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# STATE OF DELAWARE



## JOURNAL

OF THE

## STATE SENATE

### AT A SESSION OF THE GENERAL ASSEMBLY

CONVENED AND HELD AT DOVER ON TUESDAY, THE SIXTH  
DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE  
THOUSAND NINE HUNDRED AND FIFTY-NINE,  
AND OF THE INDEPENDANCE OF THE  
UNITED STATES THE ONE HUNDRED  
AND EIGHTY-THIRD

# 1959

# OFFICERS AND MEMBERS

## OF THE

# STATE SENATE

|  |  |
|--|--|
| <i>President</i><br>DAVID P. BUCKSON                                   | <i>Supply Clerk</i><br>BEATRICE ADAMS  |
| <i>President Pro Tem</i><br>ALLEN J. COOK                              | <i>Clerk to Minority Leader</i><br>WILLIAM WARWICK   |
| <i>Secretary of the Senate</i><br>JOSHUA M. TWILLEY                    | <i>Sergeant-at-Arms</i><br>HORACE W. MILLS<br>HARLEY TIMMONS<br>HARVEY OPDYKE<br>FRED S. BAILEY<br>RODNEY WILSON<br>HARRY L. SKINNER, SR.<br>ELIJAH HICKMAN<br>CHARLES BUCKSON |
| <i>Assistant Secretary of the Senate</i><br>SHIRLEY MORLOCK            | <i>Multilith Operator</i><br>THOMAS GRAY   |
| <i>Secretary to the President</i><br>HELEN LOONEY                      | <i>Document Clerk</i><br>TYSON COHEE   |
| <i>Secretary to the President Pro Tem</i><br>JANE DUNNING              | <i>Mailroom Supervisor</i><br>TEMPLE HEINOLD   |
| <i>Secretary to Majority Leader</i><br>EDNA VADDEN                     | <i>Pages</i><br>JAMES CRAIG<br>REESE O. GORDY  |
| <i>Reading Clerk</i><br>LESLIE C. GREENLEY                             | <i>Attorneys' Secretaries</i><br>ETHEL QUILLEN<br>MARGARET WALKER  |
| <i>Chaplains</i><br>REV. RAY KIRWAN<br>REV. JOHN W. WOOTTEN            | <i>Assistant Bill Clerk</i><br>JOSEPH CLEMENTS   |
| <i>Attorneys</i><br>JOHN BIGGS, III<br>LAWRENCE C. ELLIOTT             |  |
| <i>Attorneys' Messengers</i><br>J. HAROLD SCHABINGER<br>BARNEY LOFLAND |  |
| <i>Telephone Messenger</i><br>RICHARD NORWOOD                          |  |

### NEW CASTLE COUNTY—WILMINGTON

| District |   |
|----------|---|
| 1        | JAMES H. SNOWDEN.....3703 Washington Street, Wilmington, Del.   |
| 2        | JOHN E. REILLY, SR.....436 South Heald Street, Wilmington, Del. |

### RURAL NEW CASTLE COUNTY

|   |  |
|---|--|
| 3 | REYNOLDS duPONT.....Greenville, Del.   |
| 4 | WILMER F. WILLIAMS.....2926 New Road, Roselle, Wilmington, Del.                  |
| 5 | CALVIN R. McCULLOUGH.....605 Central Ave., Holloway Terrace,<br>New Castle, Del. |
| 6 | JACOB A. CORRELL.....622 South College Avenue, Newark, Del.                      |
| 7 | JESSE F. WATSON.....Townsend, Del.   |

### KENT COUNTY

|   |   |
|---|---|
| 1 | HENRY T. PRICE.....N. Main Street, Smyrna, Del. |
| 2 | ALLEN J. COOK.....Kenton, Del.                  |
| 3 | WALTON H. SIMPSON.....Camden, Del.              |
| 4 | PETER NECHAY.....Goldsboro, Md.                 |
| 5 | HARRY E. MAYHEW.....Milford, Del.               |

### SUSSEX COUNTY

|   |                                       |
|---|---------------------------------------|
| 1 | WALTER J. HOEY.....Milford, Del.      |
| 2 | EARLE M. TULL.....Seaford, Del.       |
| 3 | CURTIS W. STEEN.....Dagsboro, Del.    |
| 4 | LEMUEL H. HICKMAN.....Frankford, Del. |
| 5 | HARVEY B. SPICER.....Georgetown, Del. |

## 120TH GENERAL ASSEMBLY

## 1ST LEGISLATIVE DAY

DOVER, DELAWARE

JANUARY 6, 1959

Pursuant to Section 4, Article 2, of the Constitution of the State of Delaware, the Senate convened in the 120th regular biennial session Tuesday, January 6, 1959, at 1:40 P. M. Lieutenant-Governor David P. Buckson presiding.

Prayer by Reverend John W. Wootten: We are grateful, Our Father, for the honor, power and prestige conferred upon this body by the voters of our Diamond State. We pray for tolerance and understanding that are so vital in these history making sessions of nineteen fifty-nine. May we become conscious of the fact that we are not here primarily as Democrats and Republicans but as citizens of a great State of the greatest country in the world. May we, also, realize that every issue, however thin, has two sides, forbid that there should be any malice in our hearts against those who do not always have our viewpoint. God bless each and every Senator of this body and when our work is done and history is written, may it meet with high-heaven's approval. These blessings we ask in the Master's name. Amen.

On motion by Mr. Reilly, Joshua M. Twilley was appointed Temporary Secretary of the Senate.

On motion by Mr. Reilly, the Temporary Secretary called the roll of the holdover members of the Senate.

The following Senators answered present on roll call: Messrs. Cook, Correll, Hickman, Nechay, Reilly, Tull and Williams—7.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 1**—"In Reference to Rules of the Senate."

**BE IT RESOLVED**, by the Senate of the 120th General Assembly that the Rules of the Senate at the regular session of 1957 be and they hereby are adopted as the temporary rules for the governing of the present Session.

Mr. Reilly presented the following resolution, which on further motion by him was adopted: **SR 2**—"Informing the Judges that the Senate is ready to receive the Certificates of Election of the Senators-Elect."

**BE IT RESOLVED**, by the Senate, that a Committee of two be appointed by the Presiding Officer to inform the Judges that the Senate is ready to receive the Certificates of Election of the Senators-Elect.

Pursuant to **SR 2** the said certificates were presented

and the President appointed Messrs. Cook and Williams to the Committee.

On motion of Mr. Reilly the Senate recessed until 2:10 P. M.

Senate met at the expiration of recess at 2:10 P. M. Lieutenant-Governor Buckson presiding. Mr. Cook reported that the committee found that all certificates were in proper order.

## THE STATE OF DELAWARE

### KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and fifty-eight for Kent County, according to the Constitution and Laws of the State of Delaware, HARRY MAYHEW was duly elected Senator for the Fifth Senatorial District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Collins J. Seitz and William J. Storey, Constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 6th day of November, A. D. 1958.

COLLINS J. SEITZ

(Seal)

Chancellor.

WILLIAM J. STOREY

Resident Associate Judge

## THE STATE OF DELAWARE

### NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen Hundred and fifty-eight, for New Castle County, according to the Constitution and Laws of the State of Delaware, JESSE F. WATSON was duly elected Senator for Senatorial District Number Seven (7) in said County in the General Assembly: which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and elections districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County,

who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 7th day of November, A. D. 1958.

CHARLES L. TERRY, JR.

(Seal)

President Judge.

ANDREW W. CHRISTIE

Resident Associate Judge

## THE STATE OF DELAWARE

### KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and fifty-eight for Kent County, according to the Constitution and Laws of the State of Delaware, WALTON H. SIMPSON was duly elected Senator for the Third Senatorial District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Collins J. Seitz and William J. Storey, constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 6th day of November, A. D. 1958.

COLLINS J. SEITZ

(Seal)

Chancellor.

WILLIAM J. STOREY

Resident Associate Judge

## THE STATE OF DELAWARE

### KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and fifty-eight for Kent County, according to the Constitution and Laws of the State of Delaware, HENRY T. PRICE was duly elected Senator for the First Senatorial District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Collins J. Seitz and William J. Storey, constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 6th day of November, A. D. 1958.

COLLINS J. SEITZ

(Seal)

Chancellor.

WILLIAM J. STOREY

Resident Associate Judge.

# THE STATE OF DELAWARE

## NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen Hundred and fifty-eight, for New Castle County, according to the Constitution and Laws of the State of Delaware, JAMES H. SNOWDEN was duly elected Senator for Senatorial District Number one (1) in said County in the General Assembly: which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 7th day of November, A. D. 1958.

CHARLES L. TERRY, JR.

(Seal)

President Judge.

ANDREW D. CHRISTIE

Resident Associate Judge.

# THE STATE OF DELAWARE

## NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen Hundred and fifty-eight, for New Castle County, according to the Constitution and Laws of the State of Delaware, REYNOLDS DuPONT was duly elected Senator for Senatorial District Number Three (3) in said County in the General Assembly: which is manifest by calculating and ascertaining the aggregate amount of all votes givens for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 7th day of November, A. D. 1958.

CHARLES L. TERRY, JR.

(Seal)

President Judge.

ANDREW D. CHRISTIE

Resident Associate Judge.

## THE STATE OF DELAWARE

### SUSSEX COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and fifty-eight, for Sussex County, according to the Constitution and Laws of the State of Delaware, HARVEY B. SPICER was duly elected Senator for Senatorial District Number Five in in said County in General Assembly which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, James B. Carey and Albert J. Stiftel, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this sixth day of November, A. D., 1958.

ALBERT J. STIFTEL

(Seal)

Associate Judge.

JAMES B. CAREY

Resident Associate Judge.

## THE STATE OF DELAWARE

### SUSSEX COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and fifty-eight, for Sussex County, according to the Constitution and Laws of the State of Delaware, WALTER J. HOEY was duly elected Senator for Senatorial District Number One in said County in General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and elec-

tion districts of the county, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE, James B. Carey and Albert J. Stiftel, Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this sixth day of November, A. D. 1958.

ALBERT J. STIFTEL

(Seal)

Associate Judge.

JAMES B. CAREY

Resident Associate Judge.

### THE STATE OF DELAWARE

#### NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen Hundred and fifty-eight for New Castle County, according to the Constitution and Laws of the State of Delaware, CALVIN McCULLOUGH was duly elected Senator for Senatorial District Number Five (5) in said County in the General Assembly: which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 7th day of November, A. D. 1958.

CHARLES L. TERRY, JR.

(Seal)

President Judge.

ANDREW D. CHRISTIE

Resident Associate Judge.

Lieutenant-Governor Buckson administered the following oath of office to Harry Mayhew, Jesse F. Watson, Walton H. Simpson, Henry T. Price, James H. Snowden, Reynolds duPont, Harvey B. Spicer, Walter J. Hoey, and Calvin McCullough.

### ILLUSTRATION OF OATH OF SENATOR

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

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of



Delaware, and that I will faithfully discharge the duties of the office of Senator in the General Assembly of the State of Delaware from Senatorial District No. Five in New Castle County (to which office I was elected at the General Election held in said State in the year A. D. 1958), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contribute or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

CALVIN R. McCULLOUGH

Sworn to this 6th day of January, A. D., 1959, before me.

DAVID P. BUCKSON

Mr. Reilly introduced the following resolution: **SR 3**—  
“In Reference to Election of President Pro Tempore.”

BE IT RESOLVED by the Senate of the 120th General Assembly of the State of Delaware that Curtis W. Steen be and he is hereby elected to the office of President Pro Tempore of the Senate of the 120th General Assembly of the State of Delaware.

On motion of Mr. Snowden the Senate recessed upon the call of the chair at 2:25 P. M.

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

Upon motion of Mr. Reilly a roll call was ordered on **SR 3**. On the question shall the resolution pass the Senate the yeas and nays being taken were as follows:

YEAS—Messrs. Hickman, McCullough, Reilly, Tull, Williams and Steen—6.

NAYS—Messrs. Cook, Hoey, Mayhew, Nechay, Price and Tull—6.

NOT VOTING—Messrs. Correll, duPont, Simpson, Snowden and Spicer—5.

**SR 3**, not having received the required Constitutional majority was lost.

On motion of Mr. Reilly **SR 3** was restored to the calendar.

Mr. Nechay introduced the following resolution: **SR 4**—  
“In Reference to the Election of President Pro Tempore.”

BE IT RESOLVED by the Senate of the 120th General Assembly of the State of Delaware that Allen J. Cook be and he is hereby elected to the office of President Pro Tempore of the Senate of the 120th General Assembly of the State of Delaware.

On the question shall the Resolution pass the Senate,

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

YEAS—Messrs. Cook, Correll, duPont, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Spicer, and Tull—11.

NAYS—Messrs. Hickman, McCullough, Reilly, Watson, Williams and Steen—6.

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

On privilege of the floor Mr. Reilly announced his intention of resigning as majority leader.

On privilege of the floor Mr. Cook expressed his appreciation on his election as President Pro Tempore.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 5**—"Authorizing the Secretary to Obtain Supplies."

BE IT RESOLVED, by the Senate of the 120th General Assembly that the Secretary of the Senate be and he hereby is authorized and directed to procure from the Legislative Reference Bureau all necessary books, forms, seals, blanks, and other stationery as may be required for the proper conducting of the business of the Senate.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 6**—"Authorizing the Legislative Reference Bureau to furnish the Secretary of the Senate with postage stamps."

BE IT RESOLVED, by the Senate of the 120th General Assembly that the Legislative Reference Bureau be and it hereby is authorized and directed to furnish to the Secretary of the Senate postage stamps in an amount up to and including \$25.00.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 7**—"Appropriation for postage stamps for the Senate of the 120th General Assembly."

BE IT RESOLVED, by the Senate of the 120th General Assembly of the State of Delaware, that the sum of \$500 be and the same is hereby appropriated out of the General Fund of the State of Delaware for the purchase of postage stamps to be used for the official business of the Senate of the 120th General Assembly.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps out of said appropriation upon warrants approved by the Executive Director of the Legislative Reference Bureau.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 8**—"Notifying the

House of Representatives that the Senate is organized and ready for business."

BE IT RESOLVED, by the Senate of the 120th General Assembly of the State of Delaware, that the Secretary of the Senate notify the House of Representatives that the Senate is organized and ready to receive business.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 9**—"Appointing a committee to notify the Governor that the Senate is organized."

BE IT RESOLVED, by the Senate of the 120th General Assembly of the State of Delaware, that the President Pro Tempore of the Senate appoint a committee of 2 members on the part of the Senate to notify the Governor of the State of Delaware, of the convening of the Senate of the 120th General Assembly, and to inform him that the Senate is ready to receive any communication that he may desire to present, or to receive any message that he may choose to deliver at such time as he may designate.

The President Pro Tempore of the Senate appointed Messrs. Snowden and Reilly to the Committee to notify the Governor that the Senate was organized and ready for business.

On motion of Mr. Reilly the Senate recessed until call of the chair.

Senate met at expiration of recess at 4:10, President of the Senate presiding. Mr. Snowden on behalf of the previously appointed committee announced that the Governor would be pleased to deliver his message in joint session of the Senate and House of Representatives on Thursday, January 8, 1959, at 1 P. M. On motion of Mr. Reilly at 4:14 P. M. the Senate adjourned until 1 P. M. Wednesday, January 7, 1959.

## 2ND LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:05 P. M. on Wednesday, January 7, 1959, President Pro Tem Cook presiding. Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. President Pro Tem Cook, Correll, duPont, Hoey, Nechay, Price, Simpson, Snowden, Spicer, Tull and Williams—11.

Members absent—Messrs. Hickman, Mayhew, McCullough, Reilly, Watson, and Steen—6.

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

Prayer by the Chaplain, Rev. John W. Wootten.

On motion of Mr. Nechay the Senate recessed until call of the chair at 2:10 P. M.

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

Messrs. Steen, Reilly, Watson, Mayhew and Hickman asked to be marked present.

Mr. Cook introduced the following concurrent resolution which on further motion by him was adopted and sent to the House for concurrence: **SCR 1**—"That the two Houses meet in joint session to hear the message of the Governor."

**BE IT RESOLVED**, by the Senate of the 120th General Assembly, the House of Representatives concurring therein, that the two Houses of the General Assembly meet in Joint Session in the Senate Chambers at 1 o'clock P. M. on the 8th day of January, A. D. 1959, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

Upon motion of Mr. Cook and without objection the President suspended Rule 22 of the Temporary Rules of Procedure of the Senate.

Mr. Cook introduced the following resolution which on further motion by him was adopted: **SR 10**—"In Reference to Election of Officers."

**BE IT RESOLVED**, by the Senate of the 120th General Assembly of the State of Delaware that the following named persons be and they hereby are elected to the respective offices appearing opposite their names, to serve during the pleasure of the Senate:

Secretary of the Senate—Joshua M. Twilley  
 Assistant Secretary of the Senate—Shirley Morlock  
 Sergeants-at-Arms—Horace W. Mills, Harley Timmons,  
 Harvey Opdyke, Fred S. Bailey, Rodney Wilson, Harry L.  
 Skinner, Sr., Elijah Hickman, Charles Buckson.

Attorneys—John Biggs, III, Lawrence C. Elliott.

Attorneys Messengers—J. Harold Schabinger, Barney Lofland.

Secretary to President—Ruth Potter  
 Secretary to President Pro Tem—Jane Dunning  
 Secretary to Majority Leader—Edna Vadden  
 Document Clerk—Tyson Cohee  
 Pages—James Craig, Reese O. Gordy  
 Multilith Operator—Thomas Gray  
 Reading Clerk—C. Leslie Greenley  
 Clerk to Minority Leader—William Warwick  
 Telephone Messenger—Richard Norwood  
 Assistant Bill Clerk—Joseph McClements  
 Supply Clerk—Beatrice Adams  
 Chaplain—Rev. John W. Wootten

Attorneys' Secretaries—Ethel Quillen, Margaret Walker  
Mailroom Supervisor—Temple Heinold

Mr. Steen announced that the correct spelling of Elijah Hickman was Elisha Hickman.

Mr. McCullough announced that the correct spelling of Harry L. Skinner, Jr. was Harry L. Skinner, Sr.

Mr. Reilly announced that the correct spelling of C. Leslie Greenley was Leslie C. Greenley.

Mr. McCullough asked to be marked present.

On motion of Mr. Cook the President directed that the oath of office be administered to the persons named in **SR 10**. The President then left the chair and the President Pro Tem. administered the oath of office to the persons named in **SR 10**.

Mr. Reilly introduced the following joint resolution which on further motion by him was adopted and ordered to the House for concurrence: **SJR 1**—"Appointing a Bill Clerk for the House of Representatives to serve during the 120th Session of the General Assembly."

**BE IT RESOLVED** by the Senate and House of Representatives of the 120th Session of the General Assembly of the State of Delaware that Frank E. Devine be and he is hereby appointed Bill Clerk for the House of Representatives to serve during the present session of the House of Representatives; and that Alvin Lyons be and he is hereby appointed Bill Clerk for the Senate to serve during the present session of the Senate, in accordance with section 903, Title 29, Delaware Code.

On motion of Mr. Reilly the Senate recessed until 12:00 Noon Thursday, January 8, 1959.

Senate met pursuant to recess at 12:45 P. M. on January 8, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. J. W. Wootten.

Members present—Messrs. Cook, Correll, duPont, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, and Williams—13.

Members absent—Messrs. Hickman, McCullough, Nechay and Steen—4.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Snowden moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Chief Clerk of the House upon being recognized notified the Senate that the House was organized and ready for business.

Mr. Nechay asked to be marked present.

**MESSAGE FROM THE HOUSE:** The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 1** and **SJR 1**.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant-Governor Buckson invited the Speaker of the House and the President Pro Tem. to a seat on the Rostrum.

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

### JOINT SESSION

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

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

Prayer by the Chaplain, Rev. John W. Wootten.

Mr. Reilly moved that Senate Rule 22 be suspended during the Joint Session. Motion prevailed.

Mr. Reilly moved that the chair appoint a committee to notify the Governor that the Joint Session was organized and ready to hear any message he may care to deliver, and to escort the Governor to the Senate Chambers. Motion prevailed.

The chair appointed: Messrs. King, Richards, Watson, and Snowden.

The Sergeant-at-Arms announced the Honorable J. Caleb Boggs, Governor of the State of Delaware. The Governor was escorted to the Rostrum and delivered the following message:

### GOVERNOR'S MESSAGE

Mr. President, Mr. Speaker, Members of the One Hundred and Twentieth General Assembly of the State of Delaware:

It is once again my privilege and responsibility to meet with you in joint session and place before you my budget recommendations and a legislative program which I firmly believe will, if enacted, enable the State to move forward with modern government to a new day which Delaware desperately needs.

We must work together to bring about a new day for Delaware.

This is my fourth meeting with the General Assembly at the beginning of a biennial session. I would be a happy

man if I could report to you that all is perfect in Delaware. But such is not the case, although there has been much progress and much to be thankful for. I say quite frankly to each of you the business of this session is as urgent as any that has ever confronted a General Assembly in Delaware.

As elected representatives of the people of Delaware we have a real job to do. The reason is a simple one. We are in the midst of a serious financial crisis, and we are trying to meet the needs of a growing state with an antiquated governmental system. As you know, I have in previous messages pointed up these problems. They can no longer be postponed. These problems must be solved without delay.

I am firmly convinced that the people of this State—the fourth fastest growing state in the Nation—are well aware of our financial condition. They are looking to us to put our house in order. They are looking to us to provide the essential services—a better educational system, necessary help to the needy, more recreational facilities, modern highways—and yet keep our economic house in order. They will support us in well-considered programs to improve and modernize our state government so that these problems may be met. More than that, they expect it—and they deserve it.

I would like to make one suggestion at the outset. Let us apply to every proposal at this session of the General Assembly the basic test: Is it good for Delaware? I submit we can apply no other yardstick and still merit public support. I pledge to you my whole-hearted cooperation on constructive measures in the best interests of the people in the State of Delaware.

Every great challenge brings with it great opportunities. We have before us unprecedented opportunities to help create a better way of life for each of our citizens in the future. Individual economic well-being can be substantially increased. Our public education system can be improved for the growing numbers of our young people. Better public health programs can be encouraged. Greater assistance and understanding can be established for our older citizens. Natural resources, including recreational facilities, can be further developed. The economic climate can be strengthened to develop more jobs and to reduce unemployment by attracting new business enterprises and by encouraging profitable and productive expansion of our present industrial and agricultural capacities. There are many other areas where we can up-grade state services to meet rapid changes in our social and economic structure.

### DELAWARE'S TWO MAJOR PROBLEMS

However, I am fully convinced that before we can realize the great opportunities that are well within our grasp, two things must be done.

First, we must bring about without delay financial reforms that will put the State on a sound financial footing and establish public confidence in a system of handling money problems efficiently.

Second, we must reorganize the government to meet not only today's complex problems, but the infinitely more complicated ones that will soon face us in the 1960's and 1970's as we continue to grow in this fast-moving Space Age.

As you know, I have initiated a series of public reports on the month-by-month status of state finances. I think that the public's response has already given you a measure of their anxiety on fiscal affairs.

### CRITICAL FINANCIAL SITUATION

As of the moment these are the facts on Delaware's financial situation—a situation that can only be described as critical.

At the end of this fiscal year it is estimated that there will be a deficit—an excess of commitments over revenues—of about \$6,500,000.

In only six of the last 13 years have revenues matched expenditures in the State of Delaware. Over the last 13 years the State of Delaware has been saved from even greater deficits by the tax windfalls from certain large estates. Total state expenditures have grown from about \$13,000,000 in 1946 to about \$65,000,000 in 1958.

The State has no adequate system for estimating tax revenues, for preparing logical budgets, or for heading off troubles if revenues begin to fall short of expectations during any fiscal year.

The State of Delaware has an extraordinarily high bonded indebtedness totaling approximately \$156,000,000 for the veterans bonus and capital improvements such as schools and roads.

All of these facts taken together, as they must be, clearly show the urgency of acting and acting wisely for the present and future.

As to the problem of modernizing the state government, this is tied directly to the financial situation. We will be able to effect the needed savings and the financial management necessary to carry out our responsibilities as a state only by improving the structure of government.

### DELAWARE'S GROWTH

All of us, from time to time, have occasion to remember when Delaware's budgets and Delaware's problems were relatively simple. But we can't go back to what some people refer to as the good old days. The fact is that Delaware is busting out all over.



Here are some facts: population is up from 299,000 in 1947 to an estimated 454,000 today, an increase in just eleven years of 155,000 persons or over 50%. As I have said, we are the fourth fastest-growing state.

Our school population has increased from about 41,000 in 1947-48 to an estimated 73,000 in 1958-59. Predictions are we'll pass 100,000 in enrollment in a few years.

In 1947-48 there were about 1,800 teachers and administrators at an average salary of about \$2,700 per year. Today there are about 3,500 teachers and administrators at an average salary of about \$5,700 per year. Salaries have more than doubled.

In 1946 there were about 83,000 wage earners covered by unemployment compensation insurance. Their average annual wage rate was \$2,465 with total wages of about \$205,000,000 for that year. In 1958 it is estimated 122,000 wage earners are in covered employment at an annual average wage rate of \$5,080 with total wages for the year of about \$620,000,000. The number of people employed has increased 50 per cent, wages have doubled, and total payrolls in the State have increased about 200 per cent.

In 1945 Delaware farm land had a total value of about \$72,000,000. In 1958, with about 123,000 acres less in farm land, the total valuation was about \$160,000,000.

Personal savings have increased almost 100 per cent since 1946.

The Department of Commerce gives me the following picture of Delaware's growth: total personal income for Delaware residents in 1946 was about \$460,000,000. In 1957, total personal income for Delaware residents was about \$1,200,000,000. These personal income figures might be considered the most comprehensive measure of economic activity.

While this growth may seem amazing, even as we look back upon it, think how incredible it would have been for anyone to have predicted it just fifteen years ago.

While Delaware has experienced great progress, we must never forget that there is unemployment in the State and that there are a substantial number of persons on the welfare rolls. Every effort must be made to meet the needs of these people as we strive further to strengthen our economy.

We can judge in part the future on the basis of the growth of our economy in the past. I, therefore, have confidence in continued great growth and development in Delaware if our state government goes forward with these changing times in a responsible and courageous manner. Otherwise, the people of this State will not receive their full share of better things to come.

Many of the proposals I will make to you today, I have made in past messages to the General Assembly. This time

the recommendations combine those previous proposals with important new ones to launch an all-out attack on our fundamental problems. I believe with my whole heart in this program; with my full energies I will work for it.

### A NEW DAY FOR DELAWARE

This program will bring a new day for Delaware.

This new day for Delaware will include substantial and long-needed financial reforms to protect the taxpayers. This new day for Delaware means that the state government will live within its income. This new day for Delaware demands constitutional and legislative reforms to create a modern government. This new day for Delaware means the strengthening of state services in certain vital areas of basic human needs. This new day for Delaware means an economic climate that will provide more jobs and new opportunities for working men and women.

It is a program for Delaware that is above partisanship, above political whim. This new day for Delaware needs your support.

It is my privilege to submit to the General Assembly for your consideration as the law requires the Budget Report, the Budget Appropriation Bill, the Contingency Fund Bill and various other usual supplementary appropriation bills.

### A BALANCED BUDGET

A balanced budget is recommended for the next biennium. It does not require any new taxes from our citizens. However, it does provide for modest increases in expenditures in many areas of state services. With present revenue estimates, these can be financed by the normal expected growth from the present tax structure and by reductions in expenditures in certain other areas. Where reductions occur, I believe they can be justified.

Let me say that I recognize arguments can be made for increased expenditures over and above those that I have recommended. There is no doubt in my mind that these expenditures will have to increase in the future. A growing state must have an expansion of services to meet the needs of its people. We must also have the courage to pay as we go and stop indiscriminately piling up bonded debt for our children.

I am firmly convinced, however, that we must make no substantial increases in expenditures until our State has re-established a sound financial position. We must not make any further demands on the taxpayers' pocketbooks until there has been a thorough, top-to-bottom study of the entire tax system to bring up-to-date the fiscal affairs report made in 1954 at my request by McKinsey and Company. The Mc-

Kinsey report and recommendations, as you know, were given to the members of the General Assembly in 1955 and 1957.

The new tax study which I am proposing should make recommendations on how to provide additional needed state services without damaging the economy and, most of all, without creating injustices or inequities in the tax system. We must not blindly authorize state expenditures and then, and only then, look around for some place to find the revenue. Delaware can go ahead with confidence only when its tax system is equitably geared to its economy.

