







State Doc.

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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 THIRD  
DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE  
THOUSAND NINE HUNDRED AND SIXTY-ONE,  
AND OF THE INDEPENDENCE OF THE  
UNITED STATES THE ONE HUNDRED  
AND EIGHTY-FIFTH

# 1961

# OFFICERS AND MEMBERS OF THE STATE SENATE

**President**  
EUGENE LAMMOT

**President Pro Tem**  
JOHN E. REILLY, SR.

**Secretary of the Senate**  
JOSHUA M. TWILLEY

**Assistant Secretary to the Senate**  
JOSEPH L. RAWLINS

**Secretary to the President Pro Tem**  
EDNA VADDEN

**Secretary to the Majority Leader**  
ROSEMARY TULL

**Reading Clerks**  
LESLIE C. GREENLY  
INEZ HASSENSTEIN

**Chaplains**  
RAY W. KIRWAN  
REV. F. DOUGLAS MILBURY

**Attorneys**  
SIDNEY BALICK  
LAWRENCE C. ELLIOTT

**Attorneys' Messengers**  
DALE BOYCE  
WEBSTER IVINS

**Telephone Messenger**  
EDWARD WASHINGTON

**Supply Clerk**  
CATHERINE TEMPLE

**Sergeants-At-Arms**  
ALEX ALFREE  
CHARLES I. WALKER  
ALTON B. CORDREY  
SAM ELLIOTT  
JOSEPH KELLEHER  
JOHN LODER  
GEORGE B. VINCENT  
HENRY CAREY  
HARRY SKINNER

**Multilith Operator**  
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RUTH HAGGERTY  
THOMAS B. TAYLOR  
HARRY WHITE  
LEONARD WALKER  
FRANK WEBB

**Attorneys' Secretary**  
EMILIE E. TUGEND

**Bill Clerk**  
ALVIN P. LYONS

**Assistant Bill Clerk**  
JOSEPH McCLEMENTS

**Attorneys' Clerk**  
MARION PALMER

**Secretaries**  
BARBARA MELVIN  
JANE DUNNING

## MEMBERS OF THE SENATE New Castle County

Dist.

1.	JAMES H. SNOWDEN .....	3703 Washington St.,	Wilmington
2.	JOHN E. REILLY, SR. ....	436 S. Heald St.,	Wilmington
3.	REYNOLDS DuPONT .....		Greenville
4.	MRS. MARGARET R. MANNING .....	605 Greenbank Rd.,	Marshallton
5.	CALVIN R. McCULLOUGH .....	605 Central Ave.,	Holloway Terrace, New Castle
6.	B. WALTER JOHNSON .....		Bear
7.	JESSE F. WATSON .....		Townsend

## Kent County

1.	HENRY T. PRICE .....	Smyrna	
2.	ALLEN J. COOK .....		Kenton
3.	WALTON H. SIMPSON .....		Camden
4.	LEON E. DONOVAN .....		Harrington
5.	HARRY E. MAYHEW .....		Milford

## Sussex County

1.	WALTER J. HOEY .....	Milford	
2.	EARL M. TULL .....		Seaford
3.	CURTIS W. STEEN .....		Dagsboro
4.	WILLIAM F. WILGUS .....		Ocean View
5.	HARVEY B. SPICER .....		Georgetown

## 121ST GENERAL ASSEMBLY

## 1ST LEGISLATIVE DAY

DOVER, DELAWARE

JANUARY 3, 1961

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate convened in the 121st regular session, Tuesday, January 3, 1961, at 12:20 P. M.

Mr. Steen moved that Mr. Mayhew be acting President of the Senate. Motion prevailed by voice vote.

Prayer by the Rev. F. Douglas Milbury: Gracious God, our Heavenly Father, Thou hast revealed in Thy Word that rule and authority in government are in keeping with Thy divine order. Keep us mindful, we pray Thee, of the sacred trust which Thou hast committed to our care by using us, as officers of the State, to carry out Thy plans.

Give us wisdom and understanding that we may perform the duties of our office for the good of our fellow citizens. Grant us Thy grace that we may never use our office to enrich ourselves nor to serve our selfish interests. Make us diligent in all our duties, watchful against all temptations, perfectly pure and temperate, and so moderate in Thy most lawful enjoyments, that they may never become a snare to us. Make us fearful to offend Thee, thankful for Thy mercies, humble under Thy corrections, devout in Thy service, and sorrowful for our sins, and grant that in all things we may behave ourselves so as befits a creature to his Creator. Amen.

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

On motion of Mr. Steen, the Temporary Secretary of the Senate called the roll call of the holdover Senators.

