credit for our programs of school building, institutional building and highway construction.

The budget for this fiscal year will be balanced for the first time in five years. This sound fiscal policy has already produced tangible benefits. The interest rate on our most recent bond sale last week, at 2.85%, was the lowest in nearly four years. This rate saved the taxpayers \$58,300 in interest for next year, when compared with the average rate since September 1, 1958, and it will save the taxpayers approxi-

mately \$580,000 in interest over the twenty-year span of the bonds.

I am pleased to report that our budget message for fiscal 1963 will present a balanced budget, including the increased costs of our program of "Progress for People" outlined above, with no need for additional taxes. The regular budget act amounts to approximately \$89,500,000. Estimates of automatic appropriations of \$4,000,000, routine grants-in-aid of about \$1,300,000 and my recommended contingency bill of \$735,000 minus reversions of appropriations of approximately \$1,500,000, can all be financed from the estimated revenue of \$94,300,000 for fiscal 1963.

The fiscal picture in Delaware is looking brighter each day. Even now, just since the estimate of revenue was prepared at the end of December 1961, our expectations have improved. I will give careful scrutiny to the revenue trend each month while you are in session, and will provide up-to-date revisions of the estimate of revenue as changes develop. The time has now arrived for us to plan, not just for a balanced budget, but for a cash balance at the end of the fiscal year. It is my position that we should work toward a cash balance of between two and three million dollars to be carried over at the end of each fiscal year.

To operate with such a cash balance is a reasonable and responsible accomplishment of good government. It demonstrates to the rest of the world that Delaware is solvent and has an understanding and respect for financial integrity. The confidence that this sound policy generates pays the State valuable dividends through hundreds of thousands of dollars saved in lower interest rates. It also causes us as Delawareans to enjoy the self respect which comes to us from the knowledge that our State is operating on sound financial principles.

Delaware has long utilized a form of executive budget. The budget act, by statute, is prepared by the five-member Budget Commission, subject to the final decision of the Governor. Certain minor controls of agency expenditures are vested in the State Auditor. This arrangement served our State adequately up until recent years. The tremendous growth and increasing complexity of our State Agencies and their budgets which has occurred, combined with the increased demand of services of the State Auditor, the State Treasurer, the State Tax Commissioner and the Secretary of State in their own offices, demands a more practical solution.

Further, we are working under a statutory division of authority that is not in the best interests of the citizens of our State. At the present time the State Auditor, who is elected independently of the Governor and the rest of the executive branch, has the responsibility of making "pre-

audits". He is, in effect, a comptroller with, admittedly little discretionary authority. Such pre-auditing is properly a function for which the Governor should have responsibility. On the other hand, the Auditor presently does not have the duty of "post-audits"—of checking up on expenditures of the executive branch. This post-auditing function has instead been assigned by statute to the executive branch itself, specifically in the Budget Commission.

I am well aware of the conflicts in many states, including our own State during the past administration, between the legislative and executive branches relative to the proper balance of budgetary authority. I want to make it absolutely clear that this administration has no desire or intention to upset the traditional balance that has existed in our State. The executive should formulate and submit a comprehensive budget act to the General Assembly. The Assembly, in its wisdom, must approve or modify the executive proposal.

I am recommending that House Bill No. 231 be enacted. This measure would provide for a realignment of the fiscal duties already assigned to the executive branch in order to facilitate the performance of these duties. House Bill No. 231 would provide for a full-time fiscal officer, appointed by the Governor and confirmed by the Senate, to replace the Budget Commission. This fiscal officer would have the budget preparation and expenditure control duties of the present Budget Commission, and the "pre-audit" duties of the Auditor. The State Auditor would be assigned the "post-audit" duties now vested in the Budget Commission.

I am convinced that this is the extent of the statutory changes needed at this time to modernize our fiscal operation. There are, however, three other important improvements we are already pursuing.

1. For years we have been saving the taxpayers of the State money by consolidating the heating fuel requirements of the State Agencies and receiving bids through the Budget Commission. I have now appointed a committee from the State Council of Presidents and Executives to investigate and plan a voluntary system whereby the agencies, through a similar arrangement, can effect the bulk purchasing of certain other services, supplies and equipment. Such a program will avoid the disadvantage of creating another new agency and increasing administrative overhead, while at the same time it will secure the savings of bulk purchasing for the taxpayers.

2. Over the years the State Highway Department has carried as "accounts receivable", the monies which it expected to collect as Federal Aid on certain highway projects. During these years, under the previous administration, this account with some items over five years old, has grown to the sum of 3 1/4 million dollars. As a practical matter, it is

quite unlikely that Delaware will be able to collect this full amount.

During January 1962, our present Highway Department was informed by the Federal Bureau of Public Roads that on some of the older projects, they would disallow \$417,000 of the total receivables, amounting to \$531,000, and pay Delaware the balance of \$114,000. This is roughly 21 1/2 cents on the dollar. We have been given 90 days to appeal this decision, and it is hoped that we will be able to obtain a more favorable settlement. In the event that all of the 3 1/4 million dollar receivables are collected on this same basis, Delaware would fail to receive about 2 1/2 million dollars on these old projects. It would then be necessary to appropriate a similar sum to the Highway Department so that they would be able to carry out the terms of the road project resolutions of the bond issues of 1959 and 1961.

This projected 2 1/2 million dollars in Federal matching funds will not be lost to our State, but it will be available to us to be matched for future projects. It is the determined intention of this administration to carefully oversee this operation to assure that future administrations will not be haunted, as we have been, by what our predecessors failed to do.

3. It is my opinion that the best interests of the State require the centralization of record keeping and fiscal control. Basic record keeping under a central authority should, in no way, interfere with the agencies' management authority; it should promote greater efficiency and economy of operation. This principle is applicable to all departments and agencies of the State. To facilitate the adoption of a sound, integrated accounting system affecting all departments and agencies, we are planning, with the funds made available by the General Assembly for this purpose, to retain an outstanding, independent accounting firm which is experienced in successfully solving the unique problems applicable to municipal and State accounting.

### CONSOLIDATION OF AGENCIES

Historically, as our society has grown more complex and our needs for government service have expanded, we have created additional commissions to care for these special problems. At the same time we must fight the constant battle to eliminate agencies no longer needed, and to consolidate those smaller agencies with similar or overlapping jurisdictions.

At the present time we have a number of agencies with duties closely associated with the Public Archives Commission. It is my intention to recommend legislation to this session to consolidate these agencies. Further, I will be studying the possibility of consolidating the functions of parks and

recreational areas, now scattered throughout our governmental structure, under the authority of a single agency.

## STATE EMPLOYEES

Virtually every program of service for the citizens of our State requires much more than good intentions and legislative authorization. A program of "Progress for People" is organized and carried out by people. The State of Delaware must continue to attract the most competent and best qualified persons to implement our program.

In order to extend and encourage career employment in our State Government, I strongly recommend the enactment of a Statewide Merit System. Although House Bill No. 240 is generally acceptable, I will approve any measure which provides for initial employment and promotion based upon experience and satisfactory performance on qualifying examinations, establishes job classifications and uniform salaries and working conditions, and permits State employees the reasonable political activities to which all Delaware citizens are entitled.

Because of the urgent need for immediate improvement in the long neglected area of uniform personnel policies, I have already requested a committee of the State Council of Presidents and Executives to conduct a study of this problem and make recommendations.

Since 1949, the business of State Government has more than trebled, and the cost of living has increased appreciably. Elected and appointed officers, such as the State Auditor, the State Treasurer, the State Insurance Commissioner, the State Tax Commissioner, their deputies, the chief budget accountant, the director of the Legislative Reference Bureau and the Secretary of State, are now receiving between \$5,000 and \$8,000 per year, the same salaries which were authorized in 1949.

I do not think that the State should be a recipient of their charity, and in the interest of encouraging well qualified public servants to continue to seek office in Delaware, I recommend the immediate passage of Senate Bill No. 142. This measure, passed in the Senate and now awaiting House action, would increase these salaries by 50 per cent.

## SUMMARY

Today, I have tried to spell out in detail what we have accomplished together in the brief span of one year. By looking back on these accomplishments we can reaffirm our confidence that this program of "Progress for People" can also become a reality. Our blueprint for the future must meet human needs in every way—education, re-training, rehabilitation and planning.

With this blueprint to guide us, we can build within Delaware a complete society of first-class citizens, loyal to the traditions of Delaware and the United States, with a firm and unshaken faith in the American way of life.

Let us pray for God's blessing on our endeavors to make progress for His people!

Respectfully, submitted,

ELBERT N. CARVEL, Governor

The previously named Committee escorted the Governor from the Chamber.

Mr. Steen moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals. Motion prevailed.

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

Mr. Steen moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 12:20 P. M. The Senate met at the expiration of the recess at 6:05 P. M. Lieutenant-Governor Lammot presiding.

The Chair presented the following House Concurrent Resolution, which was adopted and ordered returned to the House:

**HCR 36**—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

Mr. McCullough asked to be marked present.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 107**—In Reference to Election of Officers.

The newly appointed attaches were duly sworn in.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 108**—Relating to Amount Due The Harrington Journal for Printing Incurred by the 121st General Assembly.

On motion of Mr. Steen, the Senate adjourned at 6:15 P. M., until March 5, 1962, at 1:00 P. M.

### 3RD LEGISLATIVE DAY

March 5, 1962

The Senate met pursuant to adjournment at 1:30 P. M., on Monday, March 5, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Ray W. Kirwan.

Members present: Cook, Donovan, duPont, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus—11.

Members absent: Hoey, Johnson, Manning, Mayhew, Simpson, Mr. President Pro Tem Reilly—6.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 5:00 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Hoey, Johnson, (Mrs.) Manning, Mayhew and Simpson asked to be marked present.

On motion of Mr. Mayhew, SB 322, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 322—An Act to Amend Section 4301, Title 29, Delaware Code, Relating to Appointment of Notaries Public.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—12.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Hoey, McCullough, Watson, Mr. President Pro Tem Reilly—4.

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

The following bills were introduced by Mr. duPont, given first reading, and referred to committee:

SB 335—An Act to Amend Section 704, Title 21, Code of Delaware, Relating to Jurisdiction of Motor Vehicle Offenses. (To Judiciary)

SB 336—An Act to Amend Section 7703, Title 3, Code of Delaware, Relating to Damage by Stray Livestock. (To Judiciary)

SB 337—An Act to Amend Certain Sections of Chapter 59, Title 11, Code of Delaware, Relating to Justices of the Peace. (To Judiciary)

SB 338—An Act to Amend Section 1308, Title 7, Code of Delaware, Relating to Enforcement of Game and Fish Laws. (To Judiciary)

SB 339—An Act to Amend Section 3322, Title 16, Code of Delaware, Relating to the Enforcement of the Pure Food and Drug Laws. (To Judiciary)

SB 340—An Act to Amend Chapter 87, Title 10, Delaware Code, Relating to Fees and Costs. (To Judiciary)

**SB 341**—An Act to Amend the Repeal of Certain Sections of Chapter 27, Title 10, Code of Delaware, Relating to Constables and to Provide for Salaried Constables. (To Judiciary)

**SB 342**—An Act to Amend Section 2701, Title 11, Code of Delaware, Relating to Jurisdiction and Venue. (To Judiciary)

**SB 343**—An Act to Repeal Chapter 91 and Amend Certain Provisions of Chapters 93, 95 and 97 of Title 10, Delaware Code, Pertaining to Justices of the Peace and Provide New Justice of the Peace Courts Having Salaried Justices of the Peace. (To Judiciary)

**SB 344**—An Act to Amend Section 906, Title 28, Code of Delaware, Relating to the Regulation of Public Entertainment on Sundays. (To Judiciary)

**SB 345**—An Act to Amend Section 2716, Title 7, Code of Delaware, Relating to Enforcement of Shellfish Laws. (To Judiciary)

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: **SB 322**, 2 favorably, 1 on merits; **SB 321**, 2 favorably, 1 on merits.

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **SB 322** and **SB 321**. Motion prevailed.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **SB 109**, 3 favorably, 2 on merits.

On motion of Mr. Mayhew, **SB 321** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 321**—An Act to Amend Chapter 87, Section 8708, Title 10, Delaware Code, Relating to Fees of the Register in Chancery.

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

**YEAS:** Cook, duPont, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—12.

**NAYS:** None.

**NOT VOTING:** Donovan—1.

**ABSENT:** Hoey, McCullough, Watson, Mr. President Pro Tem Reilly—4.

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



The following message was received from the Governor, read to the Senate, and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

March 5, 1962

To the Senate of the 121st 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:

James B. McIlvaine, Magnolia, Delaware, to be a Member of the Department of Elections for Kent County for a term of three years, to expire January 15, 1965, replacing Hazel W. Harrington;

Robert H. Reed, Lynn Haven Drive, Dover, Delaware, to be Chairman of the Delaware Industrial Building Commission, during the pleasure of the Governor (new position);

William A. Carter, Millsboro, Delaware, to be a Director of the Delaware Industrial Building Commission, for a term of four years, to expire February 20, 1966 (new position);

John E. Wilson, Jr., Smyrna, Delaware, to be a Director of the Delaware Industrial Building Commission, for a term of three years, to expire February 20, 1965 (new position);

Hart Cooper, 22 West 40th Street, Wilmington, Delaware, to be a Director of the Delaware Industrial Building Commission, for a term of one year, to expire February 20, 1963 (new position);

Daniel F. Shields, Jr., Greenville, Wilmington 7, Delaware, to be a Director of the Delaware Industrial Building Commission, for a term of two years, to expire February 20, 1964 (new position).

Respectfully submitted,

ELBERT N. CARVEL, Governor

Mr. Cook introduced the following concurrent resolution, which on further motion by him, was adopted, and ordered to the House for concurrence:

SCR 44—Expressing the Sympathy of the 121st General Assembly of the illness of Senator John E. Reilly, President Pro Tem of the Senate.

WHEREAS, the members of the 121st General Assembly of the State of Delaware have learned that Senator John E. Reilly is ill, AND

WHEREAS, Senator John E. Reilly has for many years faithfully and diligently served as a member of the Delaware Legislature as both a member of the House of Representatives and a member of the Senate, AND

WHEREAS, Senator John E. Reilly is now President Pro Tem of the Senate and has previously served as the Majority Leader of the Senate, AND

WHEREAS, Senator John E. Reilly has unselfishly devoted all of his time and energies to the people of Delaware and their government for many years, AND

WHEREAS, Senator John E. Reilly, without rancor or bitterness, has always worked for the welfare of all the people of Delaware, AND

WHEREAS, the members of the 121st General Assembly, in conjunction with all the people of Delaware, desire to express and extend in this public manner their regrets to Senator John E. Reilly that he is ill, and to express their appreciation for his devoted service, for the State, NOW THEREFORE

BE IT RESOLVED, that the members of the Senate of the 121st General Assembly of the State of Delaware do hereby express their sincere wishes for a complete and speedy recovery, AND

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journals of the Senate and of the House of the 121st General Assembly of the State of Delaware and a copy be forwarded to Senator John E. Reilly.

The following bill was introduced, given first reading, and referred to committee:

**SB 346**—An Act Authorizing the State of Delaware to Borrow Money to be Used for the Construction of a State Highway Department Administration Center and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department. (By Mr. Cook, to Buildings and Highways)

Mr. Cook introduced the following concurrent resolution, which on further motion by him, was adopted, and ordered to the House for concurrence:

**SCR 45**—An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through January 11, 1962.

On motion of Mr. Steen, the Senate adjourned at 5:35 P. M., until Tuesday, March 6, 1962, at 1:00 P. M.

#### 4TH LEGISLATIVE DAY

Tuesday, March 6, 1962

The Senate met pursuant to adjournment at 1:30 P. M., on Tuesday, March 6, 1962. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, Hoey, Johnson, Manning, Price, Snowden, Spicer, Tull—9.

Members absent: duPont, Mayhew, McCullough, Simpson, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—8.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Cook, the Senate recessed upon call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 3:50 P. M. Lieutenant-Governor Lammot presiding.

Messrs. McCullough, Wilgus and Mayhew asked to be marked present.

The Chair presented the following House Concurrent Resolution, which on further motion by Mr. Hoey, was adopted, and ordered returned to the House:

**HCR 37**—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

On motion of Mr. Hoey, the Senate adjourned at 4:00 P. M., until Monday, March 19, 1962, at 1:00 P. M., in accordance with **HCR 37**.

## 5TH LEGISLATIVE DAY

March 14, 1962

The Senate met pursuant to adjournment at 1:35 P. M., on Wednesday, March 14, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, duPont, Manning, McCullough, Simpson, Snowden, Spicer, Tull—8.

Members absent: Cook, Hoey, Johnson, Mayhew, Price, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 3:00 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Wilgus, Cook, Watson, Mayhew, Hoey and Steen asked to be marked present.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Steen moved that Rule 23 be suspended. Motion prevailed.

The Sergeant-at-Arms announced the Speakers and Members of the House of Representatives. They were admitted and seated. Lieutenant-Governor Lammot invited the Speaker of the House to a seat on the rostrum.

## JOINT SESSION

Mr. Steen moved that the House and Senate convene in Joint Session. Motion prevailed.

Mr. Steen moved that the President of the Senate preside over the Joint Session. Motion prevailed.

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

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Messrs. Robbins, Best, Steen and Cook.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the Rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

### **MESSAGE OF GOVERNOR ELBERT N. CARVEL TO THE EMERGENCY MEETING OF THE ONE HUNDRED AND TWENTY-FIRST GENERAL ASSEMBLY, MARCH 14, 1962**

Mr. President, Mr. Speaker and Members of the One Hundred and Twenty-First General Assembly:

The invasion of natural forces which devastated the Eastern Coast of our State last Tuesday and Wednesday has resulted in great personal loss of life, property and income. The courage, the heroism, the valiant spirit of Delawareans—National Guard, State Police, Volunteer Firemen, Red Cross, State and local officials and employees and private citizens—will be long remembered. The sincere feeling of concern for the desperate plight of our fellowman, displayed by individuals and groups during these trying days, provided a magnificent demonstration of kindness and neighborliness.

The tragedy began to unfold late Tuesday afternoon, March 6th. As we traveled home from Wilmington in my automobile I noted an unusual number of emergency calls on the two-way police radio telephone concerning the coastal area. At that time, Civil Defense Headquarters at Delaware City was radioed from the car, alerting these officials and requesting weather information. By 10:30 P. M. I informed the Adjutant General of the impending crisis and requested emergency help for the ocean front area. The efficient machinery of Delaware's men and equipment were promptly put into action.

Anxious hours passed as the storm grew in intensity. The fury of wind and water battered our coastline, and the true mettle of Delaware men and women was demonstrated over and over. Untold acts of bravery went unrecorded.

The succeeding hours and days were filled with surveys, meetings, foot tours, and conferences involving State and Federal officials, civic groups and private citizens. At 8:50 P. M. on the evening of March 7th, I sent an appeal to President John F. Kennedy, urging him to proclaim the coastal territory of Delaware as a disaster area.

On March 8th, I met with Federal officials of the Office of Emergency Planning, and representatives from State, Municipal and private agencies for a briefing. After laying the groundwork for immediate action, I issued a Proclamation of Emergency in accordance with Chapter 31, Title 20, Delaware Code. At the same time, I appointed Secretary of State, Elisha C. Dukes, as Coordinator of the Disaster Recovery and Rehabilitation Agency.

President Kennedy responded on March 9th by declaring a major disaster in those areas of Delaware adversely affected by the severe storm, high tides and flooding beginning on or about March 6, 1962.

Between March 9th and March 12th, the Delaware Agency for Disaster Recovery and Rehabilitation completed a preliminary estimate of the damage created by the storm, amounting to \$42.8 million dollars. Equipped with this information, plus the President's declaration of Delaware as a disaster area, we were then ready to present our recommendations to the General Assembly.

We need Federal disaster funds for recovery and rehabilitation at once, but before Delaware can qualify for these funds in accordance with Public Law 875, we must provide at least \$500,000 of State and local funds as our minimum contribution of self help.

In order to meet this requirement at the earliest possible date, I conferred with the leaders of the General Assembly. The President Pro Tempore of the Senate and the Speaker of the House both agreed to convene this meeting of the 121st General Assembly for the purpose of receiving and considering this emergency legislation.