### \$138,000,000 BUDGET

With this philosophy as the basis for my budget recommendations, the total expenditures for the next biennium are expected to amount to about \$138,608,549. Estimated revenues for the next two years total \$138,635,000.

Some state services have received slight recommended increases. In order to recommend a balanced budget for the next two years, however, it was necessary to reduce budget requests. Some item by item comparisons of this new budget recommendation with the present biennium will demonstrate how the state government will meet its responsibilities.

### INCREASED SERVICES

For example, my budget recommendations for education in the next two years are \$3,400,000 higher than the money provided in the last two years. It is recommended that the University of Delaware funds be raised over what they have been in the past two years.

The University of Delaware has over the years achieved a position of eminence in the field of higher learning. The University's ability to meet future, higher educational needs in Delaware will depend substantially on the establishment of a sound financial condition for the state as a whole.

Many items of the Welfare budget, including such important projects as the Commission for the Blind, Delaware State Hospital, Governor Bacon Health Center, and various programs for the aged, the indigent, the physically and mentally handicapped, and dependent children, have been increased.

In the highway program, budgets for safety and the State Police have been increased. The judicial and legal budget has been increased, including additional money for the Family Court in Wilmington. Both our health programs and our agricultural programs have my recommendation for more money than they received in the past two years. The money available for pensions is increased in line with the statutory requirements. The debt service increase is mandatory. These are the major increases in the Budget.

## REDUCED EXPENDITURES

Reductions in expenditures are recommended for highway maintenance, highway construction, mosquito control and election functions. The last item I am recommending be returned to the counties. My recommendations on registration and election functions will be more fully discussed in a special message in the near future. I believe the highway maintenance program can be reduced substantially without any damage to the over-all state road program.

The half-million-dollar reduction in the highway construction budget will not eliminate one foot of highway construction. This particular budget item primarily represents money for highway planning. The high level of expenditures for planning in recent years should have permitted projects to be drawn up well into the future.

For the present biennium, large amounts of money have been appropriated for mosquito control. In recent years these appropriations have not been as effective in reducing this nuisance as we had reason to hope. In fact, at certain times of the year, harassed citizens have expressed the belief that the mosquitoes are, if anything, worse.

In view of this situation, it seems logical that we restudy existing mosquito control methods in an effort to develop new techniques that will be more effective. Pending the outcome of these new studies, which I recommend be made, funds are included for the State to continue a basic program of mosquito control.

I have every confidence that the wisdom of this General Assembly will result in a concurrence that a balanced budget is an essential objective of sound fiscal management in meeting today's and future needs of the State of Delaware.

## DEFICIT MUST BE SOLVED

There is another important financial matter to be discussed. That is the anticipated \$6,500,000 deficit for this fiscal year ending June 30, 1959. This is a problem that must be solved. Last year, I made recommendations to the General Assembly to head off this deficit, and the Joint Finance Committee also made proposals to meet this crisis. However, the General Assembly itself failed to take complete action. This General Assembly has inherited the problem, and I ask you to take up the problem and clear the deficit with appropriate action.

Delaware's credit rating and future bond issues for schools, roads and other necessary capital improvements during the next two years will depend on prompt and proper action to clear up our present deficit. I am informed that the State of Delaware may even have great difficulty in

successfully selling the bonds already authorized for highways and school construction, some of which funds will be required this Spring.

This State must be prepared to provide increased and improved services required by its citizens. But when this is viewed against the back-drop of the present unsound financial and organizational situation in the state government, I say we must take first things first. We must establish a governmental structure and sound policies that will permit us to move ahead with confidence in succeeding years.

## PROGRAM FOR MODERN GOVERNMENT

This leads directly to the matter of recommendations for modernizing our state government. I am submitting to you an 11-point legislative program that I believe is urgently required to begin meeting effectively the governmental problems of this State.

### 1. DEPARTMENT OF FINANCE

A Department of Finance is desperately needed. This is a recommendation which I have made several times before. A Department of Finance is essential for a sound financial structure for the State of Delaware.

A Department of Finance for Delaware should have three major divisions: a Division of Accounts, responsible for centralized accounting and auditing; a Division of Purchasing, responsible for centralized purchasing for state agencies; and a Division of the Budget, responsible for preparation and control of the budget and the expenditures under that budget. The Director of this new department, with the Governor's approval, must have the power to order changes in expenditures in case revenues do not meet the estimates at any time during the fiscal year. Also, the head of this new agency should be appointed by and be responsible to the Governor.

What will this new Department mean to the people of this State? It will mean that governmental machinery is available to help prevent financial chaos in the future. It will mean that we can help head off deficits through more accurate estimates of revenue and greater control of expenditures. It will mean that there can be sensible, long-range planning of state finances to meet the growing needs of our people. And, finally, it will provide for greater economy, perhaps as much as \$5,000,000 over a ten-year period. A majority of the states have this type of sound financial organization. We need it in Delaware.

### 2. CONSTITUTIONAL REFORMS

I recommend that the General Assembly take action to place before the people of the State of Delaware, through

the ballot in 1960, the question: "Should there be a convention to revise the Constitution of the State of Delaware."

Many changes in the life and character of Delaware have occurred since the time of the adoption of the present Constitution in 1897. That was 62 years ago, and not since that time has this basic structure of Delaware's sovereignty been reviewed by representatives of its citizens chosen for that particular purpose.

This document represents the fundamental compact among the people of this State by which they agree with each other upon the form and character of the government to which they will be subject. The time has come when the people are entitled to a re-examination of that compact.

Many areas of proper constitutional revision suggest themselves for consideration by such a convention. Prominent among them should be the consideration of a limit upon the power of the legislative and executive branches to contract indebtedness of the State. Additionally, a convention should consider a prohibition upon the use of windfall or nonrecurring revenues for ordinary operating expenses. I believe they must be for capital improvements and debt reduction.

Of equal or greater importance is the establishment of firm constitutional controls which would assure to each of the legislative, executive and judicial branches of the state government the preservation of its power and of the fundamental principle of checks and balances upon which the security of our governmental system depends. Each branch should be absolutely barred from usurping the prerogatives of either of the others.

The convention should also consider the constitutional requirements of direct primary elections for the selection of candidates for elective political office.

Such convention should consider the often recommended constitutional provision requiring that all revenues derived from taxes and fees paid by highway users be made available for highway purposes only.

#### FOUR CONSTITUTIONAL AMENDMENTS

Since the revision of the Constitution by a convention called for that purpose must await the next general election and a necessary time thereafter, I recommend for immediate adoption the following amendments to the Constitution:

First—I recommend the amendment of Article 2, Section 4 of the Constitution to provide for annual sessions of the General Assembly.

We have seen a tremendous growth in the population of this State and with it a growth in the number of problems,

which must be handled by the state government, calling for an increasing amount of its services. In particular, the greater demands upon the finances of this State make it desirable that legislative attention be maintained on an annual basis in respect to revenues and expenditures.

This measure has already been enacted by the 119th General Assembly and only requires action by this session to put it into effect commencing with the 121st General Assembly.

Second—I recommend that re-apportionment of representation in the General Assembly be established by appropriate constitutional amendment. Such an amendment might well follow the principle upon which the federal legislature is apportioned by establishing a geographical equality of representation in the Senate and an apportionment by population numbers in the House of Representatives. Such a structure would guarantee an equal voice with all other parts of the State in the passage of legislation in the Senate and would offer protection from any abuse of power.

Third—I recommend the adoption of appropriate legislation to establish Home Rule. Home Rule is nothing more than self-government for incorporated towns and cities; and all of us support that principle. Is it fair and democratic government when the representatives of one part of the State sit in daily judgment of the affairs of an incorporated municipality of another part far removed geographically, and completely different in local interest?

Fourth—I recommend the adoption of an appropriate constitutional amendment prohibiting retroactive taxation.

I sincerely commend these constitutional matters to the attention of the General Assembly.

### 3. A SWEEPING REVENUE STUDY

A sweeping, top-to-bottom study is required at once to bring up-to-date the 1954 McKinsey fiscal report and determine the best methods by which the State can finance the increased needs for services which are developing as our population grows. Our present tax system has grown without sufficient recognition of long-range planning. Every effort should be made to gear the tax programs to the State's economy, and this new study would indicate where inequities exist in the present tax structure.

These and many other fundamental questions of tax policy should be studied by the appropriate committee in the General Assembly. In conducting this searching examination of our tax system, this committee, I believe, should take extensive public testimony from individuals and organizations which represent a true cross-section of our State.

The necessary state services for its citizens cannot go for-

ward on a sound basis until this study has been made. This study is especially important because, compared with other states, the state government in Delaware performs an unusually large proportion of the public services. I hope you will give this recommendation speedy and favorable consideration.

#### 4. A NEW FIRE CODE

For further protection of lives and property in Delaware from the always-present menace of fire, I recommend passage at this session of legislation which would make possible the formulation of an urgently needed state fire code.

We must do everything within our power to protect our citizens from a holocaust like the recent dreadful fire in a Chicago school. The recent tragic fire in Clayton serves to bring home to us the need for further efforts in the area of state-wide fire prevention.

#### 5. DEPARTMENT OF LABOR

A Department of Labor is a necessary improvement in the organization of our state government. This Department would coordinate the child labor laws, industrial safety, and other laws and regulations affecting working conditions. It would also help establish the climate and the processes that will enable the State to maintain its present harmonious relationships between management and labor.

#### 6. PUBLIC SCHOOL SYSTEM

The public school system of this State also requires modernization if it is adequately and equitably to serve the educational needs of our children. The existence of numerous small school districts having less than a twelve year educational program creates adjustment problems for the students involved and for school officials and administrators. There is now in preparation a modernization of Delaware's school laws which will be submitted for consideration to the General Assembly at an early date. These revisions should add materially to the effectiveness of Delaware's public school system.

#### 7. DEPARTMENT OF PUBLIC WORKS

A new Department of Public Works should replace the present Highway Department which is misnamed in the light of its present activities. The Highway Department is no longer a highway agency but includes many diverse activities such as beach erosion, dam and bridge building, mosquito control, motor vehicle registration, drainage problems, and the State Police. From a financial and administrative point of view this new Department would more appropriately repre-



sent the multitude of present activities of the Highway Department. I shall develop this recommendation later in a special message.

#### 8. STATE POLICE

The State Police should be removed from the control of any state agency which has other responsibilities and especially from any agency where there exists the possibility for a serious conflict of interest and political domination. I recommend that the State Police be placed under a separate and independent commission.

#### 9. WATER RESOURCES COMMISSION

A Water Resources Commission should be established to tackle the increasingly serious problems of Delaware's water supply. Much planning has already been done, and these plans should be moved forward and others started under the direction of a permanent commission.

#### 10. NEW WEIGHTS AND MEASURES LAW

A new Weights and Measures law should be enacted without delay to provide new safeguards for housewives and all consumers and new standards to help businessmen and farmers. The administration of the law should be placed under the State Board of Agriculture instead of the present assignment to part-time persons in the three counties. Above all, the new law should have teeth in it to carry out its intent and provide its benefits and protection to the people.

#### 11. COMMISSION FOR THE AGING

My final legislative recommendation is for the enlargement of the mission of the Board of the State Welfare Home and Hospital for the Chronically Ill. This agency should have full and broad authority to provide adequate attention to the problems of the growing number of our senior citizens. The greater longevity and more old people in the population must be accompanied by social and economic change, both to benefit those with more and more time at their disposal and to further strengthen the health of our economy. With this additional scope of responsibility this Board would be the nucleus of the State's effort in making sure that every possible attention is given to better ways of meeting the needs and utilizing the resources of the aging population.

This additional authority should enable the Board to appoint an Advisory Committee so that adequate representation may be given to all of the many and complex considerations involved in this important and serious responsibility. Such enlarged authority should also meet the standards of a Commission for the aging recognized by other states and the federal government.

This recommendation is especially important in view of Public Law No. 908 of the 85th Congress which provides that the President shall call a White House Conference on Aging. This Conference is to be held in January 1961. Certain funds from the federal government will be made available to assist the states in preparation for this White House Conference and other planning in connection with the aging problem.

### CAMPAIGN FOR MODERN GOVERNMENT

These eleven recommendations form the basis of a program which will lead toward financial responsibility and an improved governmental structure for efficient, effective, good government in Delaware. I have made provision in my budget for the operation of these new government organizations. It is essential that a sound financial condition in Delaware be re-established in order to provide the basis for our future progress. Every effort must be made to modernize the government of the State of Delaware to meet its responsibilities more efficiently and economically. There are a number of other important improvements, including a job classification and merit pay system that will have to be achieved to complete the reorganization of the state government. However, the proposals in this eleven point program represent the most immediate needs. I ask you to join me in a campaign to bring about this new day for Delaware.

Delaware is at a crossroads—if we take the route of complacency and inaction, the situation will decay and we will be swamped by the growing needs of our people. If we take the route of bold action, we can in the next two years lay the foundation for a government that can help the people grasp the great opportunities that lie ahead of them, and above all, a government that can help usher in a new day for Delaware.

In the last twelve years I have made five state-wide campaigns. I am starting out here today on my sixth. But this is not a political campaign for elective office. This campaign, which I will carry into every community of the State, is a campaign for modern government in Delaware. I ask you to join with me in this campaign by acting affirmatively on these constructive plans.

With God's help we can bring about this new day for Delaware.

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

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

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

Mr. Reilly moved that the Senate recess upon call of the chair at 1:50 P. M. Motion prevailed.

Senate met pursuant to recess at 4:15 P. M. Lieutenant Governor Buckson presided.

Lieutenant Governor Buckson administered the oath of office to Alvin P. Lyons pursuant to **SJR 1**, and to Reverend John W. Wootten.

Mr. Cook presented the committee assignments:

ACCOUNTS: McCullough, Chairman; Steen, Cook, Watson, Snowden.

AGRICULTURE: Tull, Chairman; Hickman, Cook, Watson, Correll.

BANKING AND INSURANCE: Tull, Chairman, Price, Mayhew, McCullough, duPont.

BUILDING AND HIGHWAY: Steen, Chairman, Watson, Hoey, Nechay, Williams.

CLAIMS: Nechay, Chairman; Hickman, Steen, Watson, Williams.

CORPORATIONS, MUNICIPAL: Steen, Chairman; Reilly, Tull, Mayhew, Simpson.

CORPORATIONS, PRIVATE: Price, Chairman, Cook, Tull, Reilly, Spicer.

EDUCATION: McCullough, Chairman; Mayhew, Price, Hickman, Williams.

ELECTIONS: Watson, Chairman; Price, Hickman, Tull, duPont.

EXECUTIVE: Hoey, Chairman, Hickman, Nechay, Reilly, Spicer.

FINANCE: Hoey, Chairman; Hickman, Mayhew, Nechay, Correll.

FISH, OYSTER AND GAME: Mayhew, Chairman; Price, Hickman, Steen, duPont.

JUDICIARY: Reilly, Chairman; Cook, McCullough, Tull, duPont.

LABOR: Reilly, Chairman; Steen, Nechay, McCullough, Williams.

MISCELLANEOUS: Mayhew, Chairman; Hoey, Price, Steen, Williams.

PASSED BILLS: McCullough, Chairman; Steen, Watson, Price, Snowden.

PRINTING AND SUPPLIES: Hickman, Chairman; Nechay, Steen, Watson, Williams.

PUBLIC HEALTH: Hickman, Chairman; Watson, Tull, Cook, Simpson.

PUBLIC LANDS: Steen, Chairman; Tull, Hoey, Nechay, Correll.

REVISED STATUTES: Nechay, Chairman; Hoey, Mayhew, Steen, Snowden.

RULES: Watson, Chairman; McCullough, Nechay, Hickman, Snowden.

TEMPERANCE: Price, Chairman; Hickman, Hoey, Reilly, Williams.

On motion of Mr. Snowden, the Senate recessed at the call of the chair at 4:25 P. M.

The Senate met pursuant to recess at 4:40 P. M. Lieutenant Governor Buckson presided. Mr. Cook introduced the following resolution which, on further motion by him, was adopted: **SR 11**—"In Reference to Election of Officers".

Whereas Ruth Potter was previously elected to the office of Secretary to the President, but was never sworn in and has never served,

**NOW THEREFORE:**

**BE IT RESOLVED** by the Senate of the 120th General Assembly of the State of Delaware that Ruth Potter is hereby removed and discharged from the office of Secretary to the President.

**BE IT FURTHER RESOLVED** that Helen Looney is hereby elected to serve as the Secretary to the President, to serve during the pleasure of the Senate.

On motion of Mr. Cook the Senate adjourned at 4:48 P. M. until Monday, January 12, 1959.

### 3RD LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:50 P. M. on Monday, January 12, 1959, Lieutenant Governor Buckson, presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Cook, Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams and Steen—17.

Members absent—0.

The Secretary proceeded to read the Journal of the Previous day's Session when Mr. Cook moved that so much be considered the reading of the Journal, and the Journal be approved. Motion defeated.

Whereupon the Secretary continued reading the Journal of the previous day's Session. After the Secretary had read the names of the members present at the end of the recess beginning January 8, 1959, Mr. McCullough stated that the roll call should not have been taken.

Mr. Snowden moved that the roll call taken January 8, 1959 at the end of the previous day's recess be stricken. Motion prevailed.

Mr. Steen moved that so much be considered the reading of the Journal, and the Journal be approved as amended. Motion prevailed.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 12**—"In Reference to Supply of Delaware Code to Members of the Senate and Certain Officers Thereof."

**BE IT RESOLVED** by the Senate of the 120th General Assembly of the State of Delaware that the Legislative Reference Bureau is hereby authorized and directed to furnish to the President of the Senate, to each member of the Senate, to the Secretary of the Senate, and to the Attorneys of the Senate respectively:

One copy of the 1953 Delaware Code Annotated including all cumulative Pocket Parts to date;

One copy of Volume 51, Laws of Delaware, when compiled and published.

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 13**—"Authorization for the Legislative Reference Bureau to furnish stationery and other supplies to the Lieutenant Governor, Members of the Senate and Certain other Officers Thereof."

**BE IT RESOLVED** by the Senate of the 120th General Assembly that the Legislative Reference Bureau be and it hereby is authorized and directed to furnish to the Lieutenant Governor and the Members of the Senate, stationery and other supplies, the cost of which shall not exceed the sum of \$25 for each.

**BE IT FURTHER RESOLVED** that the Legislative Reference Bureau be and it hereby is authorized and directed to furnish to the Attorneys for the Senate, the Secretary to the President, the Secretary to the President Pro Tem, the assistant secretary of the Senate, the reading clerks, the bill clerks and the document clerks of the present session, stationery and other supplies, the cost of which shall not exceed the sum of \$25 for each.

On motion of Mr. Reilly the Senate recessed until call of the chair at 2:07 P. M.

Senate met at expiration of recess at 4:40 P. M., Lieutenant Governor Buckson presiding.

On motion of Mr. Cook the Senate adjourned until Tuesday, January 13, 1959, at 1 P. M.

#### **4th LEGISLATIVE DAY**

Senate met pursuant to adjournment at 1:25 P. M. on Tuesday, January 13, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, May-

hew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull and Mr. Pres. Pro Tem. (Cook)—12.

Members absent—Messrs. Hickman, Nechay, Steen, Watson and Williams—5.

The Secretary proceeded to read the Journal of the Previous day's Session when Mr. Snowden moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

On motion of Mr. Hoey the Senate recessed at the call of the chair at 1:30 P. M.

Senate met at expiration of recess at 3:45 P. M., Lieutenant Governor Buckson presiding.

Messrs. Williams, Nechay and Steen asked to be marked present.

Mr. Snowden moved that Mr. Correll be added as a member of the Finance Committee and that Mr. Williams be added as a member of the Education Committee.

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Spicer and Williams—6.

NAYS—Messrs. Hoey, Mayhew, Nechay, Price, Tull and Cook—6.

Whereupon the President cast a vote of YEA and the motion prevailed.

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

**SB 1**—"An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to the Election Qualifications and Term of the Levy Court Commissioners: Kent County." by Cook; to Miscellaneous.

**SB 2**—"An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware Relating to the Time and Frequency of Sessions of the General Assembly," by Nechay; to Revised Statutes.

On motion of Mr. Cook the Senate adjourned until Thursday, January 15, 1959 at 1 P. M.

### 5TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:40 P. M. on Thursday, January 15, 1959, presiding Lieutenant Governor Buckson.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams—13.

Members absent—Hickman, Spicer, Steen, Mr. President Pro Tem (Cook)—4.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Snowden moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Messrs. Steen and Hickman asked to be marked present.

On motion of Mr. Reilly the Senate recessed at the call of the chair at 1:45 P. M.

Senate met at expiration of recess at 4:45 P. M. Lt. Governor Buckson presiding. Messrs. Cook and Spicer asked to be marked present.

Mr. Snowden introduced the following resolution and moved for its adoption: **SR 14**—"In Reference to Election of Attaches."

Mr. Cook moved that action on **SR 14** be deferred.

On the question: "Shall action on **SR 14** be deferred", the yeas and nays were ordered, which being taken were as follows:

**YEAS**—Messrs. Hoey, Mayhew, Price, Tull, Watson and Cook—6.

**NAY**—Messrs. Correll, duPont, Simpson, Snowden, Spicer and Williams—6.

**ABSENT**—Hickman, McCullough, Nechal, Reilly, Steen—5.

Whereupon the President voted nay. So the question was decided in the negative.

**SR 14** was then taken up for consideration.

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

**YEAS**—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

**NAYS**—Messrs. Hoey, Mayhew, Price, Tull, Watson, Mr. President Pro Tem (Cook)—6.

**ABSENT**—Messrs. Hickman, McCullough, Nechal, Reilly, Steen—5.

Whereupon the President voted yea.

So the question was decided in the affirmative and **SR 14** having received the required majority was adopted by the Senate.

The President directed that the following communication be read:

January 15, 1959

Senate

120th General Assembly of the State of Delaware

Legislative Hall

Dover, Delaware

Attention: President of the Senate

Gentlemen:

With reference to my appointment as Deputy Clerk to to the Minority Leader of the Senate of the 120th General

Assembly, this is to advise that I hereby waive any compensation that may be awarded me as an attache of the General Assembly.

Very truly yours,  
Thomas E. Brittingham III

On motion of Mr. Cook the Senate adjourned until Monday, January 19, 1959 at 1:00 P. M.

### 6TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Monday, January 19, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members Present—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem (Cook)—11.

Members absent—Messrs. Hickman, McCullough, Reilly, Steen, Watson, Williams—6.

Without objection the Chair dispensed with the reading of the Journal of the previous day's session.

On motion of Mr. Cook the Senate recessed at the call of the chair at 1:50 P. M.

Senate met at expiration of recess at 2:50 P. M., Lt. Gov. Buckson presiding.

Messrs. McCullough and Williams asked to be marked present.

A messenger from the Governor delivered a message to the Senate from the Governor. The chair referred the message of the Governor to the Executive Committee, and directed the clerk to read the message as follows:

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

January 19, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

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

Michael A. Poppiti, Wilmington—to be a member of the Bingo Control Commission for a term to expire September 1, 1963.

Mason E. Turner, Wilmington—to be a member of the Delaware State Advisory Council of the Unemployment Com-



pensation Commission for a term to expire July 18, 1964.

Robert C. Tesh, Wilmington—to be a member of the Delaware State Advisory Council of the Unemployment Compensation Commission for a term to expire July 7, 1964.

Gilbert Lewis, New Castle—to be a member of the Delaware State Advisory Council of the Unemployment Compensation Commission for a term to expire July 7, 1964.

A. James Gallo, Wilmington—to be a Judge of the Court of Common Pleas for New Castle County for a term to expire July 8, 1962.

Edward C. Evans, Milford—to be a member of the State Tax Board for a term to expire July 7, 1962.

Roger A. Thomas, Bethany Beach—to be a Justice of the Peace in and for Sussex County for a term to expire December 8, 1962.

H. Kirk Schminkey, Middletown—to be a Justice of the Peace in and for New Castle County for a term to expire December 12, 1962.

John P. Cann, Winslow and Orchard Roads, Newark, Delaware—re-elected by the Board of Trustees of the University of Delaware on June 1, 1957, to be a member of the Board of Trustees of the University of Delaware for a term of six years from June 9, 1957.

Elbert N. Carvel, North Clayton Avenue, Laurel, Delaware—re-elected by the Board of Trustees of the University of Delaware on June 1, 1957, to be a member of the Board of Trustees of the University of Delaware for a term of six years from June 29, 1957.

George M. Fisher, Wyoming, Delaware—re-elected by the Board of Trustees of the University of Delaware on June 1, 1957, to be a member of the Board of Trustees of the University of Delaware for six years from June 2, 1957.

Mrs. Madalin W. James, 813 Hopeton Road, Westover Hills, Wilmington, Delaware—re-elected by the Board of Trustees of the University of Delaware on June 1, 1957, to be a member of the Board of Trustees of the University of Delaware for a term of six years from June 1, 1957.

George Burton Pearson, Jr., 2427 Delaware Avenue, Wilmington, Delaware—re-elected by the Board of Trustees of the University of Delaware on June 1, 1957, to be a member of the Board of Trustees of the University of Delaware for a term of six years from June 1, 1957.

Arthur F. Walker, Woodside, Delaware—re-elected by the Board of Trustees of the University of Delaware on June 1, 1957, to be a member of the Board of Trustees of the University of Delaware for a term of six years from June 9, 1957.

J. Bruce Bredin, Greenville, Delaware—elected by the Board of Trustees of the University of Delaware on June 1,

1957, to be a member of the Board of Trustees of the University of Delaware for a term of six years from December 10, 1957.

Otis H. Smith, Gills Neck Road, Lewes, Delaware—elected by the Board of Trustees of the University of Delaware on December 6, 1958, to be a member of the Board of Trustees of the University of Delaware for six years from December 6, 1958.

Alexander DeStephano, Wilmington—to be a member of the New Castle County Department of Elections for a term to expire April 1, 1959.

Mrs. Helen Faust, Lewes—to be a Justice of the Peace in and for Sussex County for a term to expire June 8, 1961.

William P. Short, Bridgeville—to be a Justice of the Peace in and for Sussex County for a term to expire June 7, 1961.

Elmer H. Poynter, Felton—to be a Justice of the Peace in and for Kent County for a term to expire June 12, 1961.

W. Frank Fleming, Clayton—to be a Justice of the Peace in and for Kent County for a term to expire August 5, 1961.

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

John F. McDonald, Dover—to be a member of the Kent County Department of Elections for a term to expire January 15, 1962.

Earl Carey, Leipsic—to be a member of the Kent County Department of Elections for a term to expire July 1, 1959.

John M. Willson, Milford—to be a member of the Kent County Department of Elections for a term to expire January 15, 1961.

Mrs. Barbara King Madden, New Castle—to be a Justice of the Peace in and for New Castle County for a term to expire January 19, 1963.

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

George H. Banks, Jr, Wilmington—to be a Justice of the Peace in and for New Castle County for a term to expire January 19, 1963.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Watson asked to be marked present.

On motion of Mr. Cook the Senate recessed at the call of the chair at 3:00 P. M.

Senate met at expiration of recess at 4:45 P. M. Lt. Gov. Buckson presiding.

The President administered the oath of office to the following attaches: Helen M. Looney, James P. Collins, Thomas E. Brittingham III, Hall E. Ewing.

On motion of Mr. Cook and without objection, the President suspended Rule 22 for the balance of the Legislative Day.

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

**SB 3**—"An Act Amending Title 29, Delaware Code, Entitled "State Government" by Creating a State Personnel Department, the Office of State Personnel Director and a State Personnel Advisory Board; Defining Their Respective Powers and Duties and Appropriating Funds", by Messrs. Snowden, duPont and Correll; to Revised Statutes.

**SB 4**—"An Act to Amend Section 2112, Title 14, Delaware Code, Relating to Cancelled School Bonds and Coupons", by Mr. Spicer; to Education.

On motion of Mr. Cook the Senate adjourned until Tuesday, January 20, 1959, at 1 P. M. at 4:55 P. M.

### 7TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, January 20, 1959, presiding Lieutenant Governor Buckson.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—13.

Members absent—Messrs. Hickman, McCullough, Nechay, Reilly—4.

Messrs. Hickman and Nechay asked to be marked present.

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

**SB 5**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Providing for a State Department of Finance, Transferring Certain Functions Thereto, Defining its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds.", by Messrs. Williams, Correll and duPont; to Revised Statutes.