The following answered present to the roll call: duPont, Hoey, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Watson.

Absent: Simpson.

Mr. Steen 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 121st General Assembly that the Rules of the Senate at the regular session of 1959 be and they hereby are adopted as the temporary rules for the governing of the present Session.

Mr. Steen introduced 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.

The Chair appointed Messrs. Steen and Snowden to examine and report on the certificates of election of the new Senators.

The committee retired and the Chair declared a three minute recess. At the end of the recess, the Senate was called to order and Mr. Steen reported that the committee had met and considered the certificates and found them all to be in good order.

At this time the Chair requested the new Senators to step forward to take the oath of office.  
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 Sixty, for New Castle County, according to the Constitution and Laws of the State of Delaware, John E. Reilly, Sr., was duly elected Senator for Senatorial District Number Two 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 14th day of November, A. D. 1960.

Charles L. Terry, Jr., President Judge  
Andrew D. Christie, Resident Associate Judge

(Seal)

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 Sixty, for New Castle County, according to the Constitution and Laws of the State of Delaware, Margaret R. Manning was duly elected Senator for Senatorial District Number Four 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 14th day of November, A. D. 1960.

Charles L. Terry, Jr., President Judge  
Andrew D. Christie, Resident Associate Judge

(Seal)

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 Sixty, for New Castle County, according to the Constitution and Laws of the State of Delaware, B. Walter Johnson was duly elected Senator for Senatorial District Number Six 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 14th day of November, A. D. 1960.

Charles L. Terry, Jr., President Judge  
Andrew D. Christie, Resident Associate Judge

(Seal)

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 sixty for Kent County, according to the Constitution and Laws of the State of Delaware, Allen J. Cook was duly elected Senator for the Second 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 our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 10th day of November, A. D. 1960.

Collins J. Seitz, Chancellor  
William J. Storey, Resident Associate Judge

(Seal)

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 sixty for Kent County, according to the Constitution and Laws of the State of Delaware, Leon E. Donovan was duly elected Senator for the Fourth 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 10th day of November, A. D. 1960.

Collins J. Seitz, Chancellor

William J. Storey, Resident Associate Judge

(Seal)

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 sixty, for Sussex County, according to the Constitution and Laws of the State of Delaware, Earl M. Tull was duly elected Senator for Senatorial District Number Two 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 Tenth day of November, A. D. 1960.

Albert J. Stiftel, Associate Judge

James B. Carey, Resident Associate Judge

(Seal)

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 sixty, for Sussex County, according to the Constitution and Laws

of the State of Delaware, William F. Wilgus, Jr., was duly elected Senator for Senatorial District Number Four 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 Tenth day of November, A. D. 1960.

Albert J. Stiftel, Associate Judge  
James B. Carey, Resident Associate Judge

(Seal)

### ILLUSTRATION OF OATH OF SENATOR

Kent 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. 2 in Sussex County (to which office I was elected at the General Election held in said State in the year A. D. 1960), 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, contributed 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.

EARLE M. TULL

Sworn to this 3rd day of January A. D. 1961, before me.

JOHN E. REILLY, SR.

Mr. Steen moved that Rule No. 23 be suspended. Motion prevailed.

Mr. Steen moved that the Secretary take the roll call of all the Senators. Motion prevailed.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

Member absent: Simpson.

Mr. Steen introduced the following resolution, which on further motion by him was adopted: SR 3—"Re-election of President Pro Tempore."

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

Mr. Steen introduced the following resolution, which on further motion by him was adopted: "SR 4—"Appropriation for Postage Stamps for the Senate of the 121st General Assembly."

BE IT RESOLVED, by the Senate of the 121st 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 121st 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. Steen introduced the following resolution, which on further motion by him was adopted: SR 5—"Notifying the House of Representatives That the Senate is Organized and Ready for Business."

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, that the Secretary of said Senate notify the House that the Senate is organized and ready to receive business.

Mr. Steen introduced the following resolution, which on further motion by him was adopted: SR 6—"Appointing a Committee to Notify the Governor That the Senate is Organized."

BE IT RESOLVED by the Senate of the 121st 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 121st 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.

Mr. Steen introduced the following resolution, which on further motion by him was adopted: SR 7—"In Reference to Supply of Delaware Code and Volume 52, Laws of Delaware, to Members of the Senate and Certain Officers Thereof."

BE IT RESOLVED by the Senate of the 121st 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 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 52, Laws of Delaware, when compiled and published.

Mr. Steen introduced the following resolution, which on further motion by him was adopted: **SR 8**—"Extending the Privileges of the Floor to Certain Persons."