The legislation will be introduced today to appropriate the \$500,000 necessary as a prerequisite for Federal disaster assistance. After making a careful review of the agency expenditures to date, and the demands upon the contingency appropriations, I have revised my previous estimate of reversions for the fiscal year ending June 30, 1962, upward from \$1,500,000 to \$1,750,000. This revision makes available an unappropriated balance of \$523,822. Based on this review, we can initiate this emergency program with the funds currently available.

Every Delawarean is aware of the serious need for prompt bi-partisan action to meet this crisis. The flood of generous offers of assistance and cooperation we have received from Delaware citizens and officials, regardless of party affiliation,

has been heart warming. This is a matter of serious urgency for all of us, and I have an abiding faith that every Delawarean will do his dedicated part to help restore, reconstruct and rehabilitate these devastated areas.

I urge all State agencies to exercise extreme restraint in their expenditures for routine operations during the balance of the fiscal year, so that all possible resources can be conserved and diverted to this monumental task. In this hour of need, when so many have suffered so much, I am confident that each State agency will strive to make its helpful and sacrificial contribution of conserving funds for the emergency.

My personal appreciation is gratefully expressed to the many members of the General Assembly who worked directly with our State agencies during the emergency, and to all of you for your prompt response in scheduling this emergency session on such short notice.

May God continue to shower us with the heroic qualities of courage, strength, vision and patience as we join together, one great united people, to rebuild our beloved Delaware.

Respectfully submitted,

ELBERT N. CARVEL, Governor

The following are copies of telegrams exchanged between Governor Elbert N. Carvel and President John F. Kennedy, relative to having Delaware Coastal area declared a "major disaster area":

The President

The White House, Washington, D. C.

Dear Mr. President:

For the past fourteen hours I have personally been surveying the awful destruction on our Delaware coast caused by the most devastating and disastrous storm in the memory of living Delawareans. It is estimated that fifty million dollars of damage has been caused to Delaware properties and the end is not yet in sight. Abnormally high winds, of gale velocity and high tides averaging five feet above normal continue to wreak a terrible toll of destruction. Thousands of homes have been completely destroyed and many thousands more are partially under water.

I urgently request that you proclaim the coastal area of Delaware from Fenwick Island to Delaware City for a depth of five miles westward from the coast line as a disaster area and subject to all of the assistance which the laws of the United States provide for such a condition. We are grateful for the help being rendered to us by the Second Army and the office of Civil Defense in this emergency.

ELBERT N. CARVEL, Governor

Honorable Elbert N. Carvel, Governor of Delaware  
Dover, Delaware

As you requested, I have declared a "major disaster" under authority of Public Law 875 in those areas of Delaware adversely affected by the severe storm, high tides, and flooding beginning on or about March 6, 1962.

The authorization of a specific allocation of Federal Funds will await your further request and justification following the completion of detailed surveys of the damage.

I want to take this opportunity to commend the vigorous efforts of yourself, the American National Red Cross and everybody who has worked to prevent the loss of life and reduce the havoc caused by this disaster.

JOHN F. KENNEDY

The previously named committee escorted the Governor from the Chamber.

On motion of Mr. Mayhew, the Secretary of State Elisha Dukes, Coordinator of Disaster Effort, was granted the privilege of the floor to report on progress toward rebuilding the disaster area.

The following communication was read to the Joint Session:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER NUMBER FIVE

TO: Heads of State Departments and Agencies

SUBJECT: Designation of Coordinator of Disaster Relief

WHEREAS, under date of March 8, 1962, I did proclaim and declare that an emergency exists within the scope and meaning of Chapter 31, Title 20, Delaware Code, as amended in 1955; and

WHEREAS, Section 3105 (b) (9), of said Title provides that "the Governor may utilize the services and facilities of existing officers, and agencies of the State and of the political subdivisions thereof; and all such officers and agencies shall perform such services and supply such facilities as the Governor may request;" and

WHEREAS, Section 3105 (b) (10), of said Title provides that the Governor may delegate any authority vested in him under this Chapter and provide for the delegation of any such authority:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby appoint the Secretary of State, Elisha C. Dukes, as Coordinator of Disaster Relief for this emergency, and in accordance with the provisions of Section 3105 (b) (10), Title 20, Delaware Code, do delegate

to the said Elisha C. Dukes, the authority vested in me under Chapter 31, Title 20, Delaware Code, and further authorize the said Elisha C. Dukes to sub-delegate any such authority; and

FURTHER, I hereby request all officers and agencies of the State and of the political subdivisions thereof to cooperate with the Coordinator of Disaster Relief in the performance of his mission.

APPROVED this ninth day of March 1962.

/s/ ELBERT N. CARVEL  
By the Governor

(Great Seal)

Attest:  
/s/ ELISHA C. DUKES  
Secretary of State

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER

PROCLAMATION OF EMERGENCY

WHEREAS, within the past seventy-two hours extensive areas of the State of Delaware have been subjected to storm conditions of extraordinary violence, including gale force winds and abnormally rising waters, both of ocean and inland origins; and

WHEREAS, by reason of such extraordinary storm conditions, winds and rising waters, there has been loss of life and widespread devastation to personal and real property in various portions of our State, particularly along the coastal areas abutting on the Atlantic Ocean, the Delaware Bay, the Delaware River and other inland waterways and their tributaries; and

WHEREAS, such serious damage has resulted or is being caused to highways and bridges on the Federal-aid systems as to create an emergency within the intent of Section 125 of Title 23, U. S. C. and

WHEREAS, as the result thereof, a condition of disaster by flood and other causes appears to exist in the areas affected; and

WHEREAS, by Chapter 31, Title 20, Delaware Code, as amended in 1955, upon the Governor's declaration that an emergency exists, the term "Civil Defense" is defined to include functions to prevent, minimize and repair injury and damage resulting from disasters caused by flood or other causes; and

WHEREAS, in performing his duties under the said Statute, the Governor is authorized "to utilize the services and facilities of existing officers and agencies of the State



and of the political sub-divisions thereof; and all such officers and agencies shall perform such services and supply such facilities as the Governor may request;" and

WHEREAS, it is now deemed necessary and advisable to declare an emergency to exist under the said Statute in order adequately to deal with the disaster and emergency which has developed and generally to better protect the public peace, health and safety, and to preserve the lives and property of the people of this State:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim and declare that an emergency exists within the scope and meaning of Chapter 31, Title 20, Delaware Code, as amended in 1955; and

FURTHER, I call upon all Delaware citizens, public officers, public agencies and volunteer organizations to exert every effort to assist in relieving and overcoming the losses sustained and the burdens thrust upon the unfortunate victims of this terrible catastrophe.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 8th day of March in the year of our Lord, one thousand nine hundred and sixty-two, and of the Independence of the United States of America, the one hundred and eighty-sixth.

(Great Seal)

/s/ ELBERT N. CARVEL  
Governor

/s/ ELISHA C. DUKES  
Secretary of State

As Amended: 3/13/62

Mr. Steen moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals. Motion prevailed.

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

Mr. Steen moved that the two Houses now separate to reconvene in their respective chambers. Motion prevailed.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:45 P. M. The Senate met at the expiration of the recess at 5:15 P. M. Lieutenant-Governor Lamnot presiding.

The following bill was introduced, given first reading, and referred to committee:

**SB 347**—An Act Making a Supplementary Appropriation to the Joint Veterans Claims Committee for the Fiscal Year Ending June 30, 1962, to Pay Expenses of Operation and Certain Claims of Veterans as Determined Pursuant to Chapter 82, Volume 53, Laws of Delaware. (By Mr. Cook, to Claims)

The Chair presented the following House bill, which was given first reading:

**HB 482**—An Act Making an Emergency Appropriation for Disaster, Recovery and Rehabilitation and Setting Forth Procedures to be Used in Administering Disaster Recovery and Rehabilitation Funds.

On motion of Mr. Steen, and without objection, Rule 9 was suspended.

On motion of Mr. Steen, **HB 482** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 482**—An Act Making an Emergency Appropriation for Disaster, Recovery and Rehabilitation and Setting Forth Procedures to be Used in Administering Disaster Recovery and Rehabilitation Funds.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—14.

**NAYS:** None.

**ABSENT:** Johnson, Price, Mr. President Pro Tem Reilly—3.

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

On motion of Mr. Steen, the Senate adjourned at 5:30 P. M., until Monday, March 19, 1962, at 1:00 P. M.

## 6TH LEGISLATIVE DAY

March, 19, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, March 19, 1962. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—15.

Members absent: Hoey, Mr. President Pro Tem Reilly—2.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Donovan moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 1:30 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lamot presiding.

Mr. Snowden introduced the following concurrent resolution, which on further motion by him, was adopted and ordered to the House for concurrence:

**SCR 46**—Expressing the Sympathy of the 121st General Assembly Upon the Death of Former Governor Walter W. Bacon.

WHEREAS, the 121st General Assembly of the State of Delaware has learned with deep regret of the passing of Walter W. Bacon, a former Governor of the State of Delaware, and

WHEREAS, Walter W. Bacon served the State of Delaware as Governor for two full terms in that great office, and

WHEREAS, Walter W. Bacon was also mayor of the City of Wilmington for three terms, and

WHEREAS, Walter W. Bacon was a dedicated public servant whose accomplishments for the State of Delaware will never be forgotten by its citizens.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of Walter W. Bacon, former Governor, a prominent figure in his community, and

BE IT FURTHER RESOLVED, that the family of the deceased has full sympathy of the members of the 121st General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family, and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the Senate and House of Representatives of the 121st General Assembly of the State of Delaware.

The following bills were introduced, given first reading, and referred to committees:

**SB 348**—An Act Adopting, on Behalf of the State of Delaware, the Interstate Compact on Mental Health, Which Deals in Certain Detail With the Care and Treatment of the Mentally Ill and Mentally Deficient Regardless of Residence or Citizenship; Providing for a Compact Administrator for Delaware and Setting Forth His Duties; Authorizing the Delaware Compact Administrator to Enter Into Certain Supplementary Agreements With Appropriate Officials of Other States Party to Said Compact: Providing for Certain Financial Arrangements: and Providing for Certain Distribution by the Secretary of State of Delaware of Duly Authenticated Copies of This Act. (By Mr. Cook, to Public Health)

**SB 349**—An Act to Amend Title 21, Chapter 21, Subchapter VII, Concerning the Registration of Antique Automobiles. (By Messrs. Watson, McCullough and Spicer, to Revised Statutes)

**SB 350**—An Act to Amend Title 15, Delaware Code, Relating to Elections by Providing for the Regulation of Nomination and Election Expenses and Contributions. (By Mr. Watson, to Elections)

**SB 351**—An Act to Amend Section 1118 (8), Title 30, Code of Delaware, Relating to the Delaware State Income Tax Law. (By Messrs. duPont, Spicer and Wilgus, to Banking and Insurance)

Mr. duPont moved to suspend Rule 9 to consider **SB 351**.

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

**YEAS:** duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

**NAYS:** Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson—9.

**ABSENT:** Johnson, Mr. President Pro Tem Reilly—2.

So the question was decided in the negative.

Mr. Cook, Chairman of the Claims Committee, reported the following bill from committee: **SB 347**, 3 favorably, 1 unfavorably.

Mr. Cook moved that Rule 9 be suspended in order to consider **SB 347**. Motion prevailed.

On motion of Mr. Cook, **SB 347** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 347**—An Act Making a Supplementary Appropriation to the Joint Veterans Claims Committee for the Fiscal Year Ending June 30, 1962, to Pay Expenses of Operation and Certain Claims of Veterans as Determined Pursuant to Chapter 82, Volume 53, Laws of Delaware.

Mr. Cook moved that the privilege of the floor be extended to Mr. Podolsky to explain **SB 347**. Motion prevailed.

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

**YEAS:** Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson—9.

**NAYS:** duPont, Manning—2.

**NOT VOTING:** Simpson, Snowden, Spicer, Wilgus—4.

**ABSENT:** Johnson, Mr. President Pro Tem Reilly—2.

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

The following message from the Sussex County Vocational Center was read to the Senate:

**SUSSEX COUNTY VOCATIONAL-TECHNICAL CENTER**

Georgetown, Del., March 14, 1962

The Honorable Eugene Lammot, Lieutenant-Governor  
State House, Dover, Delaware

Dear Sir:

The Board of School Trustees for the Sussex County Vocational-Technical Center wishes to extend to the members of the Senate an invitation to visit the center in a body on a date agreeable to the Senators.

We extend this invitation in the belief that the Senators should see, at first hand, the opportunity the center offers to both young and adult people in Sussex County and also in appreciation of your past cooperation in the establishment and operation of the center.

We suggest that you arrange to come for lunch at 12:00 Noon and spend one hour after lunch on a tour of the departments in the center at which time they would all be in operation.

We trust that you will be able to accept this invitation.

Very truly yours,

W. CARL UTZ, President  
Board of School Trustees

OKEY E. McCourt, Secretary  
Board of School Trustees

The following bills were introduced, given first reading, and referred to committees:

**SB 352**—An Act to Amend Section 6704, Title 29, Delaware Code, Relating to Deposits to Accompany Bids for the Furnishing of Supplies, Work, Stationery, Printing and Binding. (By Mr. Mayhew, to Printing and Supplies)

**SB 353**—An Act Proposing an Amendment to Article 2, Section 25, of the Constitution of the State of Delaware, Relating to Zoning by Providing for Zoning by All the Counties of Delaware. (By Messrs. Price and Steen, to Public Lands)

**SB 354**—An Act to Amend Title 29, Delaware Code, Relating to State Employees' Pension Plan and Making an Appropriation Therefore. (By Mr. McCullough, to Revised Statutes)

The following messages were received from the Governor, read to the Senate, and referred to the Executive Committee:

## GOVERNOR'S MESSAGES

February 6, 1962

To the Senate of the 121st 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:

Robert D. Thompson, Jr., Georgetown, Delaware, to be a Judge of the Family Court of Kent and Sussex Counties, for a term of 12 years, to expire February 6, 1974 (new appointment);

John L. Johnson, 1821 Elm Street, Wilmington, Delaware, to be a Justice of the Peace for the State of Delaware, for a term of 4 years, to expire February 6, 1966, replacing Joseph F. Dayton.

Respectfully submitted,

ELBERT N. CARVEL, Governor

February 6, 1962

To the Senate of the 121st 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:

S. Bernard Ableman, 1130 Bancroft Highway, Wilmington, Delaware, to be a Justice of the Peace for the State of Delaware for a term of 4 years, to expire February 6, 1966, replacing Marvin A. Soloman;

Samuel G. Albert, 2615 Baynard Boulevard, Wilmington, Delaware, to be a Justice of the Peace for the State of Delaware for a term of 4 years, to expire February 6, 1966 (new position).

Respectfully submitted,

ELBERT N. CARVEL, Governor

March 19, 1962

To the Senate of the 121st 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:

Alfred J. Hurlock, Sr., 120 Matthes Avenue, Richardson Park, Wilmington 4, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years from date of confirmation by the Senate, replacing Albert R. Abele of Newport.

Respectfully submitted,

ELBERT N. CARVEL, Governor

March 19, 1962

To the Senate of the 121st 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:

Mr. Leslie B. Roberts, Gumboro Road, Selbyville, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years from date of confirmation by the Senate, replacing G. Earl Nichols.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Cook, the Senate recessed upon call of the Chair at 5:45 P. M. The Senate met at the expiration of the recess at 5:20 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Steen, the Senate adjourned at 5:21 P. M., until 5:22 P. M., Monday, March 26, 1962.

#### 7TH LEGISLATIVE DAY

March 26, 1962

The Senate met pursuant to adjournment at 5:22 P. M. on Monday, March 26, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus—10.

Members absent: Cook, Donovan, Hoey, Mayhew, Snowden, Watson, Mr. President Pro Tem Reilly—7.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following bills were introduced, given first reading, and referred to committees:

SB 355—An Act Making an Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State, and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefore. (By Messrs. McCullough and Johnson, to Finance)

SB 356—An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to Workmen's Compensation, by Providing for an Attorney's Fee for an Injured Employee. (By Mr. McCullough, to Finance)

Messrs. Mayhew, Hoey and Snowden asked to be marked present.

Mr. McCullough introduced the following concurrent resolution:

**SCR 47**—Relative to the Preservation of the "Old Boyce House" Situated in White Clay Creek Hundred, New Castle County and State of Delaware.

Mr. McCullough moved for the adoption of **SCR 47**.

Mr. Cook moved to defer **SCR 47**.

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

YEAS: Cook, Hoey, Mayhew, Steen—4.

NAYS: duPont, Johnson, Manning, McCullough, Price, Wilgus—6.

NOT VOTING: Spicer, Tull—2.

ABSENT: Donovan, Simpson, Snowden, Watson, Mr. President Pro Tem Reilly—5.

So the question was decided in the negative.

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

YEAS: duPont, Johnson, Manning, McCullough, Price, Snowden, Wilgus—7.

NAYS: Cook, Steen—2.

NOT VOTING: Hoey, Mayhew, Spicer, Tull—4.

ABSENT: Donovan, Simpson, Watson, Mr. President Pro Tem Reilly—4.

So the question was decided in the negative.

Mr. Steen introduced the following resolution, which on further motion by him was adopted:

**SR 109**—A Resolution Commending Boy Scout Troops and Posts of Sussex County for Their Assistance in Safeguarding Property Following the Recent Devastating Storm.

WHEREAS, the eastern area of the State of Delaware was struck by one of the severest storms in its history.

WHEREAS, millions of dollars of damage was done to property in the State by the storm.

WHEREAS, 240 Boy Scouts of Sussex County rendered their services to the Delaware State Police and the Delaware National Guard by escorting property owners to their respective properties, thus releasing policemen and guardsmen for more important duties,

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware that the 240 Boy Scouts of Sussex County in the following Troops and Post, namely:

Millsboro Troop 89

Laurel Troop 90

Selbyville Troop 179

Georgetown Troop 105

Lewes Troop 1



Seaford Troop 381  
 Rehoboth Troop 85  
 Lincoln Troop 307  
 Lord Baltimore Troop 281  
 Seaford Troop 182  
 Greenwood Troop 242  
 Gumboro Troop 226  
 Bridgeville Post 166  
 Lewes Post 1  
 Laurel Post 337  
 Georgetown Troop 95

be and are hereby commended for their invaluable assistance rendered to the Delaware State Police and the Delaware National Guard in escorting property owners to their respective properties, thus permitting release of policemen and guardsmen for more pressing duties and responsibilities.

The following bills were introduced, given first reading, and referred to committees:

**SB 357**—An Act to Amend Chapter 25 of Title 14 of the Delaware Code in Relation to the Creation of New High School Districts. (By Mrs. Manning and Mr. McCullough, to Education)

**SB 358**—An Act to Amend Chapter 11 of Title 14, of Delaware Code, in Relation to the Consolidation of School Districts. (By Mrs. Manning and Mr. McCullough, to Education)

**SB 359**—An Act Authorizing the Delaware Commission for the Blind to Contract with Any Public Library for That Library to Render Special Library Services to the Blind Throughout the State of Delaware and to Receive Reimbursement from the Delaware Commission for the Blind for the Cost of Such Services. (By Mr. Steen for Mr. Reilly, to Labor)

**SB 360**—An Act to Amend Chapter 53, Title 6, of the Delaware Code, Relating to the Standard Weight for Bread Loaves. (By Mr. Steen for Mr. Reilly, to Public Health.)

**SB 361**—An Act to Amend Chapter 41 of Title 21 of the Delaware Code, Pertaining to Driving Regulations for Motor Vehicles. (By Mr. Cook, to Buildings and Highways)

**SB 362**—An Act to Appropriate \$15,000 to the Delaware Safety Council, Inc. (By Mr. Cook, to Finance)

Mr. Steen, Chairman of the Public Health Committee, reported the following bill from committee: **SB 360**, 3 favorably, 1 on merits.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 110**—In Reference to Election of Officers.

Mr. Cook introduced the following concurrent resolution, which on further motion by him, was adopted and ordered to the House for concurrence:

**SCR 48**—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

On motion of Mr. Steen, the Senate adjourned at 6:00 P. M., until Tuesday, March 27, 1962, at 1:00 P. M.

### STH LEGISLATIVE DAY

March 27, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, March 27, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—16.

Member absent: Mr. President Pro Tem Reilly—1.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Senate recessed upon call of the Chair. The Senate met at the expiration of the recess at 3:25 P. M. Lieutenant-Governor Lammot presiding.