**SB 6**—"An Act Creating a Department of Labor and Industrial Relations for the State under the Supervision and Direction of a Commissioner, Transferring the Industrial Accident Board to said Department, Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to said Department, and Prescribing the Powers and Duties of said Department, its Commissioner and Divisions; Providing for Punishment for Violations and Enforcement; Appropriation.

**SB 7**—"An Act to Amend Chapter 66, Title 16 of the Delaware Code Entitled "State Fire Marshal" by Creating a State Fire Prevention Commission and Appropriating Money Therefor," by Messrs. Price, Williams, Simpson and Tull; to Revised Statutes.

**SB 8**—"An Act to Amend Title 30, Delaware Code, Entitled "State Taxes" Relative to the Salaries of Appointees of the Tax Commissioner," by Mr. Williams; to Finance.

**SB 9**—"An Act to Amend Title 30, Delaware Code, Entitled "State Taxes" Relative to Receipts for Income Taxes," by Mr. duPont; to Finance.

**SB 10**—"An Act to Amend Title 31, Delaware Code, Repealing Provisions Relating to Transfer of Custody of a Juvenile to State Board of Corrections," by Messrs. Snowden and Tull; to Judiciary.

**SB 11**—"An Act to Amend Title 11, Delaware Code, Providing for Waiver of Jurisdiction over Juveniles to Superior Court," by Messrs. Snowden and Tull; to Judiciary.

**SB 12**—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware, to Redefine the Functions of the Commission, Qualifications of Executive Director, Setting his Salary, Appointment of other Personnel, Powers and Duties of the Commission, Custody of Children Committed to Institutions Prior to July 1, 1958," by Messrs. Snowden and Tull; to Judiciary.

**SB 13**—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware Authorizing the Commission to Accept the Transfer of Certain Property from the Woods Haven School for Girls after Certain Agreements and Conditions are Met," by Messrs. Snowden and Tull; to Judiciary.

Messrs. Cook and Snowden introduced the following joint resolution which was referred to the Miscellaneous Committee: **SJR 2**—"An Act Providing for the Appointment of a Civil War Centennial Commission to Commemorate this Event in the State of Delaware."

On motion of Mr. Cook the Senate recessed until call of the chair at 1:55 P. M.

Senate met at expiration of recess at 4:25 P. M. Lt. Gov. Buckson presiding.

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

**SR 15**—"In Reference to Election of Officers."

**SR 16**—"In Reference to Election of Officers."

**SR 17**—"Expressing the Sympathy of the Senate on the illness of Senator John E. Reilly, Sr."

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

**SR 18**—"Relation to Classification, Titles and Compensation for Officers of the Senate."

**SCR 2**—"Relating to the Employment and Compensation of Multilith Operators."

Mr. Cook introduced the following resolution which on further motion by him was adopted: **SR 19**—"In Reference to Election of Officers."

Lt. Gov. Buckson administered the oath of office to Messrs. Pepper and Downs.

On motion of Mr. Cook the Senate adjourned until Wednesday, January 21, 1959 at 1 P. M.

### 8th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Wednesday, January 21, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members Present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

Members Absent—Hickman—1.

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

**SB 14**—"An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company"—by Messrs. Hoey and Nechay, to Finance.

**SB 15**—"An Act to Amend Chapter 43, Title 21, Delaware Code Relating to Equipment and Construction of Vehicles by Providing for a New Sub Chapter Thereto Entitled 'Brake Fluids'."—by Mr. Nechay, to Revised Statutes.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following Bill, which was presented by the Chair, given first and second readings by title only, and referred to Committees as follows:

**HB 38**—"An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware to Increase the Annual Salaries of the Members of the General Assembly,"—to Revised Statutes.

The following Bills and Joint Resolution were introduced, given first and second readings, the second by title only, and referred to Committees as follows:

**SB 16**—"An Act to Further Amend an Act Entitled 'An Act to Renew the Act to Incorporate the Artisans' Savings

Bank and the Acts Supplementary Thereto', by Providing for an Increase in the Number of Managers and by Providing for the Designation and Powers of Committees and for the Election of Vice Presidents, One of Whom Shall be a Manager, and to Establish and Operate Branches or Branch Offices."—by Messrs. Reilly and Snowden, to Banking and Insurance.

**SJR 3**—"Urging the Federal Communication's Commission to Assign Former Channel 12 (WVUE-TV) as an Educational Outlet."—by Mr. McCullough, to Education.

The chair declared the Senate recessed until call of the chair at 1:56 P. M.

Senate met at expiration of recess at 3:50 P. M. Lt. Gov. Buckson, presiding.

Senator Hickman asked to be marked present.

Mr. McCullough introduced the following resolution which on further motion by him was adopted: **SR 20**—"In Reference to Election of Officers."

Mr. Reilly introduced the following resolution which on further motion by him was adopted: **SR 21**—"Authorizing the Legislative Reference Bureau to Furnish Stationery and Supplies to Certain Officers and Attaches of the Senate."

The following Bills were reported favorably by the majority of the respective Committees as follows: **SB 2**, 4 favorable, 1 merits, Revised Statutes; **SB 15**, 3 favorable, 2 merits, Revised Statutes; **SB 7**, 2 favorable, 3 merits, Revised Statutes; **HB 38**, 4 favorable, 1 unfavorable, Revised Statutes.

The chair presented the following House Bills and Resolution, which were given first and second readings and referred to committees as follows:

**HCR 2**—"Appointing Clifford E. Hall as Accountant for the Joint Finance Committee and Helen N. Jones as Secretary for the Joint Finance Committee of the 120th General Assembly of the State of Delaware"; to Finance.

**HB 14**—"An Act Appropriating Money to Layton Home for Aged Colored Persons", to Finance.

**HB 3**—"An Act Appropriating Money to American Legion, Sussex Post Number 8, in Sussex County, with Which to Operate and Maintain an Ambulance", to Finance.

**HB 6**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware", to Finance.

**HB 13**—"An Act Appropriating Certain Money to Palmer Home, Incorporated", to Finance.

**HB 5**—"An Act Appropriating Funds to the American Legion and American Legion Auxiliary for Expenses to be Incurred in Connection with the Holding of Boy's State and Girl's State", to Finance.

**HB 7**—"An Act to Appropriate Money to the Belvedere Volunteer Fire Company", to Finance.

**HB 10**—"An Act Appropriating Certain Moneys to Kent and Sussex County Fair Incorporated, for Prizes", to Finance.

Mr. Nechay moved that Rule 9 of the temporary rules of the Senate of the 120th General Assembly be suspended.

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

**YEAS**—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem. (Cook)—12.

**NAYS**—0.

**NOT VOTING**—Messrs. Correll, duPont, Simpson, Snowden, Spicer—5.

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

On motion of Mr. Nechay **HB 38** entitled "An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware to Increase the Annual Salaries of the Members of the General Assembly" 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. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem. (Cook)—13.

**NYS**—Messrs. Correll, duPont, Simpson, Snowden—4.

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

On motion of Mr. McCullough **SJR 3** entitled "Urging the Federal Communication's Commission to Assign Former Channel 12 (WVUE-TV) as an Educational Outlet" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem. (Cook)—15.

**NAYS**—Messrs. Simpson, Spicer—2.

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.

The following bills and resolutions were reported favorably by the majority of the respective committees as follows: **HCR 2**, Finance, 3 favorable, 2 merits; **HB 14**, Finance, 3 favorable, 1 merits.

On motion of Mr. Hoey **HCR 2**, entitled "Appointing Clifford E. Hall as Accountant for the Joint Finance Committee and Helen N. Jones as Secretary for the Joint Finance Committee of the 120th General Assembly of the State of Delaware" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem. (Cook)—17.

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

On motion of Mr. Hoey **HB 14** entitled "An Act Appropriating Money to Layton Home for Aged Colored Persons," was taken up for consideration and given its third reading in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams—16.

ABSENT—Mr. Pres. Pro Tem (Cook)—1.

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

Messrs. Reilly and Snowden introduced the following Bill which was given first and second readings and referred to the Judiciary Committee: **SB 17**—"An Act to Amend Chapters 1, 3 and 5 of Title 10 of the Delaware Code Relating to the Supreme Court, Court of Chancery and Superior Court."

Mr. Steen introduced the following Resolution and moved for its adoption: **SR 22**—"Rescinding Senate Resolution No. 14 in Reference to Election of Attaches."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.



NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—Reilly—1.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority was adopted by the Senate.

On motion of Mr. Hoey **HB 7** entitled "An Act to Appropriate Money to the Belvedere Volunteer Fire Company," was taken up for consideration and given its third reading in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—17.

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

Mr. McCullough introduced the following two Bills which were given first and second readings, the second by title only and referred to the Committee on Education:

**SB 18**—"An Act to Amend Title 14 of the Delaware Code Entitled 'Education' by Providing for a Duty Free Period Near the Lunch Time."

**SB 19**—"An Act to Amend Chapter 14, Title 14, Delaware Code, Relating to 'Education' by Prohibiting Administrative Officers from Influencing Employees to Join or Refuse to Join Unions or Associations."

The President of the Senate administered the oath of office to Helen N. Jones and Clifford E. Hall.

Mr. Hoey reported **SB 14** from committee with 4 favorably and 1 merits.

On motion of Mr. Hoey **SB 14** entitled "An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company," was taken up for consideration and given third reading 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. McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—9.

NAYS—Messrs. Hoey, Mayhew, Simpson—3.

NOT VOTING—Messrs. Correll, duPont, Snowden, Spicer—4.

ABSENT—Mr. Hickman—1.

So the question was decided in the negative and the Bill

not having received the required constitutional majority was lost.

The Chair recessed the Senate at 5:00 P. M. for 5 minutes. The Senate met at the expiration of the recess at 5:10 P. M.

Mr. Hoey introduced the following Resolution for Mr. Cook and moved for its adoption: **SR 23**—"In Reference to Election of Officers."

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

**YEAS**—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Tull, Williams, Mr. Pres. Pro Tem (Cook)—12.

**NOT VOTING**—Messrs. McCullough, Spicer, Steen, Watson—4.

**ABSENT**—Mr. Hickman—1.

So the question was decided in the affirmative and the Resolution having received the required constitutional majority was adopted by the Senate.

On motion of Mr. Reilly the Senate adjourned at 5:30 P. M. until Thursday, January 22, 1959 at 1:00 P. M.

## 9th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:50 P. M. on Thursday, January 22, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—14.

Members absent—Messrs. Hickman, Steen, Williams—3.

Request that **SB 14** be restored to the calendar was granted to Mr. Hoey.

**SB 17** was reported favorably by the Judiciary Committee as follows: 3 favorable, 2 unfavorable.

On motion of Mr. Cook the Senate recessed at call of the chair at 1:55 P. M.

The Senate met at the expiration of the recess at 4:37 P. M., Lt. Gov. Buckson presiding. Messrs. Williams, Hickman and Steen asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 2**.

On motion of Mr. Reilly the Senate adjourned until Friday, January 23, 1959 at 1 P. M.

### 10th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:50 P. M. on Friday, January 23, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres Pro Tem (Cook)—17.

Members absent—0.

The Chair directed that the following message from the Governor be read to the Senate:

#### STATE OF DELAWARE EXECUTIVE DEPARTMENT

January 23, 1959

The Honorable David P. Buckson  
120th General Assembly of the State of Delaware  
Dover, Delaware

Dear Mr. President:

The continuing appropriation affect of the municipal aid fund further emphasizes the urgency of the top-to-bottom revenue study which I have recommended strongly to the General Assembly.

It was my firm understanding from discussions leading to its enactment that the Legislature would review this legislation from time to time in light of the experience under it and the budget situation.

Since the Attorney General has held that it is a continuing appropriation, I think it is even more important that the General Assembly take a new look at this law. I believe the law should be strengthened to carry out its true purpose, street construction and maintenance, and should be amended immediately to remove the continuing appropriation provision. It is not a sound fiscal policy for the State to be bound year after year by this kind of appropriation without the opportunity for determination by the Governor and the Legislature in view of the current financial condition of the State.

I am and always have been in favor of the municipal aid fund as a means of assisting municipalities in improving their streets and roads. But this and every other appropriation must be considered, not by itself but in relation to the State's over-all financial condition.

If the municipal aid program goes forward this year, the budget I have submitted to the General Assembly is, obviously, thrown out of balance. My responsibility, as I see it, is to

insure that Delaware moves forward toward a sound financial footing.

In the light of the State's present financial plight, the Legislature must either amend the law or provide the money to pay for the appropriation.

Sincerely,

J. CALEB BOGGS, Governor

The Chair presented the following Joint Resolution, which was given first and second reading and referred to Committee as follows:

**HJR 2**—"Relating to Mileage," to Accounts.

On motion of Mr. Hoey, **SB 14** entitled "An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company" was taken up for consideration in order to pass the Senate.

On the question "Shall the Bill pass the Senate?" the yeas and nays were ordered and were taken.

On motion by Mr. Hoey and without objection the roll call vote on the above question was tabled.

Mr. Hoey introduced the following Joint Resolution which was read to the Senate and assigned to Miscellaneous.

**SJR 4**—"Opposing Any Increase in the Federal Gasoline Tax."

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:20 P. M.

Senate met at the expiration of the recess at 4:30 P. M., Lt. Gov. Buckson presiding.

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

**SCR 3**—"Providing for Adjournment of the Senate and House until Monday, February 9, 1959.

The following bill was reported favorably by the majority of the committee on Banking and Insurance: **SB 16**, 5 favorable.

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

**SB 20**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, Credit for Other Employment," by Mr. McCullough, to Revised Statutes.

**SB 21**—"An Act to Appropriate Funds to the State Board of Education for the Purpose of Allowing Delaware Teachers to Attend All Sessions of the Division of University Extension, University of Delaware, Without Cost," by Mr. McCullough, to Finance.

**SB 22**—An Act to Amend Title 9. Delaware Code Providing for the Establishment of Park Districts for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities: And to Carry on Recreational Programs: Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," by Mr. McCullough, to Public Lands.

**SB 23**—"An Act Proposing an Amendment to Article VIII of the Constitution of the State of Delaware, Relating to the Expenditure of Highway Funds," Messrs. Watson and Williams, to Buildings and Highways.

Mr. Cook introduced the following resolution which was referred to the Rules Committee: **SR 24**—"In Reference to Appointments to Standing Committees of the Senate."

On motion of Mr. Reilly the Senate recessed at 4:45 P. M. for five minutes.

Senate met at the expiration of the recess at 4:55 P. M., Lt.-Gov. Buckson presiding.

The Rules Committee reported **SR 24** favorably as follows: 3 favorably, 2 unfavorably.

Mr. Cook moved that Rule 9 be suspended.

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

**YEAS**—Messrs. Hickman, Hoey Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. President Pro Tem. (Cook)—11.

**NAYS**—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

So the question not having received a two-thirds majority, was decided in the negative.

The following resolution was introduced by Mr. Nechay and on further motion by him was adopted:

**SR 25**—"Appropriating Certain Money out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

On motion of Mr. Cook the Senate recessed for five minutes at 5:00 P. M. The Senate met at the expiration of the recess at 5:01 P. M., Lt. Gov. Buckson presiding.

On motion of Mr. Hoey the Senate went into Executive Session at 5:01 P. M., Lt. Gov. Buckson presiding.

The Senate met at the end of the Executive Session at 5:30 P. M., Lt. Gov. Buckson presiding.

Mr. Cook moved that **SR 24** be brought up for consideration.

The Chair ruled that Mr. Cook's motion was out of order under Rule 7.

Mr. Reilly moved that all rules of the Senate be suspended.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. President Pro Tem. (Cook)—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

So the question, not having received a two-thirds majority, was decided in the negative.

Whereupon Mr. Reilly moved that all the rules of the Senate be suspended except rule 9.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. President Pro Tem (Cook)—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

So the question was decided in the affirmative.

On motion of Mr. Reilly, **SR 24**—"In Reference to Appointments to Standing Committees of the Senate" was taken up for consideration in order to pass the Senate.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. President Pro Tem (Cook)—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

So the question was decided in the affirmative.

Mr. Reilly introduced the following Resolution which on further motion by him was adopted:

**SCR 4**—"Providing for the Rescinding of Senate Concurrent Resolution No. 3 and Providing Further for the Adjournment of the Senate and House until Monday, February 2, 1959, at 1 o'clock P. M.

On motion of Mr. Snowden the Senate recessed for five minutes at 5:55 P. M.

The Senate met at the expiration of the recess at 6:05 P. M. President Pro Tem Cook presiding.

Mr. Reilly moved that the Rules of the Senate heretofore suspended be restored. Motion passed.

On motion of Mr. Reilly the Senate adjourned to Monday, February 2, 1959 at 1 P. M. at 6:10 P. M.

The Senate met at the call of Lt. Gov. Buckson at 6:12 P. M.

On motion of Mr. Snowden the Senate adjourned in accordance with **SCR 4** at 6:15 P. M.

### 11th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1 P. M. on Monday, February 2, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. President Pro Tem (Cook)—13.

Members absent—Messrs. Hickman, Mayhew, Steen, Williams—4.

The Chair presented the following House Bills which were given first and second readings, the second by title only:

**HS 1 for HB 61**—"An Act to Amend Chapter 529, Volume 50, Laws of Delaware, Entitled School Building Program Act of 1955 by Designating the Area Wherein a School Within the School District for the City of Wilmington Shall be Constructed."

**HS 1 for HB 62**—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, Entitled Appropriation Providing for a Bond Issue for Enlargement and Improvement of Public Schools by Designating the Area Wherein Facilities for Orthopedically Handicapped Within the School District for the City of Wilmington Shall be Constructed."

The above bills were not referred to committee.

On motion of Mr. Cook, the Senate recessed at call of the chair at 1:55 P. M. The Senate met at the expiration of the recess at 4:20 P. M. Lt. Gov. Buckson presiding.

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

**SCR 5**—"Appropriating Money to Several Companies for Services and Supplies Rendered the 120th General Assembly," by Mr. Snowden, to Accounts.

Messrs. Hickman, Mayhew and Steen asked to be marked present.

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

**SB 24**—"An Act to Amend Title 31, Delaware Code,

Entitled "Welfare" in Respect to the Confidential Character of Public Assistance Records," by Messrs. Reilly and Snowden, to Revised Statutes.

**SB 25**—"An Act to Amend Chapter 5, Title 4, Relating to Alcoholic Liquors by Providing that Subchapter VIII be Titled "License Excise" and to Increase the License Excise on Wines and to Provide for the Disbursements of that License Excise," by Mr. Watson, to Temperance.

**SB 26**—"An Act to Amend Part III, Title 6, Delaware Code, Entitled "Weights, Measures and Standards" by Repealing Most of the Present Provisions and Substituting New Administrative and Substantive Provisions, Defining Certain Crimes and Appropriating Funds," by Messrs. Correll and Tull, to Agriculture.

The chair presented the following House Bills which were given first and second readings and referred to Committees as follows:

**HB 47**—"An Act to Authorize the Levy Court of Kent County and the Harrington Special School District to Make Certain Tax Refunds," to Finance.

**HB 11**—"An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," to Finance.

**HB 17**—"An Act Appropriating Money to The American Legion, Department of Delaware," to Finance.

**HB 23**—"An Act Appropriating Money to Sussex Memorial Post No. 7422, V.F.W. at Millsboro, With Which to Operate and Maintain an Ambulance," to Finance.

**HB 9 with HA 1**—"An Act Appropriating Moneys for Education and Training of Children of Veterans of World War I, World War II and Korean Conflict who Died While in the Service of the Army, Navy, Marine Corps, Air Forces or Coast Guard of the United States or Who Died from Disease, Wounds or Disabilities Resulting from Such Service," to Finance.

**HB 21**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck," to Finance.

On motion of Mr. Cook, Lt. Gov. Buckson administered the oath of office to Oakley Banning, Jr. and Emile E. Tugend.

On motion of Mr. Nechay **SB 2** entitled "An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware Relating to the Time and Frequency of Sessions of the General Assembly", 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—16.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Reilly the Senate adjourned until Wednesday, February 4, 1959 at 10:00 A. M.

### **12th LEGISLATIVE DAY**

Senate met at 1 P. M. on Tuesday, February 3, 1959, Mr. Cook presiding.

Members present—Messrs. Cook, Hoey, Hickman, Nechay, Reilly, Spicer—6.

There being no quorum present Mr. Cook declared the Senate adjourned until Wednesday, February 4, 1959, at 10 A. M.

### **13th LEGISLATIVE DAY**

Senate met pursuant to adjournment at 10:35 A. M. on Wednesday, February 4, 1959, Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. duPont, Price, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—8.

Members absent—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Reilly, Spicer, Steen—9.

There being no quorum present, on motion of Mr. Cook the Chair declared the Senate adjourned until Thursday, February 5, 1959 at 10:00 A. M.

### **14th LEGISLATIVE DAY**

Senate met pursuant to adjournment at 11:15 A. M. on Thursday, February 5, 1959, Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. duPont, McCullough, Price, Simpson, Tull, Watson, Williams, Mr. President Pro Tem (Cook)—8.

Members absent—Messrs. Correll, Hickman, Hoey, Mayhew, Nechay, Reilly, Snowden, Spicer, Steen—9.

On motion of Mr. Cook the Senate adjourned to Monday, February, 9, 1959, at 1:00 P. M.

The Senators made their official visit to the Delaware State College and the Kent County Correctional Institute.

### 15th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:30 P. M. on Monday, February 9, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Watson, Williams, Mr. President Pro Tem (Cook)—13.

Members absent—Messrs. Hickman, McCullough, Steen, Tull—4.

Mr. Williams introduced the following resolution which on further motion by him was adopted.

**SCR 6**—"Relative to National Defense Week and the Reserve Officers Association of the United States."

The following House Resolutions were introduced by the Chair, given first and second readings and referred to Committees as follows:

**HCR 3**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly," to Claims.

**HCR 4**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly," to Claims.

**HJR 1**—"Re a Joint Committee for Highway Safety," to Buildings and Highways.

The following bills and resolutions were reported favorably by the majority of the respective committees as follows:

**SJR 2**, 3 favorably, 1 Merits; **HB 47**, 3 favorably, 1 merits; **SJR 4**, 3 favorably, 1 merits.

The following bill was introduced, given first and second readings and referred to Committee as follows:

**SB 27**—"An Act to Amend Title 15, Delaware Code, in Respect to the Absentee Registration and Voting of Members of the Armed Forces and of Others in Keeping with the Federal Voting Assistance Act of 1955," to Elections.

Mr. Tull asked to be marked present.

The following House Bill was read and assigned to committee as follows:

**HB 15**—"An Act to Amend Chapter 9, Title 10, Dela-

ware Code (Known as The Family Court Act) by Requiring the Court to Keep its Expenses within General Assembly Appropriations," to Judiciary.

The President announced to the Senate that he was signing **HCR 2, HB 7, HB 14, HB 38.**

On motion of Mr. Hoey, duly passed by voice vote, Rule 9 was suspended for the purpose of considering **SJR 2 and SJR 4.**

On motion of Mr. Hoey, **SJR 4** entitled "Opposing any Increase in the Federal Gasoline Tax" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Messrs. Hickman and Steen asked to be marked present.

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

**YEAS**—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Snowden, Tull, Watson, Williams, Mr. President Pro Tem (Cook)—13.

**NAYS**—Mr. Simpson—1.

**NOT VOTING**—Messrs. Steen, Tull—2.

**ABSENT**—Mr. McCullough—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.

On motion of Mr. Cook **SJR 2** entitled "An Act Providing for the Appointment of a Civil War Centennial Commission to Commemorate this Event in the State of Delaware" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

**ABSENT**—Mr. McCullough—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.

On motion of Mr. Cook the Senate recessed until at call of the Chair at 2:05 P. M.

Senate met at expiration of recess at 4:45 P. M. Lieutenant-Governor Buckson presiding.

On motion of Mr. Steen, Rule 22 was suspended for the balance of the day.

The following Bill was introduced, given first and second readings and referred to Committee as follows:

**SB 28**—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50 Laws of Delaware," by Messrs. Steen, Hickman, Mayhew, Spicer and Watson, to Building and Highways.

Mr. Steen introduced Mr. Roy Goldstein, Comptroller of Maryland, who addressed the Senate.

The following bills were introduced, given first and second readings and referred to Committees as follows:

**SB 29**—"An Act Proposing Admendments to Article I of the Constitution of the State of Delaware, Relating to Trial by Jury," by Messrs. Reilly and Snowden, to Judiciary.

**SB 30**—"An Act Proposing Admendments to Article IV of the Constitution of the State of Delaware, Relating to the State Judiciary," by Messrs. Reilly and Snowden, to Judiciary.

**SB 31**—"An Act Proposing Admendments to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary," by Messrs. Reilly and Snowden, to Judiciary.

**SB 32**—"An Act Proposing Admendments to Article V of the Constitution of the State of Delaware, Relating to the Superior Court Acting as Board of Canvass," by Messrs. Reilly and Snowden, to Judiciary.

**SB 33**—"An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware, Relating to the Composition of the Superior Court and Orphans' Court," by Messrs. Reilly and Snowden, to Judiciary.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted and sent to the House for concurrence.

**SCR 7**—"Providing for a Joint Session and Exercise in Commemoration of the Birthday Anniversary of Abraham Lincoln."

The following Resolutions were introduced by Mr. Nechay and on further motion by him adopted.

**SCR 8**—"An Act Authorizing the State Treasurer to Make Payment to the Diamond State Telephone Company for Services Ending January 11, 1959."

**SCR 9**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly."

**SR 27**—"Authorizing the Purchase and Payment for Equipment for the Senate of the 120th General Assembly."

**SR 28**—"Relating to Amount Due Richard H. Barnes, Bookbinder, for Printing Senate Bill Book Part 1 and Senate Bill Book Part 2."

Mr. Cook appointed Messrs. Reilly and Snowden to the committee to commemorate the birthday anniversary of Abraham Lincoln.

The following House Bills were given first and second readings and assigned to committees:

**HB 59 with HA 1**—"An Act to Amend Chapter 457, Volume 50, Laws of Delaware, by Providing Additional Projects which may be Acquired and Financed Thereunder, Authorizing the Execution of Leases and Purchase Agreements with Respect to any Such Projects: Providing for the Sale of Bonds Issued Thereunder: Providing that no Approval of the Proceedings of 'The Council' and the Board of Harbor Commissioner Thereunder shall be Required: Providing for the Security of Bonds Issued Thereunder: Declaring the Carrying Out of the Powers Therein Authorized to Constitute a State and Public Purpose, Exempting Thereunder from Taxation: Providing for the Manner of the Construction of Projects Thereunder: Limiting the Institution of Actions Attacking Proceedings Thereunder: and Making Other Provisions in Connection with the Foregoing," to Finance.

**HB 37**—"An Act to Amend Title 14, Section 309, Delaware Code, Relating to School Board Elections," to Education.

The chairman of the Temperance Committee reported **SB 25** as follows: 1 favorably, 3 merits, 1 unfavorably.

On motion of Mr. Reilly the Senate adjourned to Thursday, February 12 at 1:00 P. M. at 5:25 P. M.

### 16th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Thursday, February 16, 1959, Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

Members absent—Messrs. Spicer, Steen—2.

On motion of Mr. Reilly, the Chair suspended the operation of Rule 22.

Mr. Reilly moved that the House and Senate convene in Joint Session pursuant to **SCR 7**. Motion prevailed.

### JOINT SESSION

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

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

Mr. Reilly moved that a committee be appointed to escort Rev. Park W. Huntington to the Senate Chamber. Motion prevailed. The President appointed Messrs. Hickman, duPont, Richards, and King.

Mr. Reilly moved that the Choir of Delaware State College be admitted to the Senate Chamber. Motion carried.

The choir presented a program of several fine selections of religious and patriotic music.

At the time appointed the committee escorted Rev. Park W. Huntington to the rostrum.

Rev. Park W. Huntington delivered the following message:

"Today we honor the birthday of ABRAHAM LINCOLN who was born 150 years ago in a tiny log cabin in Hardin County, Kentucky. Fifty six years later, at the moment when America had been stirred to its greatest rejoicing with the Civil War ended and the Union saved, a SHOT was fired in Washington that plunged America into deepest mourning and sorrow.

"It is altogether fitting and proper that in February—the natal month of Abraham Lincoln and George Washington—that we pause to recall anew the high and noble ideals to which they so rigidly adhered, to pay due reverence to the strong, yet kindly nature that guided these two outstanding characters in our nation's history.

