

comfort that they may see eternal possibilities in the events of the day. May the love of friends, the confidence of those who believe in us and the spur of conscience lead us on. As we face the problems of this state we trust that we will be part of their answer rather than part of the problems. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following: **HB 159**—"An Act Making a Deficiency Appropriation for Lewes Special School District"; and presented the same to the Senate.

The Chair presented **HB 159**, which was given first and second reading, the second by title only, and referred to the Committee on Finance.

On motion for leave, Mr. Burkholder introduced **SCR 12**—"Providing for a Joint Session to Attend the Exercises Arranged in Commemoration of the Birthday Anniversary of George Washington."

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

On the question, "Shall the Resolution be adopted?" the question was decided in the affirmative, and the Resolution having received the required constitutional majority was adopted and ordered to the House for concurrence.

Mr. Hitchens, on motion for leave introduced **SB 129**—"An Act to Amend Chapter 212, Volume 44, Laws of Delaware, 1943, Entitled 'An Act to Provide for the Creation of Soil Conservation Districts Which Shall Engage in Saving the Productive Power of Delaware Farm Land by Maintaining or Improving the Fertility of the Soil, Including Farm Drainage and the Prevention or Control of Soil Erosion; to Define the Powers and Duties of Soil Conservation Districts, and to Provide for the Exercise of Such Powers and Duties, Including the Authority to Accept Money or Other Aid from Any Agency of the United States or of the State of Delaware; to Establish the State Soil Conservation Commission as the Administrative Head of All Soil Conservation Districts Hereafter to Be Established under the Provisions of This Act, and to Define the Powers and Duties of This Commission,' Relating to Change in Membership of the State Soil Conservation Commission and the County Boards of Soil District Supervisors," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Hitchens, on motion for leave, introduced **SB 130**—"An

Act to Provide for the Regulation, Control and Licensing of Dog Racing in the State of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Bulow, on motion for leave, introduced **SB 131**—"An Act to Amend Chapter 65 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Corporations,' with Reference to the Power of a Railroad to Borrow Money," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mr. Bulow, on motion for leave, introduced **SB 132**—"An Act to Amend Chapter 49, Revised Code of Delaware, 1935, as Amended, by Increasing the Amount Provided for the Burial of Certain Persons," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Bulow requested that **SB 77** be stricken from the Calendar. Request granted.

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred, **SJR 5**, reported the same back to the Senate on its merits.

Mr. Hitchens, on behalf of the Committee on Building and Highways to whom had been referred **HCR 4**, reported the same back to the Senate favorably.

Mrs. Davis, on motion for leave, introduced **SB 133**—"An Act Proposing an Amendment to Section 13 of Article 2 of the Constitution of the State of Delaware, Relating to the Legislature, Providing That Members of the House and Senate Shall Be Liable to Arrest for Any Violation of the Motor Vehicle Laws of This State Committed While Going to and Returning from the Legislature," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 134**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relative to Motor Vehicles, by Prohibiting the Stopping, Standing or Parking of Vehicles on the Highway Right-of-Way outside the Limits of Any Incorporated City or Town within a Distance of 100 Yards of Any Public Place Where Large Groups of People Regularly Assemble," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SB 135**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relative to Motor Vehicles, Reducing Amount of Evidence of Financial Responsibility Required in the Operation of Taxicabs and Reducing Cost of Licenses and Number of Inspections," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Bulow, on motion for leave introduced **SB 136**—"An Act to Amend Chapter 176 of the Revised Code of Delaware,

1935, as Amended, Entitled 'Alcoholic Liquor, Wines and Beer,' by Restricting the Number of Outlets or Establishments at Which Any One Person, Firm, Association, or Corporation May Be Issued a License for the Sale of Alcoholic Liquor, Wines and Beer," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 2:50 P. M.

Mrs. Davis, on motion for leave, introduced **SB 137**—"An Act to Amend Chapter 60 of the Revised Code of Delaware, 1935, as Amended, Relating to General Elections, Providing for a Single Ballot for Presidential, Vice Presidential and State, County and District Candidates at a General Election," which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Powell, on motion for leave, introduced **SB 138**—"An Act to Amend Chapter 99, of Volume 45, Laws of Delaware, 1944-5, Entitled, 'An Act to Regulate the Transportation and Shipment of Poultry, License Required for Same; Bond; Revocation of License; Penalty for Violation Thereof,' Providing for More Frequent Financial Statements from Applicants and Increasing the Amount of Bond Required," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mr. Evans, on motion for leave, introduced **SB 139**—"An Act to Amend in Part and to Repeal in Part Chapter 65 of the Revised Code of the State of Delaware, 1935, Relating to Corporations, by Providing a Method by Which Shares of Stock May Be Attached, Levied upon, Sequestered, and Transferred," which was given first and second reading, the second by title only, and referred to the Committee on Private Corporations.

On motion of Mr. Klair, **SB 1** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Dickerson, Evans, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—10.

NAYS—Messrs. Cannon, Crossley, Cubbage, David, Hammond, Hitchens, Webb—7.

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

Mrs. Davis, on motion for leave, introduced **SB 140**—"An Act to Amend Chapter 176, as Amended, Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beer, by Creating a Liquor Commission Composed of Four Members. One from the City of Wilmington, One from Rural New Castle County, One from Kent County, and One from Sussex County,

and Providing for the Appointment, Term of Office, Salaries and Duties of Its Members," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

On motion of Mr. Phillips, **SB 13** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Hitchens, **SB 52** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Crossley, **SB 57** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Bulow, **SB 61** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair,



Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

Mr. Burkholder moved that the Senate recess until 3:55 P. M. Motion prevailed.

Senate met at expiration of recess 4:05 P. M.

On motion of Mr. Reilly, **SB 62** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—Messrs. Bulow, Hammond—2.

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

On motion of Mr. Powell, **SB 70** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Rhodes, Madam President Pro Tem—10.

NAYS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Reilly, Webb—7.

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

On motion of Mr. Phillips, **SB 75** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mrs. Davis, **SB 90** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

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

YEAS—Messrs. Bulow, Burkholder, Cubbage, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—13.

NAYS—Messrs. Cannon, Crossley, David, Webb—4.

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

On motion of Mr. Burkholder, **SB 93** was taken up for consideration and read a third time, by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Evans, Hammond, Hitchens, Klair, Phillips, Rhodes, Madam President Pro Tem—8.

NAYS—Messrs. Bulow, Cannon, Crossley, Cubbage, David, Dickerson, Powell, Reilly, Webb—9.

So the question was decided in the negative, and the Bill was lost.

Mr. Burkholder changed his vote from Yea to Nay for the purpose of reconsideration.

On motion for leave, Mrs. Davis introduced **SR 21**—"Adopting Permanent Rules for the Senate."

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

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

YEAS—Messrs. Evans Klair, Madam President Pro Tem—2.

NAYS—Messrs. Bulow, Burkholder, Cannon, Crossley, David, Dickerson, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb—14.

NOT VOTING—Mr. Cubbage—1.

Mrs. Davis changed from yea to nay for purpose of reconsideration.

So the question was decided in the negative, and the Resolution was lost.

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

**HB 156**—"An Act to Amend Chapter 113, Volume 32, Laws of Delaware (1921) Entitled 'An Act Providing for a Police Pension Fund for Members of the Police Force of the City of Wilmington,' as Amended, by Changing the Number of Years of Service Required for a Pension";

**HB 163**—"An Act Agreeing to the Proposed Amendment to Section 15 of Article II of the Constitution of the State of Delaware, Relating to the Compensation of the Members and Presiding Officers of the General Assembly"; and presented the same to the Senate.

Mr. Dickerson, on motion for leave, introduced **SB 141**—

"An Act to Amend Chapter 216, Volume 46, Laws of Delaware, Entitled 'An Act to Amend an Act Entitled "An Act to Re-incorporate the Town of Millsboro," Being Chapter 203 of Volume 25, Laws of Delaware, and Authorizing the Annexation of Certain Contiguous Territory to the Said Town' by Providing That the Town May Divide the Proposed Contiguous Territory into Sub-sections and Add Portions Thereof from Time to Time, without Necessarily Annexing the Entire Section as a Single Addition," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Dickerson, on motion for leave, introduced **SB 142**—"An Act to Authorize the Commissioners of Millsboro to Apply Funds Realized from Certain Bond Issues to the Making of Repairs, Extensions, or Improvements to the Water Plant and Water Distribution System in Millsboro, as Well as to the Purposes Mentioned in the Legislative Acts Originally Authorizing the Said Bond Issues," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

The Chair presented **HB 156**, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HB 163**, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Communications: 3—Opposing **SB 54**; 2—Favoring **SB 1**; 1—Opposing **SB 1**; 2—Favoring **SB 120**; 1—Opposing **HB 29** and **HB 113**; 1—Favoring **HB 120**; 1—Opposing **SB 37**. From Wilmington New Century Club; Dover Century Club; Delaware Association Chiefs of Police; George Washington School P.T.A.; Smyrna Grange No. 21 P. of H.; Helen Sutton, Wilmington, Del.; Delaware Association of Insurance Agents; Elwood Gruwell, 4th Senatorial District; G. Harry Davidson, Middletown, Del.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Tues., Feb. 22, 1949. Motion prevailed.

### 31ST LEGISLATIVE DAY

Senate met pursuant to adjournment, Tues., Feb. 22, 1949, 12 noon., Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty and eternal God, Thou art the framer of our mortal bodies and the father of our immortal spirits.

As we bow in reverence before Thee at this time, may it not be from a mere sense of duty or force of habit, but may it be born of a sincere desire to acknowledge Thee in all our ways.

We humbly invoke thy blessing upon our coming together at this time. In our weakness give us strength; in our darkness

grant us light; to our hearts impart Thy peace, Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Favoring a limited world government by amending the United Nations' Charter; 2—Favoring **SB 4**; 1—Favoring **SB 9, SB 20, SB 28, SB 35, SB 49, SB 50, SB 51, SB 52, SB 55, SB 76, SB 82, SB 86, and SB 74**; 1—Favoring **HB 27, HB 28, HB 42, HB 64, HB 65, HB 89, HB 95, HB 97, and SJR 2**; 1—Favoring **SB 120**. From Sgt. William Lloyd Nelson Post V.F.W., Middletown; Alfred I. du Pont High School, Wilmington; David W. Harlan School P.T.A.; Warner School P.T.A.; Delaware Association Chiefs of Police.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in **SCR 12**, and returned the same to the Senate.

Mr. Burkholder moved that the Senate recess until 2 P. M. Motion prevailed.

Senate met at expiration of recess, 2:40 P. M.

The Sergeant-at-Arms announced the presence of the Speaker and Members of the House of Representatives. The Chair directed the Sergeant-at-Arms to admit the Speaker and Members of the House of Representatives.

## JOINT SESSION

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

The President of the Joint Session invited the Speaker of the House to come to the Rostrum. The President of the Joint Session invited the President Pro Tem of the Senate to come to the Rostrum.

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

The following program was presented:

Remarks from the Lt.-Governor Alexis du Pont Bayard.  
Music by Caesar Rodney High School Band, directed by

Mr. E. F. Englehart; several selections.

Address by Mr. John G. Leach, Vice President of Beacom College, Wilmington, Delaware.

Several more selections from Caesar Rodney High School Band.

Mr. Burkholder thanked the Joint Legislative Committee for arranging such a splendid program.

Mr. Burkholder moved that the Secretaries of the Joint Session compare their Journals. Motion prevailed.

The Secretary of the Senate announced that the Secretaries had compared their Journals and found them to agree.

Mr. Burkholder moved that the two Houses now separate and return to their respective chambers. Motion prevailed.

Mrs. Davis moved that **SR 21** be restored to the Calendar. Motion carried.

Mr. Burkholder moved that the Senate recess 20 minutes. Motion prevailed.

Senate met at expiration of recess, 4:55 P. M.

On motion for leave, Mr. Burkholder introduced **SR 22**—"Authorizing Payment on Account to Attaches and Employees of the Senate."

BE IT RESOLVED by the Senate of the 115th General Assembly that the State Treasurer be and he hereby is authorized and directed to pay to any attache or employee, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total of Three Hundred Dollars (\$300.00) to any one person, on account of services to the present Session of the Senate. Any such sums so paid shall be charged against the salary of the individual attache or employee to whom such sum or sums are paid, and shall be a part of the expenses of this Session of the Senate.

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

On the question, "Shall the Resolution be adopted?" the question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted.

On motion for leave, Mr. Hammond introduced **SCR 13**—"Relative to the Death of Joseph Morris Harrington."

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

On the question, "Shall the Resolution be adopted?" the question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted and ordered to the House for concurrence.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **SB 122**, reported the same back to the Senate favorably.

The President announced he is about to sign: **HCR 7**.

Mr. Hitchens, on motion for leave, introduced **SB 143**—"An Act to Amend the Charter of the City of Rehoboth Beach, as Established by Chapter 161, Volume 41, Laws of Delaware, and as Amended by Chapter 177, Volume 43, Laws of Delaware, and by Chapter 243, Volume 46, Laws of Delaware, by Increasing the Amount of Money That Can Be Contributed to Volunteer Fire Companies or Associations," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Hitchens, on motion for leave, introduced **SB 144**—"An Act to Amend the Charter of the City of Rehoboth Beach, as Established by Chapter 161, Volume 41, Laws of Delaware, and as Amended by Chapter 177, Volume 43, Laws of Delaware, and by Chapter 243, Volume 46, Laws of Delaware, by Establishing at Two Years the Term of Office of the Commissioner having the Title of Mayor of Rehoboth and President of the Commissioners of Rehoboth," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Phillips, on motion for leave, introduced **SB 145**—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935. as Amended, Relative to Free Public Schools, by Providing that the Collector Appointed by the School Boards of All the Districts of This State Shall Furnish Monthly Reports of Taxes Collected to the State Treasurer, Auditor of Accounts, the State Board of Education and the Local School Board, Giving a Complete Statement of All Taxes Collected with a Break-Down as to Capitation, Debt Service and Current Expenses and Such Other Information with Reference Thereto as May Be Required by the Auditor of Accounts or the State Board of Education," which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Phillips, on motion for leave, introduced **SB 146**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended, Relating to Alcoholic Liquor, Wines and Beer, by Prohibiting the Issuance of Licenses upon Grounds or in Buildings Occupied by an Agricultural Fair, Industrial Exhibition, Race Track or in Close Proximity to a School or College, Providing that under Certain Conditions License May Be Granted near a School or College," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Bulow, on motion for leave, introduced **SB 147**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935. as Amended, Entitled 'Alcoholic Liquor, Wines and Beer,' by Restricting the Number of Outlets or Establishments at Which Any One Person, Firm, Association, or Corporation May Be Issued a License for the Sale of Alcoholic Liquor, Wines, and Beer," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Bulow requested that **SB 136** be stricken from the Calendar. Request granted.

Mr. Dickerson, on motion for leave, introduced **SB 148**—"An Act Agreeing to the Proposed Amendment to Article IV of the Constitution of the State of Delaware Relating to the Number of State Judges, and the Creation of the Constitutional Office of Vice Chancellor," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Dickerson requested that **SB 113** be stricken from the Calendar. Request granted.

Amend **Rule 3**, Section 2 as follows:

The Senate shall not convene in session, nor shall any Session of the Senate continue after ten o'clock P. M., Eastern Standard Time; this section shall not be changed or suspended except by unanimous approval of all the members elected to the Senate.

Amend **Rule 38** by substituting a new **Rule 38** as follows:

**Rule 38**—All questioning of Parliamentary procedure shall be decided in accordance with the 1943 Revision of Robert's Rules of Order.

Motion made by Mrs. Davis and adopted unanimously.

**SR 21**—"Adopting Permanent Rules for the Senate."

BE IT RESOLVED, by the Senate of the 115th General Assembly that the rules of the Senate, together with the rules governing Executive Sessions and the Joint Rules, adopted at the regular Session of the 114th General Assembly, and heretofore adopted for the governing of this Session, be, and they are hereby adopted as the permanent rules for the governing of the present Session of the Senate with certain changes in rules 3, 20, 21, 22, 27, 33, 35, and the adding of an additional rule, to be known as Rule 38, so that the only changes between the permanent Rules of the 114th Session, as printed, and the rules hereby adopted as the permanent Rules of the 115th Session, are shown as follows:

Rule 3—Section 1. Unless otherwise ordered by a majority of the Members of the Senate, the Senate will meet every day (Saturday and Sunday excepted) at eleven o'clock. A. M.

Section 2. The Senate shall not convene in session, nor shall any session of the Senate continue after six o'clock P. M. Eastern Standard Time; this section shall not be changed or suspended except by approval of three-fourths of all the Members elected to the Senate.

Rule 20—No Bill or Joint Resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the Bill or Resolution, which shall be known as the title, and shall also contain the text of the Bill or Resolution in full. The original of all Bills and Resolutions shall be typewritten or printed, properly backed and shall contain no erasures or interlineations.

Rule 21—A motion shall be in order at any time to amend or substitute a title to any bill or resolution only in order to correct typographical errors.

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

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

To adjourn.

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

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a certain day.

To commit.

To amend.

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

Rule 33—Upon the written request signed by a majority of the Members elected to the Senate and directed to the Presiding Officer, any, bill, joint resolution or other business, which shall have been referred to a committee, shall be reported to the Senate.

Rule 35—Any rule of the Senate may be changed or suspended by approval of a majority of all the Members elected to the Senate, except such rules that otherwise provide.

Rule 38—All questions of Parliamentary procedure shall be decided in accordance with the Robert's Rules of Order.

On motion for leave, Mrs. Davis introduced **SR 21** with Amendments.

**SR 38** amended.

Amendment **SR 3**, Section 2.

Upon motion, the Resolution was taken up for consideration in order to pass the Senate. Mrs. Davis moved that the Resolution be adopted.

The question was decided in the affirmative, and the Resolution having received the required constitutional majority was adopted.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **SB 119** and **SB 121**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **HB 163**, reported the same back to the Senate favorably.

Messrs. Dickerson and Bulow, on motion for leave, introduced **SB 149**—"An Act to Amend Chapter 54 of the Revised Code of Delaware, 1935, as Amended. Providing for the Appointment of Members of the State Old Age Welfare Commission by the Governor," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.



Mr. Burkholder moved that **SB 93** be restored to the Calendar. Motion carried.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Mon., Feb. 28, 1949. Motion prevailed.

### 32ND LEGISLATIVE DAY

Senate met pursuant to adjournment, Mon., Feb. 28, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: In a world that is reeling in helplessness we look to Thee, our Father for guidance. Grant us faith, not of words but of deeds.

We thank Thee for the privilege of leadership. Make us ever conscious of the obligations it involves.

Give us strength for every task, in the end a sense of duty well done. Through Jesus Christ, Our Lord, Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 3—Opposing **SB 54**; 2—Favoring **SB 3**. From: Mt. Pleasant School P.T.A.; Wilmington Chapter, C.D.E.; Recreation Promotion & Service, Wilmington, Del.; W. W. Laird, Wilmington, Delaware.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **SB 64, SB 110, SB 111, SB 114, SB 102, SB 103, SB 112, SB 107, SB 104, SB 141, and SB 142**, reported the same back to the Senate favorably.

Mr. Bulow, on motion for leave, introduced **SB 150**—"An Act to Amend Chapter 43, of the Revised Code of Delaware, 1935, as Amended, Relative to Levy Courts, by Creating a Levy Court of Sussex County Composed of Five Members, One from Each Senatorial District; Providing that a Majority Thereof Shall Constitute a Quorum," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Hammond, on motion for leave, introduced **SB 151**—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Banks, Savings Societies and Trust Companies' in Relation to the Collection, Payment, and Dishonor of Demand Items by Banks and the Revocation of Credit for, and Payment of, Such Items," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mr. Powell, on motion for leave, introduced **SB 152**—"An Act Appropriating Money to the Bethany Beach Fire Company,

at Bethany Beach," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. David, on motion for leave, introduced **SB 153**—"An Act to Amend an Act Known and Cited as the 'Unemployment Compensation Law,' Being Chapter 258 of Volume 41, Laws of Delaware, 1937, as Amended, by Providing that No Individual Shall Lose His Right to Benefits under Said Act by Reason of a Refusal to Accept an Offer of New Work or a Referral to a Job Opportunity When the New Employment Is at a Remuneration Less Than That Which He Received at His Last Place of Employment or When the New Employment Is Outside the State of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. David, on motion for leave, introduced **SB 154**—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935. as Amended, Relating to the Control and Eradication of Bang's Disease by Deleting the Restriction on the Movement of Cattle after January 1, 1951," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mrs. Davis, on motion for leave, introduced **SB 155**—"An Act to Amend Chapter 108 of the Revised Code of Delaware, 1935. as Amended, Entitled, 'General Provisions Concerning Courts,' Increasing the Salary of the Court Crier in Kent County," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Klair, on motion for leave, introduced **SB 156**—"An Act Appropriating Money to the State Board of Education for the Kruse School for Current Expenses," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Phillips, on motion for leave, introduced **SB 157**—"An Act to Amend Chapter 56 of the Revised Code of Delaware, 1935. Entitled, 'Registration of Voters,' to Provide for General and Supplementary Registrations Every Four Years and Matters Incidental Thereto," which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Phillips, on motion for leave, introduced **SS for SB 96**—"An Act to Require Railroad Companies Owning and Controlling the Tracks Crossing State Highway 13 Leading from Wilmington to Chester, at Naaman's Corner, to Widen the Underpass and Providing Procedure for Enforcement of the Provisions of This Act," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

On motion for leave, Mr. Burkholder introduced **SCR 14**—"Expressing Appreciation to Those Who Assisted in the Program Commemorating the Birthday of George Washington."

On the question, "Shall the Resolution be adopted?" the question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted and ordered to the House for concurrence.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:05 P. M.

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred **SB 147**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **HB 156**, reported the same back to the Senate favorably.

Mr. Burkholder, on motion for leave, introduced **SB 158**—"An Act Appropriating the Sum of Fifteen Hundred Dollars to the State Forestry Department for the Protection, Maintenance and Improvement of the Largest White Oak Tree in Delaware, Located in Murderkill Neck, Kent County," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

The President announced he is about to sign: **SCR 1, SCR 2, SCR 3, SCR 4, SJR 1, SCR 5, SCR 6, SCR 7, SCR 8, SCR 10, and SCR 12.**

Mr. Burkholder, on motion for leave, introduced **SB 159**—"An Act to Amend Chapter 34 of the Revised Code of Delaware, 1935. as Amended, Relating to the Library Commission of the State of Delaware, by Increasing the Amount of Authorized Taxation Which May Be Levied by a School District for the Establishment and for Maintenance, Increase and Support of a Library in Said School District and by Also Increasing the Amount Which May Be Borrowed by a School District for the Purpose of Acquiring a Site, Building and Equipment Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Burkholder, on motion for leave, introduced **SB 160**—"An Act to Amend Article 5, Chapter 188, Volume 46, Laws of Delaware, 1947, Relating to the Governor Bacon Health Center by Providing for the Admission of Handicapped and Crippled Adults," which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Evans, on motion for leave, introduced **SB 161**—"An Act to Amend Chapter 163, Volume 32, Laws of Delaware, Entitled 'An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware, Being an Act Entitled "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington," ' as Amended by Chapter 87, Volume 35, Laws of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder moved that the Senate recess for 30 minutes. Motion prevailed.

Senate met at expiration of recess, 4:30 P. M.

Mr. Phillips, on behalf of the Committee on Education to whom had been referred **SB 145**, reported the same back to the Senate favorably.

Mr. Phillips, on motion for leave, introduced **SB 162**—"An Act to Amend Section 2 of Article XIII of the Constitution of the State of Delaware, Relative to Local Option, by Providing that Each Senatorial District Shall Comprise One District," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

On motion for leave, Mr. Dickerson introduced **SCR 15**—"Providing for a Study of the Executive Branch of the State Government."

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

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

Mr. Dickerson, on motion for leave, introduced **SB 163**—"An Act to Authorize and Direct the State Treasurer to Honor Certain Payments from the Debt Service Account of the John M. Clayton School District for Current Expenses of Said School District," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 164**—"An Act Amending the Atlantic States Marine Fisheries Compact to Which the State of Delaware Is a Party, Providing that Two or More States May Constitute Their Representatives on Such Commission as a Joint Agency for the Regulation of Specific Fisheries in Which They Have a Common Interest and May Delegate to Such Agency Such Responsibility and Duties as They May Mutually Agree upon," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Klair, on motion for leave, introduced **SB 165**—"An Act Relating to Pollution of the Waters of Red Clay Creek, New Castle County, Delaware; Providing for Investigations by the State Board of Health and the Approval by Said Board of the Treatment of Sewage and Industrial Waste to Prevent Pollution; Prohibiting the Discharge of Sewage or Industrial Waste into Said Waters without the Approval of Said Board; and Providing Penalties for Violations Hereof," which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SB 60**, **SCR 13**, **14**, and returned the same to the Senate.

Mr. Webb, on motion for leave, introduced **SS** for **SB 118**—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935 as Amended, Relating to Fish, Oysters and Game, by Pro-

viding for the Season within Which It Shall Be Unlawful to Take or Kill Diamond Back Terrapin," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

On motion for leave, Mr. Dickerson, Mrs. Davis. and Messrs. Bulow and Connon, introduced **SJR 6**—"Memorializing the Congress of the United States on World Federation."

Upon motion, the Resolution was taken up for consideration in order to pass the Senate. Referred to Committee on Rules.

Mr. Hitchens, on motion for leave, introduced **SB 166**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935. as Amended, Relative to Motor Vehicles, Increasing Axle Weight of Vehicles on Primary Roads to Be Designated by State Highway Commission," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Hitchens, on motion for leave, introduced **SB 167**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935 as Amended, Relative to Motor Vehicles, Providing that Coupled Axles on Semi-Trailers Known as Low-Bed Trailers, Shall Be Spaced Thirty-Six Inches or More Apart," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **SB 130**, reported the same back to the Senate on its merits.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **HCR 6**, **SB 124**, **SB 123**, and **SB 132**, reported the same back to the Senate favorably.

Mr. Powell, on behalf of the Committee on Agriculture to whom had been referred **HB 99**, and **SB 129**, reported the same back to the Senate favorably.

Mr. Hammond, on behalf of the Committee on Finance, to whom had been referred **SB 33**, and **SB 53**, reported the same back to the Senate on their merits.

Mr. Hammond, on behalf of the Committee on Banking and Insurance to whom had been referred **SB 131**, reported the same back to the Senate favorably.

On motion of Mr. Burkholder, **HB 163** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative, and the Bill having received the required constitutional majority, was adopted and ordered returned to the House.

Mr. Burkholder requested that **SB 14** be stricken from the Calendar. Request granted

Mr. Burkholder requested that **SB 26** be stricken from the Calendar. Request granted.

Mr. Cannon requested that **SB 105** be stricken from the Calendar. Request granted.

Mr. Crossley, on motion for leave, introduced **SB 168**—"An Act to Amend 3620. Sec. 30. of Article III, Chapter 90, Revised Code of Delaware, 1935, Relating to Child Labor, by Providing for the Appointment of an Assistant State Child Labor Inspector," which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Cannon, on motion for leave, introduced **SB 169**—"An Act Proposing an Amendment to Section 3 of Article IV of the Constitution of the State of Delaware Relating to the Appointment of Members of the State Judiciary by Requiring the Governor to Address a Public Letter to the President of the Senate Stating the Name of the Person He Intends to Appoint at Least Ten Days Prior to the Submission of Such Person's Name to the Senate for Confirmation," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Klair, on motion for leave, introduced **SB 170**—"An Act to Amend Chapter 70 of the Revised Code of Delaware, 1935, as Amended, Relating to Reformatory and Charitable Institutions, Prohibiting the Incarceration of Any Boy by the Trustees of the Ferris School for Boys, by Providing that the Trustees May, for Violation of the Rules of That Institution, Order the Transfer, for a Limited Time, of a Boy to the New Castle County Workhouse; Providing Procedure Therefor and Providing for Payment by Ferris School for Boys to the New Castle County Workhouse of Cost of Maintenance of Boys So Transferred," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

On motion of Mr. Burkholder, **HCR 4** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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.

Mr. Burkholder, on motion for leave, introduced **SB 171**—"An Act Appropriating Monies for the Remodeling, Repairing, Equipping and Furnishing of Several Old Buildings at the Governor Bacon Health Center. Delaware City, Delaware; Making an

Appropriation Therefor and Authorizing the State of Delaware to Borrow Money and Issue Bonds for Payment of the Money So Appropriated," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson moved that the Senate adjourn until 12 noon, Tues., Mar. 1, 1949. Motion prevailed.

### 33RD LEGISLATIVE DAY

Senate met pursuant to adjournment, Tues., Mar. 1, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty and eternal God: Thou art the same yesterday, today and forever. Thy throne is established in the heavens and Thy mercy endureth forever. Wilt Thou lift up the light of Thy countenance upon us for we are pilgrims in a strange land and unless Thou dost lead us we will lose the way. We thank Thee for the way in which Thou hast lead us in the past and humbly pray that Thou wilt continue Thy presence with us and guide us in all we do. Through Jesus Christ, our Lord. Amen.