The following resolution was read to the Senate:

#### HOUSE RESOLUTION NO. 53

By the Ways and Means Committee

House Resolution thanking and commending the Honorable Elbert N. Carvel, Governor of the State of Delaware, and the members of the General Assembly of Delaware, for their action in amending the Delaware Income Tax Law so as to bring about more equity in the taxation of residents of the State of Maryland who are employed within the State of Delaware.

WHEREAS, for a number of years an inequitable situation has existed in the income tax law of the State of Delaware affecting Maryland residents who are employed within that State; and

WHEREAS, the Honorable Elbert N. Carvel, Governor of the State of Delaware, and the General Assembly of Delaware, have cooperated toward the enactment of an amendment to the Delaware Income Tax Law which will greatly relieve the heretofore existing situation; and

WHEREAS, this magnanimous action on the part of our Delaware neighbors will bring some tax relief to many of our Maryland residents and thus prove most beneficial to them; and

WHEREAS, such action will promote better public relations between the States of Maryland and Delaware and will improve the morale of Maryland employees which should reflect to the benefit of their Delaware employers; now, therefore, be it

RESOLVED BY THE HOUSE OF DELEGATES OF MARYLAND, That thanks and commendation be extended to the Honorable Elbert N. Carvel, Governor of Delaware, and to the members of the General Assembly of Delaware, for their kindness and consideration in amending the Delaware Income Tax Law to give more equity in taxation of residents of the State of Maryland who are employed within the State of Delaware; and be it further

RESOLVED, That copies of this Resolution be sent to Governor Carvel, to the Secretary of the Senate of Delaware, and to the Chief Clerk of the House of Representatives of Delaware.

By the House of Delegates, March 6, 1962

Read and adopted.

By order, James P. Mause, Chief Clerk  
**JAMES P. MAUSE**  
 Chief Clerk of the House of Delegates  
**PERRY O. WILKINSON**  
 Speaker of the House of Delegates

Mr. Steen introduced the following resolution, which on further motion by him, was adopted:

**SR 111**—In Reference to Election of Officers.

Mr. Steen, Chairman of the Public Lands and Public Health Committees, reported the following bills from committees: **SB 353**, 3 favorably, 2 on merits; **SB 251**, 2 favorably, 2 on merits.

Messrs. McCullough and Mayhew, Chairmen of the Education and Judiciary Committees, reported the following bills from committees: **SB 357**, 4 favorably, 1 on merits; **SB 358**, 4 favorably, 1 on merits; **HB 238** as amended, 3 favorably, 1 on merits.

Mr. McCullough announced a public hearing on Thursday, March 29, 1962, on **SB 357** and **SB 358**.

Mr. Tull introduced the following resolution:

**SR 112**—In Reference to Election of Officers.

On Mr. Tull's further motion, the resolution was withdrawn.

The following bill was introduced, given first reading, and referred to committee:

**SB 363**—An Act to Amend Chapter 4, Title 24, Delaware Code, Relating to Barbers and Enacting a New Subchapter. (By Mr. Hoey, to Public Health)

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bill from committee: **SB 361**, 5 favorably.

Mr. Steen announced a public hearing on the Cosmetology Bill on Monday, April 17, 1962.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:40 P. M. The Senate met at the expiration of the recess. Lieutenant-Governor Lammot presiding.

On motion of Mr. Hoey, **SB 109** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 109**—An Act to Amend Chapter 11, Title 31, Delaware Code, Entitled "Welfare Agencies and Recipients of Assistance."

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus—12.

NAYS: duPont, Manning, Snowden—3.

NOT VOTING: McCullough—1.

ABSENT: Mr. President Pro Tem Reilly—1.

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

Mr. Hoey, Chairman of the Printing Committee, reported the following bill from committee: **SB 352**, 2 favorably, 2 on merits.

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 477**—An Act to Amend Chapter 334, Volume 53, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used by the State Board of Education for the Supervision and the Auditing of the School Construction Program Provided for Under Chapter 345, Volume 52, Laws of Delaware, and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board." (To Finance)

**HB 494**—An Act Making an Appropriation for Disaster Recovery and Rehabilitation and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefor.

Mr. Steen moved that Rule 9 be suspended in order to consider **HB 494** without referring the same to committee. Motion prevailed.

Mr. Steen moved that the privilege of the floor be extended to Mr. Paul Reed and Mr. J. Maurice Hartnett to explain **HB 494**. Motion prevailed.

The following bill was introduced, given first reading, and referred to committee:

**SS 1 for SB 3**—An Act to Amend Article 2, Section 2, of the Constitution of the State of Delaware. (By Mrs. Manning, which was placed with the original bill.

On motion of Mr. Steen, **HB 494** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 494**—An Act Making an Appropriation for Disaster Recovery and Rehabilitation and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefor.

Mr. Cook moved to defer **HB 494**. Motion lost.

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

**YEAS:** duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus—11.

**NAYS:** None.

**NOT VOTING:** Cook, Donovan, McCullough, Steen—4.

**ABSENT:** Watson, Mr. President Pro Tem Reilly—2.

On motion of Mr. Hoey, the roll call was tabled.

Mr. Tull introduced the following joint resolution, which on further motion by him, was adopted and ordered to the House for concurrence:

**SJR 11**—Appointing a Bill Clerk for the Senate During the 121st General Assembly.

Mr. Tull introduced the following resolution, which on further motion by him, was adopted:

**SR 113**—In Reference to Election of Officers.

On motion of Mr. Steen, **SCR 47** was restored to the Calendar.

Mr. Hoey introduced the following resolution, which on further motion by him, was adopted:

**SR 114**—In Reference to Election of Officers.

On motion of Mr. Steen, the Senate adjourned at 5:45 P. M. until Wednesday, March 28, 1962, at 1:00 P. M.

## 9TH LEGISLATIVE DAY

March 28, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, March 28, 1962. Lieutenant-Governor Lam-mot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, McCullough, Price, Spicer, Steen, Tull, Watson—7.

Members absent: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Simpson, Snowden, Wilgus, Mr. President Pro Tem Reilly—10.

The Chair declared a recess in the absence of a quorum at 1:30 P. M. The Senate met at the expiration of the recess at 2:30 P. M. Lieutenant-Governor Lammot presiding.

The Secretary again took the roll of the members present which was as follows:

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus—15.

Members absent: Simpson, Mr. President Pro Tem Reilly—2.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following message was received from the Governor and read to the Senate:

### GOVERNOR'S MESSAGE

March 28, 1962

To the Senate of the 121st 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:

Wilbert Rawley, Leipsic, to be a member of the Department of Labor and Industrial Relations for a term to expire June 30, 1962;

Carl J. Scott, Summit Bridge Road, Newark, to be a member of the Department of Labor and Industrial Relations for a term to expire June 30, 1963;

Joseph A. Bradshaw, 2312 Monroe Street, Wilmington, to be a member of the Department of Labor and Industrial Relations for a term to expire June 30, 1964, serving as Chairman.

Frank J. Carello, Jr., 108 Wildale Avenue, Minquadale, New Castle, to be a member of the Department of Labor and Industrial Relations for a term to expire June 30, 1965;

Tilghman S. Johnson, Roxana, to be a member of the Department of Labor and Industrial Relations for a term to expire June 30, 1966.

Respectfully submitted,

ELBERT N. CARVEL, Governor

Mr. Simpson asked to be marked present.

Mr. Cook introduced the following resolution, which on further motion by him, were adopted:

SR 115—Authorizing Payments for Services Rendered by Attaches and Employees of the Senate of the Present Session of the 121st General Assembly.

**SR 116**—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the 121st General Assembly.

On motion of Mr. Tull, the Senate went into Executive Session at 5:15 P. M. The Senate met at the expiration of the Executive Session at 5:40 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 5:50 P. M. The Senate met at the expiration of the recess at 6:35 P. M. Lieutenant-Governor Lammot presiding.

The following bill was introduced, given first reading, and referred to committee:

**SS 2 for SB 3**—(By Mrs. Manning)

On motion of Mr. Cook, the substitute was adopted in lieu of the original, and the substitute was placed in the Revised Statutes Committee.

The following bill was introduced, given first reading, and referred to committee:

**SB 364**—An Act to Amend Chapter 51, Title 6, Delaware Code, Relating to the Weight for Bread Loaves. (By Mrs. Manning, to Public Health)

On motion of Mr. Steen, the Senate adjourned at 6:44 P. M., until Thursday, March 29, 1962, at 1:00 P. M.

## 10TH LEGISLATIVE DAY

March 29, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, March 29, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Spicer, Tull, Wilgus—12.

Members absent: Simpson, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—5.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. McCullough, the Senate recessed upon call of the Chair at 3:00 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Mr. Mayhew presiding.

Messrs. Snowden, Simpson, Watson and Steen asked to be marked present.

Mr. Steen, Chairman of the Public Health Committee, reported the following bills from committee: **SB 363**, 3 favorably, 1 on merits; **SB 364**, 3 favorably, 1 on merits.

The following bills were introduced, given first reading, and referred to committees:

**SB 365**—An Act Calling for the Submission to the Qualified Electors of the State at the Next General Election of the Question of a Convention to Revise and Amend the Constitution. (By Mr. duPont, to Revised Statutes)

**SB 366**—An Act to Enable the State of Delaware to Obtain from the Federal Government Available Disaster Relief and Assistance. (By Mr. Steen)

On motion of Mr. Steen, Rule 9 was suspended in order to consider **SB 366**.

On motion of Mr. Steen, **SB 366** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 366**—An Act to Enable the State of Delaware to Obtain from the Federal Government Available Disaster Relief and Assistance.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—15.

**NAYS:** None.

**ABSENT:** Donovan, Mr. President Pro Tem Reilly—2.

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

On motion of Mr. Cook, **SB 347** as amended by **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 347** with **HA 1**—An Act Making a Supplementary Appropriation to the Joint Veterans Claims Committee for the Fiscal Year Ending June 30, 1962, to Pay Expenses of Operation and Certain Claims of Veterans as Determined Pursuant to Chapter 82, Volume 53, Laws of Delaware.

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

**YEAS:** Cook, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—14.

**NAYS:** duPont—1.

**ABSENT:** Donovan, Mr. President Pro Tem Reilly—2.

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

On motion of Mrs. Manning, **SB 357** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:



**SB 357**—An Act to Amend Chapter 25 of Title 14 of the Delaware Code in Relation to the Creation of New High School Districts.

Mrs. Manning and Mr. McCullough introduced SA 1 to **SB 357**.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—14.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Donovan, Mr. President Pro Tem Reilly—2.

So the question was decided in the affirmative.

Mrs. Manning and Mr. McCullough introduced SA 2 to **SB 357**.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—14.

NAYS: None.

ABSENT: Cook, Donovan, Mr. President Pro Tem Reilly—3.

So the question was decided in the affirmative.

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

YEAS: duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus—11.

NAYS: None.

NOT VOTING: Hoey, Mayhew—2.

ABSENT: Cook, Donovan, Steen, Mr. President Pro Tem Reilly—4.

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

On motion of Mr. McCullough, **SCR 47** was again taken up for consideration and read a second time by title in order to pass the Senate.

Mr. Snowden moved that the resolution be deferred and that the Highway Department be requested to explain their position in regard to the matter. Motion prevailed.

The Chair presented the following House matters, which were given first reading, and referred to committee:

**HB 383** with **HA 1**—An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Driving a Vehicle Without the Consent of the Owner. (To Buildings and Highways)

**HCR 38**—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

Mr. Steen moved that the resolution be adopted.

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

**YEAS:** Cook, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus—13.

**NAYS:** duPont, Snowden—2.

**ABSENT:** Donovan, Mr. President Pro Tem Reilly—2.

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

On motion of Mrs. Manning, **SB 364** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 364**—An Act to Amend Chapter 51, Title 6, Delaware Code, Relating to the Weight for Bread Loaves.

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

**YEAS:** Cook, duPont, Johnson, Manning, Simpson, Snowden, Spicer, Steen, Watson, Wilgus—10.

**NAYS:** Hoey, Mayhew, McCullough, Price, Tull—5.

**ABSENT:** Donovan, Mr. President Pro Tem Reilly—2.

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

On motion of Mr. Steen, **SB 353** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 353**—An Act Proposing an Amendment to Article 2, Section 25, of the Constitution of the State of Delaware, Relating to Zoning by Providing for Zoning by All the Counties of Delaware.

Mr. Hoey moved to defer **SB 353** to allow the Farm Bureau to be heard on the bill; with consent, Mr. Hoey withdrew the motion.

Mr. Hoey moved for a public hearing on **SB 353**.

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

**YEAS:** Hoey, Mayhew, Spicer, Tull, Wilgus—5.

**NAYS:** Cook, duPont, Johnson, Manning, Price, Simpson, Snowden, Steen—8.

**NOT VOTING:** McCullough, Watson—2.

**ABSENT:** Donovan, Mr. President Pro Tem Reilly—2.

So the question was decided in the negative.

On the question, "Shall SB 353 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Wilgus—12.

NAYS: Hoey, Mayhew, Tull—3.

ABSENT: Donovan, Mr. President Pro Tem Reilly—2.

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

The Chair presented the following House matters, which were given first reading, and referred to committees:

**HB 476**—An Act to Amend Title 30, Delaware Code of 1953, Relating to the Income Tax and Providing for the Declaration and Payment of Estimated Income Tax. (Not put in committee)

**HB 390**—An Act to Amend Title 11, Delaware Code of 1953, Chapter 3, Sub-Chapter XXXV, Entitled "Lotteries, Gambling and Betting" by Providing Penalties for Violations of Sections 661, 662, 663, 664, 665, 666, 667, 669, and 670. (To Revised Statutes)

**HB 283**—An Act to Amend Title 14, Delaware Code, by Providing for: the Standardization of School Construction Plans as a Basis for State Aid and by Providing for Alternative School Construction Plans in District Referenda. (To Education)

**HB 388**—An Act to Amend Chapter 71, Title 10, Delaware Code, Redefining the Word "Nuisance". (To Miscellaneous)

**HB 504**—An Act to Amend Chapter 331, Volume 53, Laws of Delaware to Provide Additional Funds for Capital Improvements. (To Education)

On motion of Mrs. Manning, SB 358 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 358**—An Act to Amend Chapter 11 of Title 14, of Delaware Code in Relation to the Consolidation of School Districts.

Mrs. Manning and Mr. McCullough introduced SA 1 to SB 358, which on Mrs. Manning's further motion was adopted.

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

YEAS: duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus—11.

NAYS: None.

NOT VOTING: Hoey, Mayhew—2.

ABSENT: Cook, Donovan, Steen, Mr. President Pro Tem Reilly—4.

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

On motion of Mr. Cook, **HB 476** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 476**—An Act to Amend Title 30, Delaware Code of 1953, Relating to the Income Tax and Providing for the Declaration and Payment of Estimated Income Tax.

Mr. Simpson moved to defer **HB 476**. Motion prevailed.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 491**—An Act to Amend Section 1118 (8), Title 30, Code of Delaware, Relating to the Delaware State Income Tax Law, by Providing an Alternative Method for the Deduction of Losses Resulting from Certain Disasters. (Not assigned to committee)

On motion of Mr. Steen, **HB 491** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 491**—An Act to Amend Section 1118 (8), Title 30, Code of Delaware, Relating to the Delaware State Income Tax Law, by Providing an Alternative Method for the Deduction of Losses Resulting from Certain Disasters.

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

YEAS: Cook, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus—12.

NAYS: None.

NOT VOTING: duPont, Spicer—2.

ABSENT: Donovan, Hoey, Mr. President Pro Tem Reilly—3.

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

On motion of Mr. Steen, the Senate adjourned at 7:25 P. M., until Monday, April 9, 1962, at 1:00 P. M.

## 11TH LEGISLATIVE DAY

April 9, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, April 9, 1962. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, Johnson, Manning, Price, Spicer, Steen—6.

Members absent: Cook, duPont, Hoey, Mayhew, McCullough, Simpson, Snowden, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 2:30 P. M. Lieutenant-Governor Lamot presiding.

The Secretary again took the roll of the members present which was as follows:

Members present: Donovan, duPont, Johnson, Manning, Price, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—10.

Members absent: Cook, Hoey, Mayhew, McCullough, Simpson, Tull, Watson—7.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Reilly introduced the following resolution, which on further motion by him, was adopted:

**SR 117**—In Reference to Election of Officers.

On motion of Mr. Mayhew, **SB 352** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 352**—An Act to Amend Section 6704, Title 29, Delaware Code, Relating to Deposits to Accompany Bids for the Furnishing of Supplies, Work, Stationery, Printing and Binding.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** McCullough, Simpson, Watson—3.

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

On motion of Mr. Cook, **HB 476** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 476** with **HA 1**—An Act to Amend Title 30, Delaware Code of 1953, Relating to the Income Tax and Providing for the Declaration and Payment of Estimated Income Tax.

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

**YEAS**—Cook, duPont, Johnson, Manning, Mayhew, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Donovan, Hoey, Spicer—3.

ABSENT: McCullough, Simpson—2.

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

The following bills were introduced, given first reading, and referred to committees:

**SB 367**—An Act to Amend Section 2921, Title 21, Delaware Code, Relating to Limited License or Registration of Motor Vehicles. (By Mr. Donovan, to Buildings and Highways)

**SB 368**—An Act Authorizing the State Highway Department to Use Twenty-Four Acres of State Owned Lands in Sussex County, Now Being Used by the State Board of Corrections. (By Messrs. Steen and Spicer, to Public Lands)

**SB 369**—An Act Making an Appropriation to the State Park Commission for the Development, Maintenance and Operation of Lum's Pond, New Castle, Delaware, During the Fiscal Year Ending June 30, 1963. (By Mr. Johnson and Mrs. Manning, to Finance)

Mr. Steen, Chairman of the Public Lands Committee, reported the following bill from committee: **SB 368**, 3 favorably.

Mr. Johnson introduced the following resolution, which on further motion by him, was adopted:

**SR 118**—In Reference to Election of Officers.

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

March 29, 1962

To the Senate of the 121st 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:

Mr. Clement J. Lemon, 5 S. Clayton Street, Wilmington, Delaware, to be a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end on January 23, 1968, replacing Leo B. Green;

Mr. Jack Birl, Oak Orchard, Delaware, to be a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end January 23, 1968, replacing Don Concillo;

Mr. Gilbert Lewis, Tybout's Corner, New Castle, Delaware, to be reappointed a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end July 7, 1964;

Mr. Irving J. Moress, 626 N. Governors Avenue, Dover, Delaware, to be a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end July 7, 1964, replacing Robert C. Tesh;

Mr. Charles H. Gant, 110 Somerset Road, Alapocas, Wilmington 3, Delaware, to be reappointed a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end October 20, 1965;

Dr. Charles N. Lanier, Jr., 203 Sypherd Drive, Oakland, Newark, Delaware, to be a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end October 20, 1965, replacing Frank M. Heal;

Miss Elnor F. Bancroft, Claymont Gardens, Claymont, Delaware, to be a member of the Delaware State Advisory Council of the Employment Security Commission for a term to end July 18, 1964, to fill the unexpired term of Mason E. Turner, resigned.

Respectfully submitted,

ELBERT N. CARVEL, Governor

Messrs. Tull, Hoey and Watson asked to be marked present.

Mr. Watson, Chairman of the Revised Statutes and Fish, Oysters and Game Committees, reported the following bills from committee: **HB 390**, 2 favorably, 3 on merits; **HB 250**, 4 favorably.

On motion of Mr. Steen, Rule 9 was suspended in order to consider **SB 368**.

On motion of Mr. Steen, **SB 368** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 368**—An Act Authorizing the State Highway Department to Use Twenty-Four Acres of State Owned Lands in Sussex County, Now Being Used by the State Board of Corrections.

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

**YEAS:** Cook, Johnson, Mayhew, Price, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

**NAYS:** Donovan, duPont, Manning—3.

**NOT VOTING:** Tull—1.

**ABSENT:** Hoey, McCullough, Simpson—3.

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

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 119**—Authorizing Payment of Amount Due the Western Union Telegraph Service Rendered the Senate of the 121st General Assembly.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:38 P. M. The Senate met at the expiration of the recess at 4:40 P. M. Lieutenant-Governor Lammot presiding.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **HB 388**, 4 on merits.