"Washington, whom the nation has fittingly made the symbol of the spirit which founded America! Lincoln, whom the nation has fittingly made the symbol of the spirit which preserved the Union! Truly these two leaders symbolize for us all the hopes, the dreams and the aspirations; all the courage and sacrifices which the establishment and the preservation of our Country entailed.

"Even more than that, Washington and Lincoln symbolized for us the purpose, the plan and the determination that inspired the inception and the protection of a new venture in democracy—the establishment of a great TRADITION of freedom, of justice, of equality and of respected rights of every individual.

"Let us then NOT forget that through great personal sacrifice this noble tradition was initiated and only through many sacrifices was it preserved. We, today, are the possessors of this sacred trust and it behooves every citizen to protect it and to pass it on to successive generations, that America may always remain a land of freedom, a nation of equal opportunity and a haven of respected rights of all.

"In our hour of confusion, in our day of uncertainty and in our weeks of grave international crises, every American citizen faces a great responsibility in safe-guarding his or her birthright of liberty. Each one of us must be MILITANT GUARDIANS of our heritage or it may be taken from us.

"We are engaged today in a great ideological struggle with the godless tyranny of Communism and the atheistic leadership of the Kremlin in Moscow. We are battling the forces of deceit and trickery in our endeavor to win and to lead the backward nations and the recently established independent countries to a way of freedom and equality for all. It is a struggle, yes even a test, whether democracy with its recognition of man's dignity and destiny as creatures of God, shall long endure.

"We have need, therefore, for the inspiration of Lincoln's fervent devotion, rock-like loyalty and lofty patriotism; if we are to perpetuate the sources from which all our civic blessings flow.

"If Abraham Lincoln's philosophy of patriotism were reduced to a few simple words, those words might be—

**"TO LIVE FOR—WHAT AMERICA STANDS FOR'.**

"That, I believe, was the keynote of Lincoln's entire life. He had an overwhelming appreciation of the benefit of liberty handed down to him by the founding fathers. He realized that it was merely a legacy. He had no part in the acquirement or the establishment of it. But he felt with an all consuming fervor that it was his individual obligation as a good citizen to do his part to safeguard and to perpetuate that heritage.

"To a close friend Lincoln confided:

"How hard it is to die and to leave one's country no better than if one had never lived for it!"

"With those simple words Lincoln left a yardstick for all Americans with which to measure their loyalty and to test their devotion to the best and finest government under the sun. It is a rule that Americans should use today.

"Too many citizens are merely living **IN** America and not living **FOR** America. Too many people are merely endeavoring to extract personal gains **FROM** America rather than to give of their best **TO** America.

"We cannot discharge our individual obligations to our community, state and nation by a passive citizenship or a selfish purpose.

"We must not forget that America became a land of freedom because of aggressive action and continuing sacrifices by generations of patriots, who thought of country **FIRST** and themselves **LAST**. Let all of us be reminded that America will remain the land of the free, only through continued aggressive defense of its liberty and unselfish devotion to its cause.

"Lincoln was only 26 when he addressed the Young Men's Lyceum at Springfield, Illinois, but the passage of time has not dimmed the brilliancy of his thoughts nor rendered his words less applicable to the present. Let us just imagine

that we are spectators at that Springfield meeting back in 1835. Young Lincoln is speaking:

'We find ourselves in the peaceful possession of the finest portion of the earth—

'We find ourselves under the government of a system of political institutions conducting more essentially to the ends of civil and religious liberty, than any of which the history of former times tells us—'

"Referring next to the blessings and the legacy that the founding fathers bequeathed Americans Lincoln continues:

'Theirs was the task to uprear . . . a political edifice of liberty and equal right; 'tis ours only to transmit these to the latest generation that fate shall permit the World to know . . .

'Gratitude to our fathers, justice to ourselves, duty to posterity, and love for our species in general, all imperatively require us faithfully to perform this task.'

"Why these words might well be heard coming out of your radio or television. They are so potent and applicable today.

"What then is our TASK?

"Where shall we fortify against the DANGER that threatens within and without?

"Where shall we start to FERRET OUT and CORRECT the injustices, the inequalities and the cancerous-like growths of materialistic selfishness?

"Lincoln must have forseen the gangster, the trouble maker, the political leech, the law breaker, for he told his Springfield audience:

'I hope I am over wary; but if I am not, there is even now something of ill omen amongst us. I mean the increasing disregard for law which pervades the country . . .

'I know the American people are much attached to their government; I know they would endure evils long and patiently before they would ever think of exchanging it for another,—yet, notwithstanding, all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property are held by no better tenure than the caprice of a mob,—the alienation of their affections from the government is the natural consequence.'

"The ever recurring question arises . . . How shall we fortify against these DANGERS that would break down and destroy our freedoms and liberties? I think the answer is a simple one.

"Let every American, every lover of liberty, every well



wisher to his posterity swear by the blood of our nation's defenders NEVER to violate in the least the laws of our country and NEVER to tolerate their violations by others.

"As the patriots of 1776 did to support the Declaration of Independence and the defenders of 1861-1865 did to preserve our Union, so to the support of our Constitutional Laws and to the defense of our Precious Liberties—let every American pledge his life, his property and his sacred honor. Let every man, woman and child be made to realize that to violate the law, whether local, state or federal is to trample on the blood of his forefathers and to destroy the charter of his own and his children's liberty.

"Let reverence for the laws be breathed by every American-mother to the lisping babe in her lap; let it be taught in schools and colleges; let it be written in our educational courses; let it be preached from the pulpit, yes even proclaimed in legislative halls and enforced in our courts of justice.

In fact, I plead today that reverence for law and respect for authority become the political religious of the nation; and let all—young and old, rich and poor, colored and white—sacrifice unceasingly if need be for these principles upon the altar of justice and righteousness.

"I repeat—

" 'LIVE FOR—WHAT AMERICA STANDS FOR', is just as vital a slogan for good citizenship today as it was 123 years ago.

"If we would honor Lincoln worthily today it must be through our increasing effort to compel his memory to be a source of ever-increasing blessing in those directions to which he contributed his deepest thoughts and his profoundest sentiments, and we should be inspired by the loving ardor that warranted his sublime sacrifice at the altar of his country and humanity."

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

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

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

On motion of Mr. Cook the Senate recessed at the call of the Chair at 2:45 P. M.

The Senate met at the expiration of the recess at 4:15 P. M., Lieutenant-Governor Buckson presiding.

Mr. Cook announced that the following had been appointed to serve on the Delaware Commission of Interstate cooperation for a two year term ending February 1, 1961:

Messrs. Williams, Price and Hoey.

On motion of Mr. Reilly, **SB 16**—"An Act to Further Amend an Act Entitled 'An Act to Renew the Act to Incorporate the Artisans' Savings Bank and the Acts Supplementary Thereto', by Providing for an Increase in the Number of Managers and by Providing for the Designation and Powers of Committees for the Election of Vice Presidents, One of Whom Shall be Manager, and to Establish and Operate Branches or Branch Offices," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

**ABSENT**—Messrs. Spicer, Steen—2.

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

The following Resolution was reported favorably from committee: **SCR 5**, account, 4 favorable.

On motion of Mr. Snowden **SCR 5** entitled "Appropriating Money to Several Companies for Services and Supplies Rendered the 120th General Assembly" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On further motion of Mr. Snowden the Resolution was adopted and sent to the House for concurrence.

The Chair presented the following House Bills, which were given first and second readings and referred to Committees as follows:

**HB 79**—"An Act to Amend Title 14, Delaware Code Relating to School Board Elections," to Elections.

**HB 75**—"An Act Providing for the Method of Computing the Pension of Jennie C. Johnson, Widow of a Deceased Employee of the State of Delaware," to Claims.

The Chief Clerk of the House announced to the Senate that the House had passed **HR 19** entitled "Request to the Senate of the 120th General Assembly of the State of Delaware to Return House Bill Number 61,, House Substitute Number 1, for House Bill Number 61, House Bill Number 62, House Substitute Number 1 for House Bill Number 62 for Reconsideration" and requested the return to the House of **HS 1 for HB 61 and HS 1 for HB 62**.

Mr. Reilly moved that **HS 1 for HB 61 and HS 1 for HB**

62 be returned to the House. Motion prevailed.

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

**SB 34**—"An Act to Amend Chapter 13, Title 10, Delaware Code, Relating to the Court of Common Pleas for New Castle County," by Mr. Watson, to Judiciary.

**SB 35**—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for the Maintenance, Repair and Reconstruction of Streets and Roads Situate in Certain Unincorporated Communities Throughout the State and to Issue Bonds Therefor and Appropriating Said Funds," by Mr. McCullough, to Buildings and Highways.

**SB 36**—"An Act to Amend Title 11, Delaware Code, Entitled 'Crimes and Criminal Procedure' in Respect to Authorizing the Board of Parole to Forfeit all or part of Good Time upon Violation of a Parole," by Mr. Cook, to Judiciary.

**SB 37**—"An Act to Amend Title 7, Section 792 Relating to the Protection of Deer, by Mr. McCullough, to Fish, Oyster and Game.

The following Bills and Resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 22**, 2 merits, 1 favorably, 1 unfavorably; **SB 20**, 2 favorably, 1 merits, 1 unfavorably; **HCR 4**, 3 favorably, 1 merits; **HCR 3**, 3 favorably, 1 merits.

On motion of Mr. Reilly the Senate adjourned until Monday, February 16, 1959 at 1:00 P. M. at 4:35 P. M.

### 17th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:40 P. M. on Monday, February 16, 1959, Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

Members absent—Messrs. Hickman, Nechay, Steen—3.

On motion of Mr. Cook the Senate recessed at call of the Chair at 1:45 P. M.

The Senate met at the expiration of the recess at 5:20 P. M., Lieutenant-Governor Buckson presiding.

Messrs. Steen, Hickman and Nechay asked to be marked present.

The following Bills were reported from committee: **HB 15**, Judiciary, 5 favorably; **SB 23**, Buildings and Highways, 3 favorably, 1 unfavorably; **SB 35**, Buildings and highways,

1 favorably, 3 merits; **SB 28**, Buildings and Highways, 3 favorably, 2 merits.

The following Senate Resolution was introduced by Mr. Watson and referred to committee as follows:

**SR 29**—"Adopting Permanent Rules for the Senate," to Rules.

The following Bills were introduced, given first and second readings and referred to committee as follows:

**SB 38**—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' and Relating to Members of the School Boards in New Castle County by Providing for a Method of Election," by Messrs. duPont, Williams and Correll, to Education.

**SB 39**—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for Highway Improvements and for Buildings under the Jurisdiction of the State Highway Department by Acquiring Lands and Rights-of-Ways, Constructing and Reconstructing Highways, Bridges, by Providing Buildings and Improvements Incidental Thereto and to Issue Bonds and Notes Therefor and Appropriating Said Funds," by Messrs. Steen, McCullough, to Buildings and Highways.

On motion of Mr. McCullough and without objection Mr. Williams was added as a cosponsor of **SB 35**, and the calendar directed to be changed accordingly.

On motion of Mr. McCullough **SB 22**, entitled "An Act to Amend Title 9, Delaware Code, Providing for the Establishment of Park Districts for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

The privilege of the floor was extended to Mr. Willey of the Parks Commission who spoke in behalf of the Bill.

Mr. Steen requested that a communication be read to the Senate opposing **SB 22**.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

ABSENT—Messrs. Hoey, Mayhew—2.

So the question was decided in the affirmative and the Bill having received the required constitutional majority

passed the Senate and was ordered to the House for Concurrence.

The following Resolution was reported from committee: **SR 29**, Rules, 4 favorably, 1 unfavorably.

Mr. Watson announced that a public hearing on **HB 79** would be held in the Senate on Thursday, February 26 at 2 P.M.

The Chair directed that a letter from Mr. Frank Jamison be read to the Senate.

The following Concurrent Resolution was introduced by Messrs. Cook Reilly and assigned to the Finance Committee:

**SCR 10**—"Providing for a Joint Revenue Committee to Study New Sources of Revenues for Meeting the Financial Needs of the State and to Make Recommendations to the Current General Assembly Pertaining to the Same."

Mr. Snowden spoke against the Resolution and in favor of the Governor's proposal and moved that action on **SCR 10** be deferred until Thursday, February 19. In as much as the Resolution had not been reported out of committee, the Chair ruled that the motion was not proper.

Mr. Nechay spoke in behalf of the Resolution observing that the Finance Committee was not a tax finding committee.

Mr. Williams observed that the Governor had proposed a balanced budget.

Mr. Simpson noted that no recommendation could be made until the Finance Committee had made its recommendation.

Mr. Cook remarked that the Committee, by acting now could save much time which would be lost by waiting for the Finance Committee recommendation.

Mr. Spicer indicated that he did not want to be on the proposed commission.

On motion of Mr. Cook the Senate adjourned to Thursday, February 19, 1959 at 1:00 P. M. at 6:00 P. M.

### 18th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:38 P. M. on Thursday, February 19, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)  
—15.

Members absent—Messrs. Nechay, Steen—2.

Messrs. Steen and Nechay asked to be marked present.

On motion of Mr. Watson **SB 25** entitled "An Act to

Amend Chapter 5, Title 4, Relating to Alcoholic Liquors by Providing that Subchapter VIII be Titled 'License Excise' and to Increase the License Excise on Wines and to Provide for the Disbursement of that License Excise," was given its third and final reading in order to pass the Senate. Mr. Watson introduced **SA 1 to SB 25** and moved for its adoption.

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

**YEAS**—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook) —15.

**NAYS**—Mr. Reilly—1.

**ABSENT**—Mr. McCullough—1.

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

The Chair declared the Senate in recess at the call of the Chair at 2:20 P. M.

Senate met at expiration of recess at 4:00 P. M., President Pro Tem Cook presiding.

On motion of Mr. Watson and without objection **SB 25** was recommitted.

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

**SB 40**—"An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to the Board of Post Mortem Examiners by Apolishing that Board," by Messrs. Steen and Reilly, to Revised Statutes.

**SB 41**—"An Act to Amend Chapter 95, Title 9, Delaware Code, Relating to Coroners," by Messrs. Steen and Reilly, to Revised Statutes.

**SB 42**—"An Act to Amend Section 304, Title 4, Delaware Code, Entitled 'Alcoholic Liquors' by Adding a New Subsection Thereto," by Messrs. Correll and Snowden, to Revised Statutes.

**SB 43**—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' in Regard to Retired School Employees," by Messrs. McCullough and Williams, to Education.

**SB 44**—"An Act to Amend Chapter 19, Title 23 by Adding a New Section Providing for Fishing in Public Dams," by Messrs. McCullough and Williams, to Fish, Oysters and Game.

The following Resolution was introduced by Mr. Snowden: **SCR 11**—"Creating a Committee to Study the Tax Laws of the State of Delaware and the Mandatory Appropriations of the State of Delaware and Appropriating Funds Therefor."

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Williams—5.

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

NOT VOTING—Messrs. Spicer, Steen—2.

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

On motion of Mr. Hoey and without objection the Resolution was restored and assigned to the Rules committee.

On motion of Mr. Reilly **HB 15**, entitled "An Act to Amend Chapter 9, Title 10, Delaware Code (Known as the Family Court Act) by Requiring the Court to Keep its Expenses within General Assembly Appropriations," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Reilly, Judge Melson was granted the privilege of the floor.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—17.

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

The following Bills and Resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 27**, Elections, 1 favorably, 4 merits; **HB 59**, Finance, 1 favorably, 4 merits; **SCR 10**, Finance, 1 favorably, 4 merits.

On motion of Mr. Watson **SR 29** entitled "Adopting Permanent Rules for the Senate," was taken up for consideration and read a third time by paragraph in order to pass the Senate.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

NOT VOTING—Mr. Steen—1.

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

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following Bills and Resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 69**—"An Act Amending Title 9, Section 2005, Delaware Code by Authorizing the Levy Court of New Castle County to Appropriate County Monies to the Port Penn Vol. Fire Co., Inc. for the Maintenance of a Rescue Squad," to Finance.

**HB 80**—"An Act to Amend Chapter 20, Title 9, Delaware Code, Entitled 'Ambulance and Rescue Service,' to Finance.

**HB 50**—"An Act Creating a Department of Labor and Industrial Relations for the State under the Supervision and Direction of a Commissioner, Transferring the Industrial Accident Board to Said Department, Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to Said Department, and Prescribing the Powers and Duties of Said Department, its Commissioner and Divisions; Providing for Punishment for Violations and Enforcement; Appropriation," to Finance.

**HB 89**—"An Act to Repeal Section 3919, Title 10, Delaware Code, Relating to Limitations of Liability of Newspapers for Libel," to Judiciary.

Mr. Hickman introduced the following Resolution and moved for its adoption: **SR 30**—"Relating to Amount Due the Harrington Journal for Printing Incurred by the 120th General Assembly."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—17.

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

The following Bill was reported by the majority of the Committee as follows: **SB 1**, Misc., 2 favorably, 3 merits.

On motion of Mr. Hickman the Senate adjourned until Monday, February 23, 1959 at 1:00 P. M. at 5:15 P. M.



## 19th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:25 P. M. on February 23, 1959, Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

Members absent—Mr. Tull—1.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Snowden moved that so much be considered the reading of the Journal, and that the Rules of the Senate in this regard be suspended. Motion prevailed.

The Chief Clerk of the House announced that the House had passed **SJR 4** and **SB 16** and was returning the same to the Senate.

Mr. Snowden moved that **SCR 11** be stricken from the calendar. Motion carried.

Messrs. Snowden and duPont introduced the following Resolution: **SCR 12**—"Creating a Committee to Study the Tax Laws of the State of Delaware and the Mandatory Appropriations of the State of Delaware and the General Fiscal Conditions of the State of Delaware and Appropriating Funds Therefor."

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

YEAS—Messrs. Correll, duPont, Nechay, Price, Reilly, Simpson, Spicer, Watson, Williams, Mr. Pres. Pro Tem—11.

NAYS—Mr. Mayhew—1.

ABSENT—Messrs. Hickman, Hoey, McCullough, Steen, Tull—5.

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.

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

**SB 45**—"An Act to Authorize the Caesar Rodney Special School District to Make Certain Tax Refunds," by Messrs. Mayhew and Simpson, to Finance.

**SB 46**—"An Act to Authorize the Levy Court of Kent County to Make Certain Tax Refunds," by Mr. Mayhew, to Finance.

**SB 47**—"An Act Proposing an Amendment to the Constitution of the State of Delaware by Adding a New Article

Entitled 'Continuity of State and Local Governmental Operations in Periods of Emergency Resulting from Disasters Caused by Enemy Attack', by Mr. Williams, to Judiciary.

**SA 1 to SB 6**—by Messrs. Snowden and Correll, to Labor.

The following Bill was introduced and directed to be read in full by the Chair when Mr. Reilly moved that the reading be by title only:

**SB 48**—"An Act to Amend Section 4913, Title 10, Delaware Code Providing for the Attachment of Wages."

Mr. Snowden moved that **SB 48** be tabled.

On motion of Mr. Mayhew the Senate recessed at call of the Chair at 3:20 P. M.

The Senate met at the expiration of the recess at 5:10 P. M., Lieutenant-Governor Buckson presiding.

Mr. Tull asked to be marked present.

The President announced that he was signing **SR 29** and **SR 30**.

The Chief Clerk of the House announced that the House had passed **HCR 5** and requested the concurrence of the Senate. The Chair directed that **HCR 5** be given its first reading.

**HCR 5**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly."

Mr. Snowden moved that the rules as presently adopted be referred to the Rules Committee and that the temporary rules as previously adopted by the 120th General Assembly be adopted. At request of Mr. Snowden, the motion was withdrawn.

The Chair directed the members of the Senate and all present in the Senate Chamber to stand in a moment of silence in recognition of the birthday of George Washington.

The Chair directed that the Senate now consider Mr. Snowden's motion that **SB 48** be tabled. Motion carried.

Mr. Nechay introduced the following Resolution, which on further motion by him was adopted: **SR 31**—"Authorizing an Appropriation for Telephone Service Charges and Toll Calls in Connection with the Work of the Senate of the 120th General Assembly of the State of Delaware."

On motion of Mr. Cook the Senate adjourned until Thursday, February 26, 1959 at 1:00 P. M. at 5:25 P. M.

## 20th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:50 P. M. on Thursday, February 26, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Snowden,

Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

Members absent—Mr. Mayhew—1.

The Secretary proceeded to read the Journal of the Previous day's Session when the Chair directed that so much be considered the reading of the the Journal, and the Journal be approved. No objection.

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

**SB 49**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of Pencader Grange No. 60 P. of H. Inc., from Assessment and Taxation," by Mr. Correll, to Revised Statutes.

**SB 50**—"An Act Establishing the Last Friday in April as Arbor Day," by Mr. Snowden, by request, to Revised Statutes.

**SB 51**—"An Act Proposing an Amendment to Article 5, Section 2 of the Constitution of the State of Delaware Entitled 'Qualifications for Voting; Members of the Armed Services of the United States Stationed within State; Persons Disqualified; Forfeiture of Rights by Providing for the Retention of Voting Privileges in the Hundred or Election District of Original Residence until the Elector Acquires a New Voting Residence,'" by Mr. duPont, to Elections.

On motion of Mr. Snowden and without objection, Messrs. Reilly and McCullough were added as co-sponsors of **SB 6**.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:00 P. M.

The Senate met at the expiration of the recess at 4:45 P. M., Lieutenant-Governor Buckson presiding.

The following Bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 29**, 4 favorably, 1 merits, Judiciary; **SB 30**, 3 favorably, 1 merits, Judiciary; **SB 31**, 3 favorably, 1 merits, Judiciary; **SB 32**, 3 favorably, 1 merits, Judiciary; **SB 33**, 3 favorably, 1 merits, Judiciary; **SB 34**, 3 favorably, 1 merits, Judiciary; **SB 6**, 4 favorably, 1 merits, Labor; **SB 9**, 1 favorably, 3 merits, Finance; **SB 43**, 4 favorably, Education; **HB 80**, 3 merits, 1 favorably, Finance.

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

**SB 52**—"An Act to Amend Section 5401, Title 7, Delaware Code, Relating to the Delaware Archaeological Board," by Messrs. Simpson and Steen, to Miscellaneous.

**SB 53**—"An Act Appropriating Money to the Booker T. Washington School," by Mr. McCullough, to Finance.

**SB 54**—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Preparation of Lists of Registered Voters; Providing for Monthly Meetings of the Department of Elections; Expenses of the Departments of Elections; Applications for Ballots and Communications; Removal of Records of Deceased Persons from Registration Records; Merger of Election Districts; Certification of Vote; Disqualified Ballots; Canvass of Votes," by Mr. duPont, to Elections.

**SB 55**—"An Act to Amend Title 31, Delaware Code, Entitled 'Welfare' by Revising the Definition of Aid to Dependent Children to Conform with Federal Legislation," by Messrs. Price and Williams, to Revised Statutes.

Mr. Nechay introduced the following Resolutions which on further motion by him were adopted:

**SR 32**—"Appropriating Certain Money out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

**SR 33**—"Appropriating Certain Money out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses connected with the Present Session of the Senate of the 120th General Assembly."

Mr. Nechay introduced the following Resolution:

**SR 34**—"Appropriating Money out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

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

**YEAS**—Messrs. Hoey, Reilly, Watson, Mr. Pres. Pro Tem (Cook)—4.

**NAYS**—Messrs. Correll, duPont, Hickman, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Williams—11.

**ABSENT**—Messrs. Mayhey, McCullough—2.

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

Mr. Cook moved that the roll call on **SR 34** be tabled. Motion lost.

The Chair presented the following House Bills, which were given first and second readings and referred to Committees as follows:

**HB 71**—"An Act to Amend Chapter 9, Title 10, Dela-

ware Code (Known as the Family Court Act) by Re-Defining 'Family' as Respects the Court's Jurisdiction," to Judiciary.

**HB 72**—"An Act to Amend Chapter 9, Title 10, Delaware Code (known as the Family Court Act) by Deleting the Provision Providing for Appointment of Judges for Unexpired Terms," to Judiciary.

**HB 87**—"An Act to Amend Title 15, Section 307 Delaware Code by Providing that the Names of Registered Voters who have not Voted for Two Consecutive General Elections Shall be Stricken During a Year other than a General Election Year," to Elections.

**HB 94**—"An Act to Amend Title 15, Section 1106 Delaware Code by Providing that Public Notice of Registration of Voters need be Given for the First Day of Registration Only," to Elections.

The following Bill was introduced by Mr. Cook, given first and second readings, the second by title only, and referred to the committee on Miscellaneous:

**SB 56**—"An Act to Amend Chapter 29, Title 21, Delaware Code Relating to the Director of Safety Responsibility."

The following Bill was offered for introduction by Mr. Watson, but on objection of Mr. Snowden, its introduction was suspended for one day:

**SB 57**—"An Act to Amend Section 811, Title 11 Delaware Code Relating to the Crime of Robbery."

On motion of Mr. Hoey, **HB 59** with **HA 1**, entitled "An Act to Amend Chapter 457, Volume 50, Laws of Delaware, by Providing Additional Projects Which May be Acquired and Financed Thereunder; Authorizing the Execution of Leases and Purchase Agreements with Respect to any Such Projects; Providing for the Sale of Bonds Issued Thereunder; Providing that No Approval of the Proceedings of 'The Council' and the Board of Harbor Commissioners Thereunder Shall be Required; Providing for the Security of Bonds Issued Thereunder; Declaring the Carrying out of the Powers Therein Authorized to Constitute a State and Public Purpose; Exempting Property Acquired and Bonds Issued Thereunder from Taxation; Providing for the Manner of the Construction of Projects Thereunder; Limiting the Institution of Actions Attacking Proceedings Thereunder; and Making other Provisions in Connection with the Foregoing," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Hoey requested the privilege of the floor for Mr. O'Connell of the Parks Commission to explain the Bill.

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

**YEAS**—Messrs. Correll, duPont, Hickman, Hoey, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams—14.

**ABSENT**—Messrs. Mayhew, McCullough, Mr. Pres. Pro Tem (Cook)—3.

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

On motion of Mr. Hickman, the Senate adjourned to March 2, Monday, at 1:00 P. M. at 5:45 P. M.

## 21st LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:55 P. M. on Monday, March 2, 1959, Lieutenant-Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—14.

Members absent—Messrs. McCullough, Spicer, Williams—3.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed that so much be considered the reading of the Journal, and the Journal be approved without objection.

Mr. Mayhew presented a petition from the members of the Merchantile division of the Milford Chamber of Commerce opposing **SB 48**.

The President announced that he was signing **HB 15**.

Mr. Williams asked to be marked present.

Mr. Nechay introduced the following resolution: **SR 35**—"Appropriating Money out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

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

**YEAS**—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Tull, Williams, Mr. Pres. Pro Tem (Cook)—11.

**NAYS**—Messrs. Hickman, Reilly, Steen, Watson—4.

**ABSENT**—Messrs. McCullough, Spicer—2.

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

The following Bill was introduced by Mr. Watson, given

first and second readings, the second by title only, and referred to the committee on Judiciary:

**SB 57**—"An Act to Amend Section 811 Title 11 Delaware Code Relating to the Crime of Robbery."

The Chair presented the following House Concurrent Resolutions, which were given first and second readings and referred to Committees as follows:

**HCR 5**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly," to Claims.

**HCR 7**—"Relative to the Federal-State Surplus Food Distribution Program," to Miscellaneous.

The Chairman of the Committee on Elections reported **HB 79** as follows: 2 fav., 2 merits, 1 unfav.

On motion of Mr. Simpson, **SB 7** entitled "An Act to Amend Chapter 66, Title 16 of the Delaware Code Entitled 'State Fire Marshal' by Creating a State Fire Prevention Commission and Appropriating Money Therefor," 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. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—13.

**NAYS**—Messrs. Hoey, Steen—2.

**ABSENT**—Messrs. McCullough, Spicer—2.

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

On motion of Mr. duPont **SB 9**, entitled "An Act to Amend Title 30, Delaware Code, Entitled 'State Taxes' relative to Receipts for Income Taxes," 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. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

**NAYS**—None.

**ABSENT**—Messrs. McCullough, Spicer—2.

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

On motion of Mr. Watson, **SB 27** entitled "An Act to Amend Title 15, Delaware Code, in Respect to the Absentee Registration and Voting of Members of the Armed Forces and of Others in Keeping with the Federal Voting Assistance Act of 1955," was taken up for consideration and read a third time by paragraphs in order to pass the Seante.