Members Present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

Members absent—Mr. Hitchens—1.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Opposing **SB 37**; 1—Favoring **HR 4**; 1—Opposing **SB 54**; 1—Favoring **SB 69**; 2—Favoring **SB 75**; 1—Favoring **SB 76**. From: Hercules Employee Relations Committee of Hercules Powder Co., Wilmington; Business and Professional Women of Dover Del.; Mt. Pleasant P.T.A.; Camden-Wyoming Fire Company, Camden, Del.; Kent County Firemen's Association; Wilmington Chapter C.D.E.

Mrs. Davis and Mr. Webb, on motion for leave, introduced **SB 172**—"An Act to Amend Chapter 176, as Amended, Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beer by Creating a Liquor Commission Composed of Four Members, One from the City of Wilmington, One from Rural New Castle County, One from Kent County, and One from Sussex County, and Providing for the Appointment. Term of Office, Salaries and Duties of Its Members," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Cabbage, on motion for leave, introduced **SB 173**—"An Act to Amend Chapter 70 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Reformatory and Charitable Institutions' by Redefining What Shall Be Termed Cruel Treatment

of Children, Making Such Cruel Treatment a Misdemeanor, and Providing for a Penalty and Appeal," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Cabbage, on motion for leave, introduced **SB 174**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935 Relating to the Cancellation or Suspension of License for the Sale of Alcoholic Liquor, Wines and Beer, and the Disposition of Alcoholic Liquor, Wines and Beer by the Commission," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Cabbage, on motion for leave, introduced **SB 175**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935 Relating to the Cancellation or Suspension of License for the Sale of Alcoholic Liquor, Wines and Beer, and the Disposition of Alcoholic Liquor, Wines and Beer by the Commission," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Cabbage, on motion for leave, introduced **SB 176**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935 Relating to the Cancellation or Suspension of License for the Sale of Alcoholic Liquor, Wines and Beer, and the Disposition of Alcoholic Liquor, Wines and Beer by the Commission," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Dickerson, on motion for leave, introduced **SB 177**—"An Act to Amend Chapter 164, Volume 29 Laws of Delaware, Being an Act Entitled: 'An Act to Re-Incorporate the Town of Laurel,' by Giving Authority to the Mayor and Council of Laurel to Levy and Impose Annual Service Charges for the Use of Sewers in the Town of Laurel," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Phillips, on motion for leave, introduced **SB 178**—"An Act to Create a Water Pollution Commission and to Define Its Membership, Duties and Powers," which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Evans, on motion for leave, introduced **SB 179**—"An Act to Amend Chapter 237, Volume 46, Laws of Delaware, Entitled 'An Act Providing for the Payment of Pension Benefits to Certain Employees of the Mayor and Council of Wilmington, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall be Free of Attachment and Liability for State and Local Income Taxes and Non-Assignable, and Also Providing for the Reduction of Benefits under Certain Conditions,' by Decreasing the Term of Service Required, Increasing Amount of Minimum Monthly Pension Payments, Decreasing Period of Time Required for Pensions to Disabled



Employees and Increasing Amount of Minimum Disability Benefits," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Evans, on motion for leave, introduced **SB 180**—"An Act to Amend Chapter 163, Volume 32, Laws of Delaware, Entitled 'An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware, Being an Act Entitled "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington,"' as Amended by Chapter 202, Volume 37, Laws of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Klair moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:25 P. M.

The Chair recognized the presence of the Senior Class from Lord Baltimore High School and their Superintendent, Mr. C. F. Graef.

The President announced he is about to sign: **SB 60, SCR 13,** and **SCR 14.**

Mr. Burkholder, on motion for leave, introduced **SB 181**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended, Relative to Alcoholic Liquor, Wines and Beer. Prohibiting a Minor from Entering or Remaining in a Tavern, Taproom or Package Store; Providing Penalty for Violation Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Klair, on motion for leave, introduced **SB 182**—"An Act to Amend Chapter 101 of the Revised Code of Delaware, 1935, as Amended by Chapter 206 of the Laws of Delaware, 1947, in Relation to the Incarceration by the Trustees of the Ferris School for Boys in the New Castle County Workhouse of Minors Violating the Rules and Regulations of the Ferris School for Boys, Providing for Acceptance by the Warden of the New Castle County Workhouse of Boys Transferred by the Trustees; Providing Incarceration Separate from Other Prisoners; Providing Return of Boys to Ferris School for Boys and Providing Authority to Charge for Such Incarceration," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Hammond, on behalf of the Committee on Banking and Insurance to whom had been referred **SB 151** reported the same back to the Senate favorably.

Mr. Dickerson, on motion for leave, introduced **SB 183**—"An Act to Amend Chapter 182 of Volume 45, Laws of Delaware, 1944-5, Entitled, 'An Act to Re-incorporate the Town of Delmar,' by Changing the Hours for Holding the Town Election, Changing the Date on Which the Newly Elected Council and Mayor Shall Assume Their Duties and by Increasing the Limit of Taxation for General Town Purposes," which was given first

and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

On motion of Mr. Burkholder, **HB 156** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Mr. Burkholder requested that the privilege of the floor be given to Patrolman Jones and Detective Hughes.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Hitchens—1.

So the question was decided in the affirmative, and the Bill having received the required constitutional majority, was adopted and ordered returned to the House.

Mr. Reilly, on motion for leave, introduced **SB 184**—"An Act Establishing a Board of Examiners of Tile Workers; Providing for the Examination and Registration of Tile Workers; Making It a Misdemeanor to Engage in or Perform Mosaic, Terrazzo or Tile Work without First Registering as a Tile Worker; and Providing for Registration Fees and Appeals," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Powell, on behalf of the Committee on Agriculture to whom had been referred **SB 138**, reported the same back to the Senate favorably.

Mr. Reilly, on motion for leave, introduced **SB 185**—"An Act to Amend Chapter 111, Volume 32, Laws of Delaware, 1921, Relating to the Department of Public Safety for the City of Wilmington by Providing that no Director of the Said Department May Be Reappointed to Succeed Himself," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

On motion for leave, Mr. Cannon introduced **SR 23**—"Requesting a Report by the State Highway Department of the State of Delaware Concerning the Present Status of the Construction of the Delaware River Crossing and the Expenditures Therefor."

BE IT RESOLVED by the Senate of the State of Delaware that the State Highway Department of the State of Delaware be and it hereby is requested to report to the Senate within ten (10) days after the passage of this resolution, the present status of the construction of the Delaware River Crossing, the amount of money spent thereon to date, the total amount in dollars or the contracts let, and the estimated future expenditures to complete the cost of the crossing.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to send a certified copy of this resolution to the State Highway Department."

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

The question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted.

On motion for leave, Mr. Cannon, introduced **SJR 5**—"Making an Appropriation to Defray the Balance of the Expenses of the Joint Inaugural Committee incident to the Inauguration of the Honorable Elbert N. Carvel, as Governor of the State of Delaware, and for Representation of the State of Delaware at the Inauguration of the Honorable Harry S. Truman, as President of the United States."

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

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

YEAS—Messrs. Bulow, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—Mr. Burkholder—1.

ABSENT—Mr. Hitchens—1.

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.

Mr. Cannon, on motion for leave, introduced **SB 186**—"An Act to Amend Chapter 303, Volume 45, Laws of Delaware, by Providing for the Use of Net Revenues of Harness Racing Licensees for the Maintenance and Improvement of the Tracks and Buildings Owned or Leased by Such Licensee," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Bulow, on motion for leave, introduced **SS** for **SB 31**—"An Act to Amend Chapter 20 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Insurance Department,' with Reference to Reinsurance of Certain Risks in Countries Other Than the United States, Its Territories, Possessions, or the District of Columbia," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SB 8**, and returned the same to the Senate.

Mr. Burkholder moved that the Senate recess for 20 minutes. Motion prevailed.

Senate met at expiration of recess, 4:55 P. M.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Fri., Mar. 4, 1949. Motion prevailed.

### 34TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Fri., Mar. 4, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain. Rev. Thomas: All-wise and ever living God, we turn aside for a moment from the busy tasks of life to seek Thy blessing. Open Thou the eyes of our understanding; deliver us from false reasoning; reveal to us the truth and give us strength to pursue it, through Jesus Christ our Lord, Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond. Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—16.

Members absent—Mr. Webb—1.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Favoring **HB 82**; 1—Favoring **SB 8**, **SB 67**; 1—Opposing **SJR 6**. From: Howell & Schultz, Wilmington, Del.; Walter L. Fox Unit, American Legion Aux., Dover; George M. Worrilow, University of Del., Experiment Station.

### STATE OF DELAWARE Executive Department, Dover

March 2, 1949

Senator James S. Evans, Chairman  
Passed Bills Committee  
Legislative Hall  
Dover, Delaware

Dear Senator Evans:

I am hereby notifying you that **SCR 9**, **SCR 11**, and **SB 24** were signed and approved by the Governor March 2, 1949.

Very Sincerely,

CLAUDE B. PRETTYMAN

Administrative Assistant to Governor Elbert N. Carvel

James S. Evans, Chairman and all Committee.

Mrs. Davis, on behalf of the Committee on Rules to whom had been referred **SJR 6**, reported the same back to the Senate on its merits.

Mr. Rhodes, on behalf of the Committee on Public Health to whom had been referred **SB 6**, **SB 5**, **SB 7**, and **SB 81**, reported the same back to the Senate favorably.

Mr. Klair requested that **SB 98** be stricken from the Calendar. Request granted.

The President announced he is about to sign: **SB 8, HB 163, and HCR 4.**

Mr. Klair, on motion for leave, introduced **SB 187**—"An Act to Adopt State Standards of Weight and Measure and Provide for Their Certification; to Authorize Procurement of Necessary Weights, Measures, and Apparatus to Regulate Commercial Weighing and Measuring Devices; to Establish the Office and Define the Duties and Powers of the Division of Weights and Measures, to Authorize the Appointment of Inspectors, and to Create a Division of Weights and Measures in the Board of Agriculture; to Provide for the Promulgation by the Division of Rules and Regulations for the Regulation of Weighing and Measuring Devices; to Provide for the Testing, Sealing, Rejection, and Condemnation of Weighing and Measuring Devices; to Provide for the Check Weighing and Check Measuring of Packages; to Require the Marking of Packaged Commodities with Statements of Net Content; to Prohibit the Sale of Deceptive and Slack-Filled Packages; to Prescribe the Manner of Sale of Meats, Poultry, Flours, Meal, Hominy, and Grits; to Require Sale by Net Weight; to Prohibit Interference with or Impersonation of Enforcing Officers; to Prohibit the Use of False or Unsealed Weighing or Measuring Devices; to Prohibit the Disposal of Condemned Devices, the Removal of Tags from Devices, the Improper Positioning of Devices, and the Sale of Commodities in a Manner Contrary to Law; to Prohibit the Giving of Short Weight or Short Measure When Selling or the Taking of Overweight or Overmeasure When Buying; to Provide Penalties for Violations of This Act; and to Repeal All Laws in Conflict Herewith Insofar as They Might Operate in the Future," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mr. Phillips, on motion for leave, introduced **SB 188**—"An Act to Amend Chapter 104, Volume 45, Laws of Delaware, 1945, Entitled an Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be followed with respect thereto, Providing that Pension Benefits Shall Be Free of Attachment and Non-Assignable, and Also Providing for the Reduction of Benefits under Certain Conditions, by Providing the Conditions under Which 'Covered Employment' under Chapter 301, Volume 46, Laws of Delaware, 1947, Known as the 'New Castle County Employees' Retirement Act' Shall Be Combined with 'Covered Employment' under Such Chapter 104, Volume 45, Laws of Delaware, 1945, to Determine Eligibility of Employees for Pensions, and to Fix the Amount and Prescribe the Source and Method of Payment of Pensions to Employees Thereby Covered under both Chapters," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Phillips, on motion for leave, introduced **SB 189**—"An Act to Amend Chapter 301, Volume 46, Laws of Delaware, 1947, Entitled 'An Act Providing for the Payment of Pension Benefits to Certain Employees of the County of New Castle, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Liability for State and Local Income Taxes and Non-Assignable and Also Providing for the Reduction of Benefits under Certain Conditions,' by Providing the Conditions under Which 'Covered Employment' under Chapter 104, Volume 45, Laws of Delaware, 1945, Known as the 'Delaware State Employees' Pension Act' Shall Be Combined with 'Covered Employment' under Such Chapter 301, Volume 46, Laws of Delaware, 1947. To Determine Eligibility of Employees for Pensions, and to Fix the Amount and Prescribe the Source and Method of Payment of Pensions to Employees Thereby Covered under Both Chapters," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave introduced **SB 190**—"An Act to Amend Chapter 175 of the Revised Code of Delaware, tion Laws, Providing for the Re-organization of the Industrial Accident Board," which was given first and second reading, the 1935, as Amended, Relative to Delaware Workmen's Compensation by title only, and referred to the Committee on Labor.

Mrs. Davis, on motion for leave, introduced **SB 191**—"An Act Providing for the Appointment of a Commission to Revise the Public Laws of the State of Delaware and Codify and Arrange the Same; Appropriation for Expense Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mrs. Davis, on motion for leave, introduced **SB 192**—"An Act to Require Competitive Bidding in Connection with the Purchase of Supplies or the Letting of Contracts or the Construction, Alteration, or Repair of Buildings, and Providing Penalties," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SB 193**—"An Act to Require Contractors Bidding on Public Works to Name Sub-Contractors Who Will Perform Any Part of the Public Work," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SB 194**—"An Act to Create a State Board of Public Contracts and to Regulate Public Contracts Made on Behalf of the State, or of Any Sub-division or Agency Thereof, for the Erection of any Building, Structure or Edifice Financed in Whole or in Part with Public Funds," which was given first and second reading, the second by

title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SB 195**—"An Act to Provide for the Use of Voting Machines in Election, to Provide for the Method of Their Adoption and Their Acquisition, to Authorize Counties to Issue Bonds to Permit Their Purchase, to Provide for Their Handling and Care and the Method of Conducting Elections in Which They Are Used," which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mrs. Davis, on motion for leave, introduced **SB 196**—"An Act Appropriating Money to Dover Special School District to Pay the Claim of Julius Hughes for Personal Injuries," which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Reilly, on motion for leave, introduced **SB 197**—"An Act to Amend Chapter 90 of the Revised Code of Delaware, 1935. Entitled, 'Employers and Employees.' Particularly Relating to the Employment of Minors in Places Selling and Dispensing Intoxicating Liquors," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Reilly, on motion for leave, introduced **SB 198**—"An Act Proposing an Amendment to Section 1 of Article II of the Constitution of the State of Delaware, Providing for the Initiative and Referendum," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 2:45 P. M.

Mr. Burkholder moved that the Senate recess for 45 minutes. Motion prevailed.

Senate met at expiration of recess, 4:10 P. M.

Mr. Hitchens, on behalf of the Committee on Printing and Supplies to whom had been referred **HCR 5**, reported the same back to the Senate favorably.

The President announced he is about to sign: **HB 156**.

Messrs. Burkholder and Dickerson, on motion for leave, introduced **SJR 7**—"Accepting the Gift of One of the Cars Making up the Gratitude Train Sent to the United States by the People of France, Providing an Appropriation and Directing that the Said Car Be Suitably Mounted on the Grounds of the State of Delaware in Dover," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Klair, on motion for leave, introduced **SB 199**—"An Act Making an Appropriation to the Ferris School for Boys for the Purpose of Erecting a Dormitory Cottage," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

On motion of Mr. Hammond, **SB 17** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request the privilege of the floor was given to Mr. Allison.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Webb—1.

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

On motion of Mr. Hammond, **SB 151** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Webb—1.

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

Mr. Hammond requested that **SB 19** be stricken from the Calendar. Request granted.

Mr. Bulow, on behalf of the Committee on Elections to whom had been referred **SB 137**, reported the same back to the Senate favorably.

On motion of Mr. Hammond, **SB 124** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Powell, Reilly, Rhodes, Madam President Pro Tem—15.

NAYS—Mr. Phillips—1.

ABSENT—Mr. Webb—1.

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

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred **SB 172** reported the same back to the Senate favorably.

Mr. Crossley, on motion for leave, introduced **SB 200**—"An Act Appropriating the Sum of Fifty Thousand Dollars to the



Public Archives Commission for the Acquisition, by Purchase or Gift, of Additional Land in the City of Dover for the Delaware State Museum and the Restoration of Museum Buildings," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Phillips, on behalf of the Committee on Education to whom had been referred **SB 9** reported the same back to the Senate favorably.

Mr. Phillips, on behalf of the Committee on Claims to whom had been referred **SJR 3**, reported the same back to the Senate favorably.

Mr. David, on motion for leave, introduced **SB 201**—"An Act Providing for the Trapping and Otherwise Taking of Raccoons in a Part of New Castle and Kent Counties during Any Time of the Year Excepting on Sundays," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Mon., Mar. 7, 1949. Motion prevailed.

### 35TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Mon., Mar. 7, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty and eternal God, before the mountains were brought forth or ever thou hadst founded the earth and the world, even from everlasting to everlasting, thou art God. Incline thy thoughts toward us and give us strength for all the responsibilities of life. Guide us in all our tasks and give us faith with which to face them. Exempt us from no problems but grant us wisdom to solve them. May we ever seek to make thy ways our ways, through Jesus Christ our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond. Hitchens, Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Dickerson moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Opposing **SB 54**, **161**, and **180**; 3—Opposing **SB 6**; 1—Urging Senator Bulow to write the members of Congress from the State of Delaware reminding them that the State law against the closed shop constitutes a mandate to keep intact the people's right to work. From: Citizens of Wilmington, Del.; Jeanette Bennett, Wilmington, Del.; Gerrish Gassaway, Wilmington, Del.; Cecil B. de Mille, Los Angeles, California.

Mr. Hitchens, on behalf of the Committee on Buildings and

Highways to whom had been referred **SS** for **SB 96**, **SB 193**, **SB 192**, **SB 134**, and **SB 194**, reported the same back to the Senate on their merits.

Mr. Hitchens, on behalf of the Committee on Buildings and Highways to whom had been referred **SB 96**, **SB 135**, **SB 125**, **SB 166**, and **SB 167**, reported the same back to the Senate favorably.

Mr. Klair, on motion for leave, introduced **SB 202**—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935, as Amended, Relating to the Delaware Racing Commission, to Require that Eighty-Five Per Cent (85%) of the Persons Employed in Pari Mutuel Betting Shall Be Bona Fide Residents of the State of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Cannon, on motion for leave, introduced **SB 203**—"An Act to Amend an Act Entitled "An Act to Incorporate the Town of Blades,' Chapter 155. Volume 28, Laws of Delaware, 1915, by Changing the Hours of the Town Election, Changing the Qualifications of Electors and by Authorizing the Town Council to Raise the Sum of \$2,500 in Taxes and by Raising the Compensation for Attendance at a Meeting of the Town Council," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

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

**HB 4**—"An Act to Amend Chapter 92 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Signature of a Minor to Any Bonds, Other Obligations or Mortgage";

**HB 50**—"An Act Authorizing the Recorder of the State of Delaware, in and for Kent County, to Procure a Record for the Purpose of Recording Chattel Mortgages of Finance Companies in Kent County";

**HB 79**—"An Act Appropriating Certain Monies to the University of Delaware, Agricultural Experiment Station for Initiating or Expanding Research";

**HB 81**—"An Act Appropriating Certain Monies to the University of Delaware, Agricultural Extension Service, for the Purpose of Initiating or Expanding the Agricultural Extension Service";

**HB 112** with **HA 1**—"An Act Relating to Apples, Creating the Delaware State Apple Commission and Prescribing Its Powers and Duties; Promoting the Same and Consumption of Delaware Apples by Making Provisions for Campaigns of Education, Advertising Publicity, Sales Promotion and Research; Levying a Tax on Apple Production and Providing for Its Collection; Appropriating Money for the Enforcement of the Act; and Providing Penalties for Violations of the Act";

**HB 155**—"An Act to Amend Chapter 82, of the Revised Code of Delaware, 1935, as Amended, Entitled 'Weights and

Measures' by Requiring that Weights, Instruments or Devices Used to Weigh Merchandise Shall Be Visible to Both Merchant and Customer";

**HB 191**—"An Act to Amend Article 6, Chapter 21, of the Revised Code of Delaware, 1935, Relating to Anti-Hog Cholera Serum by Appropriating Money to the State Board of Agriculture to Be Used for Anti-Hog Cholera Serum and Virus and Making Provisions for Its Distribution";

**HJR 2**—"Appointing a Bill Clerk for the House of Representatives and a Bill Clerk for the Senate to Serve during the 115th Session of the General Assembly";

**HB 139**—"An Act Authorizing, Empowering and Directing the Levy Court of New Castle County to Refund Certain Overpayments of Taxes, in Connection with a Special Assessment against Certain Lands for the Construction of a Road in Brandywine Hundred, New Castle County, Delaware Known as Hillside Road";

**HB 96**—"An Act Authorizing the Levy Court of New Castle County to Appropriate County Moneys to the Holloway Terrace Volunteer Fire Co., Inc., for the Maintenance and Operation of a Motor Vehicle and Equipment for the Use of the 'Rescue Squad' in Answering Emergency Calls to Save Human Life"; and presented the same to the Senate.

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

**SB 15**—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Banks, Savings Societies and Trust Companies' with Respect to the Safekeeping of the Securities Deposited with the State Bank Commissioner";

**SJR 4**—"Appointing Directors on the Part of the State for the Farmers' Banks of the State of Delaware"; and returned the same to the Senate.

Mr. Cannon, on motion for leave, introduced **SB 204**—"An Act to Amend Chapter 110 of the Revised Code of Delaware, 1935, by Increasing the Salary of the Clerk of the Supreme Court," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Cannon, on motion for leave, introduced **SB 205**—"An Act Making an Annual Appropriation to the Clerk of the Supreme Court for Incidental Expenses of the Said Court," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Dickerson, on motion for leave, introduced **SB 206**—"An Act Regulating the Construction, Equipment, Maintenance, Operation and Inspection of Elevators; Appropriation Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Phillips, on motion for leave, introduced **SB 207**—"An Act to Amend Chapter 104, Volume 45, Laws of Delaware, 1945 as Amended, Known as 'The Delaware State Employees

Benefit Act,' by Adding to the Definition of 'Covered Employment' Employment for a State Agency Supported Wholly or in Part by Funds Granted to the State by the Federal Government without Obligation on the Part of the State," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Phillips, on motion for leave, introduced **SB 208**—"An Act Creating a Centralized Department of Labor and Industrial Relations to Administer the Labor Laws of Delaware, in Charge of a Commissioner of Labor and Industrial Relations; Transferring the Industrial Accident Board, the Unemployment Compensation Commission and the Board of Boiler Rules to the Department of Labor and Industrial Relations and Re-Allocating Certain of Their Functions; Abolishing the Labor Commission of Delaware and Transferring Its Functions to the Department of Labor and Industrial Relations; Establishing a Mediation Board and an Advisory Committee on Labor Standards within the Department of Labor and Industrial Relations; Imposing Duties on Employers with Respect to Record Keeping; Defining Powers of the Said Commissioner Respecting the Collecting of Wage Claims, and Inspection and Investigation; Repealing Chapter 38, Revised Code of Delaware, 1935; and for Other Purposes," which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Cannon, on motion for leave, introduced **SB 209**—"An Act to Amend 4246. Sec. 12. of Chapter 108 of the Revised Code of Delaware, 1935, as Amended by Chapter 221 of Volume 43, Laws of Delaware, 1941, by Increasing the Annual Appropriation for the Compensation of Reporters, Stenographers, Office Supplies and Equipment of the Law Courts of This State," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Cannon, on motion for leave, introduced **SB 210**—"An Act Authorizing the Secretary of State to Procure a New Press and Seal of Office and to Make Provision for the Custody and Use of the Present Seals," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3 P. M.

Lt.-Gov. Bayard welcomed the 4-H Clubs of our State in observance of National 4-H week.

Mr. Dickerson, on motion for leave, introduced **SB 211**—"An Act for the Protection and Conservation of Shad in the Delaware River and Bay and Their Tributaries by Regulating the Take or Catch Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mrs. Davis, on motion for leave, introduced **SB 212**—"An Act to Regulate the Practice of General Contracting in the State

of Delaware; Creating and Establishing a State Licensing Board for General Contractors; Providing for the Appointment of Said Board and Its Issuance of Licenses to General Contractors and Providing for the Revocation by Said Board of Said Licenses under Certain Circumstances; Authorizing the Fixing of Reasonable Fees to Be Paid by General Contractors for the Purpose of Defraying the Cost of Administering This Act; Providing for Court Review of Adverse Rulings of Said Board; Defining the Term General Contractor, as Herein Used; Providing for the Application and Licensing of General Contractors by the Said Board; Prohibiting Engaging in Business as a General Contractor without First Complying with the Provisions of This Act. and Providing for Certain Exemptions to Contractors in Submitting Bids or Proposals to Construct Highways. Highway Bridges, Over-Passes, or Any Project Incidental to the Construction of Such Highway Project When Such Projects Are Federal Aid Projects," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SJR 8**—"Authorizing the Conveyance unto James M. Satterfield of a Right-of-Way across Lands of the State of Delaware in the City of Dover Running from Lands of James M. Satterfield to Court Street in Said City, in Exchange for the Right-of-Way Presently Held by the Said James M. Satterfield across Other Lands of the State of Delaware in the City of Dover," which was given first and second reading, the second by title only, and referred to the Committee on Public Lands.

Mr. Reilly, on motion for leave, introduced **SB 213**—"An Act to Regulate and Control the Barber Shop Business, Conferring upon the Board of Examiners of Barbers Powers and Jurisdiction with Relation Thereto; Defining Such Powers, Jurisdiction and Duties; Authorizing the Said Board to Approve Price Schedules and to Make Orders Fixing Minimum Prices for Barber Services; Providing for Judicial Review of Such Acts of Said Board; Providing Penalties for the Violation of This Act," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Reilly, on motion for leave, introduced **SB 214**—"An Act to Provide for an Inter-Racial Commission, Prescribing Its Duties and Making an Appropriation Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Messrs. Bulow and David, on motion for leave, introduced **SB 215**—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Fish, Oysters and Game,' Permitting the Hunting of Red Fox with Dogs on Sunday," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Bulow, on motion for leave, introduced **SB 216**—"An Act to Amend Chapter 104 of Volume 45, Laws of Delaware,

1944-45, Entitled 'An Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Non-Assignable, and Also Providing for the Reduction of Benefits under Certain Conditions,' as Amended, Providing that after Three Years' Service, upon Return to Said or Similar Employment within the Term of One Year Thereafter, the Full Term of Employment Shall Be Considered 'Covered Employment,'" which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Sergeant-at-Arms announced the Secretary of State with a message from the Governor as follows:

STATE OF DELAWARE  
Executive Department

March 7, 1949

To the Honorable Members of the Senate of the  
115th General Assembly:

Gentlemen:

I desire to deliver to you a very important message at a Joint Session of the Senate and the House of Representatives at 12:00 Noon on Wednesday, March ninth.

Respectfully,  
ELBERT N. CARVEL  
Governor of Delaware

Mr. Bulow, on motion for leave, introduced **SB 217**—"An Act to Prevent and Eliminate Practices of Discrimination in Employment and Otherwise against Persons Because of Race, Creed, Color or National Origin, to Create a State Commission to Effect Such Prevention and Elimination, Defining Its Functions, Powers and Duties and Making an Appropriation for the Compensation of Its Officers, Employees, and Expenses," which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Bulow, on motion for leave, introduced **SB 218**—"An Act Providing for the Creation of a Department of Purchasing for the State of Delaware; Its Powers and Duties and Appropriation Thereto," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Messrs. Powell and Reilly, on motion for leave, introduced **SB 219**—"An Act to Supplement Chapter 75, of the Revised Code of Delaware, 1935, as Amended, Relating to the Public Welfare, by Providing Aid to Helpless Cripples," which was

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

Messrs. Powell and Reilly, on motion for leave, introduced **SB 220**—"An Act to Amend Chapter 39 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Mothers' Pension Commission,' Providing that Earnings of Families Shall Not Be Deducted from Assistance Received Where Such Earnings Are Being Used to Pay Debts or Obligations Incurred Prior to the Receipt of Such Assistance or in Case of Emergency or Hardship," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HJR 2**, and **HB 155**, which were given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HB 4**, and **HB 50**, which were given first and second reading, the second by title only, and referred to the Committee on Judiciary.

The Chair presented **HB 79**, **HB 81**, **HB 96**, and **HB 191**, which were given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HB 112** and **HA**, which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

The Chair presented **HB 139**, which was given first and second reading, the second by title only, and referred to the Committee on Claims.

On motion for leave, Mr. Burkholder introduced **SCR 16**—"Providing for a Joint Session to Hear the Message of the Governor."

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

The question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted, and ordered to the House for concurrence.

On motion of Mr. Phillips, **SB 53** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

**YEAS**—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Rhodes, Madam President Pro Tem—10.

**NAYS**—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Reilly, Webb—7.

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

On motion of Mr. Powell, **SB 65** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Burkholder. **SB 93** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Mr. Burkholder moved that action be deferred on **SB 93**, for purpose of Amendment.