On motion of Mr. Steen, the Senate adjourned at 4:40 P. M., until Tuesday, April 10, 1962, at 1:00 P. M.

## 12TH LEGISLATIVE DAY

April 10, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, April 10, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Price, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—6.

Members absent: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Wilgus—11.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 3:15 P. M. Lieutenant-Governor Lammot presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

Members absent: Cook, McCullough, Simpson—3.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Donovan moved that so much be considered the reading of the Journal and the Journal be approved as read.

The Chair presented the following House matters, which were given first reading and referred to Committees as follows:

**HB 389**—An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors. (To Revised Statutes)

**HB 484**—An Act to Amend Section 5924, Title 11, Delaware Code, Relating to Filing of Fees by the Justice of the Peace. (To Judiciary)



**HS 1 for HB 385**—An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Search and Seizure. (To Judiciary)

**HB 509**—An Act to Amend Chapter 331, Volume 53, Laws of Delaware, to Permit School Districts to Issue Bond Anticipation Notes in Connection with Capital Improvements. (To Education)

Mr. McCullough asked to be marked present.

On motion of Mr. Mayhew, **HB 238** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 238** with **HA 1**—An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission and to the Requirement for a Certificate of Public Convenience and Necessity, and the Issuance of Such Certificate on the Basis of Grandfather Rights.

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

**YEAS:** Donovan, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** duPont—1.

**NOT VOTING:** McCullough—1.

**ABSENT:** Cook, Price, Simpson, Steen—4.

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

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bills from committee: **HB 383**, 3 on merits; **SB 367**, 3 on merits.

Mr. Cook asked to be marked present.

The following bills were introduced, given first reading, and referred to committees:

**SB 370**—An Act to Amend Section 3105, (b) Title 20, Delaware Code, Entitled "Civil Defense Powers of the Governor" and Relating to State Civil Defense Auxiliary Police. (By Mrs. Manning, Messrs. duPont and Reilly, to Corporations, Municipal)

**SB 371**—An Act to Amend Chapter 55, Title 29, Delaware Code, as Enacted by Chapter 324, Volume 53, Laws of Delaware, Relating to State Employees Pension Plan. (By Mr. McCullough, to Buildings and Highways)

**SB 372**—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 Mr. McCullough, to Education)

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 3**, 3 favorably, 2 on merits.

On motion of Mr. Hoey, the Senate adjourned at 3:40 P. M. until Wednesday, April 11, 1962, at 1:00 P. M.

### 13TH LEGISLATIVE DAY

April 11, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, April 11, 1962. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: None.

Members absent: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 4:00 P. M. Lieutenant-Governor Lamot presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

Members absent: Donovan, Hoey, Mayhew, Spicer, Watson—5.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Cook introduced the following concurrent resolution, which on further motion by him was adopted and ordered to the House for concurrence:

**SCR 49**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending February 11, 1962, and March 11, 1962.

Mr. Cook introduced **SA 1** to **SB 48**, which was placed with the bill.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 120**—Relating to Amount Due the Middletown Transcript for Printing of Senate Rule Books for the 121st General Assembly.

Messrs. Watson, Mayhew and Tull asked to be marked present.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 121**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending February 11, 1962.

On motion of Mr. McCullough, **SCR 47** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SCR 47**—Relative to the Preservation of the "Old Boyce House" Situated in White Clay Creek Hundred, New Castle County and State of Delaware.

Many letters urging that the Boyce House be preserved were read. A petition signed by 600 school children was also read.

On motion of Mr. McCullough, the resolution was deferred.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 4:30 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lammot presiding.

Mr. McCullough, Chairman of the Education Committee, reported the following bills from committee: **HB 504**, 3 favorably, 2 on merits; **HB 283**, 3 favorably, 2 on merits.

On motion of Mr. Tull, the Senate resolved into Executive Session at 5:00 P. M. The Senate resolved into regular session at 5:15 P. M.

On motion of Mr. Steen, the Senate adjourned at 5:16 P. M., until Thursday, April 12, 1962, at 1:00 P. M.

#### 14TH LEGISLATIVE DAY

April 12, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on April 12, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, Price, Spicer—3.

Members absent: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 3:18 P. M. Lieutenant-Governor Lammot presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—14.

Members absent: Hoey, Tull, Wilgus—3.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Reilly reported SB 359 from the Labor Committee with 4 favorably.

On motion of Mr. Steen, SB 359 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 359**—An Act Authorizing the Delaware Commission for the Blind to Contract with Any Public Library for that Library to Render Special Library Services to the Blind Throughout the State of Delaware and to Receive Reimbursement from the Delaware Commission for the Blind for the Cost of Such Services.

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

**YEAS:** Cook, duPont, Manning, McCullough, Simpson, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—9.

**NAYS:** Hoey, Mayhew, Price, Spicer—4.

**NOT VOTING:** Johnson—1.

**ABSENT:** Donovan, Tull, Wilgus—3.

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

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 439**—An Act to Amend Section 5103, Title 31, Delaware Code, by Increasing the Membership of the Youth Services Commission and Making Certain Changes in the Compensation and Duties of the Commission. (To Revised Statutes)

**HB 468**—An Act to Appropriate Moneys to the New Castle County Department of Elections. (To Finance)

**HB 478**—An Act Making a Supplementary Appropriation to the Delaware State Hospital for the Distribution of Federal Surplus Foods to Needy Persons in the State of Delaware. (To Finance)

**HB 497**—An Act to Permit Red Lights on Tow Vehicles. (To Miscellaneous)

The Chair presented the following concurrent resolution, which was adopted, and ordered returned to the House:

**HCR 39**—Requesting the Custodian of the State House to Furnish Certain Information to the House of Representatives and the Senate.

On motion of Mr. Steen, Rule 9 was suspended in order to consider **HB 359**.

On motion of Mr. McCullough, **SCR 47** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SCR 47**—Relative to the Preservation of the "Old Boyce House" Situated in White Clay Creek Hundred, New Castle County and State of Delaware.

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

**YEAS:** duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Watson, Mr. President Pro Tem Reilly—12.

**NAYS:** Cook—1.

**ABSENT:** Donovan, Steen, Tull, Wilgus—4.

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

On motion of Mr. Hoey, **SB 363** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 363**—An Act to Amend Chapter 4, Title 24, Delaware Code, Relating to Barbers and Enacting a New Subchapter.

Mr. Simpson introduced **SA 1** to **SB 363** and moved for for its adoption. Motion prevailed.

On motion of Mr. Reilly, the bill was deferred.

Mr. Tull asked to be marked present.

On motion of Mr. McCullough, **HB 504** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 504**—An Act to Amend Chapter 331, Volume 53, Laws of Delaware to Provide Additional Funds for Capital Improvements.

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

**YEAS:** Cook, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Donovan, duPont, Steen, Wilgus—4.

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

On motion of Mr. McCullough, the Senate recessed upon call of the Chair at 4:25 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lamot presiding.

The following bills were reported from committees: **SB 370** (Corporations, Municipal,) 3 on merits; **HB 468** (Finance) 3 on merits; **HB 385** (Judiciary) 2 favorably, 2 on merits.

On motion of Mr. Cook, **SB 361** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 361**—An Act to Amend Chapter 41 of Title 21 of the Delaware Code Pertaining to Driving Regulations for Motor Vehicles.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, Price, Snowden, Spicer, Tull—9.

**NAYS:** None.

**ABSENT:** Donovan, Johnson, McCullough, Simpson, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—8.

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

The following bill and resolution were introduced, given first reading, and referred to committees:

**SB 373**—An Act to Exempt Reservists and National Guardsmen Who Were Called to Active Duty During the Berlin Crisis from Delaware Income Taxes During Their Active Duty Service Period. (By Mr. Cooke, to Revised Statutes)

**SR 122**—Urging the Delaware State Police to Investigate the Possibility of Obtaining a Helicopter and Other Necessary Emergency Equipment. (By Mr. Cook, to Buildings and Highways)

On motion of Mr. Hoey, the Senate adjourned at 5:05 P. M. until Monday, April 16, 1962, at 1:00 P. M.

## 15TH LEGISLATIVE DAY

April 16, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, April 16, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, Price, Spicer, Mr. President Pro Tem Reilly—4.

Members absent: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Tull, Watson, Wilgus—13.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 2:00 P. M. Lieutenant-Governor Lammot presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Donovan, duPont, Hoey, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—12.

Members absent: Cook, Johnson, Mayhew, Simpson, Wilgus—5.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 2:05 P. M. in order to conduct the hearing on the Cosmetology Bill. (Public Health Committee.)

Mrs. Lucian Bailey, Chairman of the Legislative Committee of the State Beautician Association, spoke in favor of the bill.

The Senate met at the expiration of the recess at 3:55 P. M. Lieutenant-Governor Lamnot presiding.

The following bills were introduced, given first reading, and referred to committees:

**SB 374**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Wilmington Turngemeinde from Assessment and Taxation. (By Mr. McCullough, to Education)

**SB 375**—An Act Making Appropriations to the State Board of Education for Additional Costs in the Transportation of School Children. (By Mr. Steen)

The following Senators asked to be marked present: Messrs. Simpson, Johnson, Wilgus, Cook and Mayhew.

Mr. Steen moved to suspend Rule 9 to consider **SB 375**.

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

**YEAS:** Mr. President Pro Tem Reilly—1.

**NAYS:** Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus—13.

**NOT VOTING:** McCullough, Snowden—2.

**ABSENT:** Cook—1.

So the question was decided in the negative.

Whereupon the bill was placed in the Finance Committee.

The following bill was reported from committee: **HB 389**, from Revised Statutes, 4 on merits.

On motion of Mr. Reilly, **HB 29**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 29**—An Act to Amend Section 6913, 6914 and 6915, Title 29, Delaware Code, Relating to Wages.

On motion of Mr. Simpson, the bill was deferred.

The following messages were received from the Governor and referred to the Executive Committee:

### GOVERNOR'S MESSAGES

April 16, 1962

To the Senate of the 121st 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:

R. Glen Mears, 124 Hall Street, Seaford, Delaware, to be a member of the Water Pollution Commission for a term to expire August 1, 1964 (vacancy).

Respectfully submitted,

ELBERT N. CARVEL, Governor

April 16, 1962

To the Senate of the 121st 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:

Edward J. Dugan, 2506 Turnstone Drive, Brookmeade, Wilmington, Delaware, to be a member of the Bingo Control Commission for a term to expire September 1, 1966 (reappointment);

Mrs. Marian Smitheman, Maple Lane, Dover, Delaware, to be a member of the Department of Elections for Kent County for a term to expire January 15, 1965, to succeed John F. McDonald;

Ervin P. Voshell, White Oak Road, Dover, Delaware, to be a member of the Bingo Control Commission for a term to expire September 1, 1965, replacing R. Sudler Emerson.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Johnson, **HB 383** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 383**—An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Driving a Vehicle Without the Consent of the Owner.

Mr. Johnson moved that the privilege of the floor be extended to Major Smallhofer to explain **HB 383**. Motion prevailed.



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

YEAS: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Cook, Simpson—2.

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

On motion of Mr. Donovan, **HB 388** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 388**—An Act to Amend Chapter 71, Title 10, Delaware Code, Redefining the Word "Nuisance".

Mr. Donovan moved that the privilege of the floor be extended to Major Smallpofer to explain **HB 388**. Motion prevailed.

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

YEAS: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—15.

NAYS: None.

NOT VOTING: Mr. President Pro Tem Reilly—1.

ABSENT: Cook—1.

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

On motion of Mr. Mayhew, **HB 385** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 385**—An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Search and Seizure.

Mr. Mayhew moved that the privilege of the floor be extended to Major Smallhofer to explain **HB 388**. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—16.

NAYS: Mr. President Pro Tem Reilly—1.

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

Mrs. Manning introduced SA 3 to SB 251—An Act to Create a State Board of Cosmetology and Regulate the Practice of Cosmetology.

On motion of Mrs. Manning, SB 251 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 251**—An Act to Create a State Board of Cosmetology and Regulate the Practice of Cosmetology.

Mrs. Manning moved for the adoption of SA 1. Motion prevailed.

Mrs. Manning moved for the adoption of SA 2. Motion prevailed.

Mrs. Manning moved for the adoption of SA 3. Motion prevailed.

Mr. Simpson introduced SA 4 to SB 251 and moved for adoption. Motion prevailed.

Mr. Mayhew moved that SB 251 be deferred.

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

**YEAS:** Cook, Donovan, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—11.

**NAYS:** duPont, Manning, Snowden, Steen, Wilgus—5.

**ABSENT:** McCullough—1.

So the question was decided in the affirmative.

On motion of Mr. Watson, Rule 9 was suspended in order to consider **HB 389**.

On motion of Mr. Watson, **HB 389** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 389**—An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors.

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

**YEAS:** duPont, Johnson, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—10.

**NAYS:** Cook, Donovan, Hoey, Mayhew, Mr. President Pro Tem Reilly—5.

**NOT VOTING:** Watson—1.

**ABSENT:** McCullough—1.

So the question was decided in the negative and the bill not having received the required two-thirds constitutional majority, was lost.

The following bills were introduced, given first reading, and referred to committees:

**SB 376**—An Act to Amend Section 4503, Title 21, Delaware Code, Relating to Maximum Gross Weight of Motor Vehicles. (By Mr. Cook to Buildings and Highways)

**SB 377**—An Act to Amend Section 4502, Title 21, Delaware Code, Relating to the Maximum Height and Length of Vehicles. (By Mr. Cook to Buildings and Highways)

Mr. Snowden moved that the vote on **HB 389** be reconsidered. Motion prevailed.

On motion of Mr. Snowden, **HB 389** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 389**—An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors.

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

**YEAS:** duPont, Johnson, Manning, Price, Simpson, Spicer, Steen, Tull, Wilgus.

**NAYS:** Cook, Donovan, Hoey, Mayhew, Snowden, Mr. President Pro Tem Reilly.

**NOT VOTING:** McCullough, Watson.

Mr. Snowden changed his vote to No in order to restore the bill.

On motion of Mr. Watson, the roll call was tabled.

Mr. McCullough reported **SB 374** from the Education Committee with 3 favorably and 2 on merits.

On motion of Mr. McCullough, **HB 283** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 283**—An Act to Amend Title 14, Delaware Code, by Providing for: the Standardization of School Construction Plans as a Basis for State Aid and by Providing for Alternative School Construction Plans in District Referenda.

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

**YEAS:** Cook, Donovan, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Mr. President Pro Tem—12.

**NAYS:** duPont, Snowden—2.

**NOT VOTING:** Hoey, Spicer, Wilgus—3.

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

On motion of Mr. Steen, the Senate adjourned at 4:55 P. M. until Tuesday, April 17, 1962, at 1:00 P. M.

## 16TH LEGISLATIVE DAY

April 17, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, April 17, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, Price—3.

Members absent: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 3:00 P. M. Lieutenant-Governor Lamnot presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

Member absent: Johnson—1.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Reilly, **HB 468** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 468** with **HA 1**—An Act to Appropriate Moneys to the New Castle County Department of Elections.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** Donovan—1.

**NOT VOTING:** Spicer—1.

**ABSENT:** Johnson—1.

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

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 513**—An Act to Amend Chapter 11, Title 30, Delaware Code, so as to Provide That Distributions of Stock Pursuant to an Order Enforcing the Antitrust Laws Shall Not be Treated as a Dividend but as a Gain to the Extent the Basis of the Underlying Stock is Exceeded. (To Finance)

**HB 472**—An Act to Amend Part III, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Eligibility Provisions Thereof. (To Labor)

**HB 479**—An Act to Amend Section 2305 (3), Title 12, Delaware Code of 1953, Relating to Decedents' Estates. (To Judiciary)

The following message was received from the Governor and read to the Senate:

### GOVERNOR'S MESSAGE

March 29, 1962

To the Senate of the 121st 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:

Sigmund Schorr (D), 2205 Hillside Road, Wilmington 3, to be a member of the New Castle County Department of Elections for a term to expire 10/1/67 (reappointment);

William E. Cross (D), Deemers Beach, New Castle, to be a member of the New Castle County Department of Elections for a term to expire 8/10/65, replacing Edward Slaughter;

William H. King (R), 7 Garden Lane, Swanwyck Gardens, New Castle, to be a member of the New Castle County Department of Elections for a term to expire 7/1/65, replacing Ambrose McAlevy;

Martin Devine (D), 409 Concord Avenue, Wilmington, to be a member of the New Castle County Department of Elections for a term to expire 10/1/67 (reappointment)

Joseph F. Grabowski (D), 1102 Sycamore Street, Wilmington, Delaware, to be a member of the New Castle County Department of Elections for a term to expire 10/1/67 (reappointment);

Joseph A. Panaro (D), 305 West 7th Street, Wilmington, Delaware, to be a member of the New Castle County Department of Elections for a term to expire 7/1/65, replacing George I. Sylvester;

William J. McClafferty, Jr. (D), 1723 N. Rodney Street, Wilmington, to be a member of the New Castle County Department of Elections for a term to expire 10/1/67 (reappointment);

William T. Chipman (R), 2302 N. Rodney Street, Wilmington, to be a member of the New Castle County Department of Elections for a term to expire 7/1/65, replacing Mrs. Hannah Buckley;

Van A. Lett (D), 1006 S. Gerald Drive, Birchwood Park, Newark, to be a member of the New Castle County Department of Elections for a term to expire 10/1/67, replacing Carl J. Scott;

Fred Heinold (D), R. D. 1, Townsend, to be a member of the New Castle County Department of Elections for a term to expire 10/1/67 (reappointment).

Respectfully submitted,

ELBERT N. CARVEL, Governor

The following bills were introduced, given first reading, and referred to committees:

**SB 378**—An Act Making Appropriations to the State Board of Education for Additional Costs in the Transportation of School Children. (By Mr. Steen, to Finance)

**SB 379**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Eastern Shore Fox Hunters' Association. (By Mr. Donovan, to Public Lands)

On motion of Mr. Steen, **SB 375** was stricken from the calendar.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **HB 471**, 5 favorably.

On motion of Mr. McCullough, **SB 374** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 374**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Wilmington Turngemeinde from Assessment and Taxation.

Mr. McCullough moved that the privilege of the floor be extended to Lieutenant-Governor Lammot to explain **SB 374**. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: Simpson, Spicer—2.

ABSENT: Johnson—1.

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

Mr. Dukes was extended the privilege of the floor to explain progress made toward disaster recovery.

The following bills were introduced, given first reading, and referred to committee:

**SB 380**—An Act Establishing School Crossing Guard Units Under the Jurisdiction of the Levy Courts of New Castle, Kent and Sussex Counties. (By Mr. McCullough, to Education)

**SB 381**—An Act to Amend Title 21 of the Delaware Code Relating to Driving Regulations and Rules of the Road. (By Mr. McCullough, to Buildings and Highways)

Messrs. Watson, Donovan and Hoey, Chairmen of the Revised Statutes, Miscellaneous and Finance Committees, reported the following bills from committees: **HB 439**, 1 favorably, 3 on merits; **HB 497**, 1 favorably, 3 on merits; **HB 513**, 2 favorably, 2 on merits; **SB 378**, 4 on merits.

Messrs. Watson, Price and Cook introduced the following resolution, which on further motion by them, was adopted:

**SR 123**—Extending Best Wishes to Mrs. Tabithia Mills on her 100th Birthday Anniversary.

WHEREAS, Mrs. Tabithia Mills, a citizen of the State of Delaware and a resident of the Scott Nursing Home, Smyrna, Delaware, celebrated her 100th birthday on April 18, 1962.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware that its sincerest best wishes be extended to Mrs. Tabithia Mills on the occasion of her 100th birthday.

BE IT FURTHER RESOLVED by the Senate of the 121st General Assembly of the State of Delaware that a copy of this resolution be sent to Mrs. Tabithia Mills and her immediate family.

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the Senate of the 121st General Assembly of the State of Delaware.

On motion of Mr. Hoey, **HB 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 3**—An Act Agreeing to a Proposed Amendment to Article 8 of the Constitution of the State of Delaware Entitled "Revenue and Taxation."

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

YEAS: Cook, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: McCullough—1.

NOT VOTING: Donovan—1.

ABSENT: Johnson, Steen—2.