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

YEAS—Messrs. Correll, duPont, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

NAYS—Mr. Hoey—1.

ABSENT—Messrs. McCullough, Spicer—2.

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

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:30 P. M.

The Senate met at the expiration of the recess at 4:40 P. M., Lt. Gov. Buckson presiding.

The President announced that he had signed **SR 26**, **SR 31**, **SJR 2**, **SCR 4**, **SJR 4**, and **SB 16**.

On motion of Mr. Snowden, **SB 6** was given its third and final reading and taken up for consideration in order to pass the Senate.

The following Substitute Bill was introduced, given first and second readings by title only, **SS 1** for **SB 6**—"An Act Creating a Department of Labor and Industrial Relations for the State under the Supervision and Direction of a Commissioner, Transferring the Industrial Accident Board to said Department, Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to said Department, and Prescribing the Power and Duties of Said Department, its Commissioner and Divisions; Providing for Punishment for Violations and Enforcement," by Messrs. Snowden, Correll, Reilly and McCullough. Mr. Snowden moved for the adoption of **SS 1** for **SB 6** as the substitute. Motion carried.

Mr. Steen moved the the roll call on **SS 1** for **SB 6** be deferred until Thursday, March 5, 1959.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Simpson, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.



NAYS—Messrs. Correll, duPont, Reilly, Snowden, Williams—5.

ABSENT—Messrs. McCullough, Spicer—2.

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

The following Bills were reported by the Chairmen of their respective Committees as follows:

**SB 26**, Agriculture, 5 fav.; **HB 89**, Judiciary, 1 fav, 3 merits; **HCR 5**, Claims, 4 fav.

On motion of Mr. Cook the Senate adjourned until Thursday, March 5, 1959 at 1:00 P. M. at 5:45 P. M.

## 22nd LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:50 P. M. on March 5, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Price, Reilly, Simpson, Snowden, Watson, Williams—8.

Members absent—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Spicer, Steen, Tull, Mr. Pres. Pro Tem (Cook)—9.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Snowden moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

On motion of Mr. Snowden the Senate recessed at call of the Chair at 1:55 P. M.

The Senate met at the expiration of the recess at 4:00 P. M. Lt. Gov. Buckson presiding.

Messrs. Cook, McCullough, Spicer, Hoey, Mayhew, Steen, Nechay and Hickman asked to be marked present.

On motion of Mr. Cook Rule 23 was suspended for the balance of the day.

The following Bills were reported from Committee: **HB 71**, Judiciary, 3 fav., 1 merits; **HB 72**, Judiciary, 3 fav., 1 merits; **SB 57**, Judiciary, 2 fav., 2 merits.

Mr. duPont introduced the following Resolution and moved for its adoption: **SR 36**—"Creating a Committee to Study the Tax Laws of the State of Delaware and the Mandatory Appropriations of the State of Delaware and the General Fiscal Conditions of the State of Delaware and Appropriating Funds Therefor."

Mr. Reilly moved that action on **SR 36** 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. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Watson, Pres. Pro Tem (Cook)—10.

**NAYS**—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams—6.

**ABSENT**—Mr. Tull—1.

So the question was decided in the affirmative and the Motion passed the Senate.

The following Committee report was read to the Senate:  
**HJR 1**, Building and Highways, 3 favorable.

On motion of Mr. Steen, **HJR 1** entitled "Re a Joint Committee for Highway Safety," was taken up for consideration and read a third time by paragraphs in order to pass the Senate. On motion of Mr. Steen Rule 9 was suspended.

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

**YEAS**—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

**ABSENT**—Mr. Tull—1.

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

The following Bills and Resolution were introduced to the Senate, given first and second readings, the second by title only and referred to Committee as follows:

**SB 58**—"An Act to Amend Section 2109, Title 21, Delaware Code Relating to Period of Registration and Effective Date of Registration," by Mr. Steen to Buildings and Highways.

**SB 59**—"An Act to Amend Section 1933, Title 14, Delaware Code Relating to the Collection of Tax on House Trailers," by Mr. McCullough to Miscellaneous.

**SJR 5**—"Relating to a Proclamation to Oil Centennial Year and Oil Centennial Week," by Messrs. Williams and Watson to Miscellaneous.

**SB 60**—"An Act to Amend Chapter 81, Title 9, Delaware Code Relating to the Exemption of the Manor Community Center, Inc., from Taxation upon its Real Property," by Messrs. McCullough and Reilly, to Miscellaneous.

**HB 45**—"An Act to Authorize the Townsend School District to Make Certain Tax Refunds," to Claims.

The following Resolutions were given their third and final reading and upon motion of Mr. Nechay, adopted by the Senate:

**HCR 5**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly."

**HCR 4**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly."

**HCR 3**—"Appropriating Money to Several Companies for Services and Supplies of the 120th General Assembly."

Mr. Cook introduced the following Bill which was given its first and second readings, the second by title only and assigned to the Judiciary Committee:

**SB 61**—"An Act to Amend Title 10, Delaware Code, Entitled 'Courts and Judicial Procedure' in respect to Chief Deputy Prothonotaries and Registers in Chancery and Clerks of the Orphans' Court."

The Chair presented the following House Bills, which given first and second reading and referred to Committees as follows:

**HB 96**—"An Act to Amend Title 15, Section 1751 Delaware Code by Changing the Time for Change of Party Designation by Registered Voters," to Elections.

**HB 97**—"An Act to Amend Title 15, Section 1105 (a) Delaware Code by Changing the Dates for the Registration of Voters," to Elections.

On motion of Mr. Reilly **HB 89** entitled "An Act to Repeal Section 3919, Title 10, Delaware Code, Relating to Limitations of Liability of Newspapers for Libel," was taken up for consideration and read a third time by paragraphs only in order to pass the Senate.

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

**YEAS**—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly Steen, Watson, Mr. Pres. Pro Tem (Cook)—9.

**NAYS**—Messrs. Correll, duPont, Nechay, Simpson, Snowden, Spicer, Williams—7.

**ABSENT**—Mr. Tull—1.

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

On motion of Mr. Cook the Senate adjourned until Monday, March 9, 1959 at 1:00 P. M. at 5:00 P. M.

### 23rd LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:35 P. M. on Monday, March 9, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden,

Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

Members absent—Messrs. Nechay, Spicer, Steen—3.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Snowden moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Mr. Snowden introduced the following Resolution and moved for its adoption: **SCR 13**—"Relating to Mileage."

Mr. Cook moved that the Resolution be referred to Committee. Mr. Steen asked to be marked present. Motion passed, whereupon the Chair assigned the Resolution to Claims Committee.

Mr. Correll requested that **SB 26** be brought up for its third and final reading, but withdrew his request without objection.

The Chair presented the following House Bills and Resolution, which were given first and second readings and referred to Committees as follows:

**HB 103** as amended by **HA 1**—"An Act to Amend Title 15, Delaware Code to Provide for Registration of Voters in the Offices of the Department of Elections for Each County." to Elections.

**HB 85** as amended by **HA 1**—"An Act to Amend Title 15, Delaware Code by Transferring the Functions Presently Performed by the Clerk of the Peace in Each County in General Elections to the Department of Elections for Each County." to Elections.

**HCR 1**—"Appropriating Money to Several Companies for Services and Supplies of the 119th General Assembly," to Claims.

**HB 7**—"An Act to appropriate Money to the Belvedere Volunteer Fire Company," to Passed Bills.

**HB 14**—"An Act Appropriating Money to Layton Home for Aged Colored Persons," to Passed Bills.

On motion of Mr. Cook the Senate recessed until call of the Chair at 2:05 P. M.

Senate met at expiration of recess at 3:45 P. M. Lieutenant Governor Buckson presiding.

Mr. Spicer asked to be marked present.

Mr. Steen introduced the following Bills which were given first and second readings, the second by title only and referred to Committees as follows:

**SB 62**—"An Act to Amend Title 21, Delaware Code, Entitled 'Motor Vehicles', in Respect to Penalties for Violations of Speed Limits," to Buildings and Highways.

**SB 63**—"An Act to Amend Title 21, Delaware Code, En-

titled 'Motor Vehicles', in Respect to Specific Speed Limits,"—to Buildings and Highways.

Messrs. Simpson, Snowden, Watson, Cook, Reilly and Williams introduced the following Bill which was given first and second reading the second by title only and referred to the Revised Statutes Committee:

**SB 64**—"An Act to Amend Title 7, Delaware Code, Entitled 'Conservation' for a Water Resources Commission, Define its Powers and Duties, Provide for Hearings and Appeals, Provide Penalties and Appropriate Funds."

On motion of Mr. Reilly, **HB 71** entitled "An Act to Amend Chapter 9, Title 10, Delaware Code (Known as the Family Court Act) by Re-defining "Family" as Respects the Court's Jurisdiction," was taken up for consideration and read a third time by paragraph in order to pass the Senate.

On motion of Mr. Reilly, Judge Elwood F. Melson was extended the privilege of the floor to explain the Bill.

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

**YEAS**—Messrs. Correll, duPont, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem (Cook)—13.

**ABSENT**—Messrs. Hickman, McCullough, Nechay, Watson—4.

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

On motion of Mr. Reilly **HB 72** entitled "An Act to Amend Chapter 9, Title 10, Delaware Code (Known as the Family Court Act) by Deleting the Provision Providing for Appointment of Judges for Unexpired Terms," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Reilly, Judge Elwood F. Melson was extended the privilege of the floor to explain the Bill.

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

**YEAS**—Messrs. Correll, duPont, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem (Cook)—10.

**NAYS**—Messrs. Hoey, Mayhew, Steen—3.

**ABSENT**—Messrs. Hickman, McCullough, Nechay, Watson—4.

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

The following Bill was introduced by Mr. Reilly, given

first and second readings, the second by title only, and referred to the committee on Banking and Insurance: **SB 65**—"An Act to Amend Chapter 9, Title 5, Delaware Code Relating to Regulations Governing Business of Banks and Trust Companies."

Mr. Cook introduced the following Resolution which on further motion by him was adopted: **SR 37**—"An Act Making an Appropriation to International Business Machines Corporation for the Payment of an Electric Typewriter No. 11-1107514."

On motion of Mr. Cook the Senate adjourned until Thursday, March 12, 1959 at 1:00 P. M. at 4:15 P. M.

### 24th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:30 P. M. on Thursday, March 12, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—13.

Members absent—Messrs. Hickman, Mayhew, Steen, Williams—4.

The Chair dispensed with the reading of the Journal, without objection.

Messrs. Steen, Mayhew and Hickman asked to be marked present.

On motion of Mr. Reilly the Senate recessed at Call of the Chair at 1:45 P. M.

The Senate met at the expiration of the recess at 4:15 P. M., Lieutenant Governor Buckson presiding.

Mr. Williams asked to be marked present.

On motion of Mr. duPont, **SR 36** entitled "Creating a Committee to Study the Tax Laws of the State of Delaware and the Mandatory Appropriations of the State of Delaware and the General Fiscal Conditions of the State of Delaware and Appropriating Funds Therefor," was taken up for consideration in order to pass the Senate.

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

**YEAS**—Messrs. Correll, duPont, Simpson, Snowden, Spicer Williams—6.

**NAYS**—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—11.

So the question was decided in the negative and the

Resolution not having received the required constitutional majority was lost.

On motion of Mr. Snowden, **SS 1** for **SB 6** entitled "An Act Creating a Department of Labor and Industrial Relations for the State under the Supervision and Direction of a Commissioner, Transferring the Industrial Accident Board to Said Department Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to Said Department, and Prescribing the Powers and Duties of Said Department, its Commissioner and Divisions; Providing for Punishment for Violations and Enforcement; Appropriation," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Snowden introduced **SA 1** to **SS 1** for **SB 6** and moved for its passage.

On the question "Shall the Amendment pass the Senate" the yeas and nays were ordered, which being taken, were as follows: 17 yeas, 0 nays, so the Amendment was adopted.

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

**YEAS**—Messrs. Correll, duPont, Hickman, McCullough, Reilly, Snowden, Steen, Watson, Williams, Mr. Pres. Pro Tem (Cook)—10.

**NAYS**—Messrs. Hoey, Mayhew, Nechay, Price, Simpson, Spicer, Tull—7.

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

The following Bills were introduced by Messrs. McCullough and Williams, given first and second readings, the second by title only, and all referred to the Committee on Education:

**SB 66**—"An Act to Appropriate Funds for Summer School Sessions in the Public Schools of Delaware."

**SB 67**—"An Act to Amend Section 2707, Title 21, Delaware Code, Relating to Requirements for School Bus Drivers and Public Passenger Carrying Vehicles."

**SB 68**—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' Relating to Boundaries, Consolidation, and Change of Status of School Districts and Special School Districts."

**SB 69**—"An Act to Appropriate Funds to the State Board of Education for a State Supervisor of School Libraries, Secretarial Assistance and Traveling Expenses."

**SB 70**—"An Act to Appropriate Funds to the State Board of Education for a State Supervisor of Industrial Arts, Secretarial Assistance and Traveling Expenses."

**SB 71**—"An Act to Amend Section 2904, Title 14, Delaware Code, Relating to Minimum Insurance Coverage Requirements for School Buses."

**SB 72**—"An Act Appropriating Money to the Christina-Salem School."

**SB 73**—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees, Pay for Substitute Teachers, and Appropriating Funds."

The following Bills were also introduced, given first and second readings, the second by title only, and referred to Committees as follows:

**SB 74**—"An Act to Amend Section 906, Title 28, Delaware Code Relating to the Regulation of Public Entertainment on Sundays," by Mr. McCullough, to Temperance.

**SB 75**—"An Act to Amend Title 7, Delaware Code, Entitled 'Conservation' in Respect to Funds Received by the Board of Game and Fish Commissioners from Rental of Facilities and Rental or Sale of Certain Commission Publications, Equipment or Products," by Messrs. Mayhew and duPont, to Fish, Oyster and Game.

**SB 76**—"An Act to Amend Section 2128, Title 21, Delaware Code, Relating to the Status of Plates upon a Transfer of Title to a Motor Vehicle," by Mr. Nechay, to Revised Statutes.

On motion of Mr. Reilly, **SCR 10** entitled "Providing for a Joint Revenue Committee to Study New Sources of Revenues for Meeting the Financial Needs of the State and to Make Recommendations to the Current General Assembly Pertaining to the Same," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly introduced **SA 1** to **SCR 10** and moved for its adoption. Motion carried.

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

**YEAS**—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—11.

**NAYS**—Messrs. Correll, duPont, Simpson, Snowden, Williams—5.

**NOT VOTING**—Mr. Spicer—1.

Mr. Reilly moved that Mr. Spicer was allowed to vote "not voting". Motion carried.

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. Price introduced the following Resolution which on further motion by him was adopted by the Senate: **SR 38**—"Expressing Sympathy of the Senate on the Death of Harvey Opdyke."

On motion of Mr. Cook, the Senate adjourned until Monday, March 16, 1959 at 1:00 P. M. at 5:15 P. M.

### 25th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Monday, March 16, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

Members absent—Messrs. McCullough, Nechay, Steen—3.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objections, that so much be considered the reading of the Journal, and the Journal be approved.

Mr. Cook requested that the following communication be read to the Senate:

#### NEW CASTLE HISTORIC BUILDINGS COMMISSION

New Castle, Delaware

March 12, 1959

Honorable Allen J. Cook  
President Pro Tem of the Senate  
Legislative Hall  
Dover, Delaware

My dear Senator:

On behalf of the members of the New Castle Historic Buildings Commission, may I extend through you an invitation to the Senators to attend a luncheon at twelve o'clock noon on Wednesday, April 8, 1959 at the Arsenal Tearoom in New Castle.

The occasion for this luncheon is that the restoration of the central part of the Courthouse building has been completed with funds made available by prior General Assemblies. The Commission desires to show the members of the General Assembly the result of the restoration work by way of making its report to the General Assembly.

As a part of the occasion, the Commission hopes the General Assembly will hold a token session in the Courthouse building in commemoration of the fact that it was there the meetings of the Colonial Assemblies were held.

Sincerely,

DANIEL F. WOLCOTT

President

The Chair presented the following House Bills, which were given first and second readings and referred to Committees as follows:

**HS 1 to HB 128**—"An Act to Amend Chapter 17, Title 15, Delaware Code Entitled Registration Procedure Relating to Issuance of Voter Identification Cards; Penalties for Misuse and Defacing of a Voter Identification Card; Transfer of Registration upon Presentment of a Voter Identification card," to Elections.

**HB 107**—"An Act to Amend Chapter 19, Title 11, Delaware Code Relating to Arrest and Detention," to Judiciary.

**HB 156**—"An Act to Amend Chapter 75, Title 16, Delaware Code, Relating to Buildings Requiring Fire Escapes; Kinds," to Miscellaneous.

**HB 133**—"An Act to Amend Title 14, Delaware Code, to Provide for Sidewalks Leading to School Sites," to Education.

**HB 64**—"An Act Making a Deficiency Appropriation to the State Treasurer for the Purpose of Making Refunds of License Fees Relating to Electrical Contractors," to Claims.

**HB 92**—"An Act to Amend Title 10, Delaware Code by Increasing the Jurisdiction of Justices of the Peace in Civil Actions," to Judiciary.

**HB 135**—"An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations," to Corporations Private.

**HB 118 with HA-1**—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' by Providing for Identification Markings on Certain State Property," to Buildings and Highways.

**HB 54**—"An Act to Amend Chapter 81, Title 9, Delaware Code Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of the Collins Park Community and Civic Association, Inc., from Assessment and Taxation," to Finance.

**HB 98**—"An Act to Amend Title 15, Sections 1746 and 1747, Delaware Code by Repealing the Requirement that Voters who Transfer their Registration be Notified of the Transfer," to Elections.

**HB 105**—"An Act to Amend Chapter 16, Title 9, Delaware Code by Increasing the Compensation of the Public Building Superintendent for the City of Wilmington and for New Castle County," to Corporations Municipal.

**HB 95**—"An Act to Amend Title 15, Section 3148 Delaware Code by Making Uniform the Compensation of Officers and Clerks in Primary and General Elections," to Elections.

**HB 93**—"An Act to Amend Title 10, Delaware Code by Permitting the Courts of Common Pleas of New Castle, Kent and Sussex Counties to have Jurisdiction over Civil Actions in

Which the Amount, in Controversy does not Exceed \$2,000 Instead of \$1,000 as at Present," to Judiciary.

**HB 102**—"An Act to Amend Title 14, Delaware Code, by Creating a 'Public School Construction Commission' and Defining the Powers and Duties Thereof, and Revoking Certain Powers and Duties of the State Board of Education and Making an Appropriation to the 'Public School Construction Commission,' to Education.

**HB 41**—"An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Posting of a Refund Bond when Appealing from an Order of the Commission," to Miscellaneous.

**HB 52**—"An Act to Amend Chapter 23, Title 19, Delaware Code, Entitled Workmen's Compensation, by Increasing the Compensation for Total Disability," to Labor.

**HB 173**—"An Act Making Supplementary Appropriations to Various Divisions of State Government for the Fiscal Year Ending June 30, 1959," to Finance.

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

**SB 77**—"An Act to Amend Chapter 31, Title 20, Delaware Code, Relating to Civil Defense," to Miscellaneous.

Mr. McCullough asked to be marked present.

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:00 P. M.

The Senate met at the expiration of the recess at 4:00 P. M., Lieutenant Governor Buckson presiding.

The following Bills were reported favorably by the majority of the respective Committees as follows: **HB 128**, 4 favorably, 1 on merits, by Elections; **HB 98**, 4 favorably, 1 on merits, by Elections; **HB 95**, 4 favorably, 1 on merits, by Elections; **SB 39**, 3 favorably, 1 on merits, by Buildings and Highways; **SB 62**, 5 favorably, by Buildings and Highways; **SB 63**, 5 favorably, by Buildings and Highways; **HB 105**, 3 favorably, 1 on merits, by Corporations Municipal; **SB 47**, 4 favorably, 1 on merits, by Judiciary; **SB 61**, 3 favorably, 1 on merits, by Judiciary.

The following Bill was introduced by Mr. Watson, given first and second readings, the second by title only and referred to the Labor Committee:

**SB 78**—"An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Providing for Coverage for Employees of the State of Delaware, and by Providing a Method Whereby Political Subdivisions of the State May Elect Coverage for Their Employees."

Mr. Price introduced the following Resolution which on further motion by him was adopted: **SR 39**—"In Reference to Election of Officers."

The President administered the oath to Ruth E. Haggerty, for the office of Page.

The following Bill was introduced by Mr. McCullough, given first and second readings, the second by title only, and referred to Committee as follows:

**SB 79**—"An Act to Appropriate Funds to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession," to Education.

Messrs. Steen and Nechay asked to be marked present.

On motion of Mr. Watson, **SB 57** entitled "An Act to Amend Section 811, Delaware Code, Title 11, Relating to the Crime of Robbery" 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. duPont, Hickman, Hoey, Mayhew McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

**NAYS**—Messrs. Correll, Snowden—2.

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

Mr. Cook requested that the following communication be read to the Senate:

# STATE OF DELAWARE

## SENATE

Dover, Del.

March 16, 1959

Members of the Senate  
120th General Assembly  
Dover, Delaware

Gentlemen:

In accordance with House Joint Resolution No. 1 the following members of the Senate of the 120th General Assembly of the State of Delaware are appointed to serve on the Joint Committee For Highway Safety:

Senator Calvin R. McCullough  
Senator Reynolds duPont  
Senator Peter Nechay  
Senator Curtis W. Steen  
Senator Harvey B. Spicer

Very truly yours,

ALLEN J. COOK, Senator  
President Pro Tempore

Mr. Steen moved for the suspension of Rule 9 for the

purpose of considering **SB 39** and voting upon the same. Motion carried.

On motion of Mr. Steen **SB 39** entitled "An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for Highway Improvements and for Buildings under the Jurisdiction of the State Highway Department by Acquiring Lands and Rights-of-Ways, Constructing and Reconstructing Highways, Bridges, by Providing Buildings and Improvements Incidental Thereto and to Issue Bonds and Notes Therefor and Appropriating Said Funds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Steen introduced **SA 1** to **SB 39** and moved for its adoption. Motion carried.

Upon request a communication from the Highway Department concerning **SB 39** was read to the Senate and included as part of the Journal as follows:

**PROPOSED USAGE OF STATE FUNDS  
FOR INTERIM CONSTRUCTION BETWEEN  
MARCH 15, 1959 and JUNE 30, 1959**

| Project              |                                   | Federal Share | State Share  |
|----------------------|-----------------------------------|---------------|--------------|
| 1) Interstate        |                                   |               |              |
| I-1 (9)              | Farnhurst Interchange Bridges     | \$2,000,000   | \$ 200,000   |
| I-1 (8)              | Farnhurst Interchange             |               |              |
|                      | Railroad Bridges .....            | 2,000,000     | 200,000      |
| I-1 (21)             | Section of Basin Rd.              |               |              |
|                      | Interchange .....                 | 4,000,000     | 400,000      |
| 2) New Castle County |                                   |               |              |
|                      | Contract                          |               |              |
| 1716                 | Summit Bridge Approaches .....    | 420,000       | 420,000      |
| 1717                 | East 4th Street, Wilmington ..... | 30,000        | 30,000       |
| 3) Kent County       |                                   |               |              |
| 1695                 | Kenton to Bishop's Corner .....   | 300,000       | 300,000      |
| 1337                 | Route 40, Maryland Line to        |               |              |
|                      | Willow Grove .....                | 220,000       | 220,000      |
| 4) Sussex County     |                                   |               |              |
| 1150                 | Route 14 from Road 38 to Milford  | 260,000       | 260,000      |
| 1623                 | Washington St. and Main Street,   |               |              |
|                      | Millsboro .....                   | 135,000       | 175,000      |
| 1504                 | Route 18, Georgetown to Rr. 319   | 180,000       | 180,000      |
|                      |                                   | <hr/>         | <hr/>        |
|                      |                                   | \$9,545,000   | \$2,385,000  |
|                      |                                   |               | <hr/>        |
|                      | Total Cost .....                  |               | \$11,930,000 |
|                      |                                   |               | <hr/>        |

On the question "Shall **SB 39** pass the Senate" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden,

Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem (Cook)—16.

NAYS—Mr. Watson—1.

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

The following Bill was introduced by Mr. Reilly, given first and second readings, the second by title only, and referred to Temperance Committee:

**SB 80**—"An Act to Amend Section 717, Title 4, Delaware Code Relating to the Prohibition of Sale of Alcoholic Liquors at Certain Times."

Mr. Cook announced to the Senate that the State Police invited the Senators to a demonstration concerning the police dogs to be held on Thursday, March 19, 1959 at 12:00 to 1:00 P. M.

The following Resolutions were reported from committee: **SJR 5**, 4 favorably, 1 merits; **HCR 1**, 5 favorably, 1 merits.

On motion of Mr. Hoey **HB 80** entitled "An Act to Amend Chapter 20, Title 9, Delaware Code, Entitled 'Ambulance and Rescue Service'" 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem (Cook)—15.

ABSENT—Messrs. Steen, Watson—2.

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

On motion of Mr. Cook the Senate adjourned until Thursday, March 19, 1959 at 1:00 P. M. at 5:20 P. M.

## 26th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Thursday, March 19, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

Members absent—Messrs. Nechay, Steen—2.

The Secretary proceeded to read the Journal of the previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

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

**SB 81**—"An Act to Amend Title 7, Delaware Code, Entitled 'Conservation' for a Water Resources Commission, Define its Powers and Duties, Provide for Hearings and Appeals, Provide Penalties and Appropriate Funds," by Messrs. Simpson, Snowden, Williams, Cook and Reilly, to Agriculture.

**SB 82**—"An Act Proposing an Amendment to Section 14, Article 2 of the Constitution of the State of Delaware," by Messrs. Price and Simpson, to Revised Statutes.

**SB 83**—"An Act to Amend Section 2920, Title 24, Delaware Code Relating to the Termination of Employment and Re-Employment of Real Estate Salesmen," by Mr. Watson, to Labor.

The Chair granted the request of Mr. Williams that **SB 64** be stricken from the Calendar.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:00 P. M.

The Senate met at the expiration of the recess at 4:00 P. M. Pres. Pro Tem Cook presiding.

Mr. Nechay asked to be marked present.

The Chair granted the request of Mr. Simpson that **SB 82** be stricken from the Calendar.

Mr. Williams introduced the following resolution which on further motion by him was adopted by the Senate, and sent to the House for concurrence: **SCR 14**—"Re Southern Regional Education Board."

The following Bills were introduced, given first and second readings, the second by title only and assigned to Committee as follows:

**SB 84**—"An Act to Amend Chapter 33, Title 19, Delaware Code, Entitled 'Unemployment Compensation' Relating to the Definition of Contribution," by Messrs. Simpson and Price, to Labor.

**SB 85**—"An Act to Amend Section 6901, Title 16, Delaware Code Relating to Selling or Possession of Fireworks," by Mr. Reilly, to Revised Statutes.

**SB 86**—"An Act to Amend § 555 (c), Title 11, Delaware Code, Relating to the Issuance of Checks Known to be Worthless," by Mr. Mayhew, to Revised Statutes.

**SB 87**—"An Act to Amend Subchapter II, Chapter 23, Title 21, Delaware Code Relating to Liens on Motor Vehicles," by Mr. McCullough, to Revised Statutes.

On motion of Mr. Williams, **SB 47** entitled "An Act Proposing an Amendment to the Constitution of the State of Delaware by Adding a New Article Entitled 'Continuity of State and Local Governmental Operations in Periods of Emer-

gency Resulting from Disasters Caused by Enemy Attack',” 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. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

NAYS—Messrs. Hoey, Mayhew—2.

ABSENT—Mr. Steen—1.

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

The Chair announced the signing of **SR 39, SR 37, HB 71** and **HB 72**.

The Chair directed that the following message from the Governor be read to the Senate:

To the Senate of the 120th General Assembly  
of the State of Delaware:

March 19, 1959

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

Walter S. Carpenter, Jr., Wilmington, to be a member of the Board of Trustees of the University of Delaware for a term to expire March 19, 1965.

Edward T. Pardee, Sr., Frederica, to be a Justice of the Peace in and for Kent County for a term to expire March 19, 1963.