The President announced he is about to sign: **SB 15**, and **SJR 4**.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following, **SCR 16**, and returned the same to the Senate.

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

**HB 85**—"An Act Authorizing the Levy Court of Sussex County to Appropriate County Monies for the Control of Diseases of Hogs in Sussex County";

**HB 121**—"An Act to Amend Chapter 163, of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Racing Commission,' by Providing for Representation of Each County upon the Said Commission"; and presented the same to the Senate.

Mr. Bulow moved that the Senate recess for 10 minutes. Motion prevailed.

Senate met at expiration of recess, 5:15 P. M.

Mr. Burkholder, on motion for leave, introduced **SB 221**—"An Act Creating a Delaware State Development Department, Defining Its Powers and Duties and Making an Appropriation Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

On motion of Mr. Powell, **SB 95** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative, and the Bill



having received the required constitutional majority, was adopted and ordered to the House for concurrence.

The Chair presented **HB 85**, which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder, on motion for leave, introduced **SS** for **SB 93**, which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

On motion of Mr. Klair, **SB 110** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder,, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Bulow—1.

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

The Chair presented **HB 121**, which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

On motion of Mr. Powell, **SB 104** was taken up for consideration, and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Bulow, **SB 147** with Mrs. Davis' Amendment Sec. 1, was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—Mr. Powell—1.

NOT VOTING—Mr. Reilly 1.

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

On motion of Mr. Bulow, **SB 147**, as amended: Shall action

be deferred on **SB 147** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Hitchens, Klair, Powell, Reilly, Webb—10.

NAYS—Messrs. Bulow, Burkholder, Evans, Hammond, Klair, Phillips, Rhodes, Madam President Pro Tem—7.

Action deferred.

Mr. Klair changed from Nay to Yea.

Mr. Bulow moved that the Senate adjourn until 12 noon, Wed., Mar. 9, 1949. Motion prevailed.

### 36TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Wed., Mar. 9, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Oh Thou, who art the help of all who come to thee; the hope of all who trust thee. Give us clear minds and quiet faith. Enlarge our sympathies and make us sensitive to human needs. Guide us by thy spirit in all our ways and grant us thy peace. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 138—Urging Mr. Evans as Chairman of the Senate Labor Committee to report out bill calling for the repeal of **HB 212**; 1—In favor of **HB 134**; 1—Favoring **SB 147**; 1—Opposing **SJR 6**; 1—Opposing **SB 54**, **SB 180**, and **SB 161**; 1—Favoring **HB 298**. From: Pencader Grange No. 60, Newark, Del.; American Legion, Dept. of Delaware; Reverend Howell C. Wilkins, Whatcoat Church, Camden; Reverend and Mrs. B. F. Thompson, Dover, Del.; Jesslyn G. Barney, Wilmington, Del.; William Penn School, P.T.A., New Castle; Cecilia Wisniewski, Wilmington, Del.

### JOINT SESSION

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives.

The Chair directed the Sergeant-at-Arms to admit the Speaker and Members of the House of Representatives.

Mr. Burkholder moved that the President of the Senate preside at the Joint Session. Motion prevailed.

The President of the Joint Session invited the Speaker of the House to come to the Rostrum. The invitation was accepted.

The President of the Joint Session invited the President Pro Tem of the Senate to come to the Rostrum. The invitation was accepted.

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

Mr. Burkholder moved that a Committee be appointed to notify the Governor that the Joint Session is organized and ready to receive any message he may care to convey and to escort the Governor to the Senate Chamber. Motion prevailed.

The Chair appointed Messrs. Rhodes, Burkholder, Dickerson and Cannon of the Senate.

The Sergeant-at-Arms announced His Excellency, The Honorable Elbert N. Carvel, Governor of the State of Delaware.

The Governor of the State of Delaware was escorted to the Rostrum and was seated.

The Governor delivered the following Special Budget Message.

## SPECIAL BUDGET MESSAGE

OF

HONORABLE ELBERT N. CARVEL

Governor of Delaware

TO THE

ONE HUNDRED AND FIFTEENTH GENERAL ASSEMBLY

OF THE STATE OF DELAWARE

CONVENING IN REGULAR SESSION AT DOVER ON

WEDNESDAY, THE NINTH DAY OF MARCH

NINETEEN HUNDRED AND FORTY-NINE

## GOVERNOR'S MESSAGE

Members of the One Hundred and Fifteenth General Assembly of the State of Delaware:

I have requested you to meet together in Joint Session for the purpose of acquainting you with the serious financial problem facing our State. I do not intend to review in detail our past financial history. It will suffice for our purposes here today to refer to the fact that on June 30, 1946 our State had an available cash balance of \$13,766,003.64. On June 30, 1948 this balance had been reduced to \$10,459,385.02. According to the latest figures available in the Permanent Budget Commission, the available cash balance as of June 30, 1949 will be \$7,000,000.00.

It is apparent from the fact of our annually dwindling surpluses that we have been paying a substantial part of ordinary expenses from accumulated reserves and not from current revenue. It is my firm belief that it is unsound financial policy to fail to meet current obligations from current revenues. My purpose in addressing this message to you today is to propose ways and means to bring expenditures into a proper relation to income.

It is necessary, in order to do this, to estimate as accurately as possible our income and expenditures for the period commencing July 1, 1949. For the purpose of this discussion, I think it is reasonable to assume that the Budget Appropriation Bill will provide for at least the recommended appropriations. This amount is \$17,792,138.03 for the fiscal year ending June 30, 1950; however, to properly estimate probable total state expenditures for this fiscal year, we must add to the budget appropriation amount, additional sums which past experience indicates will be appropriated by this Legislature, for the fiscal year ending June 30, 1950. These additional amounts are: \$1,000,000 for the Emergency Fund; \$1,074,000 for Delayed School Repairs; \$780,500 for various Deficiency Appropriations; \$1,600,000 of Supplemental Appropriations; \$380,000 for annual carrying charges on State assumed County Road Bonds; \$175,000 for Legislative Expenses; and approximately \$1,400,000 to pay teachers' salaries. These sums, together with the amount of expected budget appropriations, approximate the total sum of \$24,200,000 necessary to be expended by the State for the fiscal year ending June 30, 1950. May I again emphasize that this sum represents only State appropriations which past experience shows may reasonably be expected to recur annually in the future.

To provide for the payment of this total amount, estimated revenues for the fiscal year ended June 30, 1950 are only \$16,532,603.61, or an excess of expenditures over receipts of \$7,667,396.39. The result will be, in the event no increase in revenue is provided, that the State will have to use all of its surplus, and that as of June 30, 1950, a deficit of \$667,393.39 will result. Actually, the hearings now going on before the Joint Legislative Finance Committee of this Assembly will probably result in an increase of the recommended budget appropriation.

I might add that the figures I have quoted to you today on State expenditures are not exaggerated. They are based on the latest and best information made available to me by the accountants of the Permanent Budget Commission, the State Treasurer's Office, the State Auditor's Office and the State Tax Department.

There are pending in the General Assembly a number of bills which would authorize the issuance of State bonds to make a number of different capital improvements. I have carefully examined all of these bills and proposals. I have, on the basis of the information available, estimated that such bond issues will probably approximate a total of \$25,000,000 to be retired within the next twenty-five years. I have had an estimate made

of the total yearly carrying charges for such bonds. It is estimated that approximately \$1,750,000 will be required annually to meet interest payment and sinking fund requirements. Accordingly, if the revenue of the State is not materially increased, the State's deficit as of June 30, 1950 will be increased by the amount necessary to pay carrying charges on such bonds as this Assembly will authorize.

I will not further burden you with figures, but I can state categorically that a deficit of approximately the same amount can be foreseen for the fiscal year ending June 30, 1951, unless additional revenue is provided.

It is a generally accepted principle that a working balance in the State Treasury is required to run the State Government. This is required because of the sporadic nature of the State's revenue. This figure is generally agreed upon as the sum of \$3,500,000. Obviously, we must have more revenue if this balance is to be maintained.

In the figures I have quoted to you today, there is no item which can be rejected without serious curtailment of the present functions of the State. We cannot continue to live beyond our means. We must have a sound fiscal policy to insure the continuance of the State functions. This means simply that annually recurring expenses must be paid from annually recurring revenue.

In order to meet this serious financial problem. I have conferred with the various State Departments and Agencies concerned, and have formulated a plan for raising the required revenue to meet our prospective obligations. Very shortly, on behalf of my administration, bills will be presented to you to put into effect the proposed revenue-raising plan I am about to outline.

Since we have estimated a total annual expenditure of \$24,200,000, and a total State Revenue of approximately \$16,500,000 annually from which to pay it, the State will need in the future additional revenue in the approximate annual amount of \$7,600,000, plus such sums as will be required to pay the carrying charges on new bonds issued as a result of authorization to be made by this Assembly. \$1,750,000 is estimated as the amount required to pay the annual charges on a total bond issue of \$25,000,000. Accordingly, the total amount of approximately \$9,000,000 annually will be required for future State operations.

The first revenue-raising measure I desire to recommend for your favorable consideration is a gross income tax on all income in excess of \$1,040 a year. This tax I recommend be graduated as follows: on that part of taxable income up to \$3,000, one percent annually; on that part of taxable income in excess of \$3,000, but less than \$10,000, two percent annually; and on that part of taxable income in excess of \$10,000, three percent annually.

I have received from the State Tax Department information

that such a tax would add approximately \$5,000,000 a year to the State's revenues.

The second revenue-raising measure I recommend for your favorable consideration is to double the present spirits tax. I have received estimates that this measure will produce additional revenue to the State in the amount of \$676,000 annually.

I recommend for you favorable consideration changing the automobile registration fees as follows: increase the registration fees on motorcycles to \$8.00 per year; increase the registration fees on passenger cars to \$12.00 per year, and increase the registration fees on commercial vehicles to provide a fee of \$2.00 per 500 pounds of weight up to 5,000 pounds, and to provide a fee of \$3.00 per 500 pounds of weight in excess of 5,000 pounds. I am informed that these proposed changes in registration fees will produce additional revenues to the State in the amount of \$462,000.00.

I recommend for your favorable consideration increasing the tax on gasoline to 5 cents per gallon, an increase of 1 cent per gallon. I am informed that this measure will produce additional revenue to the State in the amount of \$736,000 annually.

I recommend for your favorable consideration levying a tax of 2 cents per package of 20 cigarettes on each pack of cigarettes sold in the State of Delaware. I am informed that this measure will produce an increase in revenue to the State of \$700,000 annually.

The revenue-raising measures I have proposed to you will result in a minimum increase in revenue to the State of \$7,574,000 annually. This sum fails to meet the estimated excess of expenditures over revenue of June 30, 1950 by approximately \$1,500,000. I am advised that this amount may safely be taken from the surplus of the State and still leave ample working capital in the State Treasury to run the government of the State.

It is never pleasant to impose additional taxes upon the people. The people of Delaware, however, have made it plain that they expect the State to supply certain services. These services cannot be furnished without the necessary funds. However reluctant I personally may be to impose additional burdens on our people, I consider it my duty as their chosen executive to meet the situation frankly, and as I believe they would have me meet it. I ask the members of this Assembly to seek the solution of our joint problem in the same spirit.

Respectfully submitted,

ELBERT N. CARVEL

Governor

After delivering his message, the Governor was escorted from the Senate Chamber by the Committee previously appointed.

Mr. Burkholder moved that the Secretaries of the Joint Session compare Journals. Motion prevailed.

The Secretary of the Senate announced that the Secretaries had compared their Journals and found them to agree.

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

The Speaker and the House of Representatives retired to the House Chamber.

STATE OF DELAWARE  
Executive Department, Dover

March 8, 1949

Senator James S. Evans, Chairman  
Passed Bills Committee  
Legislative Hall  
Dover, Delaware

Dear Senator Evans:

I am hereby notifying you that **SCR 1, SCR 2, SCR 3, SCR 4, SCR 5, SCR 6, SCR 7, SCR 8, SCR 10, SCR 12, SCR 13, SCR 14, SJR 1, SB 8 and SB 60**, were signed and approved by the Governor Mar. 7, 1949.

Very sincerely,

CLAUDE B. PRETTYMAN

Administrative Assistant to Governor Elbert N. Carvel

James S. Evans, Chairman and all Committee.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following: **HCR 9**—"Extending the Sympathy of the House of Representatives and of the Senate to Honorable George R. Clark, Who Was a Member of the House of Representatives and of the Senate of the State of Delaware," and presented the same to the Senate.

Mr. Evans, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following: **SB 8, SB 60, SJR 1, SB 24, SCR 9, SCR 11, SCR 1, SCR 2, SCR 3, SCR 4, SCR 5, SCR 6, SCR 7, SCR 8, SCR 10, SCR 12, SCR 13, and SCR 14.**

Mr. Bulow, on motion for leave, introduced **SB 222**—"An Act Authorizing Any Ditch or Drain Company in Sussex County to Turn Over to the State Highway Department the Care and Maintenance of All Ditches in Sussex County Coming under Its Supervision; Directing State Highway Department Thereafter to Care for and Maintain Said Ditches; Appropriation Therefor,"

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

Messrs. Bulow and Dickerson, on motion for leave, introduced **SB 223**—"An Act to Amend Chapter 116 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Juvenile Delinquents and Probation—' Article 4; Creating a Separate Judgeship and Staff for the Juvenile Court of Kent and Sussex Counties, Providing Salaries Therefor, and Re-Defining the Jurisdiction and General Purpose of Said Court," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 224**—"An Act Authorizing the State Board of Health to Construct and Equip a New Laboratory and Health Center Building and Appropriating Two Hundred and Seventy-Five Thousand Dollars (\$275,000.00) Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mrs. Davis, on motion for leave, introduced **SS for SB 190**—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Relative to Delaware Workmen's Compensation Laws, Providing for the Re-organization of the Industrial Accident Board," which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. David, on motion for leave, introduced **SB 225**—"An Act to Amend Chapter 156 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fees of Public Officers,' to Provide for an Increase in the Compensation of Grand, Petit or Special Jurors," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Klair, on motion for leave, introduced **SB 226**—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935, as Amended, Relating to the Delaware Racing Commission, by Providing that the Odd Cents of All Redistributions to Be Made on All Pari-Mutuel or Totalizator Pool Contributions Exceeding the Next Lowest Multiple of Five Shall Be Paid to the State of Delaware Rather Than Allowed to the Operator of a Race Meeting," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Phillips, on motion for leave, introduced **SB 227**—"An Act Making Appropriations to the State Board of Education, to Certain Boards of Education, and to Certain Boards of School Trustees to Provide for the Payment of Costs and Expenses Over and Above the Present Appropriations Available to the State Board of Education, Said Boards of Education and Boards



of School Trustees for Such Purposes," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Klair moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:35 P. M.

The Chair presented the following communication:

STATE OF DELAWARE  
STATE HIGHWAY DEPARTMENT

Dover, Delaware, March 9, 1949

Hon. Alexis I. du Pont Bayard  
President of the Senate  
Legislative Hall  
Dover, Delaware

Dear Sir:

In accordance with Senate Resolution No. 23, concerning the present status of the construction of the Delaware River Crossing and the expenditures therefor, we are submitting the Secretary's Financial Statements, as of March 1, 1949, containing the following:

Balance Sheet  
Total Construction Cost to Date  
Statement of Unfinished Contracts

In addition to the above you will find attached a draft of the Status of Construction, and the estimated future expenditure to complete the cost of the said Project.

Any further information desired can be secured upon request without a Resolution.

Respectfully submitted,  
ERNEST MUNCY  
Secretary

DRAFT  
STATUS OF CONSTRUCTION

All contracts for the bridge structure itself have been awarded with the exception of the concrete roadway, final painting, anchorage tops, and fender system.

Work of this magnitude requires the assembly of large

quantities of equipment and materials, and extensive detailed planning and preparation.

The Merritt-Chapman & Scott Corporation, contractor for all the river piers and foundations, has approximately two-million-dollars worth of equipment at the site, and have started on the permanent construction of three of the approach river piers. The steel sheet piling for the cofferdams at Piers W1 and W2 have been driven, and the driving of the steel sheet piling for the cofferdam at Pier W3 is practically completed. The dredging inside of the cofferdam at Pier W1 is substantially completed, and very shortly it will be possible to start driving timber piles within this cofferdam. Work on the additional river piers should continue without interruption from now on and at a gradually increasing rate of progress.

The Merritt-Chapman & Scott Corporation is also continuing with the fabrication of cutting edges and upper portions of the caissons for the two tower piers and the west anchorage at the yard of the New York Shipbuilding Company at Camden, New Jersey. This work is progressing with increasing speed, and the next month should show one of these caissons about ready for launching, with another to follow shortly thereafter.

The contractor for the approach piers on the New Jersey shore has brought in and set up his equipment for driving test piles, with such piles delivered at the site. A field office is under construction also. Arrangements for the relocation of the railway spur which cuts across the east approach road have been completed, and the rebuilding of this spur on a location to allow it to pass between the piers for the open structure near the power plant of the Philadelphia Electric Company will be under way this next month.

Unusually wet ground has prevented completion of the approach embankment across the marsh on the Delaware side of the river. However, work on this embankment was resumed toward the end of the month, and this work should be completed in a relatively short time with good working conditions. The contractor for the approach land piers on the Delaware side has been held up from driving test piles because of the delayed embankment work, but other preparatory work is under way so that good progress should come with good weather.

Following the award of the superstructure steel contracts to the American Bridge Company, rapid progress has been made toward the preparation of shop drawings and the writing of mill orders by the American Bridge Company. Shop drawings for the fabrication of steel by this contractor are already being delivered to the consulting engineers for checking and approval in very large volume. Work under these superstructure steel contracts is moving forward with least possible delay.

THE DELAWARE MEMORIAL BRIDGE  
PROJECT ESTIMATE

SUBSTRUCTURE—Abutment to Abutment

Borings .....	\$ 33,206.28	
Tower Piers and Anchorage		
Bases .....	11,494,586.00	
Approach River Piers .....	1,291,240.00	
Approach Land Piers .....	1,319,170.00	
West Approach Embankment..	22,500.00	
Anchorage Blocks .....	1,830,000.00	
*Anchorage Tops .....	985,000.00	
*Fenders .....	250,000.00	
		<hr/>
Main Bridge — Total Substructure Cost		
(Incl. Granite Facing) .....		\$17,225,702.28

SUPERSTRUCTURE—Abutment to Abutment

Tower & Suspended Steel .....	\$ 6,119,300.00	
Cables & Suspenders .....	2,311,985.00	
Approach Superstructure Steel	5,299,805.00	
*Field Painting .....	350,000.00	
*Concrete Deck .....	991,000.00	
*Additional for Roadway & Navigation Lights & Elevators...	50,000.00	
		<hr/>
Main Bridge—Total Superstructure Cost		\$15,122,090.00

PAVED EMBANKMENT APPROACHES  
and MISCELLANEOUS

*West Approach to New Castle Road .....	\$ 373,000.00	
*Bridge over Pennsylvania Railroad .....	200,000.00	
*Toll Plaza and Facilities .....	150,000.00	
*East Approach to U.S. Highway No. 130 .....	156,000.00	
		<hr/>
Total for Approaches .....	\$ 879,000.00	
ENGINEERING—6% .....		1,993,600.00
Real Estate, Utilities, Administration, Contingencies, Net Interest During Construction, Ferry Purchases, etc. ....		\$ 4,779,607.72
		<hr/>
Total Estimated Cost .....		\$40,000,000.00

NOTES:—\*Contracts to be awarded.

From the above it is seen that there are at present construction contracts totaling \$29,721,792.28, while construction contracts yet to be entered into amount to \$3,505,000.00, or a total contractual cost of \$33,226,792.28. Engineering costs totaling \$1,993,600 will also be incurred. Real Estate, Utilities, Administration, Contingencies, Net Interest During Construction, Ferry Purchase, etc., will require the remaining \$4,779,607.72 of the total \$40,000,000 bond issue.

Mr. Burkholder moved that the Director of Legislative Reference Bureau have copies made for each Senator by Friday, March 9, 1949, and placed on their desks. Motion prevailed.

Mr. Bulow, on behalf of the Committee on Fish, Oysters and Game to whom had been referred, **SB 215**, reported the same back to the Senate favorably.

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred **SB 176**, **SB 175**, and **SB 174**, reported the same back to the Senate favorably.

The President announced he is about to sign: **SCR 16**.

On motion of the Chair, **HCR 9** was taken up for consideration in order to pass the Senate.

On the question, "Shall the Resolution be adopted?" by acclamation, 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. Dickerson, **SB 112** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Bulow—1.

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

On motion of Mr. Dickerson, **SB 111** was taken up for consideration and read a third time, by paragraphs, in order to pass Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Rhodes, **SB 119** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS — Messrs. Bulow. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Powell, **SB 123** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS — Messrs. Bulow. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond. Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

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

**HB 71**—"An Act to Amend Chapter 100 of the Revised Code of Delaware, 1935. as Amended, Entitled 'General Provisions Respecting the Police' with Reference to the Deposit of Refuse and Other Material on Real Property Both Public and Private";

**HB 65**—"An Act to Appropriate Certain Funds to the State Board of Education for the Construction and Equipment of a Comprehensive High School in Sussex County for Negro Pupils, in Lieu of an Appropriation Made in A. D. 1941, and Repealing the Provision of Law Making Said Prior Appropriation";

**HB 116**—"An Act to Amend Chapter 303, Volume 45, Laws of Delaware, as Amended. Entitled, 'An Act to Provide for the Regulation, Control and Licensing of Harness Horse Racing in the State of Delaware, with Reference to the Membership of the Delaware Harness Racing Commission, the Awarding of Dates for Harness Horse Racing in the State of Delaware, and Changing Certain Words in Said Act';

**HB 162**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Requiring Motor Vehicles to Stop at Highways"; and presented the same to the Senate.

On motion of Mr. Bulow, **SB 131** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Bulow, **SB 132** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Mr. Klair moved that action on **SB 132** be deferred.

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

YEAS—Messrs. Cannon, Crossley, Cabbage, David, Dickerson, Klair, Reilly, Webb—8.

NAYS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

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

Mr. Bulow moved that **SB 132** be taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—Mr. Klair—1.

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

On motion of Mr. Dickerson **SB 141** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Bulow—1.

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

On motion of Mr. Dickerson, **SB 142** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

Mr. Burkholder moved that the Senate recess 15 minutes until 4:55 P. M. Motion prevailed.

Senate met at expiration of recess, 5 P. M.

Mr. Bulow, on motion for leave introduced **SS** for **SB 147**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Alcoholic Liquor, Wines and Beer,' by Restricting the Number of Outlets or Establishments at Which Any One Person, Firm, Association, or Corporation May Be Issued a License for the Sale of Alcoholic Liquor, Wines and Beer," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

On motion of Mr. Burkholder, **HCR 5** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Resolution be adopted?" the question was decided in the affirmative, and the Resolution having received the required constitutional majority was adopted by acclamation and ordered returned to the House.

Mr. Phillips, on motion for leave introduced **SS** for **SB 32**—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Relative to Income Taxes," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 228**—"An Act Appropriating Certain Money for the Construction and Equipment of a New State Armory in the Town of Dagsboro or in the Vicinity Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Hammond, on motion for leave, introduced **SB 229**—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Banks, Savings Societies and Trust Companies' by Adding a New Article to Said Chapter to Be Designated Article 12 with Reference to Money Forwarders by Regulating the Business of Such Money Forwarders and Pre-

scribing the Duties and Authority of the State Bank Commissioner with Respect Thereto," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mr. Hammond, on motion for leave, introduced **SB 230**—"An Act to Amend Chapter 173 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Sales Contracts,' to Define and Provide for the Regulation of Retail Installment Sales in the Amount of or of the Value of Three Thousand Dollars (\$3,000.00) or Less and to License and Regulate Sales Finance Companies," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mrs. Davis, on motion for leave, introduced **SB 231**—"An Act to Amend Chapter 49 of the Revised Code of Delaware, 1935, as Amended, with Respect to Examinations by Physicians; Payments for Such Examinations and Fees as Expert Witnesses," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Crossley, on motion for leave, introduced **SB 232**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935 Relating to Alcoholic Liquor, Wines and Beer, as Amended by Chapter 275, Volume 43, Laws of Delaware, in Reference to Licenses," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Bulow moved that Senate Rule be suspended and **SS** for **SB 147** be taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

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

On motion of Mr. Bulow, **SS** for **SB 147** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Reilly, Rhodes, Webb. Madam President Pro Tem—15.

NAYS—Messrs. Hitchens, Powell—2.

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



FINANCIAL STATEMENTS  
DELAWARE MEMORIAL BRIDGE  
DELAWARE CROSSING DIVISION  
AS OF MARCH 1, 1949

CERTIFICATION

I, Ernest Muncy, the duly elected, qualified and acting Secretary of the State Highway Department of the State of Delaware, do hereby certify that the attached statements are true and correct according to the records of this office.

ERNEST MUNCY  
Secretary

Dover, Delaware  
March 1, 1949

BALANCE SHEET  
DELAWARE MEMORIAL BRIDGE  
DELAWARE CROSSING DIVISION  
AS OF MARCH 1, 1949

(Exhibit A)

ASSETS	
CURRENT ASSETS	
Equitable Trust Company (Trustee) .....	\$37,826,798.42
Investments (Cost Value) .....	\$36,749,105.45
Cash .....	1,077,692.97
Delaware Memorial Bridge Revolving Fund	384,857.72
TOTAL CURRENT ASSETS .....	\$38,211,656.14
CAPITAL ASSETS	
Construction Cost in Progress .....	2,244,964.85
TOTAL ASSETS .....	<u>\$40,456,620.99</u>
LIABILITIES AND CAPITAL	
CAPITAL LIABILITIES	
Bonded Debt and Authorization .....	\$40,000,000.00
CAPITAL	
Profit on Sale of Bonds .....	\$ 200,000.00
Trustee's Income Account (Earnings Net) .....	256,620.99
TOTAL CAPITAL .....	456,620.99
TOTAL LIABILITIES AND CAPITAL .....	<u>\$40,456,620.99</u>
NOTE: Contractural Liability— <u>\$29,395,506.39</u>	

CONSTRUCTION COST IN PROGRESS STATEMENT  
DELAWARE MEMORIAL BRIDGE  
DELAWARE CROSSING DIVISION  
AS OF MARCH 1, 1949

(Exhibit B)

	Previous Transactions	Month of February Transactions	Totals To Date
DISBURSEMENTS AND OTHER DEBITS			
<i>Salaries and Wages</i>			
Salary of Director (Reybold)	\$ 37,499.94	\$ —	\$ 37,499.94
Engineering Services, Howard, Needles, Tammen & Bergendoff .....	559,674.58	360,441.11	920,115.69
Aero Service Corporation ..	3,770.00	—	3,770.00
Coverdale and Colpitts ....	15,000.00	—	15,000.00
Legal Fees .....	55,666.26	—	55,666.26
Equitable Trust Company (Trustee) .....	29,274.73	—	29,274.73
Miscellaneous .....	16,286.71	1,219.63	17,506.34
Total Salaries and Wages .....	<u>\$717,172.22</u>	<u>\$361,660.74</u>	<u>\$1,078,832.96</u>
<i>Office Expense</i> .....	<u>9,313.84</u>	<u>983.82</u>	<u>10,297.66</u>
<i>Travel</i> .....	<u>537.20</u>	<u>—</u>	<u>537.20</u>
<i>Operation</i> .....	<u>566.47</u>	<u>5.00</u>	<u>571.47</u>
<i>Repairs and Replacements</i> ....	<u>21.00</u>	<u>—</u>	<u>21.00</u>
<i>Equipment</i> .....	<u>6,786.77</u>	<u>1,231.90</u>	<u>8,018.67</u>
<i>Other Costs</i>			
Interest on Bond Issue .....	800,000.00	—	800,000.00
Acquisition of Property .....	300.00	—	300.00
Contract #1—Sprague & Henwood, Inc. ....	33,206.28	—	33,206.28
Contract #2—Merritt, Chapman & Scott Corporation..	271,177.73	29,244.38	300,422.11
Contract #21—Citro & Son, Inc. ....	3,037.50	—	3,037.50
Contract #3A—Merritt, Chapman & Scott Corporation..	—	9,720.00	9,720.00
Total Other Costs .....	<u>\$1,107,721.51</u>	<u>\$ 38,964.38</u>	<u>\$1,146,685.89</u>
TOTAL CONSTRUCTION COST TO DATE .....	<u><u>\$1,842,119.01</u></u>	<u><u>\$402,845.84</u></u>	<u><u>\$2,244,964.85</u></u>

STATEMENT OF UNFINISHED CONTRACTS  
DELAWARE MEMORIAL BRIDGE  
DELAWARE CROSSING DIVISION  
AS OF MARCH 1, 1949

(Exhibit C)

Contract Number	Contract Amount	Payments	Balance Outstanding
None The Haller Testing Laboratories, Inc. ....	\$ 20,100.00	\$ —	\$ 20,100.00
2 Merritt, Chapman & Scott Corporation ....	11,494,586.00	300,422.11	11,194,163.89
3A Merritt, Chapman & Scott Corporation ....	1,291,240.00	9,720.00	1,281,520.00
3B The Conduit & Foundation Corporation .....	609,520.00	—	609,520.00
3C Lewis and Bowman....	709,650.00	—	709,650.00
3D Merritt, Chapman & Scott Corporation ....	1,830,000.00	—	1,830,000.00
4 The American Bridge Company .....	6,119,300.00	—	6,119,300.00
5 The American Bridge Company .....	2,311,985.00	—	2,311,985.00
6 The American Bridge Company .....	5,299,805.00	—	5,299,805.00
21 Citro & Son, Inc. ....	22,500.00	3,037.50	19,462.50
<b>TOTALS .....</b>	<b><u>\$29,708,686.00</u></b>	<b><u>\$313,179.61</u></b>	<b><u>\$29,395,506.39</u></b>

Mr. Klair moved that the Senate adjourn until 12 noon, Fri., Mar. 11, 1949. Motion prevailed.