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

The following bill was introduced, given first reading, and referred to committee:

**SB 382**—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the Board of Trustees of Delaware State College, to Issue Bonds and Notes Therefore, and to Make an Appropriation Therefore. (By Messrs. Spicer, Simpson, Cook, McCullough, Tull and Mrs. Manning, to Revised Statutes.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 330**, 1 favorably, 4 on merits.

On motion of Mr. Steen 9 was suspended in order to consider SB 378.

On motion of Mr. Steen, SB 378 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 378**—An Act Making Appropriations to the State Board of Education for Additional Costs in the Transportation of School Children.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** None.

**NOT VOTING:** Donovan—1.

**ABSENT:** Johnson—1.

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

On motion of Mr. Reilly, **HB 29** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 29**—An Act to Amend Section 6913, 6914 and 6915, Title 29, Delaware Code, Relating to Wages.

Mr. Reilly moved that SA 1 be adopted. Motion prevailed.

Mr. Simpson introduced SA 2 and moved for its adoption.

On the question, "Shall SA 2 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

**YEAS:** duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—11.

**NAYS:** Cook, McCullough, Watson, Mr. President Pro Tem Reilly—4.

**NOT VOTING:** Donovan—1.

**ABSENT:** Johnson—1.

So the question was decided in the affirmative.

Mr. Reilly moved that the bill be deferred.

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

**YEAS:** Cook, Donovan, Hoey, McCullough, Steen, Tull, Watson, Mr. President Pro Tem Reilly—8.

**NAYS:** duPont, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Wilgus—8.

**ABSENT:** Johnson—1.

Whereupon the President cast a Yea vote and the motion carried.

On motion of Mr. Steen, the Senate adjourned at 4:55 P. M. until Wednesday, April 18, 1962, at 1:00 P. M.



## 17TH LEGISLATIVE DAY

April 18, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, April 18, 1962. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, duPont, Hoey, Johnson, Manning, Price, Snowden, Spicer, Steen, Tull—10.

Members absent: Cook, Mayhew, McCullough, Simpson, Watson, Wilgus, Mr. President Pro Tem Reilly—7.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 1:30 P. M. The Senate met at the expiration of the recess at 3:00 P. M. Lieutenant-Governor Lamot presiding.

Messrs. Cook, Mayhew, McCullough, Simpson, Watson, Wilgus and Reilly asked to be marked present.

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 533**—An Act to Amend Title 26, Section 113, Delaware Code, to Exempt Certain Motor Vehicles from Inspection Fees Imposed by the Public Service Commission. (To Revised Statutes)

**HB 514**—An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1963. (To Finance)

On motion of Mr. Reilly, **HB 471** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 471**—An Act to Amend Part III, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Eligibility Provisions Thereof.

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

**YEAS:** duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson.

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

On motion of Mrs. Manning, **SB 251** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 251**—An Act to Create a State Board of Cosmetology and Regulate the Practice of Cosmetology.

Mrs. Manning introduced **SA 5** to **SB 251** and moved for its adoption. Motion prevailed.

Mr. Hoey introduced **SA 6** to **SB 251** and moved for its adoption. Motion prevailed.

Mr. Mayhew introduced **SA 7** to **SB 251** and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** None.

**ABSENT:** Donovan, Johnson—2.

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

On motion of Mr. Watson, **HB 390** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 390**—An Act to Amend Title 11, Delaware Code of 1953, Chapter 3, Sub-Chapter XXXV, Entitled "Lotteries, Gambling and Betting" by Providing Penalties for Violations of Sections 661, 662, 663, 664, 665, 666, 667, 669, and 670.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus—11.

**NAYS:** Mr. President Pro Tem Reilly—1.

**NOT VOTING:** Watson—1.

**ABSENT:** Donovan, Johnson, McCullough, Steen—4.

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

On motion of Mr. Cook, the Senate recessed upon call of the Chair at 3:45 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Hoey, **HB 513** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 513**—An Act to Amend Chapter 11, Title 30, Delaware Code, so as to Provide That Distributions of Stock Pursuant to an Order Enforcing the Antitrust Laws Shall Not

be Treated as a Dividend but as a Gain to the Extent the Basis of the Underlying Stock is Exceeded.

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

YEAS: Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: Cook—1.

ABSENT: Johnson—1.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: SB 373, 1 favorably, 3 on merits, 1 unfavorably.

On motion of Mrs. Manning, SB 370 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 370—An Act to Amend Section 3105, (b) Title 20, Delaware Code, Entitled "Civil Defense Powers of the Governor" and Relating to State Civil Defense Auxiliary Police.

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

YEAS: Cook, duPont, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus—11.

NAYS: Donovan, Hoey, McCullough—3.

ABSENT: Johnson, Steen, Mr. President Pro Tem Reilly—3.

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

Messrs. Johnson and McCullough, Chairmen of the Buildings and Highways and Education Committees, reported the following bills from committee: SB 376, 3 favorably, 2 on merits; SB 377, 5 on merits; SB 380, 2 favorably, 2 on merits.

On motion of Mr. Cook, Rule 9 was suspended in order to consider SB 376 and SB 377.

On motion of Mr. Cook, SB 376 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 376—An Act to Amend Section 4503, Title 21, Delaware Code, Relating to Maximum Gross Weight of Motor Vehicles.

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

YEAS: Cook, Hoey, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus—11.

NAYS: Donovan—1.

NOT VOTING: duPont, Manning—2.

ABSENT: Johnson, Steen, Mr. President Pro Tem Reilly—3.

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

On motion of Mr. Cook, SB 377 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 377—An Act to Amend Section 4502, Title 21, Delaware Code, Relating to the Maximum Height and Length of Vehicles.

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

YEAS: Cook, Hoey, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: Donovan—1.

NOT VOTING: duPont, Manning, Mayhew, McCullough, Steen—5.

ABSENT: Johnson—1.

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

On motion of Mr. Tull, the Senate resolved into Executive Session at 5:00 P. M. The Senate resolved into regular session at 6:04 P. M.

On motion of Mr. Steen, the Senate adjourned at 6:05 P. M. until Thursday, April 19, 1962, at 1:00 P. M.

## 18TH LEGISLATIVE DAY

April 19, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on April 19, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Price—4.

Members absent: Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 2:45 P. M. Lieutenant-Governor Lammot presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Cook, Donovan, duPont, Manning, McCullough, Price, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Hoey, Mayhew, Simpson, Steen, Watson—6.

The Secretary proceeded to read the Journal of the previous day's session when Mr. Donovan moved that so much be considered the reading of the Journal and the Journal be approved as read.

Messrs. Reilly and duPont introduced the following concurrent resolution, which on further motion by them, was adopted and ordered to the House for concurrence:

**SCR 50**—Expressing the Sympathy of the 121st General Assembly Upon the Death of Trooper 1st Class Harold B. Rupert.

WHEREAS, the 121st General Assembly of the State of Delaware has learned with deep regret of the untimely death of Trooper 1st Class Harold B. Rupert, and

WHEREAS, Trooper Rupert was killed during the course of his duty with the Delaware State Police in an attempt to apprehend a lawbreaker, and

WHEREAS, Trooper Rupert had been a member of the State Police since June 1, 1956 and was considered an excellent police officer by his superiors, and

WHEREAS, Trooper Rupert, of Troop #1 at Penny Hill Station, is survived by his wife, Josephine and four young daughters, and

WHEREAS, Trooper Rupert lost his life in an effort to protect the citizens of the State of Delaware from a violator of our laws, and

**NOW THEREFORE:**

**BE IT RESOLVED** by the Senate of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the death of Trooper 1st Class Harold B. Rupert, a member of the Delaware State Police, and

**BE IT FURTHER RESOLVED**, that the family of the deceased has full sympathy of the members of the 121st General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family, and

**BE IT FURTHER RESOLVED**, that the text of this resolution be made a part of the Journal of the proceedings of the Senate and House of Representatives of the 121st General Assembly of the State of Delaware.

Mr. Cook introduced the following resolutions, which on further motion by him, were adopted:

**SR 124**—Relating to Amount Due the Harrington Journal for Printing Incurred by the 121st General Assembly.

**SR 125**—Authorizing Payments for Services Rendered by Attaches and Employees of the Senate of the Present Session of the 121st General Assembly.

Messrs. Simpson, Mayhew and Steen asked to be marked present.

On motion of Mr. Snowden, **HB 389** was lifted from the table and on his further motion, the prior roll call was stricken.

On motion of Mr. Snowden, **HB 389** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 389**—An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors.

Mr. Snowden introduced **SA 1** to **HB 389** and moved for its adoption. Motion prevailed.

On motion of Mr. Snowden, the bill was deferred.

Mr. Steen introduced the following concurrent resolution, which on further motion by him was adopted and ordered to the House for concurrence:

**SCR 51**—Providing for Adjournment of the Senate and House of Representatives.

The following bill was introduced, given first reading, and referred to committee:

**SB 383**—An Act to Amend Chapter 3, Title 14, Delaware Code, Relating to School Board Elections by Providing an Alternate Method of Selecting Board Members in Consolidated Districts. (By Messrs. Price and Simpson, to Education)

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **HB 177**, 5 favorably.

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 492**—An Act to Amend Chapter 7, Title 7 of the Delaware Code, Relating to Regulations and Prohibitions Concerning Game and Fish by Adding Increased Penalties for Deer Violations. (To Fish, Oysters and Game)

**HB 473**—An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware. (To Finance)

**HB 542**—An Act to Amend Title 29, Section 6702, Delaware Code, Relating to Contracts for Supplies or Work. (To Miscellaneous)

On motion of Mr. Snowden, **HB 389** was lifted from the table. On his further motion the roll call was stricken.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:05 P. M. The Senate met at the expiration of the recess at 3:55 P. M. Lieutenant-Governor Lammot presiding.

The following bill was introduced, given first reading, and referred to committee:

**SB 384**—An Act to Amend Chapter 7, Title 4, Delaware Code, Entitled "Alcoholic Liquors" by Changing the Hours During Which the Holders of a License as a Hotel, Restaurant,

Club or Tavern May Sell Alcoholic Liquor. (By Messrs. Reilly, Snowden and Cook, by request, to Temperance)

On motion of Mr. Mayhew, **SB 330** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 330**—An Act to Amend Section 2308, Title 31, Delaware Code, Relating to Amount of Assistance to the Blind.

On motion of Mr. Reilly, the bill was deferred in order to hear from Dr. Comegys.

On motion of Mr. Cook, **SB 373** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 373**—An Act to Exempt Reservists and National Guardsmen Who Were Called to Active Duty During the Berlin Crisis from Delaware Income Taxes During Their Active Duty Service Period.

On motion of Mr. Cook, the bill was deferred.

On motion of Mr. Donovan, **HB 497** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 497**—An Act to Permit Red Lights on Tow Vehicles.

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

YEAS: Cook, Donovan, Hoey, Mayhew, Price, Simpson, Spicer, Tull, Wilgus—9.

NAYS: duPont, Manning, McCullough, Snowden—4.

ABSENT: Johnson, Steen, Watson, Mr. President Pro Tem Reilly—4.

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

Mr. Hoey asked to be marked present.

On motion of Mr. McCullough, **SB 380** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 380**—An Act Establishing School Crossing Guard Units Under the Jurisdiction of the Levy Courts of New Castle, Kent and Sussex Counties.

On motion of Mr. duPont, the bill was deferred.

On motion of Mr. Donovan, **SB 379** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 379**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Eastern Shore Fox Hunters' Association.

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

**YEAS:** Cook, Donovan, Hoey, Mayhew, McCullough, Price, Simpson, Tull, Mr. President Pro Tem Reilly—9.

**NAYS:** duPont, Manning, Spicer—3.

**NOT VOTING:** Snowden, Wilgus—2.

**ABSENT:** Johnson, Steen, Watson—3.

So the question was decided in the affirmative and the bill 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 upon call of the Chair at 4:37 P. M. The Senate met at the expiration of the recess at 6:00 P. M. Lieutenant-Governor Lamot presiding.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **HB 542**, 1 favorably, 2 on merits.

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 470**—An Act to Regulate the Practice of Psychology in Delaware, as Herein Defined: to Create a "State Board of Examiners of Psychologists;" to Prescribe the Powers, Duties and Limitations of Said Board: to Fix Penalties for the Violation of This Act. (To Revised Statutes)

**HB 523**—An Act to Transfer Certain Funds of the Delaware Interstate Highway Division to the General Fund of the State for the Purpose of Reimbursing the State for Pensions for Employees of the Division. (To Finance)

**HB 490**—An Act Making an Appropriation to the State Fire Prevention Commission for the Training of Volunteer Firemen. (To Finance)

**HB 510**—An Act to Amend Title 19, Section 2361 (c), Delaware Code, Relating to Workmen's Compensation. (To Labor)

**HB 371**—An Act to Amend Section 5143, Title 30, Delaware Code, Relating to Refunds of Motor Fuel Taxes. (To Finance)

The following bill was introduced, given first reading, and referred to committee:

**SB 385**—An Act to Amend Chapter 5, Title 10, Delaware Code, by Enacting a New Section Relating to Uniforms of Bailiff. (By Mr. Hoey, to Revised Statutes)

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HCR 41**—Relative to the Observance of Law Day. (Which was adopted and ordered returned to the House)



**HB 535**—An Act to Amend Title 31, Delaware Code, Entitled Welfare by Defining Physicians. (To Revised Statutes)

Mr. Cook introduced the following resolution, which on further motion by him was adopted:

**SR 126**—Making an Appropriation to Defray Expenses of Legislative Leaders at National Legislative Leaders Convention.

Also on his further motion, **SR 124** was adopted.

On motion of Mr. Steen, the Senate adjourned at 6:25 P. M. in accordance with resolution until April 30, 1962.

### 19TH LEGISLATIVE DAY

April 30, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, April 30, 1962. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, Hoey, Manning, Price, Steen, Mr. President Pro Tem Reilly—6.

Members absent: Cook, duPont, Johnson, Mayhew, McCullough, Simpson, Snowden, Spicer, Tull, Watson, Wilgus—11.

The Chair declared a recess in the absence of a quorum.

The Senate met at the expiration of the recess at 3:30 P. M. Lieutenant-Governor Lammot presiding.

The Secretary again took the roll of the members present which was as follows:

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, McCullough, Price, Simpson, Snowden, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

Members absent: Mayhew, Spicer, Tull—3.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Reilly, **HB 29** was again taken up for consideration and read a second time by title in order to pass the Senate.

On motion of Mr. Reilly, the bill was deferred.

The following bills and joint resolution were introduced, given first reading, and referred to committees:

**SB 386**—An Act to Amend Chapter 11, Title 30, Delaware Code, so as to Provide a Deduction for Fifty Per Cent of the Amount by Which Net Long-Term Capital Gain Exceeds Net Short-Term Capital Loss and to Allow a Limited Deduction for Capital Losses Which Exceed Capital Gains. (By Messrs. Snowden, Price, Hoey, Tull, Cook, duPont, Spicer, Johnson, Reilly, McCullough, Wilgus, (Mrs.) Manning, Mayhew, Steen, Simpson and Watson, to Finance)

**SB 387**—An Act Adopting, on Behalf of the State of Delaware, the Interstate Compact on Juveniles Which Deals in Certain Detail With Out-of-State Supervision of Juvenile Delinquents, Return of Runaways, Absconders and Escapees and Authorizes Agreements for the Cooperative Institutionalization of Special Types of Juveniles. (By Messrs. Steen and Cook, to Judiciary)

**SJR 12**—Relative to Amending the 16th Amendment of the United States Constitution. (By Mr. Steen, to Judiciary)

**SB 388**—An Act Providing for a Supplementary Appropriation for Deaf Program for Fiscal Year Ending June 30, 1963. (By Mr. McCullough and Mrs. Manning, to Finance)

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

April 30, 1962

To the Senate of the 121st 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:

Woodrow Wilson Stanley, 126 Killoran Drive, Collins Park, New Castle, Delaware, to be a member of the Department of Elections for New Castle County for a term to expire July 1, 1966, replacing Ambrose McAlevy;

Horace V. Whitlock, 114 E. Green Street, Middletown, Delaware, to be a member of the Department of Elections for New Castle County for a term to expire October 1, 1967, replacing Leslie Ford;

Lawrence Scharnagle, 116 Reamer Avenue, Richardson Park, Wilmington 4, to be a member of the Department of Elections for New Castle County for a term to expire July 1, 1968, replacing Robert L. Meli;

William T. Chipman, 2302 N. Rodney Street, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County for a term to expire July 1, 1966, replacing Mrs. Hannah Buckley.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Reilly, **HB 29** was again taken up for consideration and read a second time by title in order to pass the Senate.

Messrs. Simpson and McCullough and Mrs. Manning introduced **SA 3** to **HB 29**. Mr. Simpson moved for its adoption. Motion prevailed.

On the question, "Shall the Bill at Amended by SA 1, 2 and 3 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Steen—1.

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

Mr. Tull asked to be marked present.

Messrs. Hoey, Mayhew and Donovan, Chairmen of the Finance, Judiciary and Miscellaneous Committees, reported the following bills from committees: **HB 514**, 4 on merits, 1 unfavorably; **HB 533**, 1 favorably, 3 on merits; **HB 492**, 2 favorably, 3 on merits; **HB 479**, 4 on merits; **SB 386**, 3 favorably, 2 on merits; **HB 208**, 1 favorably, 4 on merits.

The following bill was introduced, given first reading, and referred to committee:

**SB 389**—An Act to Further Amend Section 1 of An Act Entitled "An Act Relating to the Government of the City of Wilmington", Being Chapter 178, Volume 18, Laws of Delaware, as Amended by Chapter 740, Volume 19, Laws of Delaware, as Further Amended by Chapter 143, Volume 43, Laws of Delaware, by Providing for the Appointment of a Deputy City Clerk to Act in the Absence of the City Clerk. (By Mr. Reilly, to Labor)

Messrs. McCullough and Johnson, Chairmen of the Education and Banking and Insurance Committees, reported the following bills from committees: **HB 446**, 3 favorably, 1 on merits; **SB 355**, 5 favorably.

Mr. Cook introduced the following resolution, which on further motion by him, was deferred:

**SR 127**—Making an Appropriation to the Harrington Journal for Paper Supplied to the 121st General Assembly.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **SB 389**, 4 favorably.

On motion of Mr. Watson, **HB 439** with **HA 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 439** with **HA 2**—An Act to Amend § 5103, Title 31, Delaware Code, by Increasing the Membership of the Youth Services Commission and Making Certain Changes in the Compensation and Duties of the Commission.

On motion of Mr. Watson, the bill was deferred.

On motion of Mr. Watson, the Senate recessed upon call of the Chair at 4:30 P. M. The Senate met at the expiration of the recess at 5:05 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Reilly, SB 389 was taken up for consideration and read a second time by title in order to pass the Senate.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering SB 389. Motion prevailed.

On motion of Mr. Watson, the bill was deferred.

The following bills were introduced, given first reading, and referred to committees:

**SB 390**—An Act Proposing an Amendment to Article 2, Section 3 of the Constitution of the State of Delaware, Relating to the Age Qualifications of Members of the Legislature. (By Mrs. Manning, to Revised Statutes)

**SB 391**—An Act Proposing an Amendment to Article 2 of the Constitution of the State of Delaware, by Deleting Section 13, Relating to Immunity from Arrest and Questioning of Speeches of Members of the Legislature. (By Mrs. Manning, to Miscellaneous)

**SB 392**—An Act to Amend Title 29, Section 4504, Delaware Code, Relating to the Salary of the Custodian of State House. (By Mr. Cook, to Finance)

On motion of Mr. Cook, SB 373 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 373**—An Act to Exempt Reservists and National Guardsmen Who Were Called to Active Duty During the Berlin Crisis from Delaware Income Taxes During Their Active Duty Service Period.

Mr. Cook introduced SA 1 to SB 373 and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** Steen—1.

**ABSENT:** Donovan, Hoey, Tull—3.

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

On motion of Mr. Reilly, **SB 389** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 389**—An Act to Further Amend Section 1 of An Act Entitled "An Act Relating to the Government of the City of Wilmington"; Being Chapter 178, Volume 18, Laws of Delaware, as Amended by Chapter 740, Volume 19, Laws of Delaware, as Further Amended by Chapter 143, Volume 43, Laws of Delaware, by Providing for the Appointment of a Deputy City Clerk to Act in the Absence of the City Clerk.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Donovan, Tull—2.