Victor P. Kohl, Middletown, to be a member of the State Board of Agriculture for a term to expire March 1, 1962.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Watson, **HS 1** for **HB 128** entitled “An Act to Amend Chapter 17, Title 15, Delaware Code Entitled Registration Procedure Relating to Issuance of Voter Identification Cards; Penalties for Misuse and Defacing of a Voter Identification Card; Transfer of Registration Upon Presentation of a Voter Identification Card,” was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Watson requested the privilege of the floor for Mr. Hutchinson of the Department of Elections who explained the purpose of the Bill to the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, May-



hew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—15.

NAYS—Mr. Spicer—1.

ABSENT—Mr. Steen—1.

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

The Pres. Pro Tem stepped down from the Chair and Mr. Reilly took the Chair to preside over the Senate. Mr. Cook rose to a point of personal privilege. Mr. Cook made the following statement to the Senate:

"Fellow Senators, Citizens of the State of Delaware, I direct your attention to an editorial which appeared in the State News, published in Dover, Delaware on Monday, March 16, 1959. I will not mention the name of the writer of this editorial who has seen fit to describe me as a 'Personable mild-mannered fellow.' My friends shall judge whether those words apply to me.

First I shall correct factual inaccuracies that appear in that editorial. I am not employed by the State Highway Department in any capacity. Had the writer of the editorial read his own newspaper on February 1, 1959, he would have known that I had resigned from the State Highway Department.

"If the writer of the editorial read Senate Substitute Bill No. 6 which creates a Department of Labor he would read that farmers are exempt from the provisions of that bill.

"The writer of the editorial states that I am a 'Farmer of sorts'. I have not farmed for a period of three years, nor am I presently employed except as an elected officer of this State, and have no personal interest in this bill. I shall, however, always work for the best interest of the farmers of the State of Delaware.

"While I find the writer of the editorial ignorance's of the facts distressing, I object strenuously to the political motives that he says I have. The writer of the editorial had best wait and see if I will seek further public office

"I represent the Second Senatorial District in Kent County which is composed of small business men, working people, farms and organized laborers. I represent their interest to the best of my ability. When a bill is presented to the Senate I have always recalled and shall always recall the interest of the voters in my district.

When Senate Substitute Bill No. 6 was presented to the Senate I weighed the merits of that bill; I considered the interest of the voters of my district and thereupon voted my convictions. I do not and have never taken orders from any one group but listen to them all and vote my conviction. I

have most certainly never taken orders from the writer of the editorial.

I decided to vote in favor of the bill because the bill works no hardship upon the voters of the State of Delaware. It does not handicap the farmer who is not covered by the bill nor will it handicap the working person, the small business man, but will provide control upon the working class of people to their betterment.

"I refer to a story that appeared in the Journal-Every-Evening on Wednesday, March 18, 1959. A plumber sustained an injury to his left arm, rib fractures and back injuries when a ditch caved in on him. The plumber was buried to his chest in dirt, stone and clay. Had the ditch been properly shored this injury would not have occurred. The Department of Labor would correct this hazard so far as the people of the State of Delaware are Concerned. This is a single instance of the good a Department of Labor would do.

"I say that Senate Substitute Bill No. 6 is good and therefore I voted for that bill.

"I say further that I voted in favor of the repeal of the five cent libel law because of such editorials."

Mr. Reilly stepped down from the Chair and the Pres. Pro Tem again presided over the Senate.

The following Bill was reported out of Committee: **HB 135**, 4 favorable, 1 merits.

On motion of Mr. Snowden the Senate adjourned until Monday, March 23, 1959 at 1:00 P. M. at 5:00 P. M.

### 27th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M. on Monday, March 23, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—12.

Members absent—Messrs. duPont, Hickman, McCullough, Nechay, Steen—5.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

On motion of Mr. Reilly Senate Rule 23 was suspended.

On motion of Mr. Cook the members of the House were admitted.

Mr. Reilly moved that the House and Senate convene in Joint Session. Motion passed.

## JOINT SESSION

Mr. Reilly moved that the President of the Senate preside over the Joint Session. Motion passed.

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

Mr. Reilly moved that the President appoint a committee to escort the Governor and the Guest Speaker to the Senate Chamber. Motion prevailed.

The Chair appointed: Mr. Reilly, Mr. Williams, Mr. King and Mr. Richards.

The Sergeant at arms announced the Honorable J. Caleb Boggs, Governor of the State of Delaware and Dr. Robert Anderson who were escorted to the Rostrum and Seated. The Governor introduced the Speaker, Dr. Robert Anderson.

Dr. Robert Anderson delivered a message concerning the Southern Regional Education compact.

At the conclusion of the speech the Chair thanked the speaker for the explanation of the compact.

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

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

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

On motion of Mr. Cook the Senate recessed at call of the Chair at 3:00 P. M. The Senate met at the expiration of the recess at 4:35 P. M., Lieutenant Governor Buckson presiding.

Mr. McCullough asked to be marked present.

The following Bill was reported out of committee: **SB 65**, (Banking and Insurance) 3 favorable, 1 merits.

On motion of Mr. Reilly the Senate adjourned until Tuesday, March 24, 1950 at 1:00 P. M. at 4:45 P. M.

## 28th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Tuesday, March 24, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

Members absent—Messrs. duPont, Hickman, Hoey, McCullough, Spicer, Steen—7.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that

so much be considered the reading of the Journal, and the Journal be approved.

Mr. Hoey asked to be marked present. Messrs. Hickman and Steen asked to be marked present.

Mr. Cook requested that a letter from the Smyrna Home Demonstration Club opposing **SB 62** and **SB 63** be read to the Senate.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following Bills, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 150** as amended by **HA 1**—"An Act to Amend Section 253, Delaware Code, Entitled 'General Corporation Law' and Relating to the Merger of Parent Corporation and Subsidiary," to Revised Statutes.

**HB 131**—"An Act Proposing an Amendment to Article 8 of the Constitution of the State of Delaware Entitled 'Revenue and Taxation', to Finance.

**HB 134**—"An Act to Amend Chapter 167, Volume 37, Laws of Delaware, Entitled 'An Act to Incorporate the Town of Slaughter Beach' Relating to Duties and Powers of Alderman; Taxation," to Corporations Municipal.

**HA 1** to **HB 149**—"An Act to Amend Section 223, Title 8, Delaware Code, Entitled 'General Corporation Law' Relating to Vacancies and Newly Created Directorships," to Revised Statutes.

**HS 1** for **HB 63**—"An Act Amending Title 30, Delaware Code, Entitled 'State Taxes' Relating to Income Tax Deductions," Revised Statutes.

**HJR 4**—"To attend a Luncheon in the City of New Castle and to Hold a Token Meeting of the General Assembly in the Old Court House in the City of New Castle, State of Delaware," to Miscellaneous.

The following Bills were reported from Committee: **SB 84**: 3 favorable; **HB 173**: 4 favorable.

Mr. Hoey moved the Rule 9 be suspended for the purpose of considering **HB 173** for passage by the Senate. Motion carried.

On motion of Mr. Hoey, **HB 173** entitled "An Act Making Supplementary Appropriations to Various Divisions of State Government for the Fiscal Year Ending June 30, 1959," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Snowden introduced **SA 1** to **HB 173** and moved for its adoption. Motion carried.

On the question "Shall the Bill as amended pass the Sen-

ate" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Mr. Pres. Pro Tem (Cook)—12.

ABSENT—Messrs. duPont, McCullough, Spicer, Steen, Williams—5.

So the question was decided in the affirmative and the Bill as amended having received the required constitutional majority passed the Senate and was returned to the House.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:10 P. M.

The Senate met at the expiration of the recess at 3.45 P. M. Pres. Pro Tem Cook presiding.

Mr. Reilly reported the following Bills and Resolution from Committee: **HB 52**, 3 favorable; **HS 1** for **HB 63**, 1 favorable, 2 merits, 1 unfavorable; **HB 150**, 4 merits; **SB 40**, 3 merits, 1 favorable; **SB 49**, 2 unfavorable, 2 merits; **SB 55**, 2 favorable, 1 merits; **SB 50**, 3 favorable, 1 unfavorable; **SB 41**, 3 merits, 1 unfavorable; **SB 76**, 2 favorable, 1 merits, 1 unfavorable; **SB 85**, 1 favorable, 2 merits, 1 unfavorable; **SB 86**, 3 favorable, 1 merits; **SB 87**, 3 unfavorable, 1 merits; **HJR 4**, 5 favorable; **SB 46**, 5 favorable; **SB 45**, 4 favorable; **HB 75**, 2 favorable, 2 merits; **HB 149**, as amended, 4 favorable; **HB 45**, 4 favorable; **HB 64**, 4 favorable; **SB 24**, 2 favorable, 2 merits.

Mr. Williams asked to be marked present.

Messrs. Snowden and Reilly introduced the following Bill which was given first reading and referred to the Committee on Public Health: **SB 88**—"An Act Relating to the Inter-State Compact on Mental Health."

Messrs. Reilly and Williams introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes: **SB 89**—"An Act to Amend Section 5523, Title 29, Delaware Code Relating to Amount of Benefit Under State Employee' Pension Plan."

Messrs. Reilly and Williams introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes: **SB 90**—"An Act to Amend Titles 14 and 29, Delaware Code, by Creating a Public Employees Retirement Commission of the State of Delaware, to Administer the Retirement, Disability and Pension Laws of the State of Delaware, Defining the Powers and Duties of the Commission, Transferring Certain Administrative Functions and Duties Thereto, and Abolishing the Arbitration Committee and the Disability Commission; Transfer of Funds, Appropriation."

Mr. Steen introduced the following Bill which was given first reading and referred to the Committee on Buildings and Highways: **SB 91**—"An Act to Amend Section 4503 (1), Title 21, Delaware Code Relating to Weights of Vehicles and Loads."

The Chair presented the following House Bills, which were given first and second readings and referred to Committees as follows:

**HB 167** with **HA 1** and **HA 2**—"An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Authorizing the Borrowing of Federal Funds Under Certain Conditions, by Changing Certain of the Provisions Relating to Payment of Benefits, and by Changing Certain of the Provisions Relating to Variable Contribution Rates," to Labor.

**HB 171**—"An Act to Amend Title 14, of the Delaware Code by Providing for the Election of School Board Members in the Conrad High School District," to Education.

On motion of Mr. Reilly the Senate adjourned at 4:45 P. M. until March 25, 1959 at 1:00 P. M.

### 29th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M. on Wednesday, March 25, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Mr. President Pro Tem (Cook)—11.

Members absent—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Williams—6.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

Mr. Hoey asked to be marked present.

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

### GOVERNOR'S MESSAGE EXECUTIVE DEPARTMENT

Dover, March 25, 1959

To the Senate of the 120th General Assembly of the State of Delaware:

In my message to the General Assembly on January 8, 1959, I promised to make additional, detailed recommendations on Delaware's voting and election laws. Since early

January, an extensive study of these important matters has been conducted at my direction.

We must establish fair election laws for the citizens of this State. These laws must be fair in providing voting opportunities through a modern registration system, fair in providing absentee voting rights, fair in establishing proper safeguards for election results, fair in apportioning the costs of elections, and fair in providing an opportunity for citizens to review and contest an election.

As in many other areas, Delaware is operating with outdated voting and election procedures. The right to vote is a fundamental and cherished freedom of each citizen. This freedom must not be destroyed by the existence of faulty voting laws or procedures. The last general election in 1958 demonstrated clearly the inadequacies and injustices of our present voting system, the opportunities for extremely close elections with a comparatively small population, and the pressing need for major reforms.

In the movement of our population in Delaware from city to suburbs, from county to county, and from one residential area to another, our antiquated registration laws have created many difficulties for individual voters and in some cases people have been prevented from voting. The votes of a sizeable number of citizens have been cancelled by unfortunate regulations of the absentee voting law. Many absentee ballots were thrown out on technicalities in the 1958 election.

Another important reason to modernize voting and election laws is the possibility of close elections in our small State. Last year, the election of Delaware's one United States Representative was decided by less than 700 votes—two votes per election district. The State Treasurer was elected by only 495 votes. One State Senator won by 70 votes. Six State Representatives out of 35 won by less than 150 votes. One member of the New Castle County Levy Court won by 440 votes. These close elections underscore the need for immediate enactment of adequate voting safeguards to insure that the will of the people will be served.

Fair election laws must be soundly based on at least three basic principles:

**First**, the opportunity to vote should be made conveniently available to the maximum number of citizens;

**Second**, a correct and honest voting system must be enforced;

**Third**, state-wide uniformity in election procedures is essential to avoid confusion and injustices, but the administration of election laws must be kept as close as possible to the people to insure a rapid, economical and efficient election system.

In view of the glaring deficiencies that exist in our election laws, I strongly recommend that the General Assembly take immediate action to bring about far-reaching election reforms in the following categories: registration rules, absentee voting privileges, election costs and administration, and voting safeguards.

### **I. Better Registration Rules**

Registration is a basic requirement for every person who wishes to exercise the right to vote. It is important that we take the following action to create better and easier registration rules for our citizens:

1. Issue voter identification cards to everyone who registers. Identification cards will make it easier to transfer voters who move from one district to another. This measure has already been passed, I am happy to say.
2. Repeal the law requiring the Department of Elections to send the applicant for a transfer notice of the transfer of registration.
3. Increase the number of registration days to make sure everyone has an opportunity to register.
4. Enact a Constitutional amendment to enable a voter who moves from one election district to another to vote in his previous election district if he has not established residency requirements in his new election district.
5. Remove from the registration lists the names of persons who have not voted in two consecutive general elections. There have been many complaints concerning the retention of names of deceased persons and persons who have moved out of the state.
6. Prepare lists of registered voters for county chairmen.
7. Appoint the Attorney General to determine, at the request of election departments, the names of deceased voters. In the past, it has been difficult to make this determination from information provided by the Bureau of Vital Statistics.

### **II. Adequate Absentee Voting Procedures**

The General Assembly should take immediate steps to establish adequate absentee voting privileges for residents of Delaware who are required to be out of the state at election time. In addition, we should establish procedures which will guarantee that absentee ballots properly cast by citizens will not be tossed out on some minor technicality. The following improvements in absentee voting rights should be enacted without delay:

1. Provide absentee registration and voting privileges for members of the Armed Forces and their dependents and for other persons whose work with the Armed Forces keeps



them out of the state. This improvement has been advocated by military officials and is long overdue. It will have special meaning for many of our young men in Delaware who may be called into military service at the time they are first eligible to vote.

2. Repeal the part of the absentee voting law which requires county election clerks to sign the absentee ballot envelope in order that it may be counted. In the last election, Sussex County election clerks failed to sign the envelopes and a substantial number of votes were destroyed through no fault of the person casting the vote. This situation must not continue.

3. Provide that the Certificate of the Vote shall contain the number of absentee ballots cast for each candidate in an election.

4. Improve the handling of requests for absentee ballots and other communications by recording the date and time they are received. There have been past difficulties in this area.

### **III. Improved Administration and Allocation of Costs of Elections**

The administration of our election laws can be materially improved in several respects, and it is important that this administration remain as close to the people as possible, at the county and local level of government rather than at the state level. There is no sound reason to continue the administration of these laws at Dover and the State Auditor who is the present State Election Commissioner has neither the time nor the facilities to carry out his election responsibilities. Also, the costs of conducting elections should be placed at the county and local level. Therefore, I urge the General Assembly to enact the following legislation:

1. Abolish the State Department of Elections and assign the administration and costs of elections to the City of Wilmington and the Levy Courts of each County. This should improve the conduct of our elections, and save the state government nearly a half million dollars each biennium.

2. Require that expenses of individual Departments of Elections should be paid only after approval of the Department.

3. Require that each Department of Elections should meet at least once a month to conduct its business.

4. Limit merger of election districts to those districts where there were less than 300 voters in the district at the last election and it must be accomplished on or before the first of May in the year in which an election is to be held.

### **IV. Stronger Election Safeguards**

The last election in November, 1958, pointed up the shortcomings in present procedures to provide citizens with

a real opportunity to determine the possibility of fraud or error in voting results. The Supreme Court determined that any complaints about an election had to be presented by one O'clock of the day that the Court convened. Apparently, this procedure has been established by custom. Also, following last year's election, it was found that proper protection of voting machines containing election results was not enforced. With these problems in mind, the following action is recommended:

1. Provide that complaints under oath of fraud or mistake in an election shall be filed with the Court within 24 hours after the Court determined the state of election in an election district. This will give citizens a real opportunity to be heard and establishes a time limit by law.

2. Establish proper procedures and the necessary enforcement to protect voting machines containing election results following the election.

These are the principal improvements which must be made if Delaware citizens are to have a body of fair election laws. The recommendations have been compiled as a coordinated, overall program of election reform, and bills incorporating many of these points have been introduced.

It is my hope that the General Assembly will act favorably on this program.

Respectfully submitted,

J. CALEB BOGGS  
Governor

Mr. Cook informed the Senators that they are invited to a luncheon at the Dover Air Force Base at the convenience of the House and Senate.

**SB 91** was reported from the committee as follows: 3 favorably.

The following Bills were also reported from committee: **SB 75**, 2 favorably, 2 merits; **SB 44**, 2 favorably, 2 merits; **SB 60**, 3 merits, 1 favorably; **SB 77**, 2 favorably, 2 merits.

Lt. Gov. Buckson presented the following two communications which were read to the Senate:

COUNCIL OF CIVIC ORGANIZATIONS  
of

BRANDYWINE HUNDRED

1 Woodbrook Circle  
Westwood

Wilmington 3, Delaware  
March 24, 1959

Honorable David P. Buckson,  
Lieutenant Governor,  
State of Delaware  
Dover, Delaware  
My dear Mr. Buckson:

Enclosed herewith is a copy of my recent letter to Col. John P. Ferguson of the Delaware State Police. in which the

Council of Civic Associations in Brandywine Hundred urges prompt replacement of the present inadequate facilities for Troop 1 at Penny Hill. We feel that a fine police force is being seriously handicapped by these conditions, and we are strongly urging that they be corrected promptly.

The Brandywine Council wishes to make this letter to Colonel Ferguson a matter of public record. Therefore, we would greatly appreciate it if you would arrange to have this letter read into the Record of the Senate. We trust that you will concur with the Council and will lend your support in this way.

Very truly yours,  
CHARLES O. KING,  
President

COUNCIL OF CIVIC ORGANIZATIONS  
of

BRANDYWINE HUNDRED

1 Woodbrook Circle  
Westwood  
Wilmington 3, Delaware  
March 20, 1959

Colonel John P. Ferguson  
Delaware State Police  
State Highway Department  
Dover, Delaware

Dear Colonel Ferguson:

The Council of Civic Organizations in Brandywine Hundred, an organization of 45 civic associations within this Hundred, recently appointed a special committee to investigate the facilities occupied by State Police Troop 1 at Penny Hill, North of Wilmington. A thorough survey was made. Many photographs of the interior of the station, with the approval of State Police officers, for showing to the Council membership were taken. Officials of the State Police and other state officials were consulted. A presentation of all the facts was then made to a regular meeting of representatives of the 45 civic associations who voted unanimously to support the construction of a proper building at Penny Hill to replace the present inadequate, obsolete and inefficient facilities as promptly as possible.

At our request, Capt. Charles E. Hughes attended our meeting and very capably described the services of the State Police in our community, and Major Sterling E. Simonds gave us some facts on the State-wide picture and displayed architectural plans for a proposed new troop station. The Council put numerous questions to them and their answers, combined with our own investigations, have convinced us that the present station at Penny Hill is grossly inadequate to provide even the minimum needs of Troop 1 as now constituted.

The residents and businesses in Brandywine Hundred are now and will continue to be primarily dependent on the State Police for protection of lives and property, as well as regulation of highway traffic. With the residential and commercial growth and increased traffic foreseen in the next few years, it is imperative that the effectiveness of the State Police be maintained. The present station is wholly unsatisfactory for clerical and desk work, communications, interviews and interrogations, detention of suspects, storage of evidence and records, personnel training, patrol car maintenance, and numerous other requirements of routine police work. Considering the growth of the area, the need for improved facilities will still exist, even if Troop 1 is relieved of police duty in adjoining Christiana Hundred as planned. The addition of a trailer to the present building is only a makeshift solution to a pressing problem.

We fully realize that the government of the State of Delaware is under pressure for funds from the various Departments and Commissions. We are convinced, however, that a new State Police troop station at Penny Hill is of prime importance to the safety and welfare of the citizens of Northern Delaware and should receive high priority. We will appreciate your efforts to obtain proper facilities promptly and we stand ready to assist in any way within our power.

Very truly yours,  
CHARLES O. KING,  
President

COK:ems

cc: Lieut. Gov. D. P. Buckson  
Mr. J. Gordon Smith  
Mr. H. R. Sharp, Jr.  
Capt. C. E. Hughes  
Sen. R. Du Pont  
Sen. J. H. Snowden  
Rep. T. L. Bartleson

POMONA GRANGE NO. 1  
NEW CASTLE COUNTY, DELAWARE  
Middletown, Delaware  
March 16, 1959

Lt. Gov. David P. Buckson  
Smyrna, Delaware

Dear Sir,

The following resolutions were passed by Pomona Grange No. 1 of New Castle County, at a recent meeting. We urge you to consider our views on these resolutions.  
Resolution No. 1.

Whereas, the traffic problem is increasing rather than improving—New Castle County Pomona Grange No. 1 opposes

the bills introduced in the state legislature recently by Senator Steen of Dagsboro, namely, that the speed limit on dual highways be increased from 55 m.p.m. to 60 m.p.h., and that the fine for first speeding offense be reduced from \$25 to \$10. Resolution No. 2.

Whereas, the Levy Court of New Castle County, currently run by three people, elected by the people, and representing the rural area north and south of the Chesapeake and Delaware Canal, as well as the city of Wilmington, and

Whereas, these three represent both political parties, and both agriculture and business, we, the members of New Castle County Pomona Grange No. 1, oppose any bill which may have been introduced, and or will be introduced in the state legislature, which would advocate increasing the number of Levy Court members.

Whereas, though we feel that in some areas, the Levy Court could be improved, we feel that the simple addition of numbers could not result in any improvement.

We further believe that, at all times a minimum of one member should be someone actively engaged in farming.

Secretary,

Pomona Grange No. 1

MARJORIE S. PHILLIPS

On motion of Mr. Hickman **SR 41** entitled "Relating to Amount Due the Harrington Journal for Printing Incurred by the 120th General Assembly," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

ABSENT—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. Hickman **SR 40** entitled "Appropriating Certain Money out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On the question "Shall the Resolution pass the Senate"

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

**YEAS**—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

**ABSENT**—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. Hickman **SR 42** entitled "Appropriating Certain Money out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, being Expenses Connected with the Present Session of the Senate of the 120th General Assembly," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

**ABSENT**—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. Reilly **HCR 1** entitled "Appropriating Money to Several Companies for Services and Supplies of the 119th General Assembly," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

**ABSENT**—Messrs. Correll duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. Mayhew **SB 45** entitled "An Act to Authorize the Caesar Rodney Special School District to Make Certain Tax Refunds," was taken up for consideration and

read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

ABSENT—Messrs. Correll, dupont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

The following Bill was introduced, given first and second readings, the second by title only, and referred to Committee as follows: **SB 92**—"An Act to Authorize the Milford Special School District to Make Certain Tax Refunds," by Mr. Watson, to Elections.

On motion of Mr. Mayhew **SB 46** entitled "An Act to Authorize the Levy Court of Kent County to Make Certain Tax Refunds," 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. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

ABSENT—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. Watson **HB 45** entitled "An Act to Authorize the Townsend School District to Make Certain Tax Refunds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

ABSENT—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. Simpson **SB 84** entitled "An Act to Amend Chapter 33, Title 19, Delaware Code, Entitled 'Unem-

ployment Compensation' Relating to the Definition of Contribution," 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. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—10.

ABSENT—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Steen, Williams—7.

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

On motion of Mr. McCullough **SB 43** entitled "An Act to Amend Title 29, Delaware Code, Entitled 'State Government' in Regard to Retired School Employees," 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. Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—11.

ABSENT—Messrs. Correll, duPont, Hoey, Nechay, Snowden, Williams—6.

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

Mr. Reilly introduced the following resolution which on further motion by him was adopted, and sent to the House for concurrence: **SCR 15**—"Providing for Adjournment of the Senate and House until Monday, April 6, 1959."

On motion of Mr. Reilly **HB 105** entitled "An Act to Amend Chapter 16, Title 9, Delaware Code by Increasing the Compensation of the Public Building Superintendent for the City of Wilmington and for New Castle County," 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. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—13.

ABSENT—Messrs. Correll, duPont, Nechay, Snowden—4.

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



The following Bills were reported from Committee: **SB 52**, 3 favorably, 1 merits; **SB 56**, 3 merits, 1 favorably; **SB 37**, 3 merits, 1 favorably.

On motion of Mr. Reilly the Senate recessed at the call of the Chair at 3:00 P. M.

The Senate met at expiration of recess at 4:15 P. M., Pres. Pro Tem Cook presiding.

The following Bills were reported from Committee: **SB 36**, 2 favorably, 1 merits, 1 unfavorably; **HB 93**, 3 favorably; **HB 107**, 3 favorably; **SB 78**, 3 favorably; **HB 167**, 3 favorably; **SB 83**, 3 favorably; **HB 69**, 3 favorably; **HB 92**, 2 favorably, 2 merits.

The following Bill was introduced, given first and second readings, the second by title only, and referred to Committee as follows: **SB 93**—"An Act to Authorize the Milford Special School District to Make Certain Tax Refunds," by Mr. Mayhew to Finance.

On motion of Mr. Reilly the Senate adjourned to March 26, at 1:00 P. M.

### 30th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Thursday, March 26, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Watson, Mr. Pres. Pro Tem (Cook)—11.

Members absent—Messrs. duPont, Hickman, Mayhew, Steen, Tull, Williams—6.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

Mr. Cook moved that Senate Rule 23 be suspended for the balance of the Legislative Day. Motion carried.

The Chair directed that a communication from the Secretary of the Senate of the State of Michigan in favor of the repeal of the excise tax on motor vehicles be read to the Senate.

Mr. Tull asked to be marked present.

Messrs. Snowden and Reilly introduced **SJR 6** entitled "Re Hawaii the 50th State," which was given first and second readings the second by title only. Mr. Snowden moved that Rule 9 be suspended for the purpose of considering **SJR 6**. Motion carried.

On motion of Messrs. Snowden and Reilly **SJR 6** was then taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, Hoey, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—12.

ABSENT—Messrs. duPont, Hickman, Mayhew, Steen, Williams—5.

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

On motion of Mr. Reilly **HB 167** as amended entitled "An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Authorizing the Borrowing of Federal Funds under Certain Conditions, by Changing Certain of the Provisions Relating to payment of Benefits, and by Changing Certain of the Provisions Relating to Variable Contribution Rates," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Messrs. Mayhew and Williams asked to be marked present. Mr. Hoey moved that the Senate defer action on **HB 167**. Motion defeated.

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

YEAS—Messrs. Correll, McCullough, Nechay, Reilly, Simpson, Snowden, Spicer, Williams, Mr. Pres. Pro Tem (Cook)—9.

NAYS—Messrs. Hoey, Mayhew, Price, Tull, Watson—5.

ABSENT—Messrs. duPont, Hickman, Steen—3.

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

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:30 P. M.

The Senate met at the expiration of the recess at 4:45 P. M., Lt. Gov. Buckson presiding.

The Chair announced to the Senate that he was signing **SR 40**, **SR 41**, and **SR 42**, and **SB 39**, and **SCR 15**.

On motion of Mr. Watson, **HB 98** entitled "An Act to Amend Title 15, Section 1746 and 1747, Delaware Code by Repealing the Requirement that Voters who Transfer Their Registration be Notified of the Transfer," 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. Correll, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams—13.

ABSENT—Messrs. duPont, Hickman, Steen, Mr. Pres. Pro Tem—4.

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

On motion of Mr. Watson, **HB 95** entitled "An Act to Amend Title 15, Section 3148, Delaware Code, by Making Uniform the Compensation of Officers and Clerk in Primary and General Elections," 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. Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Tull, Watson, Williams—10.

NAYS—Messrs. Correll, Simpson, Snowden—3.

ABSENT—Messrs. duPont, Hickman, Steen, Mr. Pres. Pro Tem (Cook)—4.

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

On motion of Mr. Price, **HB 135** entitled "An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations," 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. Correll Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

NAYS—Mr. Hoey—1.

ABSENT—Messrs. duPont, Hickman, Steen—3.

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

The following Bill was introduced, given first and second readings, the second by title only, and referred to Committee as follows: **SB 94**—"An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Increasing the Rates for the Pilotage of Certain Vessels," by Messrs. Price and Spicer, to Miscellaneous.