### 37TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Fri., Mar. 11, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Our Father, it is by thy grace that we attain unto holiness, and by thy light that we find light. As we humbly bow before Thee at this time we pray that thou wilt give us the capacity to carry on under strain. Midst the trials and monotony of life grant us strength to do good. In the time of strife enable us to do nobly and live gallantly. In the midst of imperfection may we seek perfection. At all times make us conscious of thy presence. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

Members absent—Mr. Powell—1.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Favoring **SB 4, 9, 33, 74, 76, 88, 82 and HB 64 and 101**; 2—Against any repeal of the Delaware Labor Relations Act of 1947 unless a substitute measure with real teeth in it is passed at the same time; 1—Opposing **SB 37**; 2—Favoring **SB 116** providing for a Book-mobile for the use, education and the pleasure of the citizens of small towns and country communities of Delaware; 44—Urging the repeal of **HB 212**. Frob: Alfred D. Brown, Wilmington, Del.; William S. Megonigal, Jr., Wilmington, Del.; Mrs. Irene Knotts, Marshallton, Del.; Harry G. Lawson, Wilmington, Del. Assn. of Insurance; Kiwanis Club of Greenwood, Del.; Clayton Century Club, Clayton, Delaware.

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

**HB 252**—"An Act to Amend Chapter 104, Volume 45, Laws of Delaware, 1945, with Reference to Pension Benefits";

**HB 226**—"An Act Providing for the Building of a Dam across McColley's Mill Pond; and Appropriating Moneys for the Construction of Said Dam";

**HB 209**—"An Act Providing for the Purchase, Installation, and Maintenance of a Radio in All Ambulances Owned by and Operated by Volunteer Fire Companies and the One Owned and Operated by David Harrison Post American Legion; to Establish a System of Communication between Said Ambulances and the State Highway Police Department";

**HB 165**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to Occupants of Motor Vehicles and Motorcycles";

**HB 184**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to the Operation of Motor Vehicles by Persons While under the Influence of Intoxicating Liquor or Drugs";

**HB 200**—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River and Bay in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Improvements"; and presented the same to the Senate.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SB 57**, and **75**, and returned the same to the Senate.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **SS** for **SB 93**, reported the same back to the Senate favorably.

Mr. Hammond, on behalf of the Committee on Finance to

whom had been referred **SS** for **SB 32** reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **SB 127, 203, 177, 183, 144, and 143**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **HB 66, 50, SB 205, 204, 169, 91, 155, and 148**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SB 133**, reported the same back to the Senate on its merits.

The Chair presented **HB 65**, which was given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HB 162 and 71**, which were given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

The Chair presented **HB 116**, which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder moved that the Senate recess until 2 P. M. Motion prevailed.

Senate met at expiration of recess, 3:00 P. M.

Mr. Dickerson requested the privilege of the floor for Mr. W. W. Mack, to answer questions on the Project Report of the Delaware River Bridge. Request granted.

Mrs. Davis moved that all Senate Bills for today only, be given their first and second readings by title only. Motion prevailed.

Mr. Burkholder moved that all House Bills for today only, be given their first and second readings by title only. Motion prevailed.

The President announced he is about to sign: **HCR 5 and 9**.

Mr. Reilly, on motion for leave, introduced **SB 233**—"An Act to Amend Chapter 202, Volume 37. Laws of Delaware, 1931, Entitled 'An Act to Amend Chapter 163, Volume 32, Laws of Delaware, Entitled "An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware, Being an Act Entitled 'An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington' by Providing for the Election of the Members of the Board of Public Education in Wilmington; Qualifications and Method of Election of Members," which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Reilly, on motion for leave, introduced **SB 234**—"An Act to Amend Chapter 45 of the Revised Code of Delaware, 1935 as Amended, Relative to County Treasurers and Collection of Taxes, Increasing the Salaries of the Deputies, Clerks, Delinquent Tax Investigators, Bookkeepers and Stenographers in the Office of the Receiver of Taxes and County Treasurer for New Castle County," which was given first and second reading,

the second by title only, and referred to the Committee on Revised Statutes.

Mr. Reilly, on motion for leave, introduced **SB 235**—"An Act to Amend Chapter 53 of the Revised Code of Delaware, 1935 as Amended, Relative to Salaries of Certain County Officers, Providing for the Increase of Salaries of Deputies and Clerks in Certain County Offices in New Castle County," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Reilly, on motion for leave, introduced **SB 236**—"An Act to Amend Chapter 46 of the Revised Code of Delaware, 1935 as Amended, Relative to County Comptrollers, Increasing the Salaries of the County Comptroller and His Deputy in New Castle County," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Reilly, on motion for leave, introduced **SB 237**—"An Act to Amend Chapter 45 of the Revised Code of Delaware, 1935 as Amended, Relative to County Treasurers and Receivers of Taxes, in Relation to the Salary of the Receiver of Taxes and County Treasurer of New Castle County," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Reilly, on motion for leave, introduced **SB 238**—"An Act to Amend Chapter 53 of the Revised Code of Delaware, 1935 as Amended, in Relation to the Salaries of Certain County Officers by increasing the Salaries of Certain County Officers in New Castle County" which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Klair, on motion for leave, introduced by request **SB 239**—"An Act Amending Chapter 165 of the Revised Code of Delaware, 1935, by Imposing an Additional Fine upon Conviction of Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or of Any Drug; and Providing for Keeping Such Additional Fines in a Separate Fund in the State Treasury for the Maintenance and Operation of the Delaware State Hospital at Farnhurst," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SB 240**—"An Act to Amend Chapter 98 of the Revised Code of Delaware, 1935 as Amended, 'Settlement of Personal Estates,' Relating to Debts of Which Notice Is Presumed," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 241**—"An Act to Amend Chapter 86 of the Revised Code of Delaware, 1935. Relating to Divorce, Changing the Time within Which a Decree Nisi Shall Become Absolute; Exception in Actions of Divorce Heretofore Instituted," which was given first and second

reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 242**—"An Act Concerning the Proof of Statutes of Other Jurisdictions and to Make Uniform the Law with Reference Thereto," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 243**—"An Act to Amend Chapter 169 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Court of Common Pleas for New Castle County,' by Enlarging the Jurisdiction of the Court of Common Pleas of New Castle County to Include Attempts," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 244**—"An Act to Amend Chapter 117 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Court of Chancery,' Relating to Sale of Trust Property by Order of the Chancellor Made in His Discretion," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 245**—"An Act to Amend Chapter 127 of the Revised Code of Delaware, 1935, as amended, Relative to Survivency of Actions, Providing for the Survival of Certain Causes of Action," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 246**—"An Act Concerning Contribution among Tortfeasors, Release of Tortfeasors, Procedure Enabling Recovery of Contribution, and Making Uniform the Law with Reference Thereto," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 247**—"An Act to Amend Chapter 67 of the Revised Code of Delaware, 1935, as Amended, Relative to 'The City of Wilmington,' by Enlarging the Jurisdiction of the Municipal Court of Wilmington to Include Attempts," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 248**—"An Act to Amend Article 10, Chapter 6, Revised Code of Delaware, 1935, as Amended, Relating to State Revenue, Inheritance Tax by Providing for the Determination of Inheritance Tax on Jointly Owned Property and the Issuance of Certificates as Proof of the Discharge of Such Tax Liability," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 249**—"An Act to Amend Chapter 126 of the Revised Code of Delaware, 1935, Relative to 'Attachments,' Providing that No Banking Institution Shall Be Liable to Being Summoned as Garnishee

Except under Certain Conditions," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 250**—"An Act to Amend Chapter 129 of the Revised Code of Delaware, 1935. Relating to Witnesses and Evidence, Providing that the Term 'Witnesses' Shall Include a Party to the Record," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 251**—"An Act to Amend Chapter 95 of the Revised Code of Delaware, 1935 as Amended, Relative to 'Joint Estates and Partition,' in Relation to the Return of the Trustee and Approval by the Court in the Matter of the Public Sale of Lands in Partition," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 252**—"An Act to Amend Chapter 132, of the Revised Code of Delaware, 1935. Relative to Judgments, in Relation to the Lien Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Rhodes, on motion for leave, introduced **SB 253**—"An Act to Amend Article 7 of Chapter 20, of the Revised Code of Delaware, 1935, Relating to Licensing of Insurance Agents, Insurance Brokers, and Insurance Solicitors," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Messrs. Dickerson and Rhodes, on motion for leave, introduced **SS for SB 97**—"An Act Appropriating Certain Money to the University of Delaware for the Erection of Buildings for the School of Agriculture on the University Farm and Providing for a Bond Issue for the Payment Thereof; Providing that the Proceeds of the Sale of Said Bonds Shall Be Deposited in a Special Account to the Credit of the University of Delaware; Providing for the Payment of Principal and Interest and Pledging the Full Faith and Credit of the State of Delaware for the Payment Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Phillips, on motion for leave, introduced **SB 254**—"An Act to Amend Chapter 301, Volume 46, Laws of Delaware, Entitled 'An Act Providing for the Payment of Pension Benefits to Certain Employees of the County of New Castle, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Liability for State and Local Income Taxes and Non-assignable, and Also Providing for the Reduction of Benefits under Certain Conditions," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.



Mr. Phillips, on motion for leave, introduced **SB 255**—"An Act to Amend Chapter 301, Volume 46, Laws of Delaware, Entitled, 'An Act Providing for the Payment of Pension Benefits to Certain Employees of the County of New Castle, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Liability for State and Local Income Taxes and Non-assignable, and Also Providing for the Reduction of Benefits under Certain Conditions,' Changing Age of Retirement, Period of 'Covered Employment,' Minimum Monthly Pension, Period of Time of Employment Relative to Disability Pension and Retirement Pensions," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Phillips, on motion for leave, introduced **SB 256**—"An Act to Amend Chapter 298, of Volume 46, Laws of Delaware, 1947, Entitled 'An Act to Increase the Salaries and Wages of All Elective and Appointive Members of New Castle County Who Receive Their Checks or Pay from the New Castle County Levy Court,' Providing that Such Increases of Salaries Become Permanent," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Bulow, on motion for leave, introduced **SB 257**—"An Act Providing for the Production and Sale of Raw Milk under Certain Circumstances," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred **SB 181**, reported the same back to the Senate favorably.

Mr. Klair requested that **SB 156** be stricken from the Calendar. Request granted.

Mr. Burkholder, on motion for leave, introduced **SB 258**—"An Act to Amend Chapter 283, Volume 21, Laws of Delaware, Entitled 'An Act to Incorporate the Town of Little Creek' as Amended by Chapter 172, Volume 36, Laws of Delaware, by Extending the Boundaries of Said Town, and by Increasing the Amount of Taxes to Be Raised in Said Town," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Klair, on motion for leave, introduced **SB 259**—"An Act Appropriating Money to the Kruse School to Provide for Deficiency in Operation of School for Fiscal Year Ending on June 30, 1949," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Messrs. Powell and Reilly, on motion for leave, introduced **SB 260**—"An Act Providing that No State Agency Furnishing Relief or Assistance to Any Ill or Needy Persons in This State Shall in Any Manner Charge the Real Estate of Such Persons Receiving Relief or Assistance with the Cost of Such Relief or

Assistance So Furnished and that Any Moneys So Charged by Such Agency Shall Be Refunded and All Liens Therefor Removed," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Cannon, on motion for leave, introduced **SB 261**—"An Act to Provide for the Taxation of Cooperatives in the State of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

On motion for leave, Mrs. Davis introduced **SR 24**—"Authorizing Payment on Account to Attaches and Employees of the Senate."

**BE IT RESOLVED** by the Senate of the 115th General Assembly that the State Treasurer be and he hereby is authorized and directed to pay to any attache or employee, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total of Four Hundred Dollars (\$400.00) to any one person, on account of services to the present Session of the Senate. Any such sums so paid shall be charged against the salary of the individual attache or employee to whom such sum or sums are paid, and shall be a part of the expenses of this Session of the Senate.

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

On the question, "Shall the Resolution be adopted?" the question was decided in the affirmative, and the Resolution having received the required constitutional majority, passed the Senate by acclamation.

Mr. Crossley, on motion for leave, introduced **SB 262**—"An Act to Appropriate Money to the State Highway Department to Carry Out the Program of Said Department and for Performing the Duties and Services Imposed upon Said Department by Law," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HB 165** and **184**, which were given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

The Chair presented **HB 200** and **226**, which were given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HB 209**, which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

The Chair presented **HB 252**, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SB 263**—"An Act to Create a State Board of Sterilization," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Dickerson, on motion for leave, introduced **SB 264**—"An Act to appropriate the Sum of Three Hundred Thousand Dollars (\$300,000.00) to the State Highway Department for Mosquito Control," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 265**—"An Act to Amend Chapter 309 of Volume 46, Laws of Delaware, in Relation to Mosquito Control," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Bulow, on motion for leave, introduced **SB 266**—"An Act Appropriating to the Delaware Commission of Shell Fisheries the Sum of Twenty Thousand Dollars (\$20,000.00) to Purchase a Watch and Work Boat and Equipment Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Bulow, on motion for leave, introduced **SB 267**—"An Act Appropriating the Sum of Ten Thousand Dollars (\$10,000.00) to the Delaware Commission of Shell Fisheries for the Purchase and Planting of Oyster Shells and Plants," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Bulow, on motion for leave, introduced **SB 268**—"An Act Authorizing the Delaware Commission of Shell Fisheries to Sell at Public Sale the Boat Used by Said Commission as a Watch Boat and to Apply the Proceeds of Said Sale, after Expenses, to Current Expenses of Said Commission," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

On motion for leave, Mr. Burkholder introduced **SR 25**—"Authorizing the State Librarian to Furnish Stationery and Other Supplies."

BE IT RESOLVED by the Senate of the 115th General Assembly that the State Librarian be and he hereby is authorized and directed to furnish, during the period covered by the second thirty (30) Legislative Days of the Session, to the Secretary and Assistant Secretary of the Senate, the Reading Clerks and the Bills Clerks of the Senate stationery and other supplies, the cost of which shall not exceed the sum of Twelve Dollars and Fifty Cents (\$12.50) for each; and

BE IT FURTHER RESOLVED that the State Librarian be and he hereby is authorized and directed to furnish to all other officials or attaches of the Senate, not hereby or heretofore provided for, and during the period covered by the second thirty (30) Legislative Days of the Session, stationery and other supplies the cost of which shall not exceed the sum of Seven Dollars and Fifty Cents (\$7.50) for each.

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

On the question "Shall the Resolution be adopted?" Mr. Burkholder moved that action be deferred. Motion prevailed.

Mr. Burkholder moved that the Senate adjourn until 11 A. M., Mon., Mar. 14, 1949. Motion prevailed.

### 38TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Mon., Mar. 14, 1949, 11 A. M.

The Chaplain not being present, the members recited the Lord's Prayer.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 53—Urging repeal of **HB 212**; 1—In favor of a School Board appointed by the Resident Judge; 3—Opposing **SB 101**; 5—In favor of the present type of appointive Board of Education for Wilmington; 1—Opposing **SB 67** in regard to the Blind; 2—Opposing **SB 54, 161, 180**. From: Melvin V. Regester, Kennett Square, Pa.; Warner Junior High School P.T.A., Wilmington; Delaware Congress of Parents and Teachers; Wilmington Public Schools P.T.A.; The Clover Club, Wilmington, Del.; Mrs. Julian Adair, Wilmington, Del.; Allen J. Seine, Wilmington, Del.; Tremaine F. Robinson, Wilmington, Del.

Mr. Burkholder requested the Floor for Senator Febis and Senator Bailey from the State of Maryland.

Both made a few remarks and invited the Senators from Delaware to visit the Maryland Legislators.

Mr. Cannon, on motion for leave, introduced **SB 269**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935. Relating to Alcoholic Liquor, Wines and Beer, as Amended by Chapter 191, Volume 42, Laws of Delaware, Providing for the Purchase of Alcoholic Liquor for Stock for Personal Use," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Cannon, on motion for leave, introduced **SB 270**—"An Act to Amend Chapter 166 of the Revised Code of Delaware, 1935. as Amended, Relating to the State Highway Department, by Providing for the Appointment of Members to Fill Any Vacancy Occurring Therein by the Governor," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Cannon, on motion for leave, introduced **SB 271**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935. Relating to Alcoholic Liquors, Wines and Beer, and De-

livery of Alcoholic Liquors," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Cabbage, on motion for leave, introduced **SB 272**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, in Reference to the Cancellation or Suspension of Licenses for the Sale of Alcoholic Liquor, Wines and Beer," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Cabbage, on motion for leave, introduced **SB 273**—"An Act to Create and Establish a Public Service Commission, and Prescribing Its Powers and Duties, and to Provide for the Regulation and Control of Public Service Corporations and Public Utilities, and Making Appropriations Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Hammond, on motion for leave, introduced **SB 274**—"An Act Authorizing the State Board of Agriculture to Appoint a Full Time Director of Live Stock Sanitation and Appropriating Money for His Salary and Expenses," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mrs. Davis, on motion for leave, introduced **SS** for **SB 67**—"An Act to Create and Establish a State Department of Public Welfare in Order to Provide a Coordinated Program of Public Welfare Service and in So Doing Merging Certain of the Activities of the State Old Age Welfare Commission, the State Board of Welfare, and the Delaware Commission for the Blind into a New Department to Be Known as the State Department of Public Welfare," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Rhodes, on motion for leave, introduced **SB 275**—"An Act to Reincorporate the City of Newark," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

On motion for leave, Mr. Reilly introduced **SCR 17**—"Memorializing the Congress of the United States to Pass, and the President of the United States to Approve, if Passed, the 'General Pulaski's Memorial Day,'"

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

On the question, "Shall the Resolution be adopted?" by acclamation, 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.

Mr. Burkholder moved that the Senate recess until 2 P. M. Motion prevailed.

Senate met at expiration of recess, 2:10 P. M.

Mr. Cannon requested that **SB 203** be stricken from the Calendar. Request granted.

Mr. Cannon, on motion for leave, introduced **SB 276**—"An Act to Amend an Act Entitled 'An Act to Incorporate the Town of Blades,' Chapter 155, Volume 28, Laws of Delaware, 1915, by Changing the Hours of the Town Election, Changing the Qualifications of Electors and by Authorizing the Town Council to Raise the Sum of \$7,500 in Taxes and by Increasing the Compensation for Attendance at a Meeting of the Town Council," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Powell, on behalf of the Committee on Agriculture to whom had been referred **HB 112** and **HA 1**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **SB 150**, reported the same back to the Senate on its merits.

Mr. Burkholder, on motion for leave, introduced **SB 277**—"An Act to Amend Article 1 of Chapter 121, Revised Code of Delaware, 1935, by Increasing the Amount to Be Deposited with a Justice of the Peace for Costs of a Civil Action," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Burkholder, on motion for leave, introduced **SB 278**—"An Act to Amend Article 21 of Chapter 100, Revised Code of Delaware, 1935, by Including Acts of Disorderly Conduct Committed within the Limits of an Incorporated City or Town in the Definition of Disorderly Conduct," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Burkholder, on motion for leave, introduced **SB 279**—"An Act to Amend Chapter 119 of the Revised Code of Delaware, 1935, by Increasing the Maximum Fine Which May Be Imposed by a Justice of the Peace for Assaults and Batteries and Other Breaches of the Peace," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Evans, on motion for leave, introduced **SB 280**—"An Act to Amend Article 7 of Chapter 66 of the Revised Code of Delaware, 1935, Relative to 'Banks, Savings Societies and Trust Companies,' Making It Unlawful to Solicit or Receive Deposits or Payments on Income Contracts, &c.; Without License from State Bank Commissioner; Not to Apply to Certain Business," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

On motion for leave, Mr. Cannon introduced **SCR 18**—"Providing for a Study of the Ditches or Drains in the State of Delaware."

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

On the question, "Shall the Resolution be adopted?" the yeas and nays were ordered, which being taken, were as follows: question was decided in the affirmative, and the Resolution hav-

ing received the required constitutional majority, passed the Senate, by acclamation, and was ordered to the House for concurrence.

Mr. Burkholder moved that the Senate recess 30 minutes until 3:10 P. M. Motion prevailed.

Senate met at expiration of recess 3:45 P. M.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **SB 258**, reported the same back to the Senate favorably.

Mr. Webb, on motion for leave, introduced **SB 281**—"An Act to Amend Chapter 71 of the Revised Code of Delaware, as Amended, Entitled 'Free Public Schools' by Providing that the Board of Trustees of School Districts and the Board of Education of Special School Districts Shall Prescribe the Route or Routes of School Busses Providing Free Transportation for Public School Children," which was given first and second reading, the second by title only, and referred to the Committee on Education.

On motion of Mr. Phillips, **SB 32** with **SS**, was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

NAYS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb—8.

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

On motion of Mr. Phillips, **SB 81** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" action deferred.

On motion of Mr. Bulow, **SB 101** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—8.

NAYS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb—9.

So the question was decided in the negative, and the Bill was lost.

On motion of Mr. Rhodes, **SB 121** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Phillips—1.

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

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SCR 17**, and returned the same to the Senate.

On motion of Mrs. Davis, **SB 135** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

NAYS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb—8.

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

On motion of Mrs. Davis, **SB 137** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cubbage, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Rhodes, Madam President Pro Tem—11.

NAYS—Messrs. Cannon, Crossley, David, Dickerson, Reilly, Webb—6.

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

Mr. Phillips, on motion for leave, introduced **SB 282**—"An Act Appropriating Money to the State Board of Health for Cancer Control, to Be Administered Solely by the State Board of Health," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Bulow, on motion for leave, introduced **SB 283**—"An Act to Amend Chapter 20 of the Revised Code of Delaware, 1935, as Amended, Relating to the Insurance Department, and Providing Additional Requirements for Certificate of Authority," which was given first and second reading, the second by title only, and referred to the Committee on Banking and Insurance.

Mr. Klair, on motion for leave, introduced **SB 284**—"An



Act Making an Appropriation to the Ferris School for Boys for the Purpose of Erecting a Suitable Place of Detention for Minors Placed in Said Ferris School, Who Violate the Rules and Regulations of the Said School," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. David, on motion for leave, introduced **SB 285**—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935. as Amended, Relating to the Control and Eradication of Bang's Disease, by Extending the Time for the Free Movement of Cattle until January 1, 1953," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mr. David requested that **SB 154** be stricken from the Calendar. Request granted.

Mr. Bulow requested that **SB 101** be restored to the Calendar. Request granted.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Tues., Mar. 15, 1949. Motion prevailed.

### 39TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Tues., Mar. 15, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Oh Thou, who art from everlasting to everlasting: our years are swifter than the weaver's shuttle. Make us wise and profitable servants redeeming the time. As we are directed in they word grant that whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, if there be any praise that we may think on these things and be constant in the practice of same. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

Members absent—Mr. Hitchens—1.

The Secretary proceeded to read the Journal of the previous session, when Mr. Dickerson moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: From: Alexander J. Moore, Kennett Square, Pa.; Chamber of Commerce, Wilmington, Del.; Harmony Grange, Marshallton, Del.; Smyrna Grange, Smyrna, Del.; Clayton Fire Company, Clayton, Del.; Sussex County Firemen's Association; Rehoboth Beach Kiwanis Club; I. B. Finkelstein, Wilmington, Del.; The Joint Committee on Civil Rights; Wilmington P.T.A. George Gray School.

Messrs. Dickerson and Burkholder, on motion for leave, introduced **SB 286**—"An Act to Amend Chapter 48, Volume 46, Laws of Delaware, 1947, by Providing a Uniform State Supported Salary Schedule for Superintendents, Principals, Teachers, Nurses, Secretaries, Clerks, Custodians, and for Providing Supervision for Custodial Personnel, in the Various School Districts of the State. and Providing Appropriations Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Webb requested that **SB 281** be stricken from the Calendar. Request granted.

Mr. Powell, on motion for leave, introduced **SB 287**—"An Act to Amend Chapter 176, as Amended, Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beer by Creating a Liquor Commission Composed of Four Members. One from the City of Wilmington, One from Rural New Castle County, One from Kent County, and One from Sussex County, and Providing for the Appointment, Term of Office, Salaries and Duties of Its Members," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Webb, on motion for leave, introduced **SB 288**—"An Act to Amend Chapter 71 of the Revised Code of Delaware, as Amended, Entitled 'Free Public Schools' by Providing that the Board of Trustees of School Districts and the Board of Education of Special School Districts Shall Prescribe the Route or Routes of School Busses Providing Free Transportation for Public School Children," which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Dickerson, on motion for leave, introduced **SB 289**—"An Act to Amend Chapter 154 of Volume 29, Laws of Delaware, 1917, Entitled 'An Act to Reincorporate the Town of Laurel,' to Require the Consent of the Council for the Appointment of Officers of the Town of Laurel," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 2:40 P. M.

Mr. Burkholder moved that the Senate recess until 3:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:30 P. M.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **SS for SB 31, SB 256, 185, 16, 238, 237, 234, 236, 235, 255, 220, 207, 254, 51, 216, and 159**, reported the same back to the Senate favorably.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **HB 116**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Judiciary to

whom had been referred **SB 225, 241, 245, 244, 240, 243, 242, 246, 247, 248, 249, 252, 251, and 250**, reported the same back to the Senate on their merits.

Mr. Rhodes, on behalf of the Committee on Judiciary, to whom had been referred **SB 263, and 120**, reported the same back to the Senate favorably.

Mr. Phillips, on behalf of the Committee on Claims to whom had been referred **HB 139**, reported the same back to the Senate favorably.

Mr. Bulow, on behalf of the Committee on Fish, Oysters and Game to whom had been referred **SB 201**, reported the same back to the Senate favorably.

Mrs. Davis, on motion for leave, introduced **SB 290**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935. as Amended, Relating to Motor Vehicles, by Changing the Expiration Date of Operators' and Chauffeurs' Licenses," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mrs. Davis, on motion for leave, introduced **SB 291**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935. as Amended, Relating to Motor Vehicles, by Increasing the Costs for Replacing Number Plates," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

On motion of Mrs. Davis, **SB 172** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb, Madam President Pro Tem—10.

NAYS—Messrs. Burkholder, Evans, Hammond, Phillips, Powell, Rhodes—6.

ABSENT—Mr. Hitchens—1.

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

The President announced he is about to sign: **SB 57, 75, and SCR 17**.

On motion of Mr. Dickerson, **SB 177** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Hitchens—1.

So the question was decided in the affirmative, and the

Bill having received the required constitutional majority, was adopted and ordered to the House for concurrence.

On motion of Mr. Klair, **SB 64** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Hitchens—1.

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

On motion of Mr. Cannon, **SB 102** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Hitchens, Phillips.—2.

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

On motion of Mr. Cannon, **SB 103** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Hitchens—1.

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

On motion of Messrs. Bulow and David, **SB 215** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Cubbage, David, Evans, Hammond, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—12.

NAYS—Messrs. Crossley, Dickerson, Klair, Phillips—4.

ABSENT—Mr. Hitchens—1.

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

On motion of Mr. Burkholder, **SB 258** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

**YEAS**—Messrs. Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

**NAYS**—None.

**ABSENT**—Messrs. Bulow, Hitchens—2.

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

By request, Messrs. Powell and Reilly, on motion for leave, introduced **SB 292**—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware, Relating to the Sale of Lottery Tickets, Pool Selling and Other Forms of Gambling," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Bulow, on behalf of the Committee on Elections, to whom had been referred **SB 157**, reported the same back to the Senate favorably.

Mr. Burkholder moved that the Senate adjourn until 9 A. M., Wed., Mar. 16, 1949. Motion prevailed.

#### 40TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Wed., Mar. 16, 1949, 9 A. M., President Pro Tem presiding.

The Chaplain not being present the members recited the Lord's Prayer.

Members present—Messrs. Burkholder, Cabbage, Madam President Pro Tem—3.

Members absent—Messrs. Bulow, Cannon, Crossley, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb—14.

Mr. Burkholder moved the Senate adjourn until 12 noon, Thurs., Mar. 17, 1949.

There being no quorum present the President Pro Tem declared the Senate adjourned until Thurs., Mar. 17, 1949 at 12 noon..