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

On motion of Mr. Price, **SB 383** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 383**—An Act to Amend Chapter 3, Title 14, Delaware Code, Relating to School Board Elections by Providing an Alternate Method of Selecting Board Members in Consolidated Districts.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Donovan, Tull—2.

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

On motion of Mr. Mayhew, **HB 250** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 250**—An Act to Amend Subchapter VI, Chapter 5, Title 7, Delaware Code, Relating to Shooting Preserves by Changing the Territorial Scope of Said Subchapter.

Mr. Mayhew introduced **SA 1** to **HB 250** and moved for its adoption. Motion prevailed.

On motion of Mr. Mayhew, the bill was deferred.

Mr. Cook introduced the following resolutions, which on further motion by him, were adopted:

**SR 128**—Appropriation for Postage Stamps for the Senate of the 121st General Assembly.

**SR 129**—In Reference to Election of Officers.

On motion of Mr. Mayhew, **HB 250** with SA 1 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 250** with SA 1—An Act to Amend Subchapter VI, Chapter 5, Title 7, Delaware Code, Relating to Shooting Preserves by Changing the Territorial Scope of Said Subchapter.

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

**YEAS:** Cook, duPont, Johnson, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** None.

**NOT VOTING:** Manning—1.

**ABSENT:** Donovan, Hoey, Simpson, Tull, Watson—5.

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

On motion of Mr. Mayhew, the Senate adjourned at 6:00 P. M. until Tuesday, May 1, 1962 at 1:00 P. M.

## 20TH LEGISLATIVE DAY

May 1, 1962

The Senate met pursuant to adjournment at 2:00 P. M. on Tuesday, May 1, 1962. Mr. Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Donovan, Hoey, McCullough, Price, Spicer, Steen, Tull, Wilgus—8.

Members absent: Cook, duPont, Johnson, Manning, Mayhew, Simpson, Snowden, Watson, Mr. President Pro Tem Reilly—9.

The Chair declared a recess in the absence of a quorum.

The Senate met at the expiration of the recess at 3:18 P. M. Lieutenant-Governor Lamot presiding.

The Secretary again took the roll call of the members present, which was as follows:

Members present: Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

Members absent: Cook, Johnson—2.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Snowden moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Cook introduced the following concurrent resolution, which on further motion by him, was adopted and ordered to the House for concurrence:

**SCR 52**—Making an Appropriation to the Harrington Journal for Paper Supplied to the 121st General Assembly.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **HB 510**, 5 favorably.

Messrs. Hoey and Watson, Chairmen of the Finance and Revised Statutes Committees, reported the following bills from committees: **HB 523**, 5 on merits; **HB 535**, 2 favorably, 2 on merits, 1 unfavorably.

On motion of Mr. Snowden, **SB 386** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 386**—An Act to Amend Chapter 11, Title 30, Delaware Code, so as to Provide a Deduction for Fifty Per Cent of the Amount by Which Net Long-Term Capital Gain Exceeds Net Short-Term Capital Loss and to Allow a Limited Deduction for Capital Losses Which Exceed Capital Gains.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

**NAYS:** Donovan—1.

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

On motion of Mr. Hoey, **HB 514** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 514**—An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1963.

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

**YEAS:** Cook, McCullough, Price, Steen, Tull, Mr. President Pro Tem Reilly.

**NAYS:** Donovan, duPont, Manning, Simpson, Snowden, Spicer, Wilgus.

**NOT VOTING:** Hoey, Mayhew, Watson.

**ABSENT:** Johnson.

On motion of Mr. Hoey, the roll call was tabled.

On motion of Mr. Watson, **HB 533** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 533**—An Act to Amend Title 26, Section 113, Delaware Code, to Exempt Certain Motor Vehicles from Inspection Fees Imposed by the Public Service Commission.

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

**YEAS:** Cook, Donovan, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** duPont—1.

**ABSENT:** Johnson, Steen—2.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: **SB 390**, 4 on merits; **HB 470**, 1 favorably, 3 on merits, 1 unfavorably.

On motion of Mr. Mayhew, **HB 479** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 479**—An Act to Amend Section 2305 (3), Title 12, Delaware Code of 1953, Relating to Decedents' Estates.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** None.

**ABSENT:** Johnson, Steen—2.

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

On motion of Mr. Hoey, **SB 363** was taken up for consideration and read a second time by title in order to pass the Senate.

Mr. Reilly introduced **SA 2** to **SB 363** and moved for its adoption.

On motion of Mr. Steen, the Senate adjourned at 4:50 P. M. until Wednesday, May 2, 1962 at 1:00 P. M.

## 21st LEGISLATIVE DAY

May 2, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, May 2, 1962. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.



Members present: Donovan, duPont, Hoey, Manning, Mayhew, Price, Snowden, Tull, Mr. President Pro Tem Reilly—9.

Members absent: Cook, Johnson, McCullough, Simpson, Spicer, Steen, Watson, Wilgus—8.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Hoey, the Senate recessed upon call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 3:00 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Steen, Cook, Simpson, Reilly, Johnson, Watson and McCullough asked to be marked present.

The Senate Clerk continued the reading of SA 2 to SB 363.

Mr. Cook moved to defer SA 2 to SB 363.

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

YEAS: Cook, Donovan, Mayhew, McCullough, Price, Steen, Tull, Watson—8.

NAYS: duPont, Hoey, Johnson, Manning, Simpson, Snowden, Wilgus, Mr. President Pro Tem Reilly—8.

ABSENT: Spicer—1.

So the question was decided in the negative.

On motion of Mr. Cook, the vote on deferment was reconsidered.

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

YEAS: Cook, Donovan, Mayhew, McCullough, Price, Steen, Tull, Watson—8.

NAYS: duPont, Hoey, Johnson, Manning, Simpson, Snowden, Wilgus, Mr. President Pro Tem Reilly—8.

ABSENT: Steen—1.

The Chair thereupon voted "NAY".

So the question was decided in the negative.

On motion of Mr. Reilly, SA 2 to SB 363 was adopted.

Mr. Simpson introduced SA 3 to SB 363 and moved for its adoption. Motion prevailed.

On the question, "Shall the Bill as amended by SA 1, SA 2 and SA 3 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: Donovan—1.

ABSENT: Spicer—1.

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

On motion of Mr. Watson, **HB 470** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 470 with HA 2**—An Act to Regulate the Practice of Psychology in Delaware, as Herein Defined; to Create a State Board of Examiners of Psychologists"; to Prescribe the Powers, Duties and Limitations of Said Board; to Fix Penalties for the Violation of This Act.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: Donovan—1.

ABSENT: Spicer—1.

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

The following bill was introduced, and given first reading:

**SB 393**—An Act to Amend Title 29, Section 6702, Delaware Code, Relating to Contracts for Supplies or Work. (By Mr. Steen, not assigned to committee)

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 536**—An Act to Provide for the Investment of Funds Belonging to Patients of Certain Mental Institutions and to Provide for the Use of the Income Therefrom by the Institution and to Provide for the Use of Certain Abandoned Funds. (To Finance)

**HB 489**—An Act Appropriating Money to the Disabled American Veterans of Delaware for the Fiscal Year Beginning July 1, 1962 and Ending June 30, 1963. (To Finance)

**HB 529**—An Act Appropriating Certain Monies to Delaware State Fair, Inc., for Prizes. (To Finance)

**HB 472**—An Act to Amend Chapter 3, Title 14, Delaware Code, Relating to School Board Elections by Providing an Alternate Method of Selecting Board Members in Consolidated Districts. (To Education)

**HB 543**—An Act to Amend Section 1708, Title 14, Delaware Code, Relating to Form of Appropriation. (To Education)

**HB 538 with SA 1**—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees by Adding a Salary Schedule for Attendants and Aides. (To Education)

**HB 526 with HA 1**—An Act to Repeal "An Act to Amend Chapter 17, Title 14, Delaware Code, by Providing for the Allocation of Unit Appropriations to the Sussex County Vocational and Technical School and by Making a Supplementary Appropriation for the Fiscal Year Ending June 30, 1962", Being Chapter 183, Volume 53, Laws of Delaware. (To Finance)

**HB 527**—An Act Making a Supplementary Appropriation to the State Board of Education for the Fiscal Year Ending June 30, 1962, for the Additional Cost of Transporting School Children. (To Finance)

**HB 532**—An Act to Provide Benefits to the Surviving Spouse of Persons Elected to Any State or County Office. (To Miscellaneous)

**HB 545**—An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Time and Frequency of Sessions of the General Assembly. (To Revised Statutes)

**HB 546**—An Act to Amend Article Three of the Constitution of the State of Delaware. (To Revised Statutes)

**HB 547**—An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the President Pro Tempore, Speaker, and Other Officers; Absence of Presiding Officers. (To Revised Statutes)

On motion of Mr. Steen, Rule 9 was suspended in order to consider **SB 393**.

**SB 393**—An Act to Amend Title 29, Section 6702, Delaware Code, Relating to Contracts for Supplies or Work.

On motion of Mr. Steen, **SB 393** was taken up for consideration and read a second 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:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** Donovan—1.

**ABSENT:** McCullough, Spicer—2.

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

On motion of Mr. Mayhew, **HB 492** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 492** with **HA 1**—An Act to Amend Chapter 7, Title 7, of the Delaware Code Relating to Regulations and Prohibitions Concerning Game and Fish by Adding Increased Penalties for Deer Violations.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** Donovan—1.

**ABSENT:** Spicer—1.

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

Mr. McCullough, Chairman of the Education and Revised Statutes Committees, reported the following bills from committees: **HB 472**, 1 favorably, 4 on merits; **SB 387**, 4 on merits, 1 unfavorably; **HB 543**, 1 favorably, 4 on merits; **HB 538**, 5 on merits; **SB 382**, 2 favorably, 3 on merits.

On motion of Mr. Cook, **HB 68** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 68**—An Act Appropriating Funds for Payment of Judgments of Coastal Tank Lines, Inc., Against the State of Delaware, Arising Out of a Suit in Tort by Alice S. Dorsey and Others Against the State of Delaware and Others, Authorized by the General Assembly by Volume 50, Laws of Delaware, Chapter 622.

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

**YEAS:** McCullough, Price, Simpson, Snowden, Steen, Watson, Mr. President Pro Tem Reilly.

**NAYS:** Donovan, Tull.

**NOT VOTING:** Cook, duPont, Hoey, Johnson, Manning, Wilgus.

**ABSENT:** Mayhew, Spicer.

On motion of Mr. Cook, the roll call was tabled.

The following message was received from the Governor and read to the Senate:

### GOVERNOR'S MESSAGE

May 2, 1962

To the Senate of the 121st 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:

Aubrey B. Lank, 2204 Gilpin Avenue, Wilmington, Delaware, to be a member of the State Highway Department, effective May 1, 1962, for a term of three years, to expire May 1, 1965, succeeding Benjamin Ableman.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 4:25 P. M. The Senate met at the expiration of the recess at 6:25 P. M. Lieutenant-Governor Lammot presiding.

The following bill was introduced, given first reading, and referred to committee:

**SB 394**—An Act to Regulate the Practice of Law Making in Delaware; to Create a "State Board of Examiners of Legislators", to Prescribe the Powers, Duties and Limitations of Said Board; to Fix Penalties for the Violation of This Act. (By Mr. Cook, to Miscellaneous)

On motion of Mr. Cook, the Senate adjourned at 6:30 P. M. until Monday, May 7, 1962, at 4:30 P. M.

### 22nd LEGISLATIVE DAY

May 7, 1962

The Senate met pursuant to adjournment at 4:20 P. M. on Monday, May 7, 1962. Lieutenant Governor Lammot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—15.

Member absent: Wilgus—1.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Cook moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following bills were introduced, given first reading, and referred to committees:

**SB 395**—An Act to Amend Sections 2701 and 2704, Title 29, Delaware Code, Relating to Establishment of School Crossing Guards in School Districts of New Castle County. (By Mr. McCullough, to Education)

**SB 396**—An Act to Amend Title 12, Section 3526, Delaware Code, Relating to Allocations of Corporate Distributions Between Principal and Income of Trusts. (By Mr. Johnson)

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SR 354**, 4 on merits.

On motion of Mr. Johnson, Rule 9 was suspended in order to consider **SB 396**.

**SB 396**—An Act to Amend Title 12, Section 3526, Delaware Code, Relating to Allocations of Corporate Distributions Between Principal and Income of Trusts.

On motion of Mr. Johnson, **SB 396** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 396**—An Act to Amend Title 12, Section 3526, Delaware Code, Relating to Allocations of Corporate Distributions Between Principal and Income of Trusts.

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

**YEAS:** Cook, duPont, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**NOT VOTING:** Donovan, Hoey, Manning—3.

**ABSENT:** Tull, Wilgus—2.

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

Messrs. Johnson and Donovan, Chairmen of the Buildings and Highways and Miscellaneous Committees, reported the following bills from committee: **SB 395**, 2 favorably, 3 on merits; **SB 394**, 3 on merits.

On motion of Mr. Reilly, **HB 510** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 510**—An Act to Amend Title 19, Section 2361 (c), Delaware Code, Relating to Workmen's Compensation.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—16.

**NAYS:** None.

**ABSENT:** Wilgus—1.

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

The following message was received from the Governor and read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

May 7, 1962

To the Senate of the 121st 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:

John A. Bevins, Jr., Dover, Delaware, to be Director of State Planning, effective May 7, 1962, to serve during the pleasure of the Governor.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Cook, SB 382 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 382—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the Board of Trustees of Delaware State College, to Issue Bonds and Notes Therefore, and to Make an Appropriation Therefore.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Wilgus—1.

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

Mrs. Manning and Mr. Hoey introduced the following resolution:

SR 130—In Reference to Senate Calendar.

Mr. Reilly moved to defer SR 130.

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

YEAS: Cook, Donovan, Mayhew, McCullough, Mr. President Pro Tem Reilly—5.

NAYS: duPont, Hoey, Johnson, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson—11.

ABSENT: Wilgus—1.

So the question was decided in the negative and the motion was lost.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson—12.

NAYS: Cook, Donovan, Mr. President Pro Tem Reilly—3.

ABSENT: McCullough, Wilgus—2.

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

Mr. Steen, Chairman of the Public Health Committee, reported the following bill from committee: SB 348, 3 favorably, 1 on merits.

On motion of Mr. Cook, Rule 9 was suspended in order to consider SB 348.

On motion of Mr. Cook, SB 348 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 348—An Act Adopting, on Behalf of the State of Delaware, the Interstate Compact on Mental Health, Which Deals in Certain Detail With the Care and Treatment of the Mentally Ill and Mentally Deficient Regardless of Residence or Citizenship; Providing for a Compact Administrator for Delaware and Setting Forth His Duties; Authorizing the Delaware Compact Administrator to Enter Into Certain Supplementary Agreements With Appropriate Officials of Other States Party to Said Compact; Providing for Certain Financial Arrangements; and Providing for Certain Distribution by the Secretary of State of Delaware of Duly Authenticated Copies of This Act.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: Hoey—1.

NOT VOTING: Donovan—1.

ABSENT: McCullough, Wilgus—2.

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

The following bills were introduced, given first reading, and referred to committees:

SB 397—An Act to Amend Chapter 66, Title 16, Dela-



ware Code, Relating to the State Fire Marshal. (By Mr. Steen, to Miscellaneous)

**SB 398**—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries to Promote the Production of Oysters by Propagation of Disease Resistant Strains and for Research and Experimental Planting. (By Mr. Mayhew, to Fish, Oysters and Game)

On motion of Mrs. Manning, **SB 390** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 390**—An Act Proposing an Amendment to Article 2, Section 3 of the Constitution of the State of Delaware, Relating to the Age Qualifications of Members of the Legislature.

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

YEAS: duPont, Manning, Snowden, Spicer, Watson—5.

NAYS: Cook, Hoey, Mayhew, Price, Mr. President Pro Tem Reilly—5.

NOT VOTING: Johnson, Simpson, Tull—3.

ABSENT: Donovan, McCullough, Steen, Wilgus—4.

So the question was decided in the negative and the bill was lost.

Messrs. Mayhew and Hoey, Chairmen of the Fish, Oyster and Game and Finance Committees, reported the following bills from committee: **SB 398**, 3 favorably, 2 on merits; **HB 371**, 3 on merits; **HB 490**, 4 on merits.

Mr. Cook moved that the roll call on **HB 514** be lifted from the table. Motion prevailed.

On motion of Mr. Cook, the roll call was rescinded.

Mr. Cook introduced **SA 1** to **HB 514** and moved for its adoption.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Snowden, Steen, Tull, Mr. President Pro Tem Reilly—10.

NAYS: Hoey, Price, Simpson, Spicer, Watson—5.

ABSENT: Donovan, Wilgus—2.

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

Mr. Johnson introduced **SA 2** to **HB 514** and moved for its adoption.

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

YEAS: duPont, Johnson, Manning, McCullough, Simpson, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—9.

NAYS: Hoey, Mayhew, Price—3.

NOT VOTING: Cook, Steen, Watson—3.

ABSENT: Donovan, Wilgus—2.

So the question was decided in the affirmative.

Mr. McCullough introduced SA 3 to HB 514 and moved for its adoption.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: Hoey—1.

NOT VOTING: Mayhew—1.

ABSENT: Donovan, Wilgus—2.

So the question was decided in the affirmative.

Mr. duPont introduced SA 4 to HB 514 and moved for its adoption.

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

YEAS: duPont, Manning, Price, Simpson, Snowden, Watson, Mr. President Pro Tem Reilly—7.

NAYS: Cook, Hoey, Johnson, Mayhew, McCullough, Spicer, Tull—7.

ABSENT: Donovan, Steen, Wilgus—3.

So the question was decided in the negative.

Mr. Cook introduced SA 5 to HB 514 and moved for its adoption.

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

YEAS: Cook, Manning, McCullough, Tull, Watson, Mr. President Pro Tem Reilly—6.

NAYS: duPont, Hoey, Johnson, Mayhew, Price, Simpson, Snowden, Spicer, Steen—9.

ABSENT: Donovan, Wilgus—2.

So the question was decided in the negative.

On motion of Mr. Cook, SA 4 was reconsidered.

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

YEAS: Cook, duPont, Manning, Mayhew, Price, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—9.

NAYS: Hoey, Johnson, McCullough—3.

NOT VOTING: Simpson, Spicer, Tull—3.

ABSENT: Donovan, Wilgus—2.

So the question was decided in the affirmative.

On the question, "Shall the Bill as amended by SA 1, 2, 3 and 4 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS: Cook, Johnson, Manning, Mayhew, McCullough, Price, Spicer, Steen, Tull, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Hoey, Snowden—3.

NOT VOTING: Simpson, Watson—2.

ABSENT: Donovan, Wilgus—2.

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

On motion of Mr. Steen, the Senate adjourned at 6:15 P. M. until Tuesday, May 8, 1961, at 1:00 P. M.

### 23rd LEGISLATIVE DAY

May 8, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, May 8, 1962. Mr. Cook presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson—12.

Members absent: Johnson, McCullough, Simpson, Wilgus, Mr. President Pro Tem Reilly—5.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

The following communication was read to the Senate and directed to be inserted in the Journal:

#### DELAWARE STATE SENATE LEGISLATIVE HALL

Dover, May 8, 1962

Honorable Januar D. Bove, Office of the Attorney General  
Public Building, Wilmington, Delaware

Dear Jan:

On Wednesday, May 2, 1962, both the Senate and the House of Representatives were in regular session. This day being the 21st legislative day in the second annual session of the 121st General Assembly.

Late in the afternoon while the Senate was in active session, the House of Representatives acted on a motion of one of its members and adjourned until Monday, May 7, 1962. This was done without formal notice to the Senate and without any agreement on the part of the Senate membership.

At the end of the active Senate session for that calendar day, I personally raised the question of what action the Senate could or would take. The answer I received from the presiding officer, Lieutenant-Governor Lammot, was to the effect that he didn't know. He said he had been thinking about this during the afternoon.

Article 2, Section 12 of the amended Constitution of Delaware of 1897 reads "Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place than that in which the two houses shall be sitting." Obviously adjournment from Wednesday, May 2nd, until Monday, May 7, 1962, is more than three days even excepting Sunday, May 6th.

I am bringing this matter to your attention as Attorney General of Delaware. I feel that such flagrant violation of the Constitution of our State should be recognized publicly. I am forwarding copies of this letter to the newspapers with the thought that they might be interested in informing the public of the contempt that this General Assembly has for the very backbone of our State government.