Mr. Watson introduced **SS 1** for **SB 92** entitled "An Act to Amend Section 3124 (d), Title 15, Delaware Code Relating

to the Printing and Distribution of Ballots," which on further motion by him was adopted by the Senate in lieu of the original.

The following Bills were reported from Committee: **SB 71**, 3 favorably, 1 merits; **SB 68**, 1 favorably, 1 unfavorably, 2 merits; **SB 4**, 4 favorably; **SB 67**, 3 favorably, 1 merits. **SB 66**, 1 favorably, 3 merits; **SB 18**, 1 favorably, 3 merits.

On motion of Mr. Reilly the Senate adjourned until April 6, 1959 at 1:00 P. M. at 5:00 P. M.

### 31st LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M. on Monday, April 6, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Williams, Mr. Pres Pro Tem (Cook).—15.

Members absent—Messrs. Tull, Watson—2.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Reilly moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

On motion of Mr. Cook the Senate adjourned until Tuesday, April 7, 1959 at 2:05 P. M.

### 32nd LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:05 P. M. on Tuesday, April 7, 1959, Lieutenant Governor Buckson presiding.

Prayer by the Chaplain, Rev. John W. Wootten.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem (Cook)—15.

Members absent—Messrs. Watson, Williams—2.

The Secretary proceeded to read the Journal of the Previous Session when Mr. Reilly moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

On motion of Mr. Mayhew, **HJR 4** entitled "To Attend a Luncheon in the City of New Castle and to hold a Token Meeting of the General Assembly in the Old Court House in the City of New Castle, State of Delaware," was taken up for consideration and read a third time. On the further motion by Mr. Mayhew the Resolution was adopted by the Senate and returned to the House.

On motion of Mr. Nechay, **HB 149** as amended entitled "An Act to Amend Section 223, Title 8, Delaware Code, Entitled 'General Corporation Law' Relating to Vacancies and Newly Created Directorships," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem—15.

ABSENT—Messrs. Watson, Williams—2.

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

On motion of Mr. Nechay **HB 150** as amended entitled "An Act to Amend Section 253, Title 8, Delaware Code, Entitled 'General Corporation Law' and Relating to the Merger of Parent Corporation and Subsidiary," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly moved that the roll call on **HB 150** be tabled. Motion passed.

On motion of Mr. Mayhew **SB 86** entitled "An Act to Amend Section 555 (c), Title 11, Delaware Code, Relating to the Issuance of Checks Known to be Worthless," was taken up for consideration and read a third time by paragraphs in order to pass the Senate. At the request of Mr. Mayhew **SB 86** was deferred.

Mr. Watson asked to be marked present.

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:30 P. M.

The Senate met at the expiration of the recess at 4:00 P. M. the President Pro Tem presiding.

Mr. Williams asked to be marked present.

President Pro Tem announced that he had signed **HB 105**, **HB 45**, **HB 173** with **SA 1**, **HB 67** and **HCR 1**.

On motion of Mr. Nechay **HB 150** as amended by **HA 1** was again taken up for consideration and read a third time by paragraphs in order to pass the Senate.

The Chair directed, without objection that the previous roll call be struck and that the vote be taken again.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

NAYS—Mr. McCullough—1.

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

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

**SB 95**—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' by Enacting a New Chapter Providing for Tuition Charges for Pupils Attending Schools Outside Their Resident Districts," by Messrs. Williams and Price, to Education.

**SB 96**—"An Act to Authorize and Direct the Chairman of the Unemployment Compensation Commission to Enter into an Agreement or Agreements with the Secretary of Labor of the United States of America to Designate the Unemployment Compensation Commission as Agent of the United States of America in Administering the Extension of the Temporary Unemployment Compensation Act of 1958 Enacted by the 86th Congress of the United States of America and Granting the Unemployment Compensation Commission Necessary Power to Act as Such Agent," by Messrs. Snowden and Reilly, to Labor.

On motion of Mr. Nechay **HB 75** entitled "An Act Providing for the Method of Computing the Pension of Jennie C. Johnson, Widow of a Deceased Employee of the State of Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

NAYS—Mr. Steen—1.

NOT VOTING—Mr. Mayhew—1.

ABSENT—Mr. Hoey—1.

On motion of Mr. Reilly, Mr. Mayhew was permitted to vote not voting.

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

Mr. Mayhew introduced the following Resolution which on further motion by him was adopted: **SR 43**—"In Reference to Election of Officers."

Mr. Nechay introduced the following Resolution which on further motion by him was adopted: **SR 44**—"In Reference to Election of Officers."

Mr. Tull introduced the following Resolution which on further motion by him was adopted: **SR 45**—"In Reference to Election of Officers."

The Pres. Pro Tem administered the oath of office to the newly appointed attaches.

**SB 96** was reported out of Committee as follows: 4 favorably, 1 merits.

The Chair presented **HCR 8** which was given first and second reading.

On motion of Mr. Snowden **HCR 8** entitled "Approving the First Interim Report of the Joint Revenue Committee and Adopting the Recommendation that Appropriations for Fiscal Year 1960 and Fiscal Year 1961 be Separately Considered by the General Assembly," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)  
—16.

NOT VOTING—Mr. Steen—1.

On motion of Mr. Snowden, Mr. Steen was permitted to vote, not voting.

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

The Chair presented the following House Bill and Joint Resolution, which were given first and second readings and referred to Committees as follows:

**HJR 5**—"Regarding the State Song of Delaware," to Miscellaneous.

**HB 196** as amended by **HA 1**—"An Act Making Supplementary Appropriation to the State Treasurer and the State Tax Department for the Fiscal Year Ending June 30, 1959," to Finance.

The Chair directed that a communication from Mrs. Opdyke be read to the Senate.

Mr. Cook announced that a model session of the Legislature will be held in the Old Court House at New Castle on Wednesday, April 8, 1959 and that the Senators were invited to lunch prior thereto.

On motion of Mr. Reilly the Senate adjourned until Wednesday, April 8, 1959 at 10:00 A.M. at 5:00 P.M.

### 33rd LEGISLATIVE DAY

Senate met pursuant to adjournment Wednesday, April 8, 1959 at 10:30 A.M., Lt. Governor Buckson presiding.

Mr. Cook said a prayer.

Members present—Mr. Pres. Pro Tem (Cook)—1.

There being no quorum present, the Chair declared the Senate adjourned until 1:00 P. M. Thursday, April 9, 1959.

The members of the General Assembly held their token session at the Old Court House at New Castle.

### TOKEN MEETING AT THE OLD COURT HOUSE CITY OF NEW CASTLE

April 8, 1959

The meeting was called to order at 1:30 P. M. by Mr. Pres. Pro Tem.

Rev. Kirwan delivered the prayer for the day.

Senate roll call was taken and the following were present:

Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams, Pres. Pro Tem (Cook)—15.

There being a quorum present the Senate was ready for business.

House roll call was taken, 24 members were present. There being a quorum present the House was ready for business.

Senator Reilly moved that the House and Senate convene in Joint Session, with the Pres. Pro Tem acting as President of the Joint Session. Motion prevailed.

Senator Snowden requested the floor for Gov. Boggs. Speech delivered.

Senator Reilly introduced **SCR 16**, with title as follows: "Thanking the New Castle Historic Buildings Commission." It was adopted April 8, 1959 by both Houses.

The floor was asked for Justice Wolcott. Speech delivered.

Messrs. Richards and King introduced **HJR 9**, with title as follows: "Thanking the New Castle Buildings Commission for the Opportunity of Attending a Luncheon in the City of New Castle and Holding a Token Meeting of the General Assembly in the Old Court House in the City of New Castle, State of Delaware." It was adopted by both Houses April 8, 1959.

Justice Wolcott presented both Houses with Gavels made from the original beam taken from the ceiling of the Old Court House.

Senator Reilly moved that both Houses compare Jour-



nals. They were compared and approved.

Senator Snowden moved for adjournment at 1:40 P.M. Meeting was adjourned.

### 34th LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:45 P. M. on Thursday, April 9, 1959, Lieutenant Governor Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—11.

Members absent—Messrs. McCullough, Reilly, Simpson, Snowden, Spicer, Williams—6.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed without objection that so much be considered the reading of the Journal, and the Journal be approved.

Communications: One for **HB 214**.

One requesting Highway Department to consider a dual highway over route 113.

One recommending taking advantage of Act of Congress to extend unemployment benefits.

One from Delaware Federation of Women stating the stand of that organization on various Bills.

Messrs. Reilly, Simpson, Spicer and McCullough asked to be marked present.

On motion of Mr. Cook the Senate recessed at call of the Chair, at 2:00 P. M.

The Senate met at the expiration of the recess at 4:30 P. M., Pres. Pro Tem Cook presiding.

The following Bills were reported from Committee: **HB 94**, 2 favorably, 3 merits; **HB 97**, 5 favorably; **HB 87**, 4 favorably, 1 merits.

Mr. Williams asked to be marked present.

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

**SB 97**—"An Act to Amend Section 101, Title 13, Delaware Code Relating to Void and Voidable Marriages," by Mr. Reilly, to Revised Statutes.

**SB 98**—"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 Increasing the Amount of Taxes that May be Raised for Municipal Purposes," by

Messrs. Spicer, duPont, Hickman and Watson, to Corporations, Municipal.

**SB 99**—"An Act to Amend Title 24, Delaware Code, by Adding a New Chapter Thereto Providing for the Licensing and Regulation of the Practice of Optical Dispensing," by Messrs. Hoey, Mayhew and Williams, to Revised Statutes.

**SB 100**—"An Act to Amend Section 122 of Title 20 of the Delaware Code, Relating to the Term of Office of the Adjutant General," by Mr. Hoey, to Miscellaneous.

The following Bills were reported from Committee: **HB 196**, 5 merits; **HB 156**, 4 merits; **HB 171**, 3 merits, 1 favorably.

On motion of Mr. Reilly the Senate adjourned to Friday, April 10, 1959 at 1:00 P. M. at 5:00 P. M.

### 35th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2 P. M. on Friday, April 10, 1959, President Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Tull, Watson, Mr. Pres. Pro Tem (Cook)—11.

Members absent—Messrs. Hickman, Nechay, Snowden, Spicer, Steen, Williams—6.

The Secretary proceeded to read the Journal of the previous Session when the Chair directed, without objection, that so much be considered the reading of the Journal, and the Journal be approved.

The President Pro Tem announced that he was signing **HB 95**, **HB 98**, **HB 135** and **HJR 4**.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:10 P. M.

The Senate met at the expiration of the recess at 3:45 P. M., Pres. Pro Tem Cook presiding.

Messrs. Spicer, Williams, and Hickman asked to be marked present.

Mr. Reilly introduced the following Concurrent Resolution which on further motion by him was adopted and ordered to the House for concurrence: **SCR 17**—"Providing for Adjournment of the Senate and House of Representatives until Thursday, April 16, 1959."

Mr. Watson introduced **SS 1** for **SB 78** with title same as the original, which on further motion by him was adopted in lieu of the original.

Mr. Nechay asked to be marked present.

Mr. Hickman introduced the following Resolution which on further motion by him was adopted: **SR 46**—"An Act

Making an Appropriation to the Diamond State Telephone Company for Services through March 11, 1959."

Mr. McCullough reported the following Bill from the Education Committee: **HB 37**, 5 merits.

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

**HB 199**—"An Act to Amend Title 7, Delaware Code, Relating to the Accidental Killing of Deer by a Motor Vehicle Upon a Public Highway", to Fish, Oyster and Game.

**HB 198**—"An Act to Authorize the Milford Special School District to Make Certain Tax Refunds", to Finance.

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

**SB 101**—"An Act to Amend Chapter 118, Volume 33, Laws of Delaware, Entitled 'An Act Providing for a Firemen's Pension Fund for Members of the Bureau of Fire of the Department of Public Safety of the City of Wilmington', as Amended", by Messrs. Watson and Williams, to Judiciary.

**SB 102**—"An Act to Amend Title 5, Delaware Code, Entitled 'Banking', providing for the Financing of the Sale of Motor Vehicles, the Licensing of Sales Finance Companies, the Regulation of Motor Vehicle Retail Installment Transactions, the Powers and Duties of the State Bank Commissioner, and Providing for Violations and Penalties", by Messrs. Hoey, Price, and Mayhew, to Banking and Insurance.

Mr. Hickman introduced the following Resolution which on further motion by him was adopted: **SR 47**—"Relating to Amount due the Harrington Journal for Printing Incurred by the 120th General Assembly."

Mr. Simpson introduced the following Resolution and moved for its adoption: **SR 48**—"In Reference to Election of Attaches".

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

**YEAS**—Messrs. Correll, duPont, Hickman, Simpson, Spicer, Tull, Williams, Mr. Pres. Pro Tem—8.

**NAYS**—Messrs. Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Watson—7.

**ABSENT**—Messrs. Snowden, Steen—2.

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

On motion of Mr. Watson **HB 79** entitled "An Act to Amend Title 14, Delaware Code, Relating to School Board

Elections" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Nechay moved that **HB 79** be deferred. Motion lost.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. duPont Correll, Nechay, Price, Simpson, Spicer, Williams—7.

ABSENT—Messrs. Snowden, Steen—2.

Messrs. McCullough, Watson and Reilly changed their vote from "yea" to "nay" in order to restore the Bill.

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

Mr. Hoey reported the following Bill from the Finance Committee: **SB 93**, 2 fav. 2 merits.

On motion of Mr. Reilly **HB 79** was restored to the calendar.

The Chair announced that the Senate was invited to lunch at the Dover Air Base on Monday, April 20, 1959 at 11 a. m.

On motion of Mr. Hoey **HB 196** entitled "An Act Making Supplementary Appropriation to the State Treasurer and the State Tax Department for the Fiscal Year Ending June 30, 1959", 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—Mr. Spicer—1.

ABSENT—Messrs. Snowden, Steen—2.

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

On motion of Mr. Cook **SB 56** entitled "An Act to Amend Chapter 29, Title 21, Delaware Code Relating to the Director of Safety Responsibility", 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. Correll, Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Watson, Williams, Mr. Pres. Pro Tem—11.

NAYS—Messrs. Simpson, Spicer—2.

ABSENT—Messrs. duPont, Hoey, Snowden, Steen—4.

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

Mr. Reilly reported the following Bill from the Judiciary Committee: **SB 101**, 1 favorably, 4 merits.

Mr. McCullough introduced the following Bill which was given first and second readings and assigned to the Education Committee: **SB 103**—"An Act to Appropriate Funds to Provide Aid to Needy Students at University of Delaware".

On motion of Mr. Cook the Senate adjourned at 5:15 P.M. until Thursday, April 16, 1959 at 2 P.M.

### 36th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:30 P. M. on Thursday, April 16, 1959, Lt. Gov. Buckson, presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—12.

Members absent—Messrs. Hickman, McCullough, Simpson, Steen, Williams—5.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection, that so much be considered the reading of the Journal, and the Journal be approved.

The President stepped down from the Chair and the President Pro Tem Cook presided.

The following Substitute Bills were introduced, given first and second readings by title only and on motion of Mr. Snowden was adopted in lieu of the original and referred to the Judiciary Committee, which was the Committee where the original Bills were assigned:

**SS 1 for SB 11**—"An Act to Amend Title 11, Delaware Code, Providing for Waiver of Jurisdiction over Juveniles to Superior Court".

**SS 1 for SB 12**—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware, to Redefine the Functions of the Commission, Qualifications of Executive Director, Setting His Salary, Appointment of other Personnel, Powers and Duties of the Commission, Custody of Children Committed to Institutions Prior to July 1, 1958."

**SS1 for SB 13**—"An Act to Amend Title 31, Delaware Code, Relating to the Transfer of Certain Property of Woods Haven School for Girls to the Youth Services Commission as Trustee."

The following Bills were introduced, given first and sec-

ond readings, the second by title only, and referred to Committee as follows:

**SB 104**—"An Act to Amend Title 31, Delaware Code, by Repealing Section 5131 Relating to the Detention of Juveniles under 18 Years of Age", by Messrs. Snowden and Tull to Judiciary.

Messrs. Steen, McCullough and Hickman asked to be marked present.

**SB 105**—"An Act to Amend Chapter 245, Volume 51, Laws of Delaware, Relating to the State Board of Health Building, by Authorizing the State Board of Health to Expend Remaining Moneys for the Construction of a Health Center for Sussex County", by Mr. Steen to Public Health.

**SB 106**—"An Act to Amend the Charter of the City of Dagsboro, Chapter 161, Volume 43, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said City to Include Certain Territories after a Special Election", by Mr. Steen to Corporations Municipal.

The Chair granted the request of Mr. Snowden that **SB 11, 12, and 13** be stricken from the Calendar.

Mr. Nechay reported the following Bill from the Revised Statutes Committee: **SB 99**, 3 merits, 2 favorably.

Mr. Williams asked to be marked present.

The following Bills were introduced by Messrs. McCullough and Hoey, given first and second readings, the second by title only, and referred to Committee as follows:

**SB 107**—"An Act to Amend Chapter 83, Title 11, Delaware Code, Chapter 4, Title 17, Delaware Code, and Chapter 19, Title 9, Delaware Code, Relating to Police by Creating and Establishing a Separate State Police Department and Commission", to Buildings and Highways.

**SB 108**—"An Act to Amend Title 11, Delaware Code, by Creating a Police Council", to Buildings and Highways.

**SB 109**—"An Act to Amend Chapter 47, Title 29, Delaware Code, Entitled 'Board of Post-Mortem Examiners', to Miscellaneous.

**SB 110**—"An Act to Amend Chapter 7, Title 4, Delaware Code, Relating to Sale or Service of Liquor to an Intoxicated Person", to Miscellaneous.

**SB 111**—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Search and Seizure", to Revised Statutes.

**SB 112**—"An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to Board of Post-Mortem Examiners by increasing the Permissible Compensation of the Medical Examiner", to Miscellaneous.

**SB 113**—"An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles; Enforcement; Arrest, Bail and Appeal", to Judiciary.

**SB 114**—"An Act to Amend Chapter 71, Title 10, Delaware Code, Redefining the Word 'Nuisance,'" to Revised Statutes.

**SB 115**—"An Act to Amend Chapter 23, Title 24, Delaware Code, Relating to Records to be Kept and Reports to be Rendered to Police", to Judiciary.

**SB 116**—"An Act Proposing an Amendment to Article 2, Section 17 of the Constitution of the State of Delaware Relating to Gambling", to Revised Statutes.

**SB 117**—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Larceny and Embezzlement; Chapter 3, Title 11, Delaware Code, Relating to Obtaining Money Under False Pretenses; Chapter 3, Title 11, Delaware Code, Relating to Fruit, Produce, and Trees," to Judiciary.

**SB 118**—"An Act to Amend Title 21, Delaware Code, Section 2732 (a) Relating to Chemical Tests," to Miscellaneous.

**SB 119**—"An Act to Amend Title 15, Delaware Code, Relating to the Regulation of Nomination and Election Expenses," to Elections.

**SB 120**—"An Act Appropriating Money to the Board of Post-Mortem Examiners for Setting Up Necessary Facilities for the Medical Examiner," to Finance.

**SB 121**—"An Act to Amend Chapter 87, Title 11, Delaware Code, Relating to the State Detectives by Providing for Their Appointment and Fixing Their Salaries," to Revised Statutes.

**SB 122**—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Contracts Involving Persons in Authority and Contracts Involving Public Officers; Penalties," to Judiciary.

**SB 123**—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Deadly Weapons and Firearms by Prohibiting Former Convicts Owning a Firearm," to Revised Statutes.

**SB 124**—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Searches and Seizures by Providing for Short Form Affidavit and Application for Search Warrant and Short Form of Search Warrant," to Revised Statutes.

**SB 125**—"An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Driving a Vehicle Without the Consent of the Owner," to Judiciary.

**SB 126**—"An Act to Amend Article 1, Section 4, of the Constitution of the State of Delaware," to Revised Statutes.

**SB 127**—"An Act to Amend Chapter 45, Title 10, Delaware Code, Relating to Grand and Petit Juries by Changing the Qualifications for Jury Commissioners and by Changing the Method of Selection of Grand Jurors," to Judiciary.

**SB 128**—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Deadly Weapons and Firearms by Increasing the Minimum Fine for Carrying a Concealed Deadly Weapon Without a License," to Judiciary.

**SB 129**—"An Act to Amend Title 29, Chapter 25, and Title 11, Chapter 87 of the Delaware Code, Relating to the Attorney General and State Detectives, by Repealing Said Chapters and by Substituting in Lieu Thereof a New Chapter 25, Title 29, Creating a State Department of Justice and Prescribing the Duties, Authority and Organization Thereof," to Judiciary.

**SB 130**—"An Act to Amend Title 11, Delaware Code, by Creating and Establishing the Office of Public Defender for New Castle County; Providing for the Assignment by the Court of a Public Defender to Act as Counsel for Persons Unable to Obtain Counsel in Criminal Prosecutions," to Judiciary.

**SB 131**—"An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors," to Revised Statutes.

**SB 132**—"An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Investigation of Violations of the Provisions of Title 4," to Judiciary.

**SB 133**—"An Act to Amend Chapter 1, Title 11, Delaware Code, Relating to General Provisions Concerning Crimes by Providing for Witness Immunity," to Judiciary.

**SB 134**—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Lotteries, Gambling and Betting," to Revised Statutes.

The Chair announced that he was signing **HJR 6**, **HCR 8**, **HB 75** and **HB 150** as Amended.

The following House Bill and House Joint Resolutions were presented by the Chair, given first and second readings and assigned to Committee as follows:

**HJR 7**—"Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware," to Banking and Insurance.

**HB 137**—"An Act to Amend Chapter 3, Subchapter XVI, Title 11, Delaware Code Relating to Deadly Weapons and Firearms," to Judiciary.

On motion of Mr. Reilly **SB 34** entitled "An Act to Amend Chapter 13, Title 10, Delaware Code Relating to the Court of Common Pleas for New Castle County and Extending the Term of the Judges of That Court," 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. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—15.

NAYS Mr. duPont—1.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Snowden **SB 50** entitled "An Act Establishing the last Friday in April as Arbor Day," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Spicer **SB 4** entitled "An Act to Amend Section 2112, Title 14, Delaware Code, Relating to Cancelled School Bonds and Coupons," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Correll **SB 49** entitled "An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of Pencader Grange No. 60 P. of H. Inc., from Assessment and Taxation," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—15.

NAYS—Mr. Nechay—1.

ABSENT—Mr. Simpson—1.

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

Mr. Steen moved that rule 9 be suspended for the balance of the Legislative Day. Motion carried.

Mr. Steen reported the following Bills from the Corporations Municipal Committee: **SB 98**, 4 favorably; **SB 106**, 4 favorably.

On motion of Mr. Snowden **SB 96** entitled "An Act to Authorize and Direct the Chairman of the Unemployment Compensation Commission to Enter into an Agreement or Agreements with the Secretary of Labor of the United States of America to Designate the Unemployment Compensation Commission as Agent of the United States of America in Administering the Extension of the Temporary Unemployment Compensation Act of 1958 Enacted by the 86th Congress of the United States of America and Granting the Unemployment Compensation Commission Necessary Power to Act as Such Agent," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams—15.

NAYS—Mr. Pres. Pro Tem—1.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. McCullough **SB 60** entitled "An Act to Amend Chapter 81, Title 9, Delaware Code Relating to the Exemption of the Manor Community Center, Inc., from Taxation upon its Real Property," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—15.

NAYS—Mr. Nechay—1.

ABSENT—Mr. Simpson—1.

So the question was decided in the affirmative and the

Bill having received the required constitutional majority passed the Senate and was ordered to the House for Concurrence.

On motion of Mr. Mayhew **SB 93** entitled "An Act to Authorize the Milford Special School District to Make Certain Tax Refunds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Spicer **SB 98** entitled "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 Increasing the Amount of Taxes That May Be Raised for Municipal Purposes," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Steen **SB 106** entitled "An Act to Amend the Charter of the City of Dagsboro, Chapter 161, Volume 43, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said City to Include certain Territories After a Special Election," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Watson **SB 101** entitled "An Act to Amend Chapter 118, Volume 33, Laws of Delaware, Entitled 'An Act Providing for a Firemen's Pension Fund for Members of the Bureau of Fire of the Department of Public Safety of the City of Wilmington', 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Steen **SB 91** entitled "An Act to Amend Section 4503 (1), Title 21, Delaware Code Relating to Weights of Vehicles and Loads," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Simpson—1.

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

On motion of Mr. Reilly the Senate adjourned to Friday, April 17 at 1 P. M. at 4:35 P. M.

### 37th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:05 P. M. on Monday, April 20, 1959, President Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem (Cook)—12.

Members absent—Messrs. Hickman, Hoey, Mayhey, Steen, Williams—5.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

Messrs. Reilly and Snowden introduced the following

Joint Resolution which was given first and second reading and referred to the Committee on Public Health: **SJR 7**—"Relating to the Fourth Anniversary of the Blood Bank of Delaware, Inc."

On request of Mr. Reilly, **SB 107** was stricken from the Calendar.

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

The Senate met at the expiration of the recess at 4 P. M., Pres. Pro Tem Cook presiding.

Messrs. Hickman, Hoey, Mayhew, Williams and Steen asked to be marked present.

Messrs. Reilly and Cook introduced the following Resolution, which on further motion by them was adopted by the Senate: **SR 49**—"Expressing the Sympathy of the Senate on the illness of United State Senator J. Allen Frear, Jr."

WHEREAS, it has come to the attention of the Senate of the 120th General Assembly of the State of Delaware that United States Senator J. Allen Frear, Jr. has been confined due to illness, and

WHEREAS, all the members of the Senate of the 120th General Assembly of the State of Delaware desire to express and extend their regret and sympathy to Senator Frear.

NOW THEREFORE

BE IT RESOLVED that the members of the Senate of the 120th General Assembly of the State of Delaware do hereby express their best and sincere wishes for the complete and speedy recovery of Senator J. Allen Frear, Jr.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the Journal of the Senate of the 120th General Assembly of the State of Delaware and a copy be forwarded to Senator Frear by the Secretary of the Senate and a further copy be delivered to the Press.

The following Bills were introduced, given first and second readings, the second by title only, and referred to Committee:

**SB 135**—"An Act to Appropriate Money to Donald Depew Short, a Resident of the State of Delaware and a Veteran of the Korean War for the Veterans' Military Pay Act II," by Mr. Steen, to Finance.

**SB 136**—"An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to the Industrial Accident Board," by Mr. Steen to Revised Statutes.

**SB 137**—"An Act to Amend Chapter 3, Title 9, Delaware Code, Regarding Salaries of Levy Court Commissioners in New Castle County," by request by Messrs. Reilly and Williams to Miscellaneous.

**SB 138**—"An Act to Amend Chapter 3, Title 9, Delaware Code, Regarding Terms of Levy Court Commissioners in New Castle County," by request by Messrs. Reilly and Williams to Miscellaneous.

**SB 139**—"An Act to Amend Chapter 19, Title 9, Delaware Code, by Adding a Section Relating to Welfare Investigators," by Mr. Watson to Revised Statutes.

**SB 140**—"An Act to Amend Chapter 19, Title 9, of the Delaware Code, Relating to Fire and Police Protection; New Castle County," by request by Messrs. Reilly and Williams to Buildings and Highways.

**SB 141**—"An Act to Amend Section 106, Title 7, Delaware Code Relating to Powers and Duties of the Board of Game and Fish Commissioners," by Mr. McCullough to Fish, Oysters and Game.

The Chair announced that he had signed **SCR 17**, **SR 46**, **SR 47**, **SB 2** and **SB 9**.

On motion of Mr. McCullough **HB 37** entitled "An Act to Amend Title 14, Section 309, Delaware Code Relating to School Board Elections," 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. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

**ABSENT**—Messrs. Hoey, Mayhew, Spicer—3.

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

On motion of Mr. Reilly the Senate adjourned until Monday, April 20, 1959 at 2 P. M. at 4:30 P. M.

### 38th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:20 P. M. on Monday, April 21, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—14.

Members absent—Messrs. Hoey, Mayhew, Steen—3.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, that so much be considered the reading of the Journal, and the Journal be approved.

The Chair announced that he was signing **HB 149** as amended and **HB 196**.

Messrs. Hoey and Mayhew asked to be marked present.

On motion of Mr. Snowden **SB 24** entitled "An Act to Amend Title 31, Delaware Code, Entitled 'Welfare' in Respect to the Confidential Character of Public Assistance Records," 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. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem—14.