#### 41ST LEGISLATIVE DAY

Senate met pursuant to adjournment, Thurs., Mar. 17, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty, ever-

present and all-wise God, in whom there is no variableness neither shadow that is cast by turning: What is man or the son of man that thou visitest him? We are reminded that thou hast created us little lower than the angels. We are made in thy image. We thank thee that we may come to thee as a child comes to an earthly parent and make all our wants and wishes known. May we ever trust thee to supply all our needs mental, physical and spiritual and guide us in all our ways. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Dickerson moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Urging passage of **HB 43**; 1—Favoring **SB 134**; 1—Opposing **SB 23**; 1—Favoring **SB 127**; 1—Favoring **SB 221**; 1—Opposing **SB 101** and **HB 146**; 1—Urging passage of **HB 336** which provides for a separate Juvenile Court for Kent and Sussex Counties; 1—Urging support of **HB 298** relating to the King Street curb market; 1—urging support of **SS** for **SB 93**; 2—Opposing **HB 190**; 2—Opposing **HB** calling for a popular vote on the proposed Bonus for World War II Veterans; 1—Opposing **SB 96**; 1—Favoring passage of **HB 111**; 2—Opposing **SB 109**. From: Wilmington Branch A.A.U.W.; Chamber of Commerce, Wilmington, Del.; Stanford C. Marvel, City Manager Rehoboth Beach, Del.; Friends School, Home and School Association; Mrs. Cecil M. Morgan, Bridgeville, Del.; Delaware Poultry Improvement Association; Wallace B. McCafferty, Middletown, Del.; Chamber of Commerce, Wilmington, Del.; Wilmington Real Estate Board; Ladies' Auxiliary, Raymond Reynolds Post V.F.W., Georgetown; Kiwanis Club, Rehoboth Beach, Del.

## STATE OF DELAWARE

### Executive Department

Dover, March 15, 1949

Senator James S. Evans, Chairman  
Passed Bills Committee  
Legislative Hall  
Dover, Delaware

Dear Senator Evans:

I am hereby notifying you that **SJR 4** and **SB 15** were signed and approved by the Governor on March 16, 1949.

Very sincerely,

CLAUDE B. PRETTYMAN,

Administrative Assistant to Governor Carvel

James S. Evans, Chairman and all Committee.

Mrs. Davis, on motion for leave, introduced **SB 293**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Motor Vehicles, by Changing the Expiration Date of Operators' and Chauffeurs' Licenses," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Phillips, on motion for leave, introduced **SB 294**—"An Act to Amend Chapter 100 of the Revised Code of Delaware, 1935, as Amended, Relative to 'General Provisions Respecting the Police,' Changing the Penalty for Conviction of Offenses Relative to Lotteries or Numbers," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Phillips, on motion for leave, introduced **SB 295**—"An Act Providing for the Planning, Acquisition, Purchase, Construction, Reconstruction, Improvement, Betterment, Extension, Operation, and Maintenance of Revenue-Producing Undertakings for the Collection, Treatment, and Disposal of Sewage, Waste, Garbage, and Storm Water by Any County, Incorporated City or Town of the State of Delaware; Authorizing the Exercise of the Power of Eminent Domain and the Fixing of Rates in Connection with Such Undertakings; Authorizing and Regulating the Issuance of Revenue Bonds for Financing Such Undertakings; and Providing for the Payment of Such Bonds and the Rights of Holders Thereof; Providing for Referendum Election," which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Hitchens, on motion for leave, introduced **SB 296**—"An Act to Amend 'An Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Non-assignable, and Also Providing for the Reduction of Benefits under Certain Conditions,' Being Chapter 104 of Volume 45, Laws of Delaware, as Amended, Relating to the Manner of Determining Pension Payments," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Hitchens, on motion for leave, introduced **SB 297**—"An Act to Authorize the Register in Chancery of the State of Delaware, in and for Sussex County, to Procure a New Seal of Office," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Hitchens, on motion for leave, introduced **SB 298**—"An Act Authorizing the Clerk of the Orphans' Court of the State of Delaware, in and for Sussex County, to Procure a New Press and Seal of Office," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:45 P. M.

The Chair recognized Miss Anne Gallagher and Class from the Newark High School.

On motion for leave, Mr. Hitchens introduced **SCR 19**.

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

On the question, "Shall the Resolution be adopted?" by acclamation, 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 Mrs. Davis and Mr. Webb, **SB 125** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Dr. Tarumianz.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion for leave Mrs. Davis introduced **SCR 20**—"Memorializing the Congress of the United States with Respect to a National Compulsory Sickness Insurance Program."

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

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

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

NAYS—Messrs. Cannon, Crossley, Cabbage, David, Dickerson, Klair, Reilly, Webb,—8.

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

On motion of Mrs. Davis, **SB 240** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair,



Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mrs. Davis, **SB 241** was taken up for consideration, and read a third time, by paragraphs, in order to pass the Senate.

Upon request the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Burkholder, Cabbage, Hitchens, Klair, Rhodes, Madam President Pro Tem—5.

NAYS—Messrs. Bulow, Cannon, Crossley, David, Dickerson, Evans, Hammond, Phillips, Powell, Reilly, Webb—12.

Mrs. Davis changed from Yea to Nay for purpose of reconsideration.

So the question was decided in the negative, and the Bill was lost.

Mr. Dickerson moved that the Senate recess until 4:45 P. M. Motion prevailed.

Senate met at expiration of recess, 5:05 P. M.

On motion of Mrs. Davis, **SB 242** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Phillips, Reilly, Rhodes, Webb, Madam President Pro Tem—14.

NAYS—Messrs. Bulow, Powell—2.

ABSENT—Mr. Klair—1.

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

On motion of Mrs. Davis, **SB 243** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Klair—1.

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

On motion of Mrs. Davis, **SB 244** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb. Madam President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Bulow, Klair—2.

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

On motion of Mrs. Davis, **SB 245** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Klair—1.

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

On motion of Mrs. Davis, **SB 246** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Klair—1.

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

Mr. Dickerson moved that the Senate adjourn until 11 A. M., Fri., Mar. 17, 1949. Motion prevailed.

## 42ND LEGISLATIVE DAY

Senate met pursuant to adjournment, Fri., Mar. 18, 1949, 11 A. M., Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Our Father: we are not heard for our much speaking but Thy word teaches, history reveals and we have tasted in our experience that Thou dost hear and answer the prayer of all who call upon Thee in spirit and in truth. When we face an honest moment we are conscious of our need of Thee. We confess that there are so many things we have failed to do; we have done so many things we should not have done. Forgive us for our failures and strengthen us in our weakness. Help us to more fully understand the kind providence of Thy dealing with us that we may walk before Thee more humbly and acceptably. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Favoring **SB 116**; 2—Urging passage of Civil Rights Bill; 1—Opposing **SB 54, 161**; 1—For **SB 221**; 1—Opposing **HB 190**; 1—Opposing **HB 235**; 1—For **SB 221** creating a Delaware State Development Department; 1—Favoring the present Board of Education and their present method of appointment by the Resident Judge of New Castle County; 1—Opposing any change in the present financial control of school funds by the Board of Education. From: Kiwanis Club of Greenwood, Del.; Congregation Beth Emeth, Wilmington, Del.; Junior League of Wilmington, Del.; Dover Chamber of Commerce; Wilmington Real Estate Board; Delaware State Funeral Directors' Assn., Wilmington; Laurel Chamber of Commerce; Wilmington Chapter of Hadassah; Evan G. Shortlidge School, Wilmington, Del.; Outboard Boating Club of America. Chicago, Illinois.

## SENATE RESOLUTION

By Senators Phoebus, Bailey, Goldstein.

Resolution inviting the Governor, the Lieutenant-Governor, and the Senate of Delaware to be the guests of the Senate of Maryland.

Whereas, the lives and fortunes of the people of Maryland and Delaware are closely and pleasantly intertwined, this happy circumstance flowing not only from the close proximity of the two States on the Del-Mar-Va peninsula but also from the natural affinities of the hearts and minds of the people of Maryland and Delaware; and

Whereas, in these troublous days of sharp challenge to the philosophy of the democratic process, those of us who hold to the simple dignity of the concept of individual rights and of the right of every personality to seek its noblest expression and development should periodically meet and fraternize to renew the ties which bind us together; now, therefore, be it

Resolved by the Senate of Maryland, That this body cordially invites the Governor, the Lieutenant-Governor, and the Senate of Delaware to be its guests in the City of Annapolis on the evening of Thursday, March 24, 1949, in order to freshen the bonds of affection and mutual interest between the two great States of Maryland and Delaware; and be it further

Resolved, That this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be and he is hereby directed to send copies thereof to the Governor, the Lieutenant-Governor and the Senate of the State of Delaware.

By the Senate, March 16, 1949.

Read and adopted.

By order C. Andrew Shaab, Secretary  
C. ANDREW SHAAB,  
Secretary of the Senate.

JOSEPH R. BYRNES,  
President of the Senate.

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred **HB 6, 85, 96, and 226**, reported the same back to the Senate favorably.

On motion of Mrs. Davis, **SB 247** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

ABSENT—Mr. Powell—1.

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

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

**HB 7**—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled Fish, Oysters and Game, with Respect to the Use of Automatic and Repeating Shot Guns in Hunting";

**HB 43**—"An Act to Amend Chapter 43, of the Revised Code of Delaware, 1935, as Amended, Pertaining to a County Free Library for New Castle County and Authorizing an Increase in the Appropriation of County Monies Therefor";

**HS for HB 76**—"An Act Providing for the Appointment by Organized Fire Companies of Certain of Its Members Who Shall Be Clothed with Certain Police Powers at Fires or Fire Drills";

**HB 97 with HA 1**—"An Act Making an Appropriation to the State Board of Education for Use in Payment of Pensions to Retired and Disabled Public School Teachers of Delaware";

**HB 101**—"An Act Appropriating Certain Moneys to Delaware State College for the Purpose of Establishing Scholarships for Students at Said College";

**HB 102**—"An Act to Amend Chapter 194, Volume 45, Laws of Delaware, 1945, as Amended, with Respect to the Determination of Pension Benefits";

**HB 109**—"An Act Transferring from Paragraph (i) of Chapter 68, Volume 46, Laws of Delaware, 1947, the sum of Fifteen Thousand Dollars (\$15,000.00) to Paragraph (g) of Said Chapter; and Authorizing the Permanent Budget Commission to Order the Use of Said Sum or Part Thereof for the Care of Dependent Children outside Their Homes";

**HB 183**—"An Act Appropriating Certain Money to Palmer Home, Incorporated";

**HB 208**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, to Provide for the Regulation of Trackless Trolley Coach Operators";

**HB 239**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Penalties for Violations of Motor Vehicle Laws";

**HB 258**—"An Act Authorizing and Directing the Board of Trustees of Sussex County to Pay the Claim of Clyde Joseph and Damages to His Automobile";

**HB 263**—"An Act to Reimburse the State Highway Department for Money Advanced to the State Police Pension Board for State Police Pensions";

**HB 282**—"An Act Appropriating Money to the Kruse School for Girls";

**HB 290 with HA 1**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Definition of Semi-Trailer";

**HB 291**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Motor Vehicles,' in Relation to Lengths of Piling and Pole Trailers";

**HB 292**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' with Reference to the Maximum Gross Load for Which Certain Motor Vehicles May Be Registered; Fee for Special Permits; Ton Mile Fee; Blanket Permit for Piling or Pole Trailers; Refund of Fees for Unused Permits";

**HB 322**—"An Act Making an Appropriation to the State Board of Education for Reallocation to Lord Baltimore School District No. 28, in Lieu of, and Not in Addition to, the Sum Intended to Be Appropriated in Chapter 171, Volume 46, Laws of Delaware, 1947, and Authorizing a Bond Issue to Provide the Said Appropriation";

**HB 323**—"An Act to Validate the Bonds Issued and Sold by Lord Baltimore School District No. 28 in Order to Make Available for the School Building Program the Local Share of Said School District Required by Chapter 171, Volume 46, Laws of Delaware, 1947, Although Said Bonds When Added to Other Bonds Outstanding against Said School District Exceed Five Percent of the Assessed Value of the Real and Personal Property in Said School District";

**HB 340**—"An Act to Amend Chapter 241, Volume 45, Laws of Delaware, as Amended by Chapter 213, Volume 46, Laws of Delaware, by Adding a New Paragraph to Section 14 of Said Act Relating to Bail or Surety for a Child's Appearance at the Family Court for New Castle County When Arrested at Any Time Including a Holiday, Saturday or Sunday";

**HJR 5**—"Appropriating Monies to Pay Certain Claims Relating to the Expenses of the Supreme Court"; and presented the same to the Senate.

On motion of Mrs. Davis, **SB 248** was taken up for consideration and read a third time, by paragraphs in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Pool.

On the question, "Shall the Bill pass the Senate?" Mrs. Davis moved that action be deferred for the purpose of correcting errors.

On motion of Mrs. Davis, **SB 249** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Alexander Nichols.

On the question, "Shall the Bill pass the Senate?" Mr. Dickerson moved action be deferred for further study. Motion prevailed.

On motion of Mrs. Davis, **SB 250** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

On the question, "Shall the Bill pass the Senate?" Mrs. Davis moved that action be deferred for the purpose of correcting a typographical error.

On motion of Mrs. Davis, **SB 251** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Reilly, Rhodes, Webb—Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Powell—1.

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

On motion of Mrs. Davis, **SB 252** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Wm. Poole.

On the question, "Shall the Bill pass the Senate?", Mrs. Davis moved that action be deferred for the purpose of correction. Motion prevailed.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:30 P. M.

On motion of Mr. Hitchens, **SB 143** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb—16.

NAYS—None.

ABSENT—Madam President Pro Tem—1.

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

On motion of Mr. Hitchens, **SB 144** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mrs. Davis, **SB 155** was taken up for consid-

eration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

Mr. Klair, on motion for leave, introduced **SB 299**—"An Act to Amend Chapter 180, Volume 46. Laws of Delaware, 1947, Relating to Trapping and Taking of Raccoons in New Castle County," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Messrs. Klair and Powell, on motion for leave, introduced **SB 300**—"An Act Creating a Division of Weights and Measures under the Supervision of the Board of Agriculture; Its Powers and Duties; Establishing State Standards of Weights and Measures; Authorizing Said Division to Promulgate Rules and Regulations Concerning Weights and Measures; Prohibitions and Penalties for Violation; License Fees; Appropriation Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HJR 5**, which was given first and second reading, the second by title only, and referred to the Committee on Claims.

The Chair presented **HJR 5**, **HB 258**, and **HB 263**, which were given first and second reading, the second by title only, and referred to the Committee on Claims.

The Chair presented **HB 7** which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

The Chair presented **HB 43**, **97** with **HA 1**, **109**, **183**, **282**, **322**, and **323**, which were given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HS** for **HB 76**, and **HB 340**, which were given first and second reading, the second by title only, and referred to the Committee on Judiciary.

The Chair presented **HB 101**, which was given first and second reading, the second by title only, and referred to the Committee on Education.

The Chair presented **HB 102**, which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

The Chair presented **HB 208**, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.



The Chair presented **HB 239**, **HB 290** with **HA 1**, **HB 291**, and **292**, which were given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

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

**HS for HB 87**—"An Act to Amend Chapter 74, of the Revised Code of Delaware, 1935, as Amended, Relating to Fish, Oysters and Game by Providing a Limit to the Length of Certain Nets";

**HB 93**—"An Act Authorizing the Levy Court of Kent County to Appropriate County Monies to David C. Harrison Post No. 14 Inc., American Legion, for the Maintenance of Ambulance";

**HB 354**—"An Act to Amend Chapter 5 of the Revised Code of Delaware, 1935, as Amended, to Provide for the Transmittal to the Court of Common Pleas of New Castle County of Copies of the Judicial Reports and Chancery Reports of the State of Delaware";

**HB 125**—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Bridgeville,' Being Chapter 158, Volume 43, Laws of Delaware with Reference to the Amount of Taxes Raised and the Collection Thereof";

**HB 170**—"An Act Making an Appropriation to the State Board of Agriculture for the Vaccination of Calves and Testing of Cattle for Bang's Disease under the Provisions of Chapter 264, Volume 46, Laws of Delaware, 1947";

**HB 259**—"An Act to Amend an Act Entitled 'An Act to Authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, to Make Indices of Judgments in His Office,' Being Chapter 106 Volume 46, Laws of Delaware, 1947, Relating to the Beginning Date of the Indices"; and presented the same to the Senate.

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

**SB 17**—"An Act to Amend Chapter 117, Revised Code of Delaware, 1935, as Amended Relating to Investments of Trustees, Guardians and Other Fiduciaries";

**SB 151**—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Banks, Savings Societies and Trust Companies' in Relation to the Collection, Payment, and Dishonor of Demand Items by Banks and the Revocation of Credit for, and Payment of, Such Items"; and returned the same to the Senate.

On motion of Mr. Phillips, **SB 157** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Mr. Phillips moved that action be deferred for further explanation.

On motion of Mr. Phillips, **SB 207** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Bulow, **SB 216** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

NAYS—Messrs. Cannon, Crossley, Cabbage, David, Dickerson, Klair, Reilly, Webb—8.

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

Mrs. Davis requested that **SB 241** be restored to the Calendar. Request granted.

Mrs. Davis, on motion for leave, introduced **SB 301**—"An Act to Amend Chapter 23 of the Revised Code of Delaware, 1935. Relating to the State Forestry Department by Providing for the Procurement, Production and Distribution of Forest Tree Seeds or Plants under Such Regulations as the State Forestry Commission Shall Prescribe," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mr. Dickerson, on motion for leave, introduced **SB 302**—"An Act Appropriating the Sum of Three Hundred Ninety Dollars (\$390.00) to Fred Fitchett to Reimburse the Said Fred Fitchett for Funeral Expenses of His Son David Fitchett," which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Klair, on motion for leave, introduced **SB 303**—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935, as Amended, Relating to the Delaware Racing Commission, by Providing for Payment to the State, Ninety Days after the Close of Any Race Meeting, of All Funds in Hand Due to the Failure of Owners of Pari-mutuel Tickets to Collect Their Share of the Pari-Mutuel or Totalizator Pools," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

STATE OF DELAWARE  
Executive Department

Dover, March 18, 1949

Hon. A. I. du Pont Bayard,  
President of the Senate,  
Dover, Del.

Dear Sir:

At the present time, all bills and resolutions, passed by the General Assembly, are being delivered to the Executive Office, and are signed for by Mr. Claude Prettyman.

Effective, immediately, I would appreciate it if you will instruct Mr. Evans, your Chairman of Passed Bills, to deliver all such bills and resolutions to the office of the Secretary of State, into the hands of Mrs. Bella Sylvester, who has been authorized by me to sign for same.

Yours very truly,  
ELBERT N. CARVEL  
Governor.

On motion for leave, Mr. Bulow, introduced **SJR 3**—"With Reference to the Return of Funds to the Treasurer of the United States on Account of Overpayment to an Employee of the Board of Game and Fish Commissioners of Delaware by the Fish and Wildlife Service of the United States Department of the Interior."

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

On the question, "Shall the Resolution be adopted?" action was deferred for typographical error.

On motion of Mr. Phillips, **HB 139** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

So the question was decided in the affirmative, and the Bill having received the required constitutional majority, was adopted and ordered returned to the House.

Mr. Rhodes, on motion for leave, introduced **SB 304**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935. as Amended, Entitled 'Motor Vehicles,' with Reference to Liens on Motor Vehicles," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

The Chair presented **HS** for **HB 87**, which was given first

and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

The Chair presented **HB 93**, and **170**, which were given first and second reading, the second by title only, and referred to the Committee on Finance.

The Chair presented **HB 125**, which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred **SB 271, 272, 269**, and **232**, reported the same back to the Senate favorably.

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred **HB 9, 10, 79**, and **81**, reported the same back to the Senate favorably.

The Chair recognized Mr. Storey, former Secretary of State and now Mayor of the City of Dover. Mr. Storey made a few remarks.

The Chair presented **HB 259**, and **354**, which were given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SS** for **SB 248**—"An Act to Amend Article 10, Chapter 6. Revised Code of Delaware, 1935, as Amended, Relating to State Revenue, Inheritance Tax by Providing for the Determination of Inheritance Tax on Jointly Owned Property and the Issuance of Certificates as Proof of the Discharge of Such Tax Liability," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SS** for **SB 250**—"An Act to Amend Chapter 129 of the Revised Code of Delaware, 1935, Relating to Witnesses and Evidence, Providing that the Term 'Witnesses' Shall Include a Party to the Record," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SS** for **SB 252**—"An Act to Amend Chapter 132, of the Revised Code of Delaware, 1935, Relative to Judgments, in Relation to the Lien Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred, **SS** for **SB 67**, reported the same back to the Senate on its merits.

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred **SB 146**, reported the same back to the Senate favorably.

Mr. Phillips, on motion for leave, introduced **SB 305**—"An Act to Amend Chapter 6, of the Revised Code of Delaware, 1935, as Amended, Relative to 'State Revenue,' Providing that All Taxes in Excess of Forty Thousand Dollars (\$40,000.00) for Any One Fiscal Year Received by the State Tax Department by the Operation of the Provisions of Articles 10 and 11 Thereof, Rela-

tive to Inheritance Tax and Delaware Estate Tax, Shall Be Credited to the Sinking Fund for the Extinguishment of the Public Funded Debt of This State," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

On motion for leave, Mr. Phillip introduced **SR 26**—"Making an Appropriation for Telephone Service Charges and Toll Calls in Connection with the Work of the Senate of the 115th General Assembly of the State of Delaware."

BE IT RESOLVED by the Senate that the following amount be, and it is hereby appropriated, to pay for telephone service charges and toll calls in connection with the work of the Senate of the 115th Session of the General Assembly of the State of Delaware, which convened January 4, A. D. 1949, and that the State Treasurer be, and he is hereby authorized and directed to pay to The Diamond State Telephone Company the total of the items listed in this resolution, as follows:

Local Service and Equipment (1 month in advance)	\$ 10.35
Toll Service and Telegrams .....	152.70
Other Charges and Credits .....	5.64
Balance from last bill .....	.68
	<hr/>
Total Amount .....	169.37
Less Federal Tax .....	1.35
	<hr/>
Total Amount Due .....	\$168.02

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

On the question, "Shall the Resolution be adopted?" by acclamation, the question was decided in the affirmative and the Resolution having received the required constitutional majority, was adopted.

Messrs. Cannon, Klair, Evans and Powell, on motion for leave, introduced **SB 306**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' Providing for the Giving of Proof of Financial Responsibility and Security for Owners and Operators of Motor Vehicles and Prescribing Penalties for Violations," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Reilly moved that the Senate adjourn until 12 noon, Mon., Mar. 21, 1949. Motion prevailed.

### 43RD LEGISLATIVE DAY

Senate met pursuant to adjournment, Mon., Mar. 21, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty God: help us to draw near to Thee in true faith and humility. Grant Thy

blessing on all our labors from day to day and give us strength and skill in all our endeavors. We would trust all our affairs in Thy hand; do Thou undertake for us and choose what is best for our eternal welfare. Bless all honest efforts to improve our condition and the welfare of our brother. May Thy grace work through us that which is pleasing in Thy sight. We pray in Jesus name. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

## HEADQUARTERS NATIONAL GUARD AIR BASE AREA

Post Office Box 607, Wilmington, Delaware

18 March, 1949

Memorandum To: All Members of the  
Delaware General Assembly.

1. This memorandum is to further clarify the invitation to attend the luncheon and tour of the Air National Guard facilities at New Castle County Airport, on Friday, March 25, 1949.

2. The National Guard C-47 airplanes will be at Dover and Georgetown for the convenience of those members of the General Assembly who desire to fly to New Castle and return. Anyone who prefers to come by automobile is welcome to do so.

3. The airplane at Dover will depart Dover Air Base promptly at 11:00 A. M., arriving at New Castle at 11:20 A. M.

4. The airplane at Georgetown will depart Georgetown promptly at 10:30 A. M.

5. An interesting program and tour has been planned and all members are urged to attend.

6. In the event that you will be unable to come, please notify this office by March 24, 1949, so that suitable arrangements may be made.

J. ROSS ADAMS, JR.

Lt. Col., AF Del NG

Commanding

Communications: 17—Opposing **SB 161**, **180** and **233**; 1—Favoring **SB 221**; 1—Opposing **SB 54**; 2—Favoring **SB 93** and **364**; 2—Opposing **SB 101** and **HB 146**; 1—Favoring **HB 91**; 1—Favoring **SB 221**; 2—Opposing **SB 130**; 1—Opposing **HB 91** and **75**; 1—Favoring **HB 1**; 4—Opposing **HB 75**; 1—Favoring **HB 336** and **SB 223**; 1—Favoring **SB 217** and Civil Rights Bill; 1—Opposing **HB 235**; 1—Opposing repeal of Delaware Labor Relations Act of 1947.

A letter extending to the members of the Legislature an invitation to visit the Air Base at New Castle and the State Rifle Range on Fri., Mar. 25, 1949.

From: Beth Shalom Sisterhood, Wilmington, Del.; Rehoboth Chamber of Commerce; Wilmington Ministerial Association, David W. Harlan School P.T.A., Wilmington; Council for Delaware Education, Inc.; Mary Hill, Wilmington, Del.; Mrs. Lydia Megee, Wilmington, Del.; Gene Derrickson U. E. Field Representative; Mr. and Mrs. Lewis B. Eastburn, Newport, Del.; Mrs. Warren H. Reuss, Wilmington, Del.; Mrs. Alfred B. Moore, Roselle, Del.; Lewes Special School District, P.T.A.; Evelyn M. Wiggins, Wilmington, Del.

## STATE OF DELAWARE

The Adjutant General's Office

Wilmington, March 16, 1949

The Honorable Vera G. Davis  
President Pro Tem, The State Senate  
Dover, Delaware

Dear Senator Davis:

The Air National Guard of the State of Delaware takes pleasure in extending to the Members of the Legislature an invitation to visit the Air Base at New Castle and the State Rifle Range on Friday, March 25. If the Members of the Legislature will do us this honor, a C-47 transport plane will pick up the Members who desire to take part at the Georgetown Air Base at 10:30 A. M. Another plane will pick the others up at 11:00 A. M. at the Dover Air Base. Both planes will fly directly to the New Castle County Air Base, and a tour of the installations used by the National Guard will be made, as well as a tour of the Rifle Range facilities of the Ground Forces. We will endeavor within the means at our disposal to serve a luncheon at the National Guard Hangar at the Air Base. The planes will return you either to Dover or Georgetown not later than 2:00 P. M., in order that you will not lose a legislative day.

It is felt by all the officers of the National Guard that the Legislature should see as much as possible of the installations and work of the National Guard in order to acquaint them with what we are doing and what our legislative needs may be. Will you, therefore, read this letter to the Members of the Senate and let us know what their pleasure is? This, of course, is contingent upon the weather permitting, as no slight chance will be taken with the safety of our honorable legislative bodies.

Very truly yours,  
PAUL R. RINARD  
Brigadier General  
The Adjutant General

Mr. Burkholder moved that all Senate Bills and Senate Joint Resolutions introduced today be given their first and second readings by title only.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SCR 19**, and returned the same to the Senate.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **SB 117**, reported the same back to the Senate on its merits.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **SB 273, 298, 261, 297, 210, 268, HB 209, and 121**, reported the same back to the Senate favorably.

On motion of Mr. Phillips, **SB 157** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Peeney.

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

YEAS—Messrs. Burkholder, Evans, Hammond, Phillips, Rhodes, Madam President Pro Tem—5.

NAYS—Messrs. Bulow, Cannon, Crossley, Cabbage, David, Dickerson, Hitchens, Klair, Powell, Reilly, Webb—12.

Mr. Phillips changed from Yea to Nay for purpose of Reconsideration.

So the question was decided in the negative, and the Bill was lost.

Mr. Powell, on motion for leave, introduced **SB 307**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935. as Amended, Relative to 'Alcoholic Liquor, Wines and Beer,' Regulating the Number of Licenses to Manufacture in or Import Alcoholic Liquor in the State of Delaware to Be Issued by the Delaware Liquor Commission," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

Mr. Hitchens, on behalf of the Committee on Executive to whom had been referred Messages from the Governor, dated February 15, 1949, March 7, 1949, March 8, 1949, and March 18, 1949, reported the same back to the Senate favorably.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess 3:10 P. M.

Mr. Cannon, on motion for leave, introduced **SB 308**—"An Act to Amend Chapter 108 of the Revised Code of Delaware, 1935. as Amended, by Increasing the Annual Appropriation for the Compensation of Reporters and Stenographers and for Office Supplies and Equipment of the Law Courts of This State, and Making a Deficiency Appropriation Therefor during the Fiscal Year 1949," which was given first and second reading, the second by title only, and referred to the Committee on Finance.



On motion for leave, Mr. Dickerson introduced **SR 27**—"Extending Greetings to Senator William O. Cubbage upon His Birthday Anniversary."

WHEREAS, the Members of the Senate have learned that Senator William O. Cubbage celebrated the anniversary of his birth on Sunday, March 20, 1949; and

WHEREAS, the Members of the Senate have noted the zeal and independence of thought of Senator Cubbage in his service of the One Hundred and Fifteenth General Assembly; NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE, of the One Hundred and Fifteenth General Assembly that the greetings and best wishes of the Senate are hereby extended to Senator William O. Cubbage upon the occasion of this the sixtieth anniversary of his birth, with the sincere wish that Senator Cubbage will enjoy many further birthday anniversaries and that his service in the remainder of this General Assembly will continue to be a source of pleasure and interest to him and his fellow members.