I held off writing this letter since I was curious as to whether the House of Representatives would make any attempt to correct this error on Monday, May 7, 1962. To my knowledge no such effort was made.

I have been unable to determine who might have the authority to do something about this so I am referring it to you for your consideration and advice.

Very truly yours,

REYNOLDS duPONT

Copies to: Mr. Creed Black, Editor News-Journal Papers, Wilmington, Delaware; Editor Delaware State News, Dover, Delaware; Hon. Sherman W. Tribbitt, Speaker, House of Representatives, Dover, Delaware; Hon. William T. Best, Dover, Delaware.

On motion of the Chair, the Senate recessed upon call of the Chair at 1:55 P. M. The Senate met at the expiration of the recess at 3:45 P. M. President Pro Tem Reilly presiding.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: SB 385, 2 favorably, 1 on merits; HB 545, 1 favorably, 2 on merits; HB 546, 1 favorably, 2 on merits; HB 547, 1 favorably, 2 on merits; HB 516, 1 favorably, 2 on merits.

The Chair presented the following House Concurrent Resolution, and Mr. Cook moved for its adoption:

**HCR 42**—Relating to Construction of Shell Refinery in Blackbird Hundred.

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

YEAS: Cook, Hoey, Johnson, Snowden, Steen, Watson, Mr. President Pro Tem Reilly.

NAYS: Manning, Price.

NOT VOTING: duPont, Mayhew, McCullough, Simpson, Spicer, Tull, Wilgus.

ABSENT: Donovan.

On motion of Mr. Watson, the roll call was tabled.

On motion of Mr. Mayhew, **SB 398** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 398**—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries to Promote the Production of Oysters by Propagation of Disease Resistant Strains and for Research and Experimental Planting.

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

YEAS: Cook, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: duPont, Johnson, McCullough, Watson—4.

ABSENT: Donovan—1.

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

On motion of Mr. Watson, **HB 439** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 439**—An Act to Amend Section 5103, Title 31, Delaware Code, by Increasing the Membership of the Youth Services Commission and Making Certain Changes in the Compensation and Duties of the Commission.

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

YEAS: Cook, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Donovan—1.

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

On motion of Mr. Watson, **HB 389** as amended by **HA 2** and **SA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 389 with HA 2 and SA 1—An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors.**

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

**YEAS:** Cook, duPont, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—10.

**NAYS:** Hoey, Johnson, Mayhew, Mr. President Pro Tem Reilly—4.

**NOT VOTING:** McCullough, Watson—2.

**ABSENT:** Donovan—1.

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

Mr. Steen stepped down from the Chair and Mr. Cook presided.

On motion of Mr. Mayhew, **SB 302** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 302—An Act to Amend Chapter 1, Title 10, Delaware Code, by Providing for a Limitation on Appeals from Interlocutory Judgments of the Superior Court.**

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

**YEAS:** Cook, duPont, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—10.

**NAYS:** Hoey—1.

**NOT VOTING:** McCullough—1.

**ABSENT:** Donovan, Simpson, Steen, Watson, Wilgus—5.

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

Messrs. Johnson, McCullough, Simpson, Wilgus and Reilly asked to be marked present.

The following bill was introduced, given first reading, and referred to committee:

**SB 399—An Act Making a Supplementary Appropriation to the State Highway Department for the Fiscal Year Ending June 30, 1963, for the Acquisition of Land and Erection Thereon of an Inspection Lane and the necessary Equipment and Furnishings Therefor in New Castle in New Castle County, Outside the City of Wilmington. (By Messrs. Johnson, Watson, Reilly, Spicer and McCullough, to Buildings and Highways)**

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 477**, 1 favorably, 3 on merits.

On motion of Mr. Hoey, **HB 371** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 371**—An Act to Amend Section 5143, Title 30, Delaware Code, Relating to Refunds of Motor Fuel Taxes.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** None.

**ABSENT:** Donovan, Steen—2.

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

Messrs. Johnson and Hoey, Chairmen of the Buildings and Highways and Finance Committees, reported the following bills from committees: **SB 392**, 4 on merits; **HB 526**, 4 on merits; **HB 478**, 4 on merits; **HB 473**, 4 on merits; **HB 529**, 4 on merits; **SB 399**, 5 favorably.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 131**—Relating to Amount Due the Harrington Journal for Printing Incurred by the 121st General Assembly.

Mr. Cook introduced the following concurrent resolution, which on further motion by him was adopted, and ordered to the House for concurrence:

**SCR 53**—An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through April 11, 1962.

On motion of Mr. Steen, the Senate adjourned at 5:05 P. M., until Wednesday, May 9, 1962, at 1:00 P. M.

## 24th LEGISLATIVE DAY

May 9, 1962

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, May 9, 1962. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—16.

Member absent: Wilgus—1.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

On motion of Mr. Steen, Rule 9 was suspended for the balance of the day.

On motion of Mr. Watson, **HCR 42** was lifted from the table.

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

**YEAS:** Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Simpson, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

**NAYS:** Manning, Price, Snowden—3.

**NOT VOTING:** duPont, Spicer, Wilgus—3.

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

On motion of Mr. Watson, **HB 516** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 516**—An Act to Amend Title 29, Chapter 25, Delaware Code, Relating to the Attorney General.

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

**YEAS:** Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Cook, Price, Wilgus—3.

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

The following bills were reported from committees: **HB 549**, 4 on merits; **HB 489**, 4 on merits; **HB 321**, 4 on merits; **SB 400**, 1 favorably, 3 on merits; **SB 397**, 1 favorably, 4 on merits.

On motion of Mr. McCullough, **SB 355** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 355**—An Act Making an Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State, and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefore.

Messrs. Reilly and Snowden introduced **SA 1** to **SB 355**.

On motion of Mr. McCullough, the bill was deferred.

On motion of Mr. McCullough, **HB 538** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 538**—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for



School Employees by Adding a Salary Schedule for Attendants and Aides.

Mr. McCullough introduced SA 1 to HB 538 and moved for its adoption. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Hoey, Steen—2.

ABSENT: Price, Wilgus—2.

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

On motion of Mr. McCullough, HB 543 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 543—An Act to Amend Section 101, Title 13, Delaware Code, Relating to Void and Voidable Marriages.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Hoey, Steen—2.

ABSENT: Price, Wilgus—2.

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

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

HB 568—An Act to Amend Section 3105 (b), Title 20, Delaware Code, Entitled "Civil Defense Powers of the Governor" and Relating to State Civil Defense Auxiliary Police. (To Rules)

HB 356—An Act to Provide for the Reversion of School Construction Funds to the State and to the School Districts in the Same Proportion as Such Funds Were Appropriated and to Stipulate How These Funds Shall be Expended. (To Education)

HB 556—An Act to Amend Chapter 331, Volume 53, Laws of Delaware, to Provide Additional Funds for Capital Improvements. (To Education)

**HB 549**—An Act to Amend Section 1314, Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees. (To Revised Statutes)

**HB 493** with **HA 1**—An Act to Amend Title 31, Delaware Code, Entitled Welfare, by Redefining "Medical Care" and by Removing the Restrictions on Old Age Assistance Payments With Respect to Medical Care, and Appropriating Funds for Medical Care. (To Miscellaneous)

On motion of Mr. Watson, **HB 549** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 549**—An Act to Amend Section 1314, Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees.

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

**YEAS:** duPont, Johnson, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

**NAYS:** Cook, Donovan, Hoey, Mayhew—4.

**NOT VOTING:** McCullough—1.

**ABSENT:** Wilgus—1.

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

On motion of Mr. Steen, **SB 397** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 397**—An Act to Amend Chapter 66, Title 16, Delaware Code, Relating to the State Fire Marshal.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**NOT VOTING:** Donovan—1.

**ABSENT:** McCullough, Wilgus—2.

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

On motion of Mr. Watson, **HB 545** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 545**—An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Time and Frequency of Sessions of the General Assembly.

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

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

NAYS: duPont, Manning, Simpson, Snowden, Spicer.

ABSENT: McCullough, Wilgus.

On motion of Mr. Watson, the roll call was tabled.

On motion of Mr. Watson, **HB 546** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 546**—An Act to Amend Article Three of the Constitution of the State of Delaware.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Wilgus—1.

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

On motion of Mr. Watson, **HB 547** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 547**—An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the President Pro Tempore, Speaker, and Other Officers; Absence of Presiding Officers.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Mr. Speaker Pro Tem Reilly—14.

NAYS: None.

Absent: Simpson, Spicer, Wilgus—3.

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

On motion of Mr. McCullough, **SB 355**, previously deferred, was taken up for consideration and read a second time by title in order to pass the Senate.

On motion of Mr. McCullough, **SA 1** was adopted.

On motion of Mr. Cook, the bill was deferred.

On motion of Mr. Cook, **SB 392** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 392**—An Act to Amend Title 29, Section 4504, Delaware Code, Relating to the Salary of the Custodian of State House.

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

**YEAS:** Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—11.

**NAYS:** duPont, Manning, Simpson, Snowden, Steen—5.

**ABSENT:** Wilgus—1.

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

The following bills were introduced, given first reading, and referred to committees:

**SB 400**—An Act to Amend Chapter 3, Title 9 of the Delaware Code, Relating to Levy Court of Sussex County. (By Messrs. Steen and Spicer, to Revised Statutes)

**SB 401**—An Act to Amend Subchapter V of Title 30, Delaware Code, Relating to Forms of Tax Returns. (By Messrs. Snowden and Hoey, to Finance)

**SB 402**—An Act to Amend Title 29, Delaware Code, by Adding a New Chapter Creating a Capital Investment Fund. (By Messrs. Hoey and Snowden, to Finance)

**SB 403**—An Act Making a Supplementary Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State of Delaware. (By Mrs. Manning, to Finance)

**SB 404**—An Act to Provide Benefits to the Surviving Spouse of Persons Elected to Any State or County Office. (By Mr. Cook, not assigned to committee) On his further motion, **SB 404 was withdrawn.**

On motion of Mr. Steen, **SB 400** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 400**—An Act to Amend Chapter 3, Title 9 of the Delaware Code, Relating to Levy Court of Sussex County.

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

**YEAS:** Cook, duPont, Johnson, Price, Simpson, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—10.

**NAYS:** Hoey—1.

**NOT VOTING:** Donovan, Tull—2.

**ABSENT:** Manning, Mayhew, McCullough, Wilgus—4.

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

On motion of Mr. Mayhew, **HB 321** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 321** with **HA 1**—An Act to Amend Title 7, Section 504, Delaware Code, by Raising the License Fees for Hunting, Trapping and Fishing.

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

YEAS: Cook, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull—11.

NAYS: Watson—1.

NOT VOTING: Donovan, Johnson, Mr. President Pro Tem Reilly—3.

ABSENT: McCullough, Wilgus—2.

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

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 4:45 P. M. The Senate met at the expiration of the recess at 5:40 P. M. President Pro Tem Reilly presiding.

The Chair presented the following House matters, which were given first reading and referred to committees as follows:

**HB 539**—An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to Workmen's Compensation, by Providing for an Attorney's Fee for an Injured Employee. (To Finance)

**HB 561** with **SA 1**—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the State Board of Trustees of the Delaware State Hospital at Farnhurst and to Issue Bonds and Notes Therefore. (Not assigned—rules suspended)

**HB 522**—An Act Appropriating Money to the Mayor and Council of Wilmington for Use of Its Fire Companies. (Not assigned—rules suspended)

**HB 328**—An Act Making an Appropriation to the State Soil Conservation Commission for the Purchase of Heavy Earth Moving Machinery and Other Equipment Needed in the Soil Conservation Work of the State, Making Provisions for the Repayment Thereof, and Designating the Boards of Soil District Supervisors to Oversee the Use of Said Equipment and Machinery. (Not assigned—rules suspended)

**HB 555**—An Act to Direct the Permanent Budget Commission to Transfer Certain Funds Within the Appropriation to Local School District Middletown No. 120. (Not assigned—rules suspended)

The Chair presented the following House Concurrent Resolution, which on motion by Mr. Cook was adopted, and ordered return to the House:

**HCR 43**—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

On motion of Mr. Steen, **HB 561** with SA 1 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 561** with SA 1—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the State Board of Trustees of the Delaware State Hospital at Farnhurst and to Issue Bonds and Notes Therefore.

On motion of Mr. Snowden, the bill was deferred.

On motion of Mr. Hoey, **HB 522** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 522**—An Act Appropriating Money to the Mayor and Council of Wilmington for Use of Its Fire Companies.

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

YEAS: Cook, duPont, Hoey, Johnson, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Manning—1.

ABSENT: Donovan, Mayhew, Wilgus—3.

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

On motion of Mr. Steen, **HB 329** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 328**—An Act Making an Appropriation to the State Soil Conservation Commission for the Purchase of Heavy Earth Moving Machinery and Other Equipment Needed in the Soil Conservation Work of the State, Making Provisions for the Repayment Thereof, and Designating the Boards of Soil District Supervisors to Oversee the Use of Said Equipment and Machinery.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Donovan, Mayhew, Wilgus—3.

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

On motion of Mr. Johnson, **HB 555** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 555**—An Act to Direct the Permanent Budget Commission to Transfer Certain Funds Within the Appropriation to Local School District Middletown No. 120.

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

YEAS: Johnson, Watson, Mr. President Pro Tem Reilly—3.

NAYS: Cook, duPont, Hoey, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull—11.

ABSENT: Donovan, Mayhew, Wilgus—3.

So the question was decided in the negative and the bill was lost.

On motion of Mr. Cook, **HB 68** with title as follows was lifted from the table and read by title in order to pass the Senate:

**HB 68**—An Act Appropriating Funds for Payment of Judgments of Coastal Tank Lines, Inc., Against the State of Delaware Arising Out of a Suit in Tort by Alice B. Dorsey and Others Against the State of Delaware and Others, Authorized by the General Assembly by Volume 50, Laws of Delaware, Chapter 622.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—12.

NAYS: Donovan—1.

NOT VOTING: Hoey, Wilgus—2.

ABSENT: Mayhew, Spicer—2.

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

On motion of Mr. McCullough, **SB 355** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 355**—An Act Making an Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State, and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefore.

On motion of Mr. McCullough, SA 1 was adopted.

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

YEAS: Cook, Johnson, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—8.

NAYS: duPont, Manning, Simpson, Snowden, Spicer—5.

NOT VOTING: Hoey—1.

ABSENT: Donovan, Mayhew, Wilgus—3.

So the question was decided in the negative and the bill was lost.

Mr. Cook introduced the following resolutions, which on further motion by him, were adopted:

SR 132—Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending April 11, 1962.

SR 133—Authorizing Payment to Lieutenant-Governor Eugene Lamnot for Expenses Incurred for State Business.

On motion of Mr. Steen, the Senate recessed until 8:30 P. M. at 6:35 P. M. The Senate met at the expiration of the recess at 8:55 P. M. President Pro Tem Reilly presiding.

Mr. Hoey moved that the Senate adjourn until Thursday, May 10, 1962. Motion prevailed.

## 25th LEGISLATIVE DAY

May 10, 1962

The Senate met pursuant to adjournment at 1:45 P. M. on Thursday, May 10, 1962. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan.

Members present: Cook, Donovan, Hoey, Manning, Price, Spicer, Tull, Mr. President Pro Tem Reilly—8.

Members absent: duPont, Johnson, Mayhew, McCullough, Simpson, Snowden, Steen, Watson, Wilgus—9.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 3:35 P. M. President Pro Tem Reilly presiding.

The Secretary again took the roll of the members present, which was as follows:

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

Members absent: Mayhew, McCullough—2.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Steen moved that Rule 9 be suspended for the balance of the day. Motion prevailed.



On motion of Mr. Cook, SB 387 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 387**—An Act Adopting, on Behalf of the State of Delaware, the Interstate Compact on Juveniles Which Deals in Certain Detail With Out-of-State Supervision of Juvenile Delinquents, Return of Runaways, Absconders and Escapees and Authorizes Agreements for the Cooperative Institutionalization of Special Types of Juveniles.

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

**YEAS:** Cook, duPont, Johnson, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** Donovan, Hoey—2.

**ABSENT:** Mayhew, McCullough—2.

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

Messrs. Hoey and Donovan, Chairmen of the Finance and Miscellaneous Committees, reported the following bills from committee: **SB 401**, 1 favorable, 2 on merits; **SB 402**, 1 favorably, 2 on merits; **SB 403**, 3 on merits; **HB 493**, 3 favorably, 2 on merits.

On motion of Mrs. Manning, **SB 403** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 403**—An Act Making a Supplementary Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State of Delaware.

On motion of Mr. Cook, the bill was deferred.

On motion of Mr. Hoey, **HB 523** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 523**—An Act to Transfer Certain Funds of the Delaware Interstate Highway Division to the General Fund of the State for the Purpose of Reimbursing the State for Pensions for Employees of the Division.

On motion of Mr. Snowden, **HB 523** was deferred.

Mr. Mayhew asked to be marked present.

On motion of Mr. Hoey, **HB 526** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 526** with **HA 1**—An Act to Repeal "An Act to Amend Chapter 17, Title 14, Delaware Code, by Providing for the Allocation of Unit Appropriations to the Sussex County Vocational and Technical School and by Making a Supplemen-

tary Appropriation for the Fiscal Year Ending June 30, 1962", Being Chapter 183, Volume 53, Laws of Delaware.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: McCullough, Steen—2.

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

On motion of Mr. Hoey, **HB 529** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 529**—An Act Appropriating Certain Moneys to Delaware State Fair, Inc., for Prizes.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: McCullough, Steen—2.

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

On motion of Mr. Hoey, **HB 490** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 490** with **HA 1**—An Act Making an Appropriation to the State Fire Prevention Commission for the Training of Volunteer Firemen.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Manning, McCullough, Snowden, Steen—4.

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

On motion of Mr. Hoey, **HB 478** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 478**—An Act Making a Supplementary Appropriation to the Delaware State Hospital for the Distribution of Federal Surplus Foods to Needy Persons in the State of Delaware.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, McCullough, Steen—3.

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

On motion of Mr. Hoey, **HB 477** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 477**—An Act to Amend Chapter 334, Volume 53, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used by the State Board of Education for the Supervision and the Auditing of the School Construction Program Provided for Under Chapter 345, Volume 52, Laws of Delaware, and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board.

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

YEAS: Cook, Donovan, duPont, Hoey, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: Manning—1.

ABSENT: Johnson, McCullough, Steen—3.

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

On motion of Mr. Hoey, **HB 473** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 473** with **HA 1**—An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: McCullough—1.

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

On motion of Mr. Hoey, **HB 218** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 218**—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Board of Examiners and Registration of Architects, by Making Certain Appropriation Items Therein.

On motion of Mr. Hoey, the bill was deferred.

On motion of Mr. Snowden, **SB 355** was restored to the Calendar.

The following messages were received from the Governor and referred to the Executive Committee:

### GOVERNOR'S MESSAGES

May 10, 1962

To the Senate of the 121st 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:

Mrs. Marian Smitheman, Maple Lane, Dover, Delaware, to be a member of the Department of Elections for Kent County for a term to expire January 15, 1965, to succeed John F. McDonald.

Respectfully submitted,

ELBERT N. CARVEL, Governor

May 10, 1962

To the Senate of the 121st 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:

Mr. W. Max Hollenbeck, 106 North Street, Milford, Delaware, to be a Justice of the Peace for the State of Delaware for a term to expire May 10, 1966, replacing Joseph B. Jefferis (resigned).

Respectfully submitted,

ELBERT N. CARVEL, Governor

Mr. McCullough asked to be marked present.

On motion of Mr. Hoey, SB 401 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 401—An Act to Amend Subchapter V of Title 30, Delaware Code, Relating to Forms of Tax Returns.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Steen—1.

So the question was decided in the affirmative and the bill 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 upon call of the Chair at 4:35 P. M. The Senate met at the expiration of the recess at 4:45 P. M. President Pro Tem Reilly presiding.

On motion of Mr. Hoey, SB 402 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 402—An Act to Amend Title 29, Delaware Code, by Adding a New Charter Creating a Capital Investment Fund.

Mr. Snowden introduced SA 1 to SB 402 and moved for its adoption.

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

YEAS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

NAYS: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

So the question was decided in the negative.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem—15.

NAYS: McCullough—1.