NAYS—Messrs. Hoey, McCullough, Watson—3.

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

Mr. Williams announced a public hearing on **SB 99** in the Senate chambers.

Mr. Reilly reported **HB 137** from committee as follows: 4 favorably, 1 merits.

On motion of Mr. Nechay **SB 76** entitled "An Act to Amend Section 2128, Title 21, Delaware Code Relating to the Status of Plates upon a Transfer of Title to a Motor Vehicle," 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. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem—13.

NAYS—Messrs. McCullough, Spicer, Watson—3.

ABSENT—Mr. Snowden—1.

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

Messrs. duPont, Correll and Williams introduced **SA 1** to **SB 38** which was given first and second readings and referred to the Education Committee.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:55 P. M.

The Senate met at the expiration of the recess at 4:30 P. M., Lt. Gov. Buckson presiding.

The following Bills were reported from Committee: **SB 95**, by Mr. McCullough (Education), 5 favorably; **HB 54**, by Mr. Reilly (Finance), 4 favorably, 1 merits; **SB 80**, by Mr. Steen (Temperance), 2 favorably, 1 unfavorably, 1 merits.

On motion of Mr. Reilly **HB 52** entitled "An Act to Amend Chapter 23, Title 19, Delaware Code, Entitled Workmen's Compensation, by Increasing the Compensation for Total Disability," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. 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 returned to the House.

Messrs. Cook and Snowden introduced the following Resolution which on further motion by Mr. Snowden was adopted by the Senate and ordered to the House for concurrence: **SCR 18**—"Thanking the Officers and Airmen of the Dover Air Force Base, Dover, Delaware."

**WHEREAS** the Officers and Airmen of the Dover Air Force Base invited the members of the General Assembly of the State of Delaware to attend a luncheon and to tour that base; and

**WHEREAS** the members of the 120th General Assembly did attend a luncheon and did tour that base on April 20, 1959;

**NOW THEREFORE;**

**BE IT RESOLVED** by the Senate of the 120th General Assembly, The House of Representatives concurring therein, that the General Assembly in appreciation of the invitation of the Officers and Airmen of the Dover Air Force Base, extend thanks to the Officers and Airmen of that base and to the following persons, individually

Colonel John L. Parker

Brigadier General Robert J. Goewey

Colonel John R. Delapp

and

**BE IT FURTHER RESOLVED** that an invitation is extended to the Officers and Airmen of that Air Force Base to attend a session of the 120th General Assembly in Dover, Delaware and

**BE IT FURTHER RESOLVED** that a copy of this resolution be spread upon the Journal of the Senate of the 120th General Assembly of the State of Delaware and a copy be forwarded to the Airmen of the Air Force Base and to the above named men, individually, by the Secretary of the Senate and a further copy be delivered to the Press.

The following Bills were introduced, given first and second readings, the second by title only, and referred to Committee:



**SB 142**—"An Act to Amend Title 14, Delaware Code, to Provide for Sidewalks Leading to School Sites," by Mr. Williams to Revised Statutes.

**SB 143**—"An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to Investment of Funds by Domestic Insurance Companies Secured by Mortgages or Deeds of Trust," by Mr. Tull to Banking and Insurance.

**SB 144**—"An Act to Amend Title 30, Delaware Code, Entitled 'State Taxes' by Increasing the Amount of Income Tax Payable Quarterly," by Mr. Snowden to Finance.

Mr. Simpson introduced **SR 50** entitled "In Reference to Election of Attaches," which was taken up for consideration.

On the question "Shall the Resolution pass the Senate" the yeas and nays were ordered, and were taken.

Mr. Cook moved that the vote on **SR 50** be tabled. Motion carried.

The following Bills were reported from Committee: **SB 58** by Mr. Steen (Buildings and Highways), 3 favorably, 2 merits; **SB 136** by Mr. Nechay (Revised Statutes), 3 favorably, 1 merits.

On motion of Mr. Cook the Senate adjourned until Tuesday, April 21, 1959 at 2 P. M. at 6:10 P. M.

### 39th LEGISLATIVE DAY

Senate met pursuant to adjournment at 3:40 P. M. on Tuesday, April 21, 1961, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Hickman, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—16.

Members absent—Mr. Nechay—1.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection, that so much be considered the reading of the Journal, and the Journal be approved.

Mr. Snowden moved that Rule 9 be suspended for the balance of the Legislative Day. Motion passed.

Mr. McCullough introduced **SS 1** to **SB 87** with title same as the original which on further motion by him was adopted by the Senate in lieu of the original.

Mr. Reilly introduced **SS 1** to **SB 80** with title same as the original, which on further motion by him was adopted by the Senate in lieu of the original.

Mr. Watson reported **HB 96** from the Election Committee as follows: 4 favorable, 1 merits.

The messenger from the House announced that the House had passed **SB 96, SB 56, SB 43, HB 202, HB 235, HB 70** and **SB 22** with **HA 1** and **HA 2**.

The Chair presented the following House Bills, which were given first and second readings and referred to Committees as follows:

**HB 202**—"An Act to Amend Chapter 81, Title 9, Delaware Code by Giving Taylor's Bridge Community Center, Incorporated, Blackbird Community Center, Inc., and Oak Hill Community Center, Inc., Tax Exemption Status" to Finance.

**HB 235**—"An Act to Amend Chapter 35, Title 3, Delaware Code Relating to Eggs" to Agriculture.

**HB 70**—"An Act to Amend Title 29, Delaware Code Entitled State Government Relative to the Powers and Duties of the Budget Commission and the Auditor of Accounts" to Revised Statutes.

On motion of Mr. Steen **SB 136** entitled "An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to the Industrial Accident Board" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Williams the Senate recessed for five minutes at 4:00 P. M.

The Senate met at the expiration of the recess at 4:45 P. M., Pres. Pro Tem Cook presiding.

Mr. Nechay asked to be marked present.

The Chair announced that **SB 136** was before the Senate for consideration.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—12.

NAYS—Messrs. Correll, duPont Simpson—3.

NOT VOTING—Messrs. Snowden, Spicer—2.

On motion of Mr. Steen Messrs. Snowden and Spicer were permitted to vote not voting.

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

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

**SB 145**—"An Act to Amend Chapter 9, Title 18, Delaware Code, Relating to Valuation and Nonforfeiture Requirements of Life Insurance Policies", by Tull to Banking and Insurance.

**SB 146**—"An Act to Amend Part III, Title 3, Delaware Code, Providing for a New Chapter 32, Entitled, 'Distribution; Regulation and Control of Milk Prices,' by Messrs. Cook, Correll, Tull and Simpson to Agriculture.

Mr. Nechay reported the following from the Committee on Revised Statutes: **SB 142**, 2 favorable, 2 merits.

Mr. Reilly reported the following from the Committee on Judiciary: **SB 10**, 3 favorable, 2 merits; **SB 104**, 2 favorably, 3 merits; **SS 1** for **SB 11**, 2 favorably, 3 merits; **SS 1** for **SB 12**, 3 favorable, 2 merits; **SS 1** for **SB 13**, 5 favorable.

Mr. Mayhew reported the following Bills from the Miscellaneous Committee: **SB 94**, 3 favorable, 2 merits; **HJR 5**, 4 favorably.

Mr. Hickman reported the following from the Committee on Public Health: **SJR 7**, 5 favorably.

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

**SB 147**—"An Act to Amend Section 904, Title 4, Delaware Code Relating to Offenses Concerning Minors," by Mr. Reilly, by request, to Judiciary.

**SB 148**—"An Act to Amend Title 24, Chapter, 25, Delaware Code, Concerning Drugs, Pharmacies, Pharmacists, and the State Board of Pharmacy," by Mr. Reilly, by request, to Public Health.

On motion of Mr. Reilly **HB 54** entitled "An Act to Amend Chapter 81, Title 9, Delaware Code Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Collins Park Community and Civic Association, Inc., from Assessment and Taxation", was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Correll, Hickman, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

**NAYS**—Messrs. duPont, Hoey, Nechay—3.

**ABSENT**—Mr. McCullough—1.

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

On motion of Mr. Steen **SB 63** entitled "An Act to Amend Title 21, Delaware Code, Entitled 'Motor Vehicles' in Respect to Specific Speed Limits", 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. Hickman, Hoey, Mayhew, McCullough, Nechay, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—10.

NAYS—Messrs. Correll, duPont, Price, Simpson, Snowden, Spicer, Williams—7.

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

The following Bill was introduced, given first and second reading, the second by title only, and referred to Committee as follows: **SB 149**—"An Act to Amend Chapter 35, Title 12, of the Delaware Code, Relating to Assignments of Interests in Spendthrift Trusts," by Messrs. Mayhew and Tull, to Banking and Insurance.

On motion of Mr. Reilly **SS 1** for **SB 80** entitled "An Act to Amend Section 717, Title 4, Delaware Code Relating to the Prohibition of Sale of Alcoholic Liquors at Certain Times," 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. Hickman, McCullough, Steen, Watson—4.

NAYS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem—13.

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

On motion of Mr. Steen **SB 62** entitled "An Act to Amend Title 21, Delaware Code, Entitled 'Motor Vehicles' in Respect to Penalties for Violations of Speed Limits," 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. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—11.

NAYS—Messrs. duPont, Price, Simpson, Snowden, Spicer, Williams—6.

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

At the request of Mr. Raily **SS 1** to **SB 80** was restored to the calendar.

Messrs. Reilly and Snowden introduced the following Bill which was given first and second readings, the second by title only, and referred to the committee on Revised Statutes: **SB 150**—"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."

On motion of Mr. McCullough **SB 71** entitled "An Act to Amend Section 2904, Title 14, Delaware Code, Relating to Minimum Insurance Coverage Requirements for School Busses", 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. Correll, duPont, Hickman, Hoey, Mayhey, McCullough, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—16.

NAYS—Mr. Simpson—1.

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

The Chair presented **HB 211** which was given first and second reading, the second by title only and referred to the Revised Statutes Committee: "An Act Creating a Division of the Aging in the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna, Establishing a Delaware Citizens' Council for the Aging; Membership and Duties."

On motion of Mr. Reilly the Senate adjourned until Wednesday, April 22, 1959 at 1:00 P. M.

#### 40th LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M. on Wednesday, April 22, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. duPont, Hickman, Hoey, McCullough, Price, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—12.

Members absent—Messrs. Correll, Mayhew, Nechay, Snowden, Spicer—5.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection, that so much be considered the reading of the Journal, and the Journal be approved.

Mr. Reilly introduced the following Resolutions which on further motion by him were adopted by the Senate:

**SR 51**—"Appropriating Certain Money Out of the Gen-

eral Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

**SR 52**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

Mr. Correll asked to be marked present.

On motion of Mr. Watson **HB 87** entitled "An Act to Amend Title 15, Section 307, Delaware Code, by Providing that the Names of Registered Voters Who Have Not Voted for Two Consecutive General Elections Shall be Stricken During a Year Other Than A General Election Year," 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. Correll, duPont, Hickman, Hoey, McCullough, Price, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

ABSENT—Messrs. Mayhew, Nechay, Snowden, Spicer—4.

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

On motion of Mr. Watson **HB 94** entitled "An Act to Amend Title 15, Section 1106, Delaware Code, by Providing That Public Notice of Registration of Voters Need Be Given for the First Day of Registration Only", 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. Correll, Hickman, Hoey, McCullough, Price, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—12.

NAYS—Mr. duPont—1.

ABSENT—Messrs. Mayhew, Nechay, Snowden, Spicer—4.

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

Mr. Reilly introduced the following Resolution which on further motion by him was adopted by the Senate: **SR 53**—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Con-

nected with the Present Session of the Senate of the 120th General Assembly."

Mr. Mayhew asked to be marked present.

On motion of Mr. Reilly **SB 29** entitled "An Act Proposing Amendments to Article I of the Constitution of the State of Delaware, Relating to Trial by Jury," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly requested the privilege of the floor for Justice Wolcott who explained the Bill to the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Snowden, Spicer, Steen, Williams, Mr. Pres. Pro Tem—7.

NAYS—Messrs. Hoey, Mayhew, Price, Reilly, Simpson, Tull—6.

NOT VOTING—Mr. Watson—1.

ABSENT—Messrs. Nechay, Snowden, Spicer—3.

Mr. Reilly moved that Mr. Watson be permitted to vote Not Voting. Motion passed.

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

On motion of Mr. Reilly **SB 30** entitled "An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware, Relating to the State Judiciary," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly requested the privilege of the floor for Justice Wolcott who explained the Bill to the Senate.

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

YEAS—Messrs. Correll, duPont, McCullough, Price, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—10.

NAYS—Messrs. Hoey, Reilly—2.

NOT VOTING—Messrs. Hickman, Mayhew—2.

ABSENT—Messrs. Nechay, Snowden, Spicer—3.

Mr. Reilly moved that Messrs. Hickman and Mayhew be permitted to vote Not Voting. Carried.

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

Mr. Reilly moved that **SB 31** be read a third time and taken up for consideration by the Senate. Before the Bill was

read, the Chair granted the request of Mr. Reilly that **SB 31** be deferred.

On motion of Mr. Reilly **SB 33** entitled "An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware, Relating to the Composition of the Superior Court and Orphans' Court," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly requested the privilege of the Floor for Justice Wolcott who explained the Bill to the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

NAYS—Mr. Simpson—1.

ABSENT—Messrs. Nechay, Snowden, Spicer—3.

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

On motion of Mr. McCullough **SB 22** as amended by **HA 1** and **HA 2** entitled "An Act to Amend Title 9, Delaware Code Providing for the Establishment of Park Districts for the Developing, Equiping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," was taken up for consideration and read a third time by paragraphs in order to pass the Senate as amended.

On motion of Mr. McCullough **SB 22** was deferred.

Mr. Hoey reported **SB 135** from the Finance Committee as follows: 2 favorably, 2 merits.

On motion of Mr. Williams the Senate recessed for the purpose of a public hearing on **SB 99**, at 3:30 P. M.

The Senate met at the expiration of the recess at 5:15 P. M., Lt. Gov. Buckson presiding. The President announced that he was signing **SB 56**, **SR 49**, **SB 96**, **SB 43**.

On motion of Mr. Cook the Senate adjourned until Thursday, April 23, 1959 at 1 P. M. at 5:20 P. M.

#### 41st LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M. on Thursday, April 23, 1959, Lt. Gov. Buckson presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.



Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—16.

Members absent—Mr. Williams—1.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection, that so much be considered the reading of the Journal, and the Journal be approved.

At the request of Mr. Mayhew a communication from Grace Church, Wilmington opposing **HB 174** was read to the Senate.

Mr. Steen introduced the following Bill which was given first and second readings, the second by title only and referred to the Corporations, Municipal Committee: **SB 151**—“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, as Amended, by Authorizing the Annexation of Certain Contiguous Territory to the Said Town.”

On motion of Mr. Snowden, **SB 10** entitled “An Act to Amend Title 31, Delaware Code, Repealing Provisions Relating to Transfer of Custody of a Juvenile to State Board of Corrections,” 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. Corroll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Snowden **SB 104** entitled “An Act to Amend Title 31, Delaware Code, by Repealing Section 5131 Relating to the Detention of Juveniles Under 18 Years of Age,” 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem—16.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Snowden **SS 1** for **SB 13** entitled "An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware, Authorizing the Commission to Accept the Transfer of Certain Property from the Woods Haven School for Girls after Certain Agreements and Conditions are Met," 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem—15.

NAYS—Mr. Steen—1.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Snowden **SS 1** for **SB 12** entitled "An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware, to Redefine the Functions of the Commission, Qualifications of Executive Director, Setting his Salary, Appointment of Other Personnel, Powers and Duties of the Commission, Custody of Children Committed to Institutions Prior to July 1, 1958," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

YEAS—Messrs. Correll, duPont, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Mr. Pres. Pro Tem—10.

NAYS—Messrs. Hoey, Mayhew, Spicer, Steen, Watson—5.

ABSENT—Messrs. Hickman, Williams—2.

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

The Chair announced that it had signed **HB 52** and **HB 37**.

On motion of Mr. McCullough **SB 22** as amended by **HA 1** and **HA 2** entitled "An Act to Amend Title 9, Delaware Code Providing for the Establishment of Park Districts for the Developing, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities; and to Carry on Recreational Programs; Authorizing and Regulating the Issuing of District Bonds to Finance Such Projects and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," was taken up for consideration and read a third time by 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. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Watson, Mr. Pres. Pro Tem—14.

NAYS—Mr. Snowden—1.

NOT VOTING—Mr. Spicer—1.

ABSENT—Mr. Williams—1.

On motion of Mr. Cook Mr. Spicer was permitted to vote Not Voting.

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

Mr. Steen reported the following Bills from the Corporations, Municipal Committee: **SB 151**, 4 favorably; **HB 134**, 4 favorably.

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:50 P. M.

The Senate met at the expiration of the recess at 4:55 P. M. Lt. Gov. Buckson presiding.

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

**HB 158**—"An Act to Amend Chapter 92, Volume 23, Laws of Delaware, as Amended, 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 Appointment of the Members of the Board of Public Education in Wilmington, Qualifications of Members; Powers and Duties of Board.'" to Revised Statutes.

**HB 119**—"An Act to Authorize the Recorder of Deeds in and for Sussex County to Make New Indices for Mortgages" to Miscellaneous.

**HB 230**—"An Act to Amend Chapter 13, Title 7, Delaware Code, Entitled "Enforcement of Game and Fish Laws" Relating to Penalty For Violation of Any Game or Fish Law Excepting Those Specifying a Penalty" to Fish, Oysters and Game.

**HB 195**—"An Act to Amend Chapter 63, Title 29, Delaware Code Relating to the General Powers and Duties of the Budget Commission;" to Finance.

Mr. Hickman introduced the following resolution which on further motion by him was adopted.

**SR 54**—"Authorizing payment of amount due the Sussex Countian for printing Senate Calendar."

Mr. Williams asked to be marked present.

Mr. Hickman introduced the following resolution which on further motion by him was deferred.

**SR 55**—"Relating to amounts due Whelan's for expenses incurred by the 120th General Assembly."

Mr. Tull reported the following bill from the Agriculture Committee: **SB 146**, 3 fav. 1 mer.

On motion of Mr. Price **SB 95** entitled "An Act to Amend Title 14, Delaware Code, Entitled 'Education' By Enacting a New Chapter Providing For Tuition Charges For Pupils attending Schools Outside Their Resident Districts" was taken up for consideration and read a third time by paragraphs in order to pass the Senate. Mr. Hoey introduced **SA No. 1 to SB 95**. Mr. Simpson introduced **SA 2 to SB 95**. Mr. Cook introduced **SA 3 to SB 95**.

On motion of Mr. Price **SB 95** and amendments were deferred.

The chair presented **HCR 9** which was given first and second readings and referred to the claims committee:

**HCR 9**—"An Act making Appropriations to Certain Companies for Supplies and Services Rendered the 120th General Assembly."

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

**HB 225**—"An Act to Amend Chapter 277, Volume 49, Laws of Delaware, Entitled 'An Act to Re-Incorporate the Town of Laurel' by Increasing the Debt Limit of Said Town"; to Corporations, Municipal.

**HB 236**—"An Act to Amend Section 1704, Title 15, Delaware Code to Permit the Use of Certified Mail in Notifying Voters That Their Names May Be Removed From the Rolls"; to Elections.

**HB 169**—"An Act to Amend Chapter 23, Title 19, Delaware Code, Entitled Workmen's Compensation Relating to Compensation During Partial Disability and Compensation for Certain Permanent Injuries"; to Labor.

The Chair presented **HCR 10** which on motion of Mr. Cook was adopted by the Senate and returned to the House.

**HCR 10**—"Providing for Adjournment of the House of Representatives and Senate."

Mr. Steen reported **HB 225** from the corporations municipal committee as follows: 4 fav.

Mr. Watson introduced **SR 56**:

**SR 56**—"Amending Rules of the Senate."

On motion of Mr. Snowden **SR 56** was deferred.

Mr. Reilly reported **HB 169** from the Labor Committee as follows: 5 fav.

On motion of Mr. Reilly **HB 137** as amended entitled:

**HB 137 with HA 1 and HA 2**—"An Act to Amend Chapter 3, Sub-Chapter XVI, Title 11, Delaware Code Relating to Deadly Weapons and Firearms" was taken up for consideration and read a third time by paragraphs order to pass the Senate.

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

YEAS—Messrs. Correll, DuPont, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres Pro Tem—13.

NAYS—0.

NOT VOTING—Watson—1.

ABSENT—Messrs. Hickman, Hoey, Mayhew.—3.

On Motion of Mr. Cook Mr. Watson was permitted to Vote Not Voting.

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

On motion of Mr. Cook the Senate adjourned to Wednesday April 29, 1959 at 1 p.m. at 6:10 p.m.

#### 42ND LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:40 P.M. on Thursday, April 29, 1959, Lieutenant Governor Buckson, presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Spicer, Steen, Tull, Watson—11.

Members absent—Messrs. McCullough, Nechay, Simpson, Snowden, Williams, Mr. Pres. Pro Tem (Cook)—6.

The Secretary proceeded to read the Journal of the previous Session when the chair directed without objection that so much be considered the reading of the Journal, and the Journal be approved.

Communications: Petition and letter containing approximately 2000 signatures opposing a western freeway around Wilmington.

Letter in favor of raising speed limits for trucks.

Mr. Snowden asked to be marked present.

On motion of Mr. Snowden **SJR 7**—"Relating to the Fourth Anniversary of the Blood Bank of Delaware, Inc." was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson—12.

NAYS—None.

ABSENT—Messrs. McCullough, Nechay, Simpson, Williams, Mr. Pres. Pro Tem—5.

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. **SJR 7**—"Relating to the Fourth Anniversary of the Blood Bank of Delaware, Inc."

WHEREAS, the Blood Bank of Delaware, Inc., will celebrate its fourth anniversary on May 16, 1959; and

WHEREAS, the Blood Bank of Delaware, Inc., has made and is making important contributions to the health and welfare of the individual citizens of the State of Delaware through its blood replacement program, and assures the citizens of this state the maximum security and protection in time of personal, statewide or national emergency; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 120th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the 120th General Assembly of the State of Delaware extends its best wishes and congratulations to the Blood Bank of Delaware, Inc., upon the occasion of its fourth anniversary; and

BE IT FURTHER RESOLVED that the 120th General Assembly of the State of Delaware endorses and supports the blood replacement program of the Blood Bank of Delaware, Inc., and commends to the citizenry of this State the merits, advantages and benefits of membership therein; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journals of the Senate and House of Representatives, and that a copy thereof be forwarded to the members of the press.

Mr. Snowden requested the privilege of the floor for Mr. James F. McCloskey, President of Blood Bank of Delaware, Inc., who addressed the Senate describing the Blood Bank.

The Chair presented the following House Bills, and Resolution, which were given first and second reading and referred to Committees as follows:

**HB 232**—"An Act to Amend Chapter 81, Title 9, Delaware Code by giving the Veteran Employees Association, Delaware Division, Pennsylvania Railroad Tax Exemption Status"; to Finance.

**HB 233**—"An Act to Amend Title 16, Delaware Code entitled 'Health and Safety' by Increasing the General Pow-

ers and Duties of the State Board of Health"; to Public Health.

**HJR 8**—"Concerning the Veterans Rehabilitation and Education Department and The Delaware Loan Guaranty Office in the City of Wilmington, County of New Castle, State of Delaware"; to Miscellaneous.

Mr. Snowden introduced the following bill which was given first and second readings, the second by title only, and referred to the Miscellaneous Committee.

**SB 152**—"An Act Appropriating Funds for a Reception and Diagnostic Treatment Center at Ferris School For Boys; Repairs and Replacements at Kruse School For Girls and for Detention Facilities For Juveniles in Kent and Sussex Counties."

On motion of Mr. Reilly the Senate recessed at Call of the Chair at 2:09 P.M.

The Senate met at the expiration of the recess at 3:45 P.M. Lt. Gov. Buckson presiding.

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

**SB 153**—"An Act to Amend Sections 6913, 6914 and 6915, Title 29, Delaware Code relating to Wages"; to Labor introduced by Mr. Reilly.

**SB 154**—"An Act to Amend Chapter 23, Title 19, Delaware Code, relating to Workmen's Compensation"; to Labor introduced by Mr. Reilly.

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

To the Senate of the 120th General Assembly of the State of Delaware:

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

William J. Warren, Seaford, to be a Justice of the Peace in and for Sussex County for a term to expire May 5, 1964.

Albert Stetser, Wilmington, to be a member of the Unemployment Compensation Commission for a term to expire May 2, 1965.

Everett Bunting, Selbyville, to be a member of the Unemployment Compensation Commission for a term to expire May 2, 1965.

D. Elwood Nuckols, Smyrna, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 2, 1963.

Theodore R. Dick, Rehoboth, to be a Justice of the Peace

in and for Sussex County for a term to expire April 29, 1963.

Edwin R. Powell, Ocean View, to be a member of the Sussex County Department of Elections for a term to expire January 15, 1961.

Lewis Trivits, Seaford, to be a member of the Sussex County Department of Elections for a term to expire January 15, 1962.

Frederic A. Walls, RD Harbeson, to be a member of the Sussex County Department of Elections for a term to expire January 15, 1960.

Respectfully submitted,  
J. CALEB BOGGS, Governor.

Messrs. Nechay and Simpson asked to be marked present.

On motion of Mr. Price **SB 94**—"An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Increasing the Rates for the Pilotage of Certain Vessels" 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. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden Spicer, Steen, Tull—13.

NAYS—None.

NOT VOTING—Mr. Watson—1.

ABSENT—Messrs. McCullough, Williams, Mr. Pres. Pro Tem—3.

On motion of Mr. Steen, Mr. Watson was permitted to vote "Not Voting".

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

On motion of Mr. Steen **HB 225**—"An Act to Amend Chapter 277, Volume 49, Laws of Delaware, Entitled 'An Act to Re-Incorporate the Town of Laurel' by Increasing the Debt Limit of Said Town" 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. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson—14.

NAYS—None.

ABSENT—Messrs. McCullough, Williams, Mr. Pres. Pro Tem—3.



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

On motion of Mr. Steen **SB 151**—"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 as Amended, by Authorizing the Annexation of Certain Contiguous Territory to the Said Town" 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. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson—14.

NAYS—None.

ABSENT—Messrs. McCullough, Williams, Mr. Pres. Pro Tem—3.

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

The President announced that he had signed **SB 106**, **SR 54** and **SB 98**.

On motion of Mr. Watson **HB 79**—"An Act to Amend Title 14, Delaware Code, Relating to School Board Elections" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Nechay introduced **SA 1** to **HB 79** and moved for its adoption.

On the question "Shall the amendment be adopted by the Senate" the yeas and nays were ordered, which being taken were as follows:

YEAS—Messrs. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull Watson—14.

NAYS—None.

ABSENT—Messrs. McCullough, Williams, Mr. Pres. Pro Tem—3.

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

Mr. Snowden moved that the roll call on **HB 79** as amended be deferred. Motion carried.

Mr. Steen requested that **HB 134** be given its third and final reading. Questions were raised concerning the meaning of certain parts of the Bill and at the request of Mr. Steen action on **HB 134** was deferred.

On motion of Mr. Steen **SB 135**—"An Act to Appropriate Money to Donald Dephew Short, a Resident of the State of Delaware and a Veteran of the Korean War for the Veterans' Military Pay Act II" 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. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly Simpson, Snowden, Spicer, Steen, Tull, Watson—14.

**NAYS**—None.

**ABSENT**—Messrs. McCullough, Williams. Mr. Pres. Pro Tem—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. Steen introduced **SB 155** which was given first and second readings, the second by title only and referred to the Miscellaneous Committee.

**SB 155**—"An Act to Amend Sections 3102 and 3103, Title 30, Delaware Code, Relating to Hucksters' and Peddlers' Licenses."

Mr. Tull reported the following from the Banking and Insurance Committee: **SB 143**, 2 fav., 2 merits; **SB 145**, 2 fav., 2 merits. On motion of Mr. Reilly the Senate adjourned until Thursday, April 30, 1959 at 4:30 P.M.

### 43RD LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:15 P.M. on Thursday, April 30, 1959, President Pro. Tem Cook, presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, DuPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

Members absent—Messrs. Hickman, McCullough, Williams—3.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

Communications:

Petition from Ewell's-St. Paul Church against **HB 60**.

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

**HB 148**—"An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled 'An Act to Incorporate the