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

On the question, "Shall the Resolution be adopted?" by acclamation, the question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted.

Mr. Evans, on motion for leave, introduced **SB 309**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935. Entitled, 'Motor Vehicles,' as Amended, Relating to the Giving of Proof of Financial Responsibility and Security by Owners and Operators of Motor Vehicles and to Make Uniform the Law with Reference Thereto, and Prescribing Penalties for Any Violations," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Dickerson, on motion for leave, introduced **SB 310**—"An Act to Amend Chapter 182 of Volume 45, Laws of Delaware, 1944-5, Entitled, 'An Act to Re-Incorporate the Town of Delmar,' by Changing the Hours for Holding the Town Election, Changing the Date on Which the Newly Elected Council and Mayor Shall Assume Their Duties and by Changing the Date When Taxes Shall Be Due and Payable," which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Phillips requested that **SB 157** be restored to the Calendar. Request granted.

The President announced he is about to sign: **HB 139**.

Mr. Phillips, on motion for leave, introduced **SB 311**—"An Act to Amend Chapter 258, Volume 41, Laws of Delaware, 1937, as Amended, (Known and Cited as the 'Unemployment Compensation Law'), by Changing Certain of the Provisions Relative to Determination of Contribution Rates for Employers Delinquent in the Payment of Their Contributions," which was given

first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

On motion for leave, Mrs. Davis introduced **SCR 21**—"Fixing the Time after Which No New Bills or Joint Resolutions Shall Be Received by Either House, Except General Appropriation Bills."

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

On the question, "Shall the Resolution be adopted?" by acclamation, the question was decided in the affirmative, and the Resolution having received the required constitutional majority, was adopted and ordered to the House for concurrence.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SB 294**, reported the same back to the Senate on its merits.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SB 278**, **277**, and **HB 259**, reported the same back to the Senate favorably.

Mr. Webb requested that **SB 94** be stricken from the Calendar. Request granted.

On motion of Mr. Rhodes, **SB 5** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Evans, Hammond, Hitchens, Phillips, Rhodes, Madam President Pro Tem—7.

NAYS—Messrs. Bulow, Cannon, Crossley, Cabbage, David, Dickerson, Klair, Powell, Reilly, Webb—10.

So the question was decided in the negative, and the Bill was lost.

On motion of Mr. Rhodes, **SB 6** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" Mr. Rhodes moved that action be deferred.

On motion of Mr. Rhodes, **SB 7** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Evans, Hammond, Hitchens, Klair, Phillips, Rhodes, Madam President Pro Tem—8.

NAYS—Messrs. Bulow, Cannon, Crossley, Cabbage, David, Dickerson, Powell, Reilly, Webb—9.

So the question was decided in the negative, and the Bill was lost.

On motion of Mr. Phillips, **SB 157** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

NAYS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb—8.

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

On motion of Mr. Cubbage, **SB 106** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Potter and Mr. Tunnel.

On the question, "Shall the Bill pass the Senate?" Mr. Cubbage moved that action be deferred.

On motion of Mr. David, **SB 201** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb—16.

NAYS—None.

ABSENT—Madam President Pro Tem—1.

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

On motion of Mr. Burkholder, **SS** for **SB 93** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Rhodes, Madam President Pro Tem—13.

NAYS—Messrs. Cannon, Crossley, Reilly, Webb—4.

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

On motion of Mr. Cubbage, **SB 106** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?", action was deferred.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SB 65**, and returned the same to the Senate.

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

**HB 236**—"An Act to Authorize the Commissioners of Newport to Borrow \$5,000.00 upon the Note of the Town for the Purpose of Making Additions to and Improving the Municipal Waterworks";

**HB 237**—"An Act to Amend Chapter 195, Volume 24, Laws of Delaware, Entitled 'An Act to Reincorporate the Town of Newport,' by Giving the Town Alderman Power to Impose Larger Fines";

**HB 224**—"An Act to Authorize the Mayor and Council of New Castle to Borrow Money and Issue Bonds Therefor for a Sum Not to Exceed One Hundred Twenty-five Thousand Dollars to Pay for the Purchasing and Installation of an Elevated Water Storage Tank";

**HB 225**—"An Act Authorizing the Mayor and Council of New Castle to Borrow Money and Issue Bonds Therefor for the Sum of \$300,000.00 to Pay for the Erection of a Sewage Disposal Plant in the City of New Castle and to Extend Sewer Facilities Throughout the Said City";

**HB 270**—"An Act to Authorize a Highway Crossing at Grade in Mill Creek Hundred, New Castle County, over the Landenberg Branch of the Baltimore and Ohio Railroad";

**HB 314**—"An Act to Amend an Act Entitled 'An Act to Change the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor' Being Chapter 162, Volume 38, Laws of Delaware, by Authorizing the City Council to Levy a Sewer Tax";

**HB 315**—"An Act to Amend 'An Act Changing the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor,' by Being Chapter 162, Volume 37, Laws of Delaware, as Amended, by Providing that the City Authorities Shall Have the Power to Establish and Maintain a Pension Plan for City Employees";

**HB 94**—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Delmar,' by Providing for Referendum Vote before Making Any Increase in Water Rents";

**HB 149**—"An Act to Reincorporate the Town of Frederica"; and presented the same to the Senate.

On motion of Mr. Cannon, **SB 169** was taken up for consideration and read a thrd time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative, and the

Bill having received the required constitutional majority, was adopted and ordered to the House for concurrence.

On motion of Mr. Cannon, **SB 204** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" Mr. Cannon moved that action be deferred for additional information.

On motion of Mr. Cannon, **SB 205** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. David, **SB 225** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" Mr. David moved that action be deferred for correction.

On motion of Mr. Reilly, **SB 234** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

Mr. Burkholder moved that the Senate recess for 15 minutes, until 5:15 P. M. Motion prevailed.

Senate met at expiration of recess, 5:25 P. M.

On motion of Mr. Reilly, **SB 235** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Peeney.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, David, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—13.

NAYS—Mr. Webb—1.

NOT VOTING—Mr. Cabbage—1.

ABSENT—Messrs. Bulow, Dickerson—2.

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

On motion of Mr. Cannon, **SB 204** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cabbage, David, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—14.

NAYS—Mr. Bulow—1.

ABSENT—Messrs. Dickerson, Klair—2.

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

On motion of Mr. Reilly, **SB 236** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, David, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—13.

NAYS—Mr. Webb—1.

NOT VOTING—Mr. Cabbage—1.

ABSENT—Messrs. Bulow, Dickerson—2.

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

On motion of Mr. Reilly, **SB 237** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cabbage, David, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—14.

NAYS—Mr. Webb—1.

ABSENT—Messrs. Bulow, Dickerson—2.

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

On motion of Mr. Reilly, **SB 238** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Peeney.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, David, Evans, Hammond, Hitchens, Phillips, Powell, Reilly, Rhodes, Madam President Pro Tem—12.

NAYS—Messrs. Klair, Webb—2.

NOT VOTING—Mr. Cabbage—1.

ABSENT—Messrs. Bulow, Dickerson—2.

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

Mr. Burkholder moved that the Senate adjourn until 12 noon, Tues., Mar. 22, 1949. Motion prevailed.

#### 44TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Tues., Mar. 22, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Our Father: we thank Thee for Thy bountiful provision for every need. Thy blessings are new every morning and fresh every day. Grant us Thy presence now. Make us self-forgetful in the service of others. May we be burden bearers and not burden makers. May nothing dim our vision of the truth or prevent us from doing right. Make us conscious of Thy presence at all times that we may know and understand Thy will. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Dickerson moved so much be considered the thank Thee for Thy bountiful provision for our every need. Thy reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 6—Requesting an apple commission for Delaware; 3—Opposing **SB 54, 161, and 180**; 2—Opposing additional State Income Tax; 2—Urging passage of **HB** entitled: "Delaware Civil Rights Law"; 1—Favoring a State Department of Public Welfare; 1—Opposing **SB 161**; 1—Favoring **SB 127**; 1—Opposing **SB 106**; 1—Urging support of **HB 148**; 22—Favoring **SB 217**; 1—Favoring **SB 223**; 1—Opposing Fair Practice Law for Delaware; 1—Favoring Veterans Bonus Bill; 1—Opposing **SB 166**.

From: Brotherhood of Locomotive Fireman & Enginemen; Brotherhood of Railroad Trainmen; Peninsula Horticultural Society, Newark, Delaware; Delaware Pre-school Association, Inc., Wilmington, Del.; Delta Fay Barber; Frank L. Garey, Wilmington, Del.; Jewish Welfare Society of Wilmington, Del.;

Wilmington Lodge No. 470, B'nai B'rith; The Capitol City Club, Dover, Del.; Chamber of Commerce, Delaware, Inc., Wilmington, Del.; Ambrose McAlevy, Wilmington, Del.; Teachers of School No. 29, Wilmington, Del.; Kiwanis Club of Greenwood, Delaware; B. R. Collins, Wilmington, Del.; Sussex Memorial Aux. Post V.F.W., Millsboro, Del.

The President announced he is about to sign: **SB 17, 65, 151, and SCR 19.**

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SS** for **SB 252**, **SS** for **SB 250**, and **SS** for **SB 248**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Public Health to whom had been referred **SB 160** and **295**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **SB 276**, **SB 289**, and **HB 125**, reported the same back to the Senate favorably.

Mr. Evans, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following: **SB 57, 75, and SCR 17.**

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred **SB 282**, and **HB 200**, reported the same back to the Senate on their merits.

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred **HB 11**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Public Health to whom had been referred **HB 102**, reported the same back to the Senate favorably.

Mr. Bulow requested that **SB 5** and **7** be restored to the Calendar. Request granted.

Mr. Powell, on behalf of the Committee on Agriculture to whom had been referred, **SB 274, 285, and 301**, reported the same back to the Senate favorably.

Mr. Phillips, on motion for leave, introduced **SB 312**—"An Act to Amend Chapter 301, Volume 46, Laws of Delaware, Entitled, 'An Act Providing for the Payment of Pension Benefits to Certain Employees of the County of New Castle, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Liability for State and Local Income Taxes and Non-assignable, and Also Providing for the Reduction of Benefits under Certain Conditions' Relating to Eligibility of Employees for Pension Benefits," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Phillips, on motion for leave, introduced **SB 313**—"An Act to Amend Chapter 258, Volume 41, Laws of Delaware, 1937, as Amended, (Known and Cited as the 'Unemployment Compensation Law'), by Increasing the Salaries of the Members of the



Unemployment Compensation Commission," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 314**—"An Act for the Protection and Conservation of Shad in the Delaware River and Bay and Their Tributaries by Regulating the Take or Catch Thereof," which was given first and second reading, the second by title only, and referred to the Committee on Fish. Oysters & Game.

Mr. Davis, on motion for leave, introduced **SB 315**—"An Act to Amend Chapter 119 of Volume 46, Laws of Delaware, 1947, Entitled, 'An Act Providing for Apportionment of Federal and State Estate Taxes,' Relative to Apportionment in the Case of Individual, Testator or in Case of Gift Inter-Vivos," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Bulow, on motion for leave, introduced **SB 316**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935 as Amended, Relative to Motor Vehicles; Providing that the Motor Vehicle Department Shall Not Suspend or Revoke the License of Any Person by Reason of a Conviction or Convictions upon the Charge of Overloading of Any Vehicle," which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Dickerson, on motion for leave, introduced **SB 317**—"An Act Making a Deficiency Appropriation to Provide for the Payment of Obligations Currently Outstanding against the State College for Colored Students," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson moved that the Senate recess until 3 P. M. Motion prevailed.

Senate met at expiration of recess, 3:40 P. M.

Mr. Dickerson requested that **SB 211** be stricken from the Calendar. Request granted.

On motion of Mr. Burkholder, **HB 259** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Fred Whitney.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

So the question was decided in the affirmative, and the Bill having received the required constitutional majority, was adopted and ordered returned to the House.

Mrs. Davis, on motion for leave, introduced **SA 1** to **SB 63**.

Mrs. Davis moved the adoption of **SA 1** to **SB 63**. Motion prevailed.

On motion of Mr. Reilly, **SB 63** as amended, was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

Mr. Phillips, on motion for leave, introduced **SS** for **SB 178**—"An Act to Create a Water Pollution Commission and to Define Its Membership, Duties and Powers," which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Phillips, on motion for leave, introduced **SS** for **SB 305**—"An Act to Amend Chapter 6, of the Revised Code of Delaware, 1935, as Amended, Relative to 'State Revenue,' Providing that All Taxes in Excess of Forty Thousand Dollars (\$40,000.00) for Any One Fiscal Year Received by the State Tax Department by the Operation of the Provisions of Articles 10 and 11 Thereof, Relative to Inheritance Tax and Delaware Estate Tax, Shall Be Credited to the Sinking Fund for the Extinguishment of the Public Funded Debt of This State," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

On motion of Mr. Evans, **SB 127** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Burkholder, **SB 159** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mrs. Bernice Hammond.

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

YEAS—Messrs. Burkholder, Evans, Hammond, Rhodes, Madam President Pro Tem—5.

NAYS—Messrs. Bulow, Cannon, Crossley, Cubbage, David, Dickerson, Hitchens, Klair, Phillips, Powell, Reilly, Webb—12.

Mr. Burkholder changing from Yea to Nay for purpose of reconsideration.

So the question was decided in the negative, and the Bill was lost.

On motion for leave, Mrs. Davis introduced **SR 28**—“Accepting the Invitation of the Senate of Maryland to the Governor, Lieutenant-Governor and the Senate of the State of Delaware.”

WHEREAS, the Senate of Maryland has graciously invited the Governor, Lieutenant-Governor and the Senate of this State to be its guests in the City of Annapolis on the evening of Thursday, March 24th, 1949; and,

WHEREAS, it is the consensus of this Body that the friendly relationship existing between the citizens of this State and those of the State of Maryland, due to the proximity of the two States, the mutual interest of the citizens thereof and the friendly association existing between them should be continued and the bonds of affection between them strengthened; and,

WHEREAS, the gracious hospitality of the citizens of the State of Maryland is well known throughout the Country; NOW, THEREFORE,

BE IT RESOLVED that the Members of the Senate of this State desire by this Resolution to express their deep appreciation for the kind and gracious invitation extended to this Body and to the Governor and Lieutenant-Governor of this State; and,

BE IT FURTHER RESOLVED that the invitation of the Senate of Maryland to the Governor, Lieutenant-Governor and the Senate of the State of Delaware be accepted and that the Secretary of the Senate be ordered and directed to send to Joseph R. Byrnes, President, and C. Andrew Shaab, Secretary of the Senate of Maryland, a copy of this Resolution.

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

On the question, “Shall the Resolution be adopted?” by acclamation, the question was decided in the affirmative, and the Resolution having received the required constitutional majority, passed the Senate.

Mrs. Davis moved adoption of Resolution. Motion prevailed.

On motion of Mr. Burkholder, **HB 116** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request, the privilege of the floor was given to Mr. Fred Whitney.

On the question, “Shall the Bill pass the Senate?” Mrs. Davis moved action be deferred for clarification. Motion carried.

On motion of Mr. Cabbage, **SB 106** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Cabbage, **SB 174** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

On motion of Mr. Cabbage, **SB 176** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?" Mr. Reilly moved action be deferred. Motion carried.

Mr. David, on motion for leave, introduced **SA 1** to **SB 225**.

Mr. David moved the adoption of **SA 1** to **SB 225**. Motion prevailed.

On motion of Mr. David, **SB 225** as amended, was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

NAYS—None.

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

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred **SB 227**, reported the same back to the Senate on its merits.

Mr. Bulow, on behalf of the Committee on Temperance to

whom had been referred **SB 84**, reported the same back to the Senate favorably.

Mr. Bulow, on motion for leave, introduced **SB 318**—"An Act to Amend Chapter 71, Revised Code of Delaware, 1935, as Amended, Relating to 'Free Public Schools' by Providing that Each Person Voting at a Special Election to Determine Whether Additional Taxes Are to Be Levied Locally Shall Cast One Vote for Each One-Hundred Dollars and Fractional Part of One-Hundred Dollars Assessed against Such Person by the County for Property in the School District," which was given first and second reading, the second by title only, and referred to the Committee on Education.

Mr. Bulow, on motion for leave, introduced **SB 319**—"An Act Authorizing and Directing the State Board of Education to Provide Transportation for Children Attending Public Schools in Any Consolidated School District and Residing without the Corporate Limits of a Town or City and at a Distance of One Mile or More from the Public School; and to Provide Transportation to and from School for Children Living within the Corporate Limits of Any Town or City, Who Are Compelled to Attend a Public School Situated within or Less Than One Mile from the Corporate Limits of Any Other Town or City," which was given first and second reading, the second by title only, and referred to the Committee on Education.

The Chair presented **HB 94, 149** and **224**, which were given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

On motion of Mrs. Davis, **SS** for **SB 248**, was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

**YEAS**—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

**NAYS**—None.

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

Mr. Dickerson moved the Senate adjourn to Wed., Mar. 23, 1949. at 12 o'clock.

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

**YEAS**—Messrs. Bulow, Cannon, Crossley, David, Dickerson, Evans, Powell, Reilly—8.

**NAYS**—Messrs. Burkholder, Cubbage, Hammond, Hitchens, Klair, Phillips, Rhodes, Webb, Madam President Pro Tem—9.

So the question was decided in the negative, and the Motion was lost.

On motion of Mrs. Davis, **SS** for **SB 250** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

**YEAS**—Messrs. Burkholder, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Reilly, Rhodes, Webb, Madam President Pro Tem—14.

**NAYS**—None.

**ABSENT**—Messrs. Bulow, Cannon, Powell—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. Klair, on motion for leave, introduced **SA 1** to **SR 25**.

Mr. Klair moved adoption of **SA 1** to **SR 25**. Motion prevailed.

On motion for leave, Mr. Burkholder introduced **SR 25** as amended.

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

On the question, "Shall the Resolution be adopted?", the question was decided in the affirmative, and the Resolution having received the required constitutional majority, passed the Senate.

Mr. Burkholder moved adoption of Resolution as amended. Motion prevailed.

On motion of Mrs. Davis, **SS** for **SB 252** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

On the question, "Shall the Bill pass the Senate?", Mrs. Davis moved that action be deferred.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Wed., Mar. 23, 1949. Motion prevailed.

#### 45TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Wed., Mar. 23, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: We thank Thee, O God, that we live in a land where Thy name is revered and where all men may worship Thee as conscience dictates. For all the blessings and privileges we enjoy our obligation to Thee is infinite. Bless all upon whom the burden of leadership rests. Bless those who sit in halls of legislation. May righteousness prevail in the enactment and enforcement of just laws. Guide us today and every day and enable us to do justly, love mercy and walk humbly before Thee. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens,

Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 2—Opposing **SB 180**; 1—Favoring **HB 148**; 1—Opposing **SB 54, 161, 180**; 1—Opposing additional State Income Tax; 1—Opposing **HJR 4** and **SJR 6**.

From: Mary C. I. Williams P.T.A., Wilmington, Del.; W. C. Brown, Deerhurst Civic Association, Wilmington; Junior League of Wilmington, Del.; John E. Wilson, Jr., Smyrna, Del.; Members of Du Pont Chapter #78, Del. National Sojourners, Inc.

Mr. Powell, on behalf of the Committee on Miscellaneous to whom had been referred **SB 186** reported the same back to the Senate favorably.

Mr. Evans, on behalf of the Committee on Passed Bills, reported as delivered to the Governor, the following: **SB 17, 65, 151, and SCR 19**.

Mr. Burkholder moved the Senate go into Executive Session. Motion prevailed.

The Chair presented **HB 314**, and **315**, which were given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Cabbage, on motion for leave, introduced **SB 320**—"An Act to Authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, to Make Indices of Judgments in His Office," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Cannon, on motion for leave, introduced **SB 321**—"An Act to Amend Chapter 79 of the Revised Code of Delaware, 1935. Relating to 'Liens' by Changing the Time in Which a Mechanics' Lien May Be Filed," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Phillips, on motion for leave, introduced **SS** for **SB 255**—"An Act to Amend Chapter 301, Volume 46, Laws of Delaware, Entitled, 'An Act Providing for the Payment of Pension Benefits to Certain Employees of the County of New Castle, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall be Free of Attachment and Liability for State and Local Income Taxes and Non-assignable, and Also Providing for the Reduction of Benefits under Certain Conditions,' Changing Age of Retirement, Period of 'Covered Employment,' Minimum Monthly Pension, Period of Time of Employment Relative to Disability Pension and Retirement Pensions," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HB 225, 236, and 237**, which were given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

The Chair presented **HB 270**, which was given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess.

On motion for leave, Mr. Hitchens introduced **SR 29**—"Relative to Payment on Account for Collecting Data, Compiling, Editing and Publishing the Daily Calendar for the State Senate."

BE IT RESOLVED by the Senate of the State of Delaware that the following amount be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for collecting data, compiling, editing and publishing the Daily Calendar for the Senate of the State of Delaware, same being expense connected with the present Session thereof, viz:

To The Sussex Countian, Georgetown, Delaware, Three Thousand One Hundred and Forty-Seven Dollars and Twenty Cents (\$3,147.20), being part payment on account for above.

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

On the question, "Shall the Resolution be adopted?" Mr. Hitchens moved adoption of the Resolution. Motion prevailed.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **HB 34, 155, 252, and HJR 2**, reported the same back to the Senate favorably.

Mrs. Davis, on motion for leave, introduced **SS** for **SB 195**—"An Act to Provide for the Use of Voting Machines in Elections, to Provide for the Method of Their Adoption and Their Acquisition, to Authorize Counties to Issue Bonds to Permit Their Purchase, to Provide for Their Handling and Care and the Method of Conducting Elections in Which They Are Used," which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Reilly, on motion for leave, introduced **SB 322**—"An Act to Amend Chapter 44, Revised Code of Delaware, 1935, Relating to 'Valuation and Assessment of Property' by Providing for a New Valuation and Assessment of All Property in New Castle County on or before July 1, 1950 and Every Four Years Thereafter," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SS** for **SB 231**—"An Act to Amend Chapter 49 of the Revised Code of Delaware, 1935, as Amended, with Respect to Examinations by Physicians; Payments for Such Examinations and Fees as Expert Witnesses," which was given first and second reading,



the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 323**—"An Act to Amend 5253. Sec. 4. of Chapter 153 of the Revised Code of Delaware, 1935, as Amended, Relating to Sabbath Breaking," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Rhodes, on motion for leave, introduced **SB 324**—"An Act to Amend Chapter 148, Volume 42, Laws of Delaware, as Amended, Creating the Office of Vice-Chancellor. by Increasing the Salary of the Vice-Chancellor," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Rhodes, on motion for leave, introduced **SB 325**—"An Act to Amend Chapter 12 of the Revised Code of Delaware, 1935, as Amended, by Providing for the Retirement of State Judges," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Rhodes, on motion for leave, introduced **SB 326**—"An Act Amending Chapter 12 of the Revised Code of Delaware, 1935, as Amended, Relative to Salaries of State Officers, by Providing for an Increase in the Salaries of the Chancellor, Chief Justice, and Associate Judges," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mr. Dickerson, on motion for leave, introduced **SB 327**—"An Act to Amend Chapter 212, Volume 44, Laws of Delaware, 1943. Entitled 'An Act to Provide for the Creation of Soil Conservation Districts Which Shall Engage in Saving the Productive Power of Delaware Farm Land by Maintaining or Improving the Fertility of the Soil, Including Farm Drainage and the Prevention or Control of Soil Erosion; to Define the Powers and Duties of Soil Conservation Districts, and to Provide for the Exercise of Such Powers and Duties, Including the Authority to Accept Money or Other Aid from Any Agency of the United States or of the State of Delaware; to Establish the State Soil Conservation Commission as the Administrative Head of All Soil Conservation Districts Hereafter to Be Established under the Provisions of This Act, and to Define the Powers and Duties of This Commission,' Relating to Change in Membership of the State Soil Conservation Commission and the County Boards of Soil District Supervisors," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

Mr. Reilly, on motion for leave, introduced **SB 328**—"An Act Establishing a Board of Examiners of Tile Workers; Providing for the Examination and Registration of Tile Workers; Making It a Misdemeanor to Engage in or Perform Mosaic, Terrazzo or Tile Work without First Registering as a Tile Worker; Providing for Registration Fees and Appeals; and Making an Appropriation for the Expenses of Said Board," which was given

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

Mr. Bulow, on motion for leave, introduced **SS** for **SJR 3**—"With Reference to the Return of Funds to the Treasurer of the United States on Account of Overpayment to an Employee of the Board of Game and Fish Commissioners of Delaware by the Fish and Wildlife Service of the United States Department of the Interior," which was given first and second reading, the second by title only, and referred to the Committee on Claims.

Mr. Phillips, on behalf of the Committee on Claims to whom had been referred **HJR 5**, reported the same back to the Senate favorably.

Mr. Burkholder requested that **SB 159** be restored to the Calendar. Request granted.

Mr. Burkholder moved that all Senate Bills, Senate Joint Resolutions and House Bills introduced today be given their first and second reading by title only. Motion prevailed.

On motion of Mrs. Davis, **HB 116** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—Mr. Phillips—1.

ABSENT—Mr. Bulow—1.

So the question was decided in the affirmative, and the Bill having received the required constitutional majority, was adopted and ordered returned to the House.

On motion of Mr. Phillips, **SB 295** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Mr. Cannon moved that action be deferred.

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

YEAS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Webb—6.

NAYS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Rhodes, Madam President Pro Tem—10.

ABSENT—Mr. Reilly—1.

So the question was decided in the negative, and the Motion was lost.

Mr. Phillips moved that the title and section read be considered the third and final reading of Bill. Motion prevailed.

On motion of Mr. Phillips, **SB 295** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

**YEAS**—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Rhodes, Madam President Pro Tem—10.

**NAYS**—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Reilly, Webb—7.

So the question was decided in the negative, and the Bill requiring a two-thirds majority, was lost.

Mr. Phillips changing vote from Yea to Nay for purpose of reconsideration.

Mr. Cubbage, on motion for leave, introduced **SS** for **SB 176**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, Relating to the Cancellation or Suspension of License for the Sale of Alcoholic Liquor, Wines and Beer, and the Disposition of Alcoholic Liquor, Wines and Beer by the Commission," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

On motion of Mr. Bulow, **SS** for **SB 31** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

**YEAS**—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

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. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had passed and requested the concurrence of the Senate in the following:

**HB 14**—"An Act Agreeing to the Proposed Amendment to Section 21 of Article III of the Constitution of the State of Delaware, Relating to the Terms of Office of the State Treasurer and Auditor of Accounts";

**HB 18**—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Providing for Exemption of Certain Veterans from Huckster's Peddler's and Auctioneer's License Requirements";

**HB 32**—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled Fish, Oysters and Game, by Increasing the Fee Payable for the Issuance of a Hunting, Fishing or Trapping License";

**HB 35**—"An Act to Amend Chapter 77, Volume 42, Laws of Delaware, 1939, as Amended, with Respect to the Use of Funds Derived from Hunting, Fishing and Trapping License Fees Collected by the Board of Game and Fish Commission";

**HB 55**—"An Act to Amend 3775. Section 9 of Chapter 96, Revised Code of Delaware, 1935, Pertaining to Forfeitures of Dower, by Providing for the Forfeiture of Dower for Wrongful Killing of a Husband";

**HB 110**—"An Act to Amend Chapter 151 of Volume 44, Laws of Delaware, 1943, as Amended by Chapter 213, Volume 45, Laws of Delaware, 1945, Relating to Delaware Commission of Shell Fisheries with Respect to Clams";

**HB 141**—"An Act to Amend an Act Entitled 'An Act to Incorporate the Town of Houston,' Approved March 26, A. D. 1913. Being Chapter 240, Volume 27, Laws of Delaware, as Amended by an Act Approved March 7, A. D. 1929, Being Chapter 163 Volume 36, Laws of Delaware, by Increasing the Amount Which May Be Raised Yearly by Taxation";

**HB 154**—"An Act to Transfer Certain Funds to the Maintenance Account of Greenwood School District No. 91";

**HB 160**—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, Relating to the Closing of One-room Schools";

**HB 203**—"An Act Authorizing the Levy Court of New Castle County to Pay All Its Employees of the Day Preceding a Holiday, Saturday or Sunday"; and presented the same to the Senate.

On motion of Mr. Dickerson, **SB 54** was taken up for consideration.

Mr. Phillips moved that action be deferred.

On the motion, "Shall **SB 54** be deferred?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

NAYS—Messrs. Cannon, Crossley, Cabbage, David, Dickerson, Klair, Reilly, Webb—8.

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

Mr. Burkholder moved that the Senate adjourn until 12 noon, Thurs., Mar. 24, 1949. Motion prevailed.

#### 46TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Thurs., Mar. 24, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Our Father: we thank Thee for the assurance that Thou art nigh unto all that call upon Thee and that Thou wilt fulfill the desire of them that fear Thee. Wilt Thou guide us in our work today. We thank Thee for freedom to do the right and liberty to speak the truth. Direct us in all our doing with Thy most gracious favor. Grant us Thy counsel in all our problems. In all life's duties grant us clear thought and quiet faith. Through Jesus Christ our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens,

Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 34—Urging support of **SB 217**; 1—Opposing **SB 146**; 1—Favoring **HB 364**; 1—Opposing **HB 146**.