NOT VOTING: Donovan—1.

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

On motion of Mr. Tull, the Senate resolved into Executive Session at 5:00 P. M. The Senate met at the expiration

of the Executive Session at 6:00 P. M. President Pro Tem Reilly presiding.

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: **HB 356**, 2 favorably, 2 on merits.

On motion of Mr. McCullough, **HB 356** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 356**—An Act to Provide for the Reversion of School Construction Funds to the State and to the School Districts in the same Proportion as Such Funds Were Appropriated and to Stipulate How These Funds Shall be Expended.

Mr. Spicer introduced **SA 1** to **HB 356** and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, Hoey, Johnson, Mayhew, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** duPont, Simpson—2.

**NOT VOTING:** Manning, Snowden—2.

**ABSENT:** Donovan—1.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **SB 362**, 3 on merits.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 6:00 P. M. The Senate met at the expiration of the recess at 8:00 P. M. President Pro Tem Reilly presiding.

On motion of Mrs. Manning, **HB 353** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 353**—An Act Making a Supplemental Appropriation to the State Board of Examiners and Registration of Architects.

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

**YEAS:** Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

**NAYS:** None.

**ABSENT:** Cook, Donovan, duPont, Johnson, Simpson, Spicer, Wilgus—7.

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

On motion of Mr. Watson, **HB 505** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 505**—An Act to Amend Chapter 1, Title 13, Delaware Code, Relating to Marriage, Marriage Licenses and Marriage License Applications, and to the State Board of Health to Effectuate the Amendment.

On motion of Mr. Simpson, the bill was deferred.

On motion of Mr. Mayhew, **HB 493** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 493** with **HA 1**—An Act to Amend Title 31, Delaware Code, Entitled Welfare, by Defining "Medical Care" and by Removing the Restriction on Old Age Assistance Payments With Respect to Medical Care, and Appropriating Funds for Medical Care.

Mr. McCullough introduced **SA 1** to **HB 493** with **HA 1** and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** None.

**ABSENT:** Donovan, Johnson—2.

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

On motion of Mr. Hoey, **SB 405** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 405**—An Act Authorizing the State of Delaware to Borrow Money to be Used for Flood Control and Restoration of Beaches from Mispillion River South to Cape Henlopen and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department.

Mr. Cook introduced **SA 1** to **SB 405** and moved for its adoption.

On motion of Mr. Cook, the bill was deferred.

On motion of Mr. Steen, **SB 355** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 355**—An Act Making an Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State, and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefore.

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

YEAS: Cook, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus.

ABSENT: Donovan, Johnson.

On motion of Mr. Steen, the roll call was tabled.

On motion of Mr. Steen, **HB 561** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 561**—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the State Board of Trustees of the Delaware State Hospital at Farnhurst and to Issue Bonds and Notes Therefore.

Mr. Simpson introduced **SA 1** to **HB 561** and moved for its adoption. Motion prevailed.

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

YEAS: Cook, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: McCullough—1.

ABSENT: Donovan, Johnson—2.

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

On motion of Mrs. Manning, **SB 403** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 403**—An Act Making a Supplementary Appropriation to the State Board of Education for Certain Improvements and Repairs to the Public School Buildings of the State of Delaware.

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

YEAS: Manning, Simpson, Snowden, Wilgus—4.

NAYS: duPont, Price, Steen, Mr. President Pro Tem Reilly—4.

NOT VOTING: Cook, Hoey, Johnson, Mayhew, McCullough, Tull, Watson—7.

ABSENT: Donovan, Spicer—2.

So the question was decided in the negative and the bill was lost.



On motion of Mr. McCullough, **HB 539** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 539**—An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to Workmen's Compensation, by Providing for an Attorney's Fee for an Injured Employee.

Mr. McCullough introduced **SA 1** to **HB 539** and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**NOT VOTING:** Hoey, Mayhew—2.

**ABSENT:** Donovan—1.

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

On motion of Mr. Cook, **SB 406** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 406**—An Act to Provide Benefits to the Surviving Spouse of Persons Elected to Any State or County Office.

On motion of Mr. Cook, the bill was deferred.

On motion of Mr. duPont, **SB 403** was restored to the Calendar.

On motion of Mr. McCullough, **SB 395** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 395**—An Act to Amend Sections 2701 and 2704, Title 29, Delaware Code, Relating to Establishment of School Crossing Guards in School Districts of New Castle County.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

**NAYS:** None.

**ABSENT:** Donovan—1.

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

On motion of Mr. Johnson, **SB 407** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 407**—An Act Making a Supplementary Appropriation to Local School District Middletown No. 120 for the Fiscal Year Ending June 30, 1962 to be Used for Payment of Operating Expenses Incurred During the School Years Ending 1961 and 1962.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—15.

**NAYS:** None.

**ABSENT:** Donovan, Mr. President Pro Tem Reilly—2.

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

On motion of Mr. McCullough **HB 556** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 556**—An Act to Amend Chapter 331, Volume 53, Laws of Delaware, to Provide Additional Funds for Capital Improvements.

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

**YEAS:** Cook, duPont, Johnson, McCullough, Price, Tull, Watson, Mr. President Pro Tem Reilly.

**NAYS:** Steen.

**NOT VOTING:** Hoey, Manning, Mayhew, Simpson, Snowden, Spicer, Wilgus.

**ABSENT:** Donovan.

On motion of Mr. McCullough, the roll call was tabled.

On motion of Mr. Johnson, **SB 408** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 408**—An Act Authorizing the State of Delaware to Borrow Money to be Used for the Acquisition of Land and Erection Thereon of an Inspection Lane and the Necessary Equipment and Furnishings Therefor in New Castle County Outside the City of Wilmington and Appropriating Money Borrowed to the State Highway Department.

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

**YEAS:** Cook, Hoey, Johnson, Mayhew, McCullough, Price, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

**NAYS:** duPont, Manning, Simpson.

**NOT VOTING:** Snowden, Wilgus.

**ABSENT:** Donovan.

On motion of Mr. Johnson the roll call was tabled.

On motion of Mr. Cook, **SB 409** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 409**—An Act to Provide Benefits to the Surviving Spouse of Persons Elected to Any State or County Office.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: Simpson, Spicer, Steen—3.

ABSENT: Donovan—1.

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

On motion of Mr. Mayhew, **SB 385** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 385**—An Act to Amend Chapter 5, Title 10, Delaware Code, by Enacting a New Section Relating to Uniforms of Bailiff.

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

YEAS: duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Simpson, Spicer—2.

ABSENT: Cook, Donovan, Johnson—3.

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

On motion of Mr. Mayhew, **HB 566** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 566**—An Act Making a Supplemental Appropriation to the Superior Court of the State of Delaware for Travel and Office Expense.

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

YEAS: Cook, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: Manning—1.

ABSENT: Donovan—1.

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

On motion of Mr. McCullough, **HB 509** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 509**—An Act to Amend Chapter 331, Volume 53, Laws of Delaware, to Permit School Districts to Issue Bond Anticipation Notes in Connection With Capital Improvements.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Donovan—1.

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

On motion of Mr. Cook, **HB 568** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 568**—An Act to Amend Section 3105 (b), Title 20, Delaware Code, Entitled "Civil Defense Powers of the Governor" and Relating to State Civil Defense Auxiliary Police.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: Hoey—1.

ABSENT: Donovan—1.

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

On motion of Mr. Hoey, **HB 527** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 527**—An Act Making a Supplementary Appropriation to the State Board of Education for the Fiscal Year Ending June 30, 1962, for the Additional Cost of Transporting School Children.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

**NAYS:** None.

**ABSENT:** Donovan—1.

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

On motion of Mr. Cook, **SB 362** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 362**—An Act to Appropriate \$15,000 to The Delaware Safety Council, Inc.

On motion of Mr. Cook, the bill was deferred.

On motion of Mr. Hoey, **HB 570** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 570**—An Act Making a Supplementary Appropriation to the State Highway Department.

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

**YEAS:** Cook, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Tull, Mr. President Pro Tem Reilly—9.

**NAYS:** Manning, Spicer, Steen—3.

**NOT VOTING:** duPont, Snowden, Watson, Wilgus—4.

**ABSENT:** Donovan—1.

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

Mr. Cook introduced the following resolutions, which on further motion by him, were adopted:

**SR 134**—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

**SR 135**—Authorizing Payments for Services Rendered by Attaches and Employees of the Senate of the Present Session of the 121st General Assembly.

Mr. Mayhew introduced the following resolution, which on further motion by him, was adopted:

**SR 136**—In Reference to Election of Officers.

Mr. Cook introduced the following resolution, which on further motion by him, was adopted:

**SR 137**—In Reference to Supply of the Journal of the 120th General Assembly to Members of the Senate and Certain Officers Thereof.

The following bills were introduced and given first reading:

**SB 406**—An Act to Provide Benefits to the Surviving Spouse of Persons Elected to Any State or County Office. (By Mr. Cook, not referred to committee)

**SB 407**—An Act Making a Supplementary Appropriation to Local School District Middletown No. 120 for the Fiscal Year Ending June 30, 1962, to be Used for Payment of Operating Expenses Incurred During the School Years Ending 1961 and 1962. (By Mr. Johnson, not referred to committee)

**SB 408**—An Act Authorizing the State of Delaware to Borrow Money to be Used for the Acquisition of Land and Erection Thereon of an Inspection Lane and the Necessary Equipment and Furnishings Therefor in New Castle County Outside the City of Wilmington and Appropriating Money Borrowed to the State Highway Department. (By Messrs. Cook, Johnson, McCullough and Watson, not referred to committee)

**SB 409**—An Act to Provide Benefits to the Surviving Spouse of Persons Elected to Any State or County Office. (By Mr. Cook, not referred to committee)

The Chair presented the following House matters, which were given first reading:

**HB 353**—An Act Making a Supplemental Appropriation to the State Board of Examiners and Registration of Architects. (Not referred to committee)

**HB 505**—An Act to Amend Chapter 1, Title 13, Delaware Code, Relating to Marriage, Marriage Licenses and Marriage License Applications, and Making a Supplementary Appropriation to the State Board of Health to Effectuate the Amendment. (Not referred to committee)

**HB 566**—An Act Making a Supplemental Appropriation to the Superior Court of the State of Delaware for Travel and Office Expense. (Not referred to committee)

**HB 570**—An Act Making a Supplementary Appropriation to the State Highway Department. (Not referred to committee)

On motion of Mr. Hoey, the Senate recessed at 11:35 P. M., at the call of the President Pro Tem.

The Senate met at the expiration of the recess on Monday, July 23, 1962, at 2:15 P. M. Lieutenant-Governor Lamot presiding.

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

July 23, 1962

To the Senate of the 121st 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:

Charles L. Terry, Jr., 448 North State Street, Dover, Delaware, to be an Associate Justice of the Supreme Court of Delaware for a term of twelve years from date of confirmation, succeeding Howard W. Bramhall, deceased.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, the Senate resolved into Executive Session at 2:18 P. M. The Senate resolved into regular session at 2:20 P. M.

On motion of Mr. Steen, the Senate recessed at 2:21 P. M. The Senate met at the expiration of the recess at 2:40 P. M. Lieutenant-Governor Lammot presiding.

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

July 23, 1962

To the Senate of the 121st 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:

William Duffy, Jr., Mill Creek Road, Hockessin, Delaware, to be President Judge of the Superior Court of Delaware for a term of twelve years from date of confirmation, succeeding Charles L. Terry, Jr.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, the Senate resolved into Executive Session at 2:42 P. M. The Senate resolved into regular session at 2:44 P. M.

On motion of Mr. Steen, the Senate recessed at 2:44 P. M. The Senate met at the expiration of the recess at 2:45 P. M. Lieutenant-Governor Lammot presiding.

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

July 23, 1962

To the Senate of the 121st 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 R. Wright, 147 South Main Street, Smyrna, Delaware, to be an Associate Judge-at-Large of the Superior Court

of Delaware for a term of twelve years from date of confirmation, succeeding William Duffy, Jr.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, the Senate resolved into Executive Session at 2:48 P. M. The Senate resolved into regular session at 2:50 P. M.

On motion of Mr. Steen, the Senate recessed at 2:50 P. M. The Senate met at the expiration of the recess at 3:10 P. M. Lieutenant-Governor Lammot presiding.

The following message was received from the Governor, read to the Senate and referred to the Executive Committee:

### GOVERNOR'S MESSAGE

July 23, 1962

To the Senate of the 121st 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:

Maurice W. Carrow, Camden, Delaware, to be reappointed a Justice of the Peace for the State of Delaware for a term of 4 years from date of confirmation;

John M. Conway, 1511 Oak Street, Wilmington, Delaware, to be reappointed a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1967;

Frank H. Mackie, Jr., 1103 duPont Road, Wilmington 6, Delaware, to be reappointed a member of the State Highway Department for a term to expire June 5, 1965;

C. Wardon Gass, 2715 Duncan Road, Brandywine Springs, Wilmington 8, Delaware, to be reappointed a member of the State Highway Department for a term to expire June 5, 1965;

Richard S. Rodney, New Castle, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term to expire June 11, 1968;

Henry B. duPont, Wilmington, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term to expire June 24, 1968;

Charles L. Terry, Jr., Dover, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term to expire December 1, 1968;

Harold W. Horsey, Dover, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term to expire December 10, 1968;



William T. Chipman, 2302 North Rodney Street, Wilmington, Delaware, to be a member of the Department of Elections for New Castle County for a term to expire July 1, 1966, replacing Mrs. Hannah Buckley.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, the Senate resolved into Executive Session at 3:10 P. M. The Senate resolved into regular session at 3:20 P. M.

On motion of Mr. Steen, the Senate recessed at 3:22 P. M. The Senate met at the expiration of the recess at 4:50 P. M. Lieutenant-Governor Lammot presiding.

On motion of Senator Steen, the Senate recessed at the call of the Chair at 4:51 P. M.

## 26th LEGISLATIVE DAY

July 27, 1962

The Senate met pursuant to adjournment at 2:15 P. M. on Friday, July 27, 1962. Lieutenant-Governor Lammot presiding.

Prayer by Senator Price.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

Members absent: Manning, McCullough, Simpson—3.

The Secretary proceeded to read the Journal of the Previous Day's Session when Mr. Steen moved that so much be considered the reading of the Journal and the Journal be approved as read.

Mr. Cook introduced the following resolutions, which on further motion by him, were adopted:

**SR 138**—Making an Appropriation to the Harrington Journal for Mimeograph Paper.

**SR 139**—Authorizing Payment to Lieutenant-Governor Eugene Lammot for Expenses Incurred for State Business.

On motion of Mr. Steen, Rule 23 was suspended for the balance of the Legislative Day.

The Chair presented the following House matters, which were given first reading and referred to Committees as follows:

**HB 563 with HA 1**—An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation. (To Labor)

**HB 544**—An Act to Amend Chapter 4, Title 24, Delaware Code, Relating to Barbers by Repealing § 415, Requiring Sunday Closings. (To Miscellaneous)

**HB 554**—An Act Making a Supplementary Appropriation to the State Park Commission for the Fiscal Year Ending July 30, 1963. (To Finance)

**HB 573**—An Act Making a Supplementary Appropriation to the State Highway Department for Construction of a Boardwalk at Oak Orchard. (To Finance)

**HB 548**—An Act to Amend Section 101, Title 13, Delaware Code, Relating to Void and Voidable Marriages. (To Revised Statutes)

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant-Governor Lamnot invited the Speaker of the House to a seat on the rostrum.

### JOINT SESSION

Mr. Steen moved that the House and Senate convene in Joint Session. Motion prevailed.

Mr. Steen moved that the President of the Senate preside over the Joint Session. Motion prevailed.

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

The Chair appointed the following committee to escort the Governor to the Senate Chamber: Messrs. Best, Murray, Wilgus and Steen.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the Senate Chamber.

The President invited the Governor to the Rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

**MESSAGE OF GOVERNOR ELBERT N. CARVEL** to the Special and Extraordinary Session of the Delaware General Assembly to Consider the First Enactment of a Constitutional Amendment for Reapportionment, the Enactment of Legislation to Provide for the Submission of the Question to the People "Shall There be a Convention to Revise the Constitution and Amend the Same," and to Consider a Constitutional Amendment for a Speedier Call for a Constitutional Convention.

July 27, 1962

Mr. President, Mr. Speaker, Members of the 121st General Assembly and my fellow Delawareans:

The spirit of Liberty and Independence has burned brightly in the hearts of Delawareans ever since the inception of organized government of the three lower Counties on the Delaware. All through the proud history of our small, brave, patriotic State have flowed the strain of high prin-

ciples and lofty goals ever seeking recognition of the integrity and freedom of the individual and his right to express himself through equal individual representation and equal sovereign representation in our General Assembly and in the Congress of our Nation.

Shortly before William Penn became the proprietary Governor of the three lower Counties on the Delaware in 1681, he said "Government seems to me a part of religion itself, a thing sacred in its institutions and ends; free to the people; where law rules and the people are a party to those laws."

On March 10, 1683, the three lower Counties joined in General Assembly with the three upper Counties of Pennsylvania. Two Houses of the Assembly were instituted,—the Council with one member from each County and the Assembly with six members from each County. Recognizing the sovereignty of the Counties, the General Assembly authorized a Seal for each County—for New Castle the main symbol was "a Castle,"—for Kent "Three ears of Indian Corn,"—and for Sussex "a Sheaf of Wheat." These same Seals are today a part of every official document issued by the three Counties.

These three lower Counties on the Delaware did not long remain in accord and in Assembly with the upper Counties of Pennsylvania. These upper Counties increased above the original three in number and the three sovereign lower Counties or Territories, as they were called by Penn, because they were outvoted, sued for and obtained their own General Assembly which met at New Castle in November 1704. This established the foundations of the new Delaware State, which forever became independent of the Pennsylvania Province, but subject to the proprietorship of William Penn and his heirs until the Declaration of Independence in 1776.

Further evidence of sovereignty of the three Counties is given in a Resolution adopted by the Assembly of the "three lower Counties on Delaware" on June 15, 1776 as follows: "Resolved that all persons holding any office, civil or military, in this Colony on the 13th day of June may and shall continue to exercise the same in the name of the Counties of New Castle, Kent and Sussex upon Delaware as they used to exercise them in the name of the King, until a new government shall be formed agreeable to the Resolution of Congress on the 15th of May last."

Delaware voted for Independence of one of the 13 states who made the unanimous Declaration.

In the Declaration of Independence on July 4, 1776, one of the grievous complaints registered in calling for independence was: "He (the King) has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation

in Legislature, a right inestimable to them and formidable to tyrants only."

The Articles of Confederation signed by the Delaware Delegation on May 5, 1779 provided that "In determining questions in the United States, in Congress assembled, each State shall have one vote." It further provided that "No state shall be represented in Congress by less than two nor more than seven members."

The Constitution of the United States, of which Delaware was the initial ratifier, provided for equal representation of the populace of the State in a House of Representatives while the sovereignty of the Federated States was recognized in a Senate where states large or small in size and population were accorded equal representation of two Senators. Delaware and the other small states played a highly important part in providing for this sovereign and equal representation. Indeed, it was George Reed who called the Convention's attention to the fact that the commission of the deputies from Delaware precluded any change from the Article in the Confederation "which provided that **each State shall have one vote**" and that if equal representation of the states in the Senate was changed "it might become their duty to retire from the Convention."

Article 5 of the Declaration of Rights and Fundamental Rules of the Delaware State enacted September 11, 1776 provides: "That persons entrusted with the Legislative and Executive powers are the Trustees and servants of the public and as such are accountable for their conduct; wherefore whenever the ends of government are perverted, and public liberty manifestly endangered by the Legislative singly or a treacherous combination of both, the people may and of a right ought to establish a new, or reform the old government."

Thus, we see that at the forming of our County, State and National governments in 1704, 1776 and in 1787, there was a strong tide of thought that sovereignty and geography should be represented in a Senate or Council where the terms were longer and the numbers smaller.

Population on the National level was represented in a House of Representatives where the term was shorter and where reapportionment took place every ten years, and reasonably equal representation was accorded to the nation's populace.

The people of Delaware are today faced with an historic decision.

The Supreme Court has recently ruled that the several sovereign states of this Nation must provide equal representation in their Legislative bodies.

In some states where action by the Legislature has been sluggish or inequitable, the U. S. Courts have taken action