From: Mrs. Mabel Burton, Wilmington, Del.; Oak Grove P.T.A.; Wilmington Milk Dealers Association, Inc.; Mr. and Mrs. William L. Ray, Wilmington, Del.; Mrs. Rhetta Williams, Wilmington, Del.; Raymond B. Lakley, Wilmington, Del.; William H. Webb, Wilmington, Del.; Mrs. Vivian Swain, Wilmington, Del.; Rosalee Starks, Wilmington, Del.; Mary E. Cooper, Wilmington, Del.; Mary Hail, Wilmington, Del.; Margaret Poindexter, Hockessin, Del.; Edith Blanchard, Wilmington, Del.; Cora Johnson, Wilmington, Del.; Constance Worgas, Wilmington, Del.; R. V. and Helen B. Nelson, Wilmington, Del.; Mrs. Sadie J. Minus, Wilmington, Del.; Ethel Carter, Yorklyn, Del.; Mr. and Mrs. Buford Hall, Wilmington, Del.; Mrs. Laura Rutter, Wilmington, Del.; Mrs. May Cain, Wilmington, Del.; Roland J. Henry, Delaware City, Del.; Mrs. Mabel Hall, Wilmington, Del.; Mrs. Ethel Glover, Wilmington, Del.; Elizabeth G. Sammons, Wilmington, Del.; Mrs. Estella Jones, Wilmington, Del.; Pauline Todd, Wilmington, Del.; Viola Holland, Wilmington, Del.; Mrs. Nellie Griffin, Wilmington, Del.; Dorthea Godwin, Wilmington, Del.; Ella B. Stubbs, Wilmington, Del.; Mrs. Flora Howard, Wilmington, Del.; Pauline Ayers, Wilmington, Del.; Mrs. Francis Anderson, Wilmington, Del.; Mrs. Blanche Johns, Wilmington, Del.; Rosie Brown, Wilmington, Del.; Igolia E. Stallings, Wilmington, Del.; Harriet J. Taylor, Wilmington, Del.

25 March, 1949

President of the Senate  
Hon. Alexis du Pont Bayard  
Legislative Hall  
Dover, Delaware

Dear Mr. Bayard:

The enclosed resolution was unanimously adopted at the last meeting of the "Friends Of Old Dover" and the secretary was instructed to send you a copy with the request it be read to the Senate and made a part of your records.

Very sincerely yours,  
FRANCES D. CUMMINS,  
Secretary .

WHEREAS William Penn, in 1683, ordered laid out the Town of Dover with a Green or Square in the centre of said town; and

WHEREAS soon thereafter a Court House was built on the east side of the parade surrounding that Square; and

WHEREAS in 1777 Dover became the capitol of Delaware and the old Court House was in 1787-91 rebuilt as the State House of Delaware; and

WHEREAS it has pleased God to preserve it to this day;

NOW, THEREFORE, BE IT RESOLVED that we "The Friends of Old Dover," do petition His Excellency, Elbert N. Carvel, the Governor of this State, and the Senators and Representatives in Legislature assembled, to take adequate measures to assure the safe keeping now and for future generations of this venerable building.

Mr. Burkholder moved that all Senate Bills, Senate Joint Resolutions and House Bills introduced today be given their first and second reading by title only.

Mr. Evans, on behalf of the Committee on Passed Bills reported as approved by the Governor the following: **SCR 16, 17, SB 57, and 75**, approved March 22, 1949; **SCR 19, SB 17, SB 65, and SB 151**, approved March 23, 1949.

Mr. Hitchens, on behalf of the Committee on Buildings and Highways to whom had been referred **SB 270, and 316**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SS** for **SB 231, HS** for **HB 76, SB 173**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SB 223**, reported the same back to the Senate on its merits.

Mr. Bulow, on motion for leave, introduced **SB 329**—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Providing for the Levy and Collection of a Tax on Admissions," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Klair, on motion for leave, introduced **SB 330**—"An Act Authorizing and Directing the Levy Court of New Castle County to Provide for the Control of Floods of Little Mill Creek and Authorizing a Maximum Expenditure Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Public Health.

Mr. Phillips, on behalf of the Committee on Education to whom had been referred **SB 318**, reported the same back to the Senate on its merits.

The Chair presented **HB 14, and 18**, which were given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HB 32, 35, and 110**, which were given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

The Chair presented **HB 55**, which was given first and sec-

ond reading, the second by title only, and referred to the Committee on Judiciary.

The Chair presented **HB 141**, which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

The Chair presented **HB 154** and **160**, which were given first and second reading, the second by title only, and referred to the Committee on Education.

The Chair presented **HB 203**, which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder, on motion for leave, introduced **SB 331**—"An Act to Authorize the Register of Wills of the State of Delaware, in and for Kent County, to Procure a New Seal of Office," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 2:35 P. M.

The President announced he is about to sign: **HB 116**, and **259**.

Messrs. Burkholder and Dickerson, on motion for leave, introduced **SB 332**—"An Act Making a Deficiency Appropriation to the State Old Age Welfare Commission for the Maintenance and Operation of the State Welfare Home," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 333**—"An Act Proposing Certain Amendments to Article IV of the Constitution of the State of Delaware. Relating to the Judiciary," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 334**—"An Act to Amend Chapter 191 of Volume 46, Laws of Delaware, 1947. Relating to the Acquisition of Lands in Dover for State Purposes," which was given first and second reading, the second by title only, and referred to the Committee on Public Lands.

On motion of Mr. Cannon, **SB 261** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hitchens, Klair, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Hammond, Phillips—2.

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

On motion of Mrs. Davis, **SB 91** was taken up for considera-

tion and read a third time. by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage. David, Dickerson, Evans, Hitchens, Klair, Reilly, Rhodes, Webb, Madam President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Hammond, Phillips, Powell—3.

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

On motion for leave Mrs. Davis introduced **SCR 22**—"Memorializing Congress on the Equal Rights Amendment for Equal Constitutional Status for Women."

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

On the question, "Shall the Resolution be adopted?" by acclamation, 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. Crossley. **SB 232** was taken up for consideration and read a third time. by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage. David, Dickerson, Evans, Hitchens, Klair, Powell, Reilly, Rhodes, Madam President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Hammond, Phillips, Webb—3.

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

Messrs. Cubbage and Powell, on motion for leave, introduced **SB 335**—"An Act to Amend Chapter 66, Volume 44, Laws of Delaware, 1943, Entitled 'An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935, Relating to the State Board of Agriculture in Reference to the Sale of Agricultural Seeds'; Providing that the Sale of All Varieties of Lespedeza and Clover Seed Shall Be Considered to Be for Seeding," which was given first and second reading, the second by title only, and referred to the Committee on Agriculture.

On motion of Mr. Dickerson, **SB 107** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage. David, Dickerson, Evans, Hitchens, Klair, Powell, Reilly, Rhodes, Madam President Pro Tem—14.



NAYS—None.

ABSENT—Messrs. Hammond, Phillips, Webb—3.

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

Mr. Burkholder moved that the Senate adjourn until 2:30 P. M., Fri., Mar. 25, 1949. Motion prevailed.

#### 47TH LEGISLATIVE DAY

Senate met pursuant to adjournment Fri., Mar. 25, 1949, 2:30 P. M. Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty God: we humbly approach Thy throne of grace and implore Thy blessing, the blessing which maketh rich and addeth no sorrow. We are not worthy to look up but Thou art worthy of all our praise. Thou hast taught us to ask and we shall receive; to seek and we shall find; to knock and it shall be opened unto us. We confess that at best we are unprofitable servants. May thy grace work through us that which is pleasing in Thy sight. O Lord, our Strength and our Redeemer. Amen.

Members present—Messrs. Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

Members absent—Mr. Bulow—1.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 146—Urging passage of Civil Rights Bill; 3—Urging support of **HB 148**—New Castle County Sewerage Systems; 1—Opposing **SB 212**; 1—Urging support of County Zoning Bill; 1—Opposing **HJR 4** and **SJR 6**.

From Wilmington, Del.: Mrs. James Hinson, Mrs. Eleanor Thompson, Mary Bailey, Ethel M. Trotman, G. Morris Whiteside, 2nd, Mrs. Dorothy Johnson, Gladys E. Camper. Greta N. Anderson, Susie A. Casson Charles Maxley, Kathryn Daniels, Mrs. Thomas Sims, Mildred Powell, Mrs. Annabelle Melton, Mr. and Mrs. Herman Evans, Mrs. Alvesta Culbreth, Delois Williams, Thelma F. Stalling, Mr. and Mrs. Paul Vantern, Mrs. Nesbitt Gibbs, Miss Vermont Loatware, C. Levi Hurtt, Amy Jackson, Elizabeth Tate, Donald Satterfield, Mary Satterfield, Mrs. Mamie Robinson, Mrs. Mildred Waters, Margaret Harrison, Sarah M. Edwards, Effie J. Brown, J. Benjamin Jackson, Lewes Purnsley, Mary and Hosea Singleton, Virginia Macklin, George Rider, Edna Russell, Hattie Randolph, Marvin Trader, Rosa O. Johnson, Mrs. Marion Bradley, Mr. and Mrs. Paul Bantum, Willa Dean Carnes, Mrs. Mary Lacy, Carrie McCall, Annie Taylor, Mr. and Mrs. Elwood Mason, Alice Williams, Frank Blakeney, Lottie

Fountain, Isiah Moore, Helen E. Benson, Emory Woodard, Mrs. Alberta Scott, Helen Homier, Mrs. Ida Lewis, Viola Stansbury, Pearl, Drummond, Antoinette V. Naylor, Mr. and Mrs. Herman Evans, Kay Ridout, Mr. and Mrs. Joseph Hudson, Thomas Taylor, Sr., Mrs. Viola Baxter, Mrs. J. R. Tyler, Mr. and Mrs. G. H. Faulk, Beulah Dickerson, Mrs. Emma Sadler, Claudine Stewart, Mrs. Myrtle White, Mrs. Rosella Sudler, Mr. and Mrs. Freeman, Mr. and Mrs. Chas. Wright, Mr. and Mrs. Hilbert L. Keys, Theresa Davis, Leila Davis, Elwood Maxfield, Mrs. Evelyn Hatcher, Lillian Brown, Mrs. Callie Lloyd, Rayfield Taylor, Mr. and Mrs. Walter Ballard, Mary E. Satterfield, Mrs. Inez Brunson, Mr. and Mrs. R. Miller, Mr. and Mrs. Eugenie Dunning, Mr. and Mrs. Theodore Morgan, Samuel Montgomery, Lillian Mae Davis, Mrs. Anna Bell, Mrs. Willie Jenkins, Herman and Ida Belle Lumbers, Reginald Mosely, Mrs. Rose Smoke.

Leonard Barrett, Leonard Wright, Mr. and Mrs. Nelson L. Williams, Mr. and Mrs. Bernard Jones, Mr. and Mrs. William Skinner, Mr. and Mrs. Harlan Roach, Mr. and Mrs. William Laws, William Griffin, Joanna Dorsey, Mrs. Easter McIver, Alberta Bell, Mildred Richards, Julius O. Bryant, Mrs. Matthews, Elizabeth Tate, Mildred Richards, Mrs. Agnes Hutt, Estella Dorsey, Esther Farrington, Emmanuel Jefferson, Mrs. Bertha Carter, Mrs. E. Thomas. Mrs. Eugene Givens, Elenora Cannon, Naomi Hurt, Mr. Wilmer Allen, Mrs. Mabel Thomas, Miss M. Frances Boodley, Mrs. Ada Chase, Mrs. Ruby Dawson, Rev. Mrs. M. C. Robbins, Mrs. Mabel M. Johnson.

From New Castle, Del.: Albion T. Unthank, William H. & Ethel M. Teller, Nathan, Pritchett, Mr. and Mrs. Edward Petty, Mr. and Mrs. John M. Wright, Mrs. Henry Barnett.

John Edwards, Marshallton, Del.; Louise N. Gibson, Christiana, Del.; Mrs. Lillian Landrum Christiana, Del.; Ruth Johnson, Hockessin, Del.; Mary Bolden, Hockessin, Del.; Flora Harding, Delaware City; Mr. and Mrs. Arthur Watson, Delaware City;

From Newark, Del.: Mary Hackett, Mr. and Mrs. James Conkey, Mrs. Carrie James, Elizabeth and Lucille Smoot.

W. S. Pilcher, Deerhurst, Del.; Mabel and Fred Reed, Marshallton, Del.; Mr. and Mrs. Edward Knotts, Marshallton, Del.; Delaware National Sojourners, Inc., Chapt. #78; Frank R. Pitt, Toledo, Ohio.

Mr. Burkholder moved that all Senate Bills, House Bills and Senate Joint Resolutions be given their first and second readings by title only. Motion carried.

Mr. Hitchens, on behalf of the Committee on Buildings and Highways to whom had been referred **HB 291, 239, 292, 270, 71, SB 290, 293, 291, and 304**, and reported the same back to the Senate favorably.

Mr. Hitchens, on behalf of the Committee on Buildings and Highways to whom had been referred **SB 309, 306 and 212**, reported the same back to the Senate on their merits.

Mr. Powell, on behalf of the Committee Miscellaneous to

whom had been referred **SB 213**, reported the same back to the Senate on its merits.

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

**HB 214**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Stopping Motor Vehicles upon Signals from Police Officers";

**HB 242**—"An Act to Repeal Section 1, Chapter 239, Volume 46, Laws of Delaware";

**HB 266**—"An Act to Provide that Any Unused Funds out of the Appropriations to the State Highway Department in the Budget Appropriation Bill for the Biennium Ending June 30, 1951, Shall Not Revert to the General Fund at the End of Any Fiscal Year but Shall Remain Credited by the State Treasurer to the Said Department for Construction";

**HB 288**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Permits for Excessive Size and Weight";

**HB 295**—"An Act to Direct the State Treasurer to Transfer to the General Current School Account of the Delaware City School District No. 52 the Sum of Eight Hundred Thirty Eight Dollars and Twenty-Two Cents (\$838.22) Appearing in the State Treasury as the Debt Service Account to the Credit of Said Delaware City School District";

**HCR 12**—"Fixing the time after which no new bills or joint resolutions shall be received by either House except general appropriation bills"; and presented the same to the Senate.

The Chair presented **HB 214**, and **288**, which were given first and second reading, the second by title only, and referred to the Committee on Buildings and Highways.

The Chair presented **HB 266**, and **295**, which were given first and second readings, the second by title only, and referred to the Committee on Miscellaneous.

The Chair presented **HB 242**, which was given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

The Chair presented **HCR 12**, which was taken up for consideration and read in order to pass the Senate.

On the question, "Shall the Resolution be adopted?" by acclamation, 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.

**Mr. Cabbage**, on motion for leave, introduced **SS** for **SB 272**—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, in Reference to the Cancellation or Suspension of Licenses for the Sale of Alcoholic Liquor, Wines and Beer," which was given first and second reading, the second by title only, and referred to the Committee on Temperance.

**Mr. Dickerson**, on motion for leave, introduced **SB 336**—"An Act to Amend Chapter 19, Volume 42, Laws of Delaware,

1939. Relative to Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware; Providing for the Appointment of a Scholarship Committee; and Providing that at Least One-half of the Said Scholarships Be Awarded to Students Desirous of Entering the Teaching Profession," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson requested that **SB 108** be stricken from the Calendar. Request granted.

Mr. Dickerson, on motion for leave, introduced **SB 337**—"An Act Making an Appropriation to the Public Archives Commission for an Exhibit for the State of Delaware at the Celebration of the One Hundred Fiftieth Anniversary of the Establishment of the National Capital at Washington," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder, on motion for leave, introduced **SS** for **SB 82**—"An Act to Make an Appropriation to the State Board of Education, Division of Special Education and Mental Hygiene, for the Education of Handicapped Children for the School Years Beginning July 1, 1949 and July 1, 1950. and Ending June 30, 1950 and June 30, 1951, Respectively, which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Phillips requested that **SB 295** be restored to the Calendar. Request granted.

On motion of Mr. Dickerson, **SB 86** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Bulow—1.

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

Mrs. Davis and Mr. Klair, on motion for leave, introduced **SB 338**—"An Act to Amend Chapter 39 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Mothers' Pension Commission' with Respect to Payments of Assistance to a Dependent Child or Children by Said State Board of Welfare in Carrying Out the Purposes of Chapter 39, Revised Code of Delaware, 1935, and Acts Amendatory Thereto," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Powell, on motion for leave, introduced **SB 339**—"An Act Making an Appropriation to the State Board of Education

for Blackwater School District No. 207-C in Sussex County for Certain Repairs and Capital Improvements to the Public School Building in Said District," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

On motion for leave, Mrs. Davis introduced **SR 30**—"Authorizing Payment on Account to Attaches and Employees of the Senate."

BE IT RESOLVED by the Senate of the 115th General Assembly that the State Treasurer be and he hereby is authorized and directed to pay to any attache or employee, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, sums on account from time to time, not to exceed the total of Five Hundred Dollars (\$500.00) to any one person, on account of services to the present Session of the Senate. Any such sums so paid shall be charged against the salary of the individual attache or employee to whom such sum or sums are paid. and shall be a part of the expense of this Session of the Senate.

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

On the question, "Shall the Resolution be adopted?" by acclamation, the question was decided in the affirmative, and the Resolution having received the required constitutional majority, passed the Senate.

On motion of Mr. Cannon, **SB 210** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hitchens, Klair, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Bulow, Hammond, Phillips—3.

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

On motion of Mr. Dickerson, **SB 183** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Bulow, Hammond—2.

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

On motion of Mr. Phillips, **SB 146** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Crossley, Evans, Hitchens, Klair, Rhodes, Webb—7.

NAYS—Messrs. Cannon, Cubbage, David, Dickerson, Phillips, Powell, Reilly—7.

ABSENT—Messrs. Bulow, Hammond—2.

NOT VOTING—1.

Mr. Phillips changed his vote from Yea to Nay for purpose of reconsideration.

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

On motion of Mr. Cannon, **SB 276** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Bulow—1.

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

On motion of Mr. Phillips, **SB 146** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Crossley, Evans, Hammond, Hitchens, Klair, Rhodes,—7.

NAYS—Messrs. Cannon, Cubbage, David, Dickerson, Phillips, Powell, Reilly, Webb—8.

ABSENT—Mr. Bulow—1.

NOT VOTING—Madam President Pro Tem—1.

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

Mr. Phillips changing from Yea to Nay for purpose of reconsideration.

On motion of Mr. Dickerson, **SB 289** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Burkholder, Cannon, Crossley, Cubbage,

David, Dickerson, Evans, Hammond, Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Bulow—1.

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

Mr. Burkholder moved that the Senate recess for 15 minutes until 5:05 P. M. Motion prevailed.

Senate met at expiration of recess, 5:15 P. M.

Mr. Burkholder moved that the Senate adjourn until 12 noon, Mon., Mar. 28, 1949. Motion prevailed.

#### 48TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Mon., Mar. 28, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty God, whose eyes are upon all our ways: we beseech Thee to bless us as we enter into the work of this session. Help us to remember the sacredness of our trust and the importance of our duties. Grant us that liberty and freedom which opens our minds to the truth. Enlarge our sympathies and make us sensitive to human need. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 17—Urging passage of **SJR 6**; 31—urging passage of **SB 217**, Fair Labor Bill; 1—Opposing **SJR 6** and **HJR 4**; 1—Favoring **HB 76** and **SB 69**; 1—Urging passage of Bill to create a separate Judgeship and staff for the Juvenile Court of Kent and Sussex Counties; 1—Opposing **SB 212**; 1—favoring Governor Carvel's tax program.

From Wilmington, Del.: Devoe & Reynolds Co., Inc.; Mary Bukay, Lydia H. Philips, Alfred du Pont Chandler, Marjorie Speakman, Wilbert B. Smith; Alice J. Ulmer, Suburban Century Club; Jewish Community Relations Council, I. B. Finkelstein, Arthur and Elizabeth Wilkins, C. E. Speakman, Mrs. John J. de Luca, New Century Club; Mrs. Frances Butter, Mr. and Mrs. Luther Williams, Mr. and Mrs. James E. Hodges, Mrs. Esther Jefferson, Mrs. Marie Harris, William Park, Mrs. Martha Jones, Bertha Ray, M. L. Lum, Mrs. Nellie Mae Holloway, Mrs. Louise Freeman, Mrs. Chester H. Roberts, Anna L. Brown, Miss Phyllis Harrison, Jesse Lockett. Mrs. Mabel M. Johnson, Hazel Morris, Mrs. Natelen Matthews, Leslie Morton, Lillian Houston,

John Surratte, Judson Triplett, Mrs. Hilda Corbin, Gwendolyn Johnson, Pauline Mills, Mrs. Viola Baxter, Mrs. Helen Turner, Mrs. Cecil S. Gray.

Dover Century Club, Capitol City Business and Professional Women's Club, Dover; Mary L. Askew, Treasurer, Del. State Federation of W. C.; Mary Elliott, Frankford New Century Club; Mrs. James E. Evans, Sec. Delaware State Federation of W. C.; Mrs. Mamie Walley, Mrs. Claude Williams, Mrs. Beatrice Robbins, Rehoboth Volunteer Fire Co., Inc., Rehoboth Beach, Del.; Rehoboth Business and Professional Women's Club.

Mr. Burkholder moved that all Senate Bills, Senate Joint Resolutions and House Bills introduced in the Senate today be given their first and second reading by title only. Motion prevailed.

Mr. Cabbage, on motion for leave, introduced **SS** for **SB 273**—"An Act to Create and Establish a Public Service Commission, and Prescribing Its Powers and Duties, and to Provide for the Regulation and Control of Public Service Corporations and Public Utilities, and Making Appropriations Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Klair, on motion for leave, introduced **SB 340**—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' by Providing Compensation for Disfigurement of Any Part of the Body Other Than the Face or Head," which was given first and second reading, the second by title only, and referred to the Committee on Labor.

Mr. Phillips requested that **SB 146** be restored to the Calendar. Request granted.

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

**HS** for **HB 305**—"An Act to Amend Chapter 164 of the Revised Code of Delaware, 1935, by Repealing All of 5522 Sec. 12 Thereof and Substituting and Enacting in Lieu Thereof a New Section to Be Known as 5522 Sec. 12, Relating to Participants in Boxing, Sparring or Wrestling Matches or Exhibitions";

**HB 318**—"An Act to Authorize the Commissioners of Lewes to Issue Bonds to Provide for Additions, Improvements and Repairs to the Water System at Lewes";

**HB 320**—"An Act to Amend the Charter of the City of Rehoboth Beach as Established by Chapter 161, Volume 41, Laws of Delaware, as Amended by Chapter 177, Volume 43, Laws of Delaware and by Chapter 243, Volume 46, Laws of Delaware by Increasing the Amount of Taxes That May Be Raised in Any Fiscal Year for Municipal Purposes";

**HB 345**—"An Act to Amend Chapter 101 of the Revised Code of Delaware, 1935, Relating to Jails and Workhouses, by Providing for the Parole of Certain Prisoners Sentenced to Be Confined in the New Castle County Workhouse and Jails of



Kent and Sussex Counties; Opportunity to Be Heard and to Establish Innocence for Alleged Violation of Parole; Innocence Proven; Prisoner Released; Subsequent Parole after Three Months; Penalty for Failure to Report as Required”;

**HB 363**—“An Act Providing that the State of Delaware Shall Be Considered Open Territory for the Sale of Personal Property”;

**HB 370**—“An Act to Amend Chapter 95 of the Revised Code of Delaware, 1935, as Amended. Entitled ‘Joint Estates and Partition,’ with Reference to the Barring of Curtesy”; and presented the same to the Senate.

Mr. William W. Spruance, Clerk of the House, being admitted, informed the Senate that the House had concurred in the following: **SB 124**. and returned the same to the Senate.

Mr. Klair, on motion for leave, introduced **SB 341**—“An Act to Repeal Chapter 180, Volume 46. Laws of Delaware, 1947, and to Amend Chapter 74, of the Revised Code of Delaware, 1935, as Amended, Relating to ‘Fish, Oysters and Game,’ by Changing the Dates of the Open Season for Taking of Opossum and for Taking of Raccoon Except in Certain Parts of New Castle and Kent Counties,” which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

The Chair presented **HS** for **HB 305**, which was given first and second reading, the second by title only. and referred to the Committee on Miscellaneous.

The Chair presented **HB 318**, and **320**, which were given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

The Chair presented **HB 345**, and **370**, which were given first and second reading, the second by title only, and referred to the Committee on Judiciary.

The Chair presented **HB 363**, which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:20 P. M.

On motion for leave, Mrs. Davis introduced **SJR 6**.

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

On the question, “Shall action be deferred?”

Upon request, the privilege of the floor was given to Mr. Jackson, Mr. Lloyd Richards, Mr. Savory, Mr. Layton Dorsey, Mrs. Paul Kellogg, Mr. Hummer.

On the question, “Shall the question be adopted?” the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Burkholder, Cannon, David, Klair, Phillips, Powell, Webb—7.

NAYS—Messrs. Bulow, Crossley, Cubbage, Dickerson,

Evans, Hammond, Hitchens, Reilly, Rhodes, Madam President Pro Tem—10.

On motion for leave, Mrs. Davis introduced **SJR 6**.

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

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

**YEAS**—Messrs. Bulow, Burkholder, Crossley, Dickerson, Evans, Hitchens, Madam President Pro Tem—7.

**NAYS**—Messrs. David, Hammond, Phillips, Powell, Reilly, Rhodes, Webb—7.

**NOT VOTING**—Messrs. Cannon, Cabbage, Klair—3.

So the question was decided in the negative, and the Resolution having received the required constitutional majority was lost.

Mrs. Davis moved that the Senate adjourn until 12 noon, Tues., Mar. 29, 1949. Motion prevailed.

#### 49TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Tues., Mar. 29, 1949, 12 noon, Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Our Father: we pray Thee to satisfy the longing of our hearts with a deep and abiding faith in Thee. Forgive us if we are too eager in the pursuit of those things which have no lasting value. Help us to look out and not in; to look forward and not back; to look up and not down. Keep alive in us that spirit of adventure which makes men scorn the way of safety and dare to do right. May thy peace abide with us and Thy love rule our hearts. Through Jesus Christ our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly. Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 1—Opposing **SB 101** and **HB 146**; 1—Urging passage of **SS** for **SB 67**; 1—Opposing **SB 54**; 1—Favoring **SB 69**; 1—Opposing **SB 130**; 1—Urging passage of Governor's Tax Bill; 140—Urging passage of **SB 217**.

From Wilmington: Warner Junior High School P.T.A.; Delaware State Conference on Social Work; Mother's Club, No. 19 School; Nina J. and George H. Jones, Wallace D. Fleetwood, Augustus Warner, Stella J. Ross, Mrs. Thomas C. Young, Mrs. Millie Mae Lewis, Congregation Adas Kodesch, Anna Lee Dennis, Wm. G. West, Mr. and Mrs. Arthur Benson, Ethel Brown, Glenn Washington, Francis and Blanche Emory, Virginia Cooper, John

Miller, Marcella Jones, Roosevelt Hawkins, Joint Committee on Civil Rights, Rev. and Mrs. L. A. Lawson and Leander, Jr.; Lola Wright, Mrs. Margaret Evans, Amelia Hutt, Mr. and Mrs. Sherman L. Clarke, Miss Fannie Smith, Robert Rutledge, Evelyn W. Stewart, Mrs. McCain, Henry A. Hopkins, Walter Gross, Mrs. Margaret Brown. Mrs. Lucy Cannon, Mr. and Mrs. Asbury Middlebrooks, Francis D. Banks, Jr.; John Wilson, Mrs. Bertha Carter, Mr. Wayne Davis, Anna Brown, Milton Johnson, Mr. and Mrs. Tilton Harrison, Alice Hopkins, Mr. and Mrs. Willie Robinson, Maurice Ronselle, Mrs. Edna Mae Lee, Ollie Armstrong, Mrs. Virginia Saddler, Miss Daisy Williams, Mrs. Pocohontas Murphy, Mrs. E. M. Taylor, Bishop Armstead H. Ransom, Mrs. Lillie Smith, Mr. and Mrs. Robert Washarn.

William West, Mr. Dennie Dorsey, Mr. and Mrs. John Miller, Mr. James Smith, Mrs. Maude Campbell, Eleanor Johnson, Mrs. Helen Hall, James C. Strickland, Rudolph P. Koeller, Sr.; Eva and Mary Washington, Mrs. Gladys Carter, Mrs. Saluda Lewis, William H. Branch, Mrs. Blanche Starkey, Mr. and Mrs. Edward Moore, Mr. P. Morris, Mrs. Angela Corbin, Pearl B. Price, Samuel Parker, Mabel Thomas, Helen Fowler, James Loper, Dorothy Price, Beulah Anderson, Mrs. Ernestine Harris, Mrs. Frances Johnson, Mrs. Violet Johnson, Dorothy J. Waples, Lillian R. and Carrol T. Bailey, Lula Walker, Cora M. Chrisden, Bessie Waters, Mrs. Mayola Moore, Mr. and Mrs. Frank Emory, Mrs. Rosa Taylor, Hessie King. Mrs. Edith Harrington, James H. Sewell, Mildred Carter, Phillip G. Sadler, Hugh B. Wailes, Jacob Cannon, Mrs. Mabel Burton, Anna Rogers, Mr. and Mrs. C. W. Fisher, Lester M. Warren, Sr., Curtis Roane and Family, Mrs. Nellie Griffin, Joseph Godwin, Mrs. Callie Lloyd, Mrs. Libby B. Deadwyler, Paul Quinton, Edna P. Wilson, Gladys Baynard, Mr. and Mrs. Eddie Gasa, Mrs. Gertrude Favors, Mr. and Mrs. Artis L. Britt, Gladys E. Camper, Anna E. Beachum, Mrs. Martenia Harris, Pete Burns, Floyd E. Wilson, Mrs. Mae A. Brace, Mr. and Mrs. George Elzey. Mrs. William Winfield, Mr. and Mrs. James Harris Mrs. Taney Henry, James E. Bowden, Rudolph P. Koeller, Jr.; Mr. and Mrs. Allen, Andrew Cleaver, Mrs. Rose Hall, Charlie Anderson.

Aetna Hose, Hook and Ladder Co., Newark, Del.; William Penn School, P.T.A., New Castle Del.; Irma Benson, Marshallton, Del.; Herbert Davis, Marshallton, Del.; Mrs. Esther Neal, Christiana, Del.; Mr. and Mrs. R. Neal, Sr., Christiana Del.

The President announced he is about to sign: **SB 124**.

Mrs. Davis requested that **SJR 6** be restored to the Calendar. Request granted.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **HB 354, 340, SB 326, 333, 315, 324, and 320**, reported the same back to the Senate favorably.

Mr. Rhodes, on behalf of the Committee on Judiciary to whom had been referred **SB 325**, reported the same back to the Senate on its merits.

Mr. Burkholder moved that the Senate recess until 2 P. M. Motion prevailed.

Senate met at expiration of recess, 7:20 P. M.

Mr. Evans, on behalf of the Committee on Passed Bills, reported to the Senate that he had delivered to the Governor the following: **SB 124**.

Mr. Burkholder moved that the Senate adjourn until 11 A. M., Wed., Mar. 30, 1949. Motion prevailed.

### 50TH LEGISLATIVE DAY

Senate met pursuant to adjournment, Wed., Mar. 30, 1949, 11 A. M., Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty God: accept our unfeigned thanks for thy many blessings. Send forth Thy spirit into our hearts and grant us strength for every task. May we have grace to face the problems of life with honest motives and without bias. Inform our minds with Thy truth and our hearts with Thy righteousness. Exalt our purposes that our lives may be dedicated to a service whose rewards are eternal. Through Jesus Shrist, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cubbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 7—Opposing **SB 130**; 3—Favoring **SB 221**; 15—Requesting repeal of **HB 212**; 2—Favoring Veterans' Bonus Bill; 1—Opposing **SJR 6**; 1—Opposing **SB 212**; 3—Favoring **HB 91**; 2—Favoring **HB 27, 28, 42, and 89, and SB 4, 9, 35, 30, 49, 50, 51, 52, 55, and 86, and SJR 2**; 2—Favoring **HB 65, 95, 97 and SB 76, 82, 88**; 1—Opposing **HB 260**; 1—Favoring **SB 292**; 1—Urging support of **SS** for **SB 67**; 1—Favoring **HB 134**; 1—Urging passage of **SB 233, 180, and 161, and HB 364, and opposing SB 101 and HB 146**; 1—Favoring **SJR 6**; 1—Favoring **SB 170, 182, and 190**; 1—Opposing **SB 230**.

From Wilmington, Del.: Mrs. Richard C. McMullen, Mrs. H. T. Parker, Nina J. and George H. Jones, State Dept. Ladies Auxiliary V.F.W., Mrs. Lucy B. Cannon, Mrs. Lulu B. Harper, Mrs. Wm. D. Ewing, Ladies Aux. Diamond State Post No. 2863, William J. Stewart, C.I.O. Delaware State Industrial Union Council, Miss Francis T. McNair, Sisterhood of Temple Beth Emeth, Alice P. Smyth, Jewish Community Relations Council, Jr. Washington Hts. Century Club, City Council of Wilmington, Del.; Delaware State Conference on Social Work, Warner P.T.A., W. Smithers Green, Jr.; Unemployment Compensation Commis-

sion, Dept. of Del., Ladies Aux., V.F.W.; Ethel P. Cade, Irene Hortman, Maple Darby.

Clara E. and Alice M. Ball, Marshallton, Del.; Col. C. B. Shaffer, Del. Mayor's Assn., Rehoboth Beach, Del.; Mary A. Cleamsky, Yorklyn, Del.; Sara N. Osborne, Yorklyn, Del.; Agnes Lake, Yorklyn, Del.; Edna Bayer, Yorklyn, Del.; Virginia Vanderkraats, Avondale, Pa.; Mrs. Frona Brooks, Avondale, Pa.; Callie Eiller, Avondale, Pa.; T. J. McDowell, Sherwin Williams Co., Cleveland, Ohio; Felton, Sibley & Co., Inc., Philadelphia, Pa.; John T. Lewis & Bros. Co., Philadelphia, Pa.; John Lucas & Co., Inc., Phila.; Delaware Council of Farmer Cooperatives, Inc., Dover, Del.; Riverside Manufacturing Co., Murfreesboro, N. C.; Committee on legislation of the Methodist Churches in Del.; Coastal Credit Company, Lewes, Del.; William H. Walker, Jr., Newark, Del.; Sarah Foote, Yorklyn, Del.; Mildred Jordan, Yorklyn, Del.; Oak Grove, P.T.A.

Mr. Burkholder moved that for today only, all Senate Bills, Joint Resolutions and House Bills be given their first and second reading by title only. Motion prevailed.

On motion of Mr. Dickerson, "Shall Senate recess until 2:30?"

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

YEAS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Reilly, Webb—7.

NAYS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Rhodes, Madam President Pro Tem—8.

ABSENT—Messrs. Klair, Powell—2.

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

On motion of Mr. Cannon to reconsider the vote on the motion: "Shall the Senate recess until 2:30 P. M.?"

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

YEAS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb—8.

NAYS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

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

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

**HB 48**—"An Act to Amend Article L, Chapter 44, Revised Code of Delaware, 1935, as Amended, Relating to Valuation and Assessment of Property, by Exempting Certain Lands and Improvements of the Lions Club of Smyrna, Delaware, from Assessment and Taxation";

**HS for HB 51**—"An Act to Amend Chapter 280, Volume 46, Laws of Delaware, 1947, Entitled an Act to Authorize 'The

Mayor and Council of the Town of Selbyville' to Borrow Money and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewer System and Sewerage Disposal Works for Said Town, and to Control and Regulate the Same, by Increasing the Amount 'The Mayor and Council of the Town of Selbyville' Is Authorized and Empowered to Borrow, and by Increasing the Amount to Be Raised by Taxation for the Purpose of Establishing a Sinking Fund for the Redemption of Said Bonds";

**HS** for **HB 152** with **HA 1**—"An Act to Amend Chapter 159, Volume 43, Laws of Delaware, Entitled 'An Act Changing the Corporate Name of 'The Town Commissioners of Camden' to 'The Town of Camden,' and Establishing a Charter Therefor,' Relating to Floating Debt";

**HB 153**—"An Act to Amend Chapter 159, Volume 43, Laws of Delaware, Entitled 'An Act Changing the Corporate Name of 'The Town Commissioners of Camden' to 'The Town of Camden' and Establishing a Charter Therefor,' by Providing for an Increase in the Limit of the Amount to Be Raised by Taxation";

**HB 166**—"An Act to Amend Chapter 183 of Volume 22, Laws of Delaware, as Amended, the Same Being Entitled 'An Act to Incorporate the Town of Greenwood,' by Defining, Limiting and Extending the Duties Terms of Office and Powers of the Commissioners and Other Officers of Said Town";

**HB 173** with **HA 1**—"An Act to Amend Chapter 189 Volume 43, Laws of Delaware. Entitled 'An Act Changing the Corporate Name of "The Commissioners of Wyoming" to "The Town of Wyoming" and Establishing a Charter Therefor,' Relating to Floating Debt";

**HB 194**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled 'An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' as Amended. and Establishing a Charter Therefor' ";

**HB 195**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" and Establishing a Charter Therefor, as Amended' ";

**HB 196**—"An Act Authorizing 'The City of Dover' to Borrow Five Hundred Thousand Dollars and to Issue Bonds Therefor for the Purpose of the General Improvement of the Water and Electrical Plant of 'The City of Dover' ";

**HB 197**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" and Establishing a Charter Therefor, as Amended";

**HB 211** with **HA 1**—"An Act Extending the Corporate Limits of the Town of Wyoming";

**HB 245**—"An Act to Repeal Chapter 106, Volume 21, Laws of Delaware, Entitled 'An Act to Classify Real Estate for the Purposes of Municipal Taxation within the City of Wilmington";

**HB 272**—"An Act to Amend Chapter 207, Laws of Dela-

ware, Entitled 'An Act to Incorporate the Town of Bowers,' as Amended, by Increasing the Amount of Tax Permitted to Be Raised in Said Town, and Providing for the Submission of Said Increase to a Referendum Vote of the Voters of Said Town";

**HB 281**—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Newport,' Being Chapter 195, Volume 24, Laws of Delaware, as Amended by Chapter 119, Volume 32, Laws of Delaware, by Changing the Hours of Voting at Annual Elections';"

**HB 286**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" and Establishing a Charter Therefor,' by Providing Compensation for the Members of the City Council";

**HB 294**—"An Act to Appropriate to the Lewes Memorial Commission the Sum of Forty-Three Hundred Dollars (\$4,300.00) for Repairs to the Zwaanendael Museum, at Lewes"; and presented the same to the Senate.

Mr. Powell requested that **SB 23** be recommitted. Request granted.

Messrs. Klair and Evans, on motion for leave, introduced **SB 342**—"An Act Governing Clearances on Railroads with Reference to Side and Overhead Structures; on Parallel and Yard Tracks," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **HB 242, SB 310, HB 318, 149, 224, 94, 225, 236, 237, 314, 315, 141, 320**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **SB 3** reported the same back to the Senate on its merits, unfavorable.

Mr. Bulow, on behalf of the Committee on Elections to whom had been referred **SB 73**, reported the same back to the Senate favorably.

Mr. Bulow, on behalf of the Committee on Temperance to whom had been referred, **SS** for **SB 272**, reported the same back to the Senate favorably.

The Chair presented **HB 48**, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HS** for **HB 51, HS** for **HB 152** as amended, **HB 153, 166, and 173** as amended, which were given first and second reading, the second by title only, and referred to the Committee on Municipal Corporations.

Mr. Rhodes, on motion for leave introduced **SS** for **SB 33**—"An Act to Amend Chapter 19, Volume 42, of the Laws of Delaware, Relative to Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships for Delaware, at Delaware College, University of Delaware," which

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

The Chair presented **HB 194, 195, 197, 211** as amended. **196, 272, 281, and 286**, which were given first and second reading the second by title only and referred to the Committee on Municipal Corporations.

The Chair presented **HB 245**, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

The Chair presented **HB 294**, which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:30 P. M.

On motion of Mr. Cannon, "Shall action be deferred until Appropriation Bill is acted upon?"

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

YEAS—Messrs. Cannon, Crossley, Cubbage, David, Dickerson, Klair, Reilly, Webb—8.

NAYS—Messrs. Bulow, Burkholder, Evans, Hammond, Hitchens, Phillips, Powell, Rhodes, Madam President Pro Tem—9.

So the question was decided in the negative, and the Motion was deferred.

Mr. Burkholder moved that the Senate recess for one hour until 4:10 P. M. Motion prevailed.

Senate met at expiration of recess, 6:35 P. M.

On motion of Mr. Rhodes, **SB 120** was taken up for consideration and read a third time, by paragraphs, in order to pass the Senate.

Upon request the privilege of the floor was given to Mr. Miller.

Action was deferred.

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

**HB 15** with **HA 2**—"An Act Making Appropriations for the Expenses of the State Government for Each of the Two Fiscal Years Ending June 30, 1950 and June 30, 1951"; and presented the same to the Senate.

Mr. Klair, on motion for leave, introduced **SB 343**—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, Relating to Free Public Schools, Authorizing the Acquisition of Lands and Building Therefor and the Issuance of Bonds in Connection Therewith," which was given first and second reading, the second by title only, and referred to the Committee on Education.

On motion for leave, Mr. Bulow introduced **SR 31**—"Relating to the Placing of a Bronze Tablet in the Senate Chamber."



BE IT RESOLVED by the Senate of the 115th General Assembly that a committee, to be composed of the President and two members of the Senate to be appointed by the President, one from each of the two political parties, shall be constituted to arrange for and have placed in the Senate Chamber a bronze tablet of sufficient size and design, the same to have set out thereon the names of the President and all the members of the Senate of the 115th General Assembly of the State of Delaware; and

BE IT FURTHER RESOLVED that a sum not exceeding Three Hundred Dollars (\$300.00) be and the same is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the purposes of this resolution, to be a part of the expenses of the regular session of the 115th General Assembly. The State Treasurer is hereby authorized and directed to pay the aforesaid sum upon warrant or warrants duly signed by the members of the said Committee, or a majority thereof.

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

On the question, "Shall the Resolution be adopted, by acclamation, the question was decided in the affirmative, and the Resolution having received the required constitutional majority, passed the Senate.

Messrs. Bulow and Cannon committee.

The Chair presented **HB 15** with **A 2**, which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder moved that the Senate recess for 10 minutes, until 6:45 P. M. Motion prevailed.

Senate met at expiration of recess, 6:55 P. M.

Mr. Bulow, on motion for leave, introduced **SB 344**—"An Act Imposing an Additional Tax upon the Compensation of Bachelor Members of the General Assembly over the Age of Thirty (30) Years," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Hammond, on behalf of the Committee on Finance to whom had been referred **HB 15** with **HA 2** reported the same back to the Senate on its merits.

Mr. Cannon moved that the Senate adjourn until 11 A. M., Thurs., Mar. 31, 1949. Motion prevailed.

## 51ST LEGISLATIVE DAY

Senate met pursuant to adjournment, Thurs., Mar. 31, 1949, 11 A. M., Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas: Almighty God, with whom none is great, none is low, but all are equal, we thank Thee that Thou dost own us and claim us as Thy children. We look

to Thee for guidance today. We acknowledge our constant need of Thee. At work, at play, at home, in our social life we need Thy hand to direct us. May we be found in all things worthy stewards of Thy grace. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens, Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Dickerson moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 2—Favoring **SJR 6**; 3—Opposing **HB 146**, and **SB 101**; 3—Opposing **SJR 6**; 1—Favoring **SB 3**; 1—Favoring **HB 296**; 1—Favoring **SB 67** providing for a State Department of Welfare; 1—Opposing **HB 75** and **SB 130**.

From: Arthur R. McKinstry, Bishop of Delaware; Warner Junior High School, P.T.A., Wilmington, Del.; V.F.W. Department of Delaware, Wilmington, Del.; Oliver D. Collins, Jr., Wilmington, Del.; State Dept. Ladies Auxiliary V.F.W.; Executive Committee, Del. State Conference on Social Work.

Mr. Burkholder moved that all Senate Bills, House Bills, and Joint Resolutions introduced today be given their first and second reading by title only. Motion prevailed.

Mr. Klair, on motion for leave, introduced **SB 345**—"An Act to Amend Article 3 of Chapter 101 of the Revised Code of Delaware, 1935, Relating to Parole of Prisoners, to Permit the Parole, upon Certain Conditions, of Persons Imprisoned for Rape or Assault with Intent to Commit Rape," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Mrs. Davis, on motion for leave, introduced **SB 346**—"An Act to Amend Chapter 76, Revised Code of Delaware, 1935, Relating to 'Insane' by Providing for the Control of the Delaware State Hospital at Farnhurst; Duties of Board of Trustees; Reports; Prohibition against Employee Acting as Guardian or Trustee of Any Inmate; Prohibition against Employee Using Facilities for Personal Gain or Use, Penalty," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SB 347**—"An Act to Amend Chapter 76, Revised Code of Delaware, 1935, as Amended, Relating to Insane by Providing for Admission of Persons as Patients at Delaware State Hospital at Farnhurst; Their Maintenance, Collection by Board of Trustees; Payment for Indigent by County; Contracts for Maintenance; Preference on Admission to Residents of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SB 348**—"An Act to Amend Chapter 39, of the Revised Code of Delaware,

1935. as Amended, Relative to 'Mothers' Pension Commission,' Providing for Payments by the Levy Courts of New Castle, Kent and Sussex Counties, to the Commission for Aid to Dependent Children, which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SB 349**—"An Act Creating the Civil Service Commission of the State of Delaware; Providing for a Director Thereunder; Prescribing the Authority, Duties, Procedure and Limitations for Both; Providing for the Adoption and Promulgation of Rules and Regulations in Connection with the Administering of This Act; Providing for a Classified and Unclassified Service and the Inclusion of Certain Employees in the Classified Service; Providing for Appointing Officers in Existing Boards, Agencies or Commissions; Providing for the Authority of the State Permanent Commission; Providing for Funds in Connection Therewith; and for Other Purposes," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Reilly, on motion for leave, introduced **SB 350**—"An Act to Amend Chapter 43 of the Revised Code of Delaware, 1935, as Amended, in Relation to Salaries Payable to the Members of the Levy Court of New Castle County," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Reilly and Mrs. Davis, on motion for leave, introduced **SB 351**—"An Act to Amend Chapter 76, Revised Code of Delaware, 1935, as Amended by Chapter 188, Volume 46, Laws of Delaware, 1947, Relating to Delaware State Health and Welfare Center, by Providing for the Independent Supervision and Control of the Said Center; the Creation of a Separate Board of Trustees; Its Powers and Duties for the Supervision and Control of Said Center," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Burkholder moved that the Senate recess until 12:30 P. M. Motion prevailed.

Senate met at expiration of recess, 1 P. M.

Mr. Burkholder moved that the Senate recess until 2:30 P. M. Motion prevailed.

Senate met at expiration of recess, 3:10 P. M.

Mrs. Davis, on motion for leave, introduced **SB 352**—"An Act to Amend Chapter 188, Volume 46, Laws of Delaware, 1947, Relating to the Delaware State Health and Welfare Center by Providing for the Supervision and Control of Said Institution; Contracts for Maintenance; Collection by Board for Maintenance; Payment for Indigent by County; Preference on Admission to Residents of This State," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Powell, on motion for leave, introduced **SB 353**—"An Act to Amend Chapter 65 of the Revised Code of Delaware,

1935. Relating to Corporations, in Relation to Exemption from Taxation of Land Constituting a Boulevard Not Devoted to the Road for Vehicular Travel and Belonging to Any Boulevard Corporation," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Cabbage, on motion for leave, introduced **SB 354**—"An Act to Amend Chapter 256, Volume 41, Laws of Delaware, Relating to the State Park Commission," which was given first and second reading, the second by title only, and referred to the Committee on Public Lands.

On motion of Mr. Bulow to **SA 1** to **HB 15** was taken up for consideration, in order to pass the Senate.

Mr. Bulow moved so much be considered the third reading of the Amendment. Motion prevailed.

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

YEAS—Messrs. Bulow, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Klair, Reilly, Webb, Madam President Pro Tem—11.

NAYS — Messrs. Hammond, Hitchens, Phillips, Powell, Rhodes—5.

NOT VOTING—Mr. Burkholder.

So the question was decided in the affirmative, and the Amendment having received the required constitutional majority was adopted and ordered returned to the House.

On motion of Mr. Hammond, **HB 15** with **SA 1** was taken up for consideration in order to pass the Senate.

Mr. Hammond moved so much be considered the third reading of the Bill. Motion prevailed.

Upon request, the privilege of the floor was given to Dr. Herbst.

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

YEAS—Messrs. Bulow, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Klair, Reilly, Webb, Madam President Pro Tem—11.

NAYS — Messrs. Hammond, Hitchens, Phillips, Powell, Rhodes—5.

NOT VOTING—Mr. Burkholder—1.

So the question was decided in the affirmative, and the Bill having received the required constitutional majority, was adopted, and ordered returned to the House.

Mr. Dickerson, on motion for leave, introduced **SB 355**—"An Act Appropriating Certain Money to the State Board of Education for Use by Said Board and for Reallocation to Certain School Districts for the Purchase and Construction of New and Improved School Buildings, and/or Additions or Alterations to Present School Buildings; Providing for a Bond Issue for the Payment Thereof; Providing that the Proceeds of the Sale of

Said Bonds Shall Be Retained by the Auditor of Accounts in Separate Funds; and Providing for the Creation of a School Building Program Board, Its Powers and Duties," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. David, on motion for leave, introduced **SB 356**—"An Act to Amend Chapter 204 of Volume 42, Laws of Delaware, 1939. Relating to the Permanent Budget Commission, by Authorizing and Directing the Said Commission to Design and Install Adequate Accounting Procedures in Any Agency of This State," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 357**—"An Act Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware; Providing for the Appointment of a Scholarship Committee and Providing that the Scholarships Be Awarded to Students Desirous of Entering the Teaching Profession," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson, on motion for leave, introduced **SB 358**—"An Act Making a Deficiency Appropriation to Provide for the Payment of Obligations Currently Outstanding against Delaware State College," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Dickerson requested that **SB 336**, and **317**, be stricken from the Calendar. Request granted.

Mr. Klair, on motion for leave, introduced **SB 359**—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935 as Amended, Entitled 'Delaware Racing Commission,' by Providing that One-half of the Breakage, Which Is Defined to Be the Odd Cents of All Redistributions to Be Made on All Pari-Mutuel or Totalizator Pool Contributions Exceeding the Sum Equal to the Next Lowest Multiple of Ten, Such Odd Cents to Be Calculated upon the Basis of Each Dollar Wagered, Shall Be Paid to the State of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Klair requested that **SB 226** be stricken from the Calendar. Request granted.

Mr. Klair, on motion for leave, introduced **SB 360**—"An Act to Amend Chapter 58, Revised Code of Delaware, 1935, as Amended, by Chapter 150, Volume 45, Laws of Delaware 1944-45 by Increasing the Compensation of Primary Election Officers," which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Bulow, on motion for leave, introduced **SB 361**—"An Act to Amend Chapter 53, of the Revised Code of Delaware, 1935. as Amended, by Repealing the Provision for the Appointment of a Deputy by the Clerk of the Peace of Sussex County,"

which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Reilly, on motion for leave, introduced **SB 362**—"An Act in Relation to Practice of the Art of Mosaics and Terrazzo and Tile in the State of Delaware," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Klair, on motion for leave, introduced **SB 363**—"An Act Proposing an Amendment to Section 22 of Article 3 of the Constitution of the State of Delaware Relating to the Prohibition that No Person Shall Be Twice Elected Sheriff in Any Term of Four Years," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Dickerson moved that the Senate recess until the call of the Chair. Motion prevailed.

Senate met at expiration of recess, 5 P. M.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **HB 197**, **HS** for **HB 51**, **HB 196**, **HS** for **HB 152** as amended, **HB 286**, **194**, **166**, **173** as amended, **HB 272**, **281**, **211** as amended, and **195**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Municipal Corporations to whom had been referred **SB 92**, reported the same back to the Senate on its merits.

Mr. Klair, on motion for leave, introduced **SB 364**—"An Act to Amend Chapter 60 of the Revised Code of Delaware, 1935, as Amended, Relating to General Elections by Increasing the Compensation of Election Officers," which was given first and second reading, the second by title only, and referred to the Committee on Elections.

Mr. Powell, on motion for leave, introduced **SB 365**—"An Act Making an Appropriation to the State Board of Education for Selbyville School District No. 32, in Sussex County, for Certain Repairs and Capital Improvements to the Public School Building in Said District," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder requested that Rule 20 be suspended so that skeleton bills may be presented. Motion prevailed.

Mr. Burkholder moved that the Senate adjourn until 11 A. M., Fri., April 1, 1949. Motion prevailed.

## 52ND LEGISLATIVE DAY

Senate met pursuant to adjournment, Fri., April 1, 1949, 11 A. M., Lt.-Gov. Bayard presiding.

Prayer by the Chaplain, Rev. Thomas:

Members present—Messrs. Bulow, Burkholder, Cannon, Crossley, Cabbage, David, Dickerson, Evans, Hammond Hitchens,

Klair, Phillips, Powell, Reilly, Rhodes, Webb, Madam President Pro Tem—17.

The Secretary proceeded to read the Journal of the previous session, when Mr. Burkholder moved so much be considered the reading of the Journal and the Journal be approved. Motion prevailed.

Communications: 165—Opposing **SB 275**—"An Act to Reincorporate the City of Newark; 2—Opposing **SJR 6**; 1—Urging support of **HB 148**; 1—Opposing **HB 75** and **SB 130**; 1—Favoring **SB 306**.

From: James M. Tunnell, Jr., Georgetown, Del.; W. Floyd Jackson, for American Legion and V.F.W.; W. C. Brown, Deerhurst Civic Association; Hamilton D. Ware, Trustee, Arden; C. W. Shields and C. A. Smoyer, Liftwood Association, Inc.; Donald J. Thomas Community Club, Holly Oak; J. W. Edwards, Brandywine Civic Association; Hiram B. Battis, Wilmington, Del.

Mr. Evans, on behalf of the Committee on Labor to whom had been referred **SB 340**, and **SS** for **SB 190**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **HB 18, 14, 245, 48, 208, SB 350, 296, SS** for **SB 255, 149, and 322**, reported the same back to the Senate favorably.

Mr. Burkholder, on behalf of the Committee on Revised Statutes to whom had been referred **SB 329**, reported the same back to the Senate on its merits.

Mr. Phillips, on behalf of the Committee on Education to whom had been referred **SB 343**, reported the same back to the Senate favorably.

Messrs Klair, Powell, and Mrs. Davis, on motion for leave, introduced **SB 366**—"An Act to Amend Chapter 54 of the Revised Code of Delaware, 1935, Relating to State Old Age Welfare Commission and State Welfare Home and Providing for the State to Reimburse the Counties for Part of the Amount Expended for Maintenance of the State Welfare Home and the Care and Support of Its Inmates, Including the Necessary Expenses of the Commission," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mr. Burkholder moved that the Senate recess until 2 P. M. Motion prevailed.

Senate met at expiration of recess, 3:25 P. M.

Mr. Dickerson, on motion for leave, introduced **SB 367**—"An Act Proposing an Amendment to Article #2 of the Constitution of the State of Delaware Authorizing the General Assembly to Empower Municipalities and the Respective Levy Courts of Each County within This State to Adopt Zoning Regulations, Ordinances, Laws or Rules Limiting and Restricting the Height of Obstacles and Structures within Three Miles of Any Public or Commercial Airport in the State of Delaware," which was

given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mr. Webb, on motion for leave, introduced **SB 368**—"An Act to Provide that the Shell Fisheries Commission Rather Than the Board of Game and Fish Commission Shall Be Exclusively Authorized and Directed to Enforce the Laws of the State of Delaware Relative to Fishing in Delaware Bay within the Jurisdiction of the State of Delaware and in the Atlantic Ocean within Three Nautical Miles of the Coast Line of This State," which was given first and second reading, the second by title only, and referred to the Committee on Fish, Oysters and Game.

Mr. Cubbage, on motion for leave, introduced **SB 369**—"An Act Providing for the Regulation, Control and Stabilization of Rents in Housing Accommodations Effective with the Termination of Federal Rent Control Legislation; Creating a Temporary State Housing Rent Commission; Its Powers and Duties; and Making an Appropriation Therefor," which was given first and second reading, the second by title only, and referred to the Committee on Finance.

Mrs. Davis, on motion for leave, introduced **SB 370**—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, by Chapter 11, Volume 43, Laws of Delaware, 1941, Relating to 'State Revenue,' Relative to Refund of Gasoline Taxes by State Highway Department," which was given first and second reading the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SB 371**—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended by Chapter 11, of Volume 43, Laws of Delaware, 1941. Relating to 'State Revenue,' Relative to Refund of Gasoline Taxes by State Highway Department," which was given first and second reading, the second by title only, and referred to the Committee on Revised Statutes.

Mrs. Davis, on motion for leave, introduced **SS** for **SS** for **SB 231**—"An Act to Amend Chapter 49 of the Revised Code of Delaware, 1935, as Amended, with Respect to Examinations by Physicians; Payments for Such Examinations and Fees as Expert Witnesses," which was given first and second reading, the second by title only, and referred to the Committee on Judiciary.

Messrs. Reilly and Bulow, on motion for leave, introduced **SB 372**—"An Act to Amend Chapter 33, Revised Code of Delaware, 1935, as Amended, Relative to the Board of Examiners of Barbers; Providing for the Appointment of a Commission and Establishing Its Jurisdiction Throughout the State; Regulation of Licenses; Expiration of Appointment; Power to Make Regulations; Regulations of Apprentices; Establishing Rules for the Operation of Barber Shops," which was given first and second reading, the second by title only, and referred to the Committee on Miscellaneous.

Mr. Klair, on motion for leave, introduced **SB 373**—"An Act