**BE IT RESOLVED** by the Senate of the 121st General Assembly, that the privileges of the Floor be accorded to the ex-members of the Senate, members and ex-members of the House, members and ex-members of the United States Senate and the United States House of Representatives, the Governor: other State Officers, and Representatives of the Press, and the privileges of the Floor to address the Senate or to confer with members may be granted to others by a majority vote of the Senate.

On motion the Senate recessed at call of the Chair at 2:30 P. M. The Senate met at the expiration of the recess at 3:30 P. M. President Pro Tem Reilly presiding.

The President Pro Tem appointed the Inauguration Committee as follows: Messrs. Mayhew, Steen, Watson, McCullough, Cook, Hoey, Tull, Simpson, Manning and Spicer.

Mr. Simpson asked to be marked present.

The President Pro Tem appointed the committee to wait upon the Governor in accordance with **SR 6**, as follows: Messrs. Cook, duPont, and Simpson.

The Chair declared a five minute recess. The Senate met at the expiration of the recess. President Pro Tem Reilly presiding.

The committee reported that the Governor had been notified.

Mr. Steen introduced the following resolution, which on further motion by him was adopted, (it being noted that Joel Rawlins was mis-spelled and should be Joe L. Rawlins, and that Lee Everett should be George L. Everett: **SR 9**—"In Reference to Election of Officers."

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the following named persons be and they are hereby elected to the respective offices appearing opposite their names, to serve during the pleasure of the Senate.

Secretary of the Senate—Joshua M. Twilley  
 Assistant Secretary of the Senate—Joel Rawlins  
 Sergeant-at-arms—Alex Alfree  
 Sergeant-at-arms—Charles I. Walker  
 Sergeant-at-arms—Alton B. Cordrey  
 Sergeant-at-arms—Sam Elliott  
 Sergeant-at-arms—Joseph Kelleher  
 Sergeant-at-arms—John Loder  
 Sergeant-at-arms—George B. Vincent  
 Sergeant-at-arms—Henry Carey

Attorney—Sidney Balick  
 Attorney—Lawrence C. Elliott  
 Attorney Messenger—Dale Boyce  
 Attorney Messenger—Webster Ivins  
 Secretary to President Pro Tem—Edna Vadden  
 Secretary to Majority Leader—Rosemary Tull  
 Document Clerk—Isaac L. Smith  
 Page—Ruth Haggerty  
 Page—Thomas B. Taylor  
 Page—Harry White  
 Page—Leonard Walker  
 Page—Frank Webb  
 Multilith Operator—Lee Everett  
 Reading Clerk—Leslie C. Greenley  
 Reading Clerk—Inez Hassenstein  
 Telephone Messenger—Edward Washington  
 Assistant Bill Clerk—Joseph McClements  
 Supply Clerk—Catherine Temple  
 Chaplain—Rev. F. Douglas Milbury  
 Secretary—Barbara Melvin  
 Secretary—Jane Dunning  
 Attorneys' Clerk—Marion Palmer  
 Bill Clerk—Alvin P. Lyons  
 Mail Clerk—Robert Heller  
 Mail Clerk—Tyson Cohee  
 Sergeant-at-arms—Harry Skinner  
 Attorneys' Secretary—Emilie E. Tugend  
 Whereupon the Attaches were sworn in.

### SAMPLE OF ATTACHES' OATH

The State of Delaware, County of Kent, ss.

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

LESLIE C. GREENLEY

Sworn and subscribed to this 3rd day of January, A. D. 1961.

JOHN E. REILLY, SR.

President Pro Tem

Mr. Steen introduced the following resolution, which on further motion by him was adopted: **SR 10**—"Authorizing the Legislative Reference Bureau to Furnish the Secretary of the Senate With Postage Stamps."

**BE IT RESOLVED**, by the Senate of the 121st 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.

On motion, the Senate recessed at call of the Chair at 3:57 P. M. The Senate met at the expiration of the recess at 4:09 P. M. Mr. Cook presiding.

Mr. Steen introduced the following resolution, which on further motion by him was adopted: **SR 11**—"Authorizing the Secretary to Obtain Supplies."

**BE IT RESOLVED**, by the Senate of the 121st General Assembly that the Secretary of the Senate be and he 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. Steen introduced the following resolution, which on further motion by him was adopted: **SR 12**—"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 121st 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.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the the following resolutions:

**HCR 1**—"Providing for the Adjournment of the House of Representatives and the Senate."

**HCR 2**—"That the Two Houses Meet in Joint Session to Hear the Message of the Governor."

On motion the Senate recessed at call of the Chair at 4:14 P. M. The Senate met at the expiration of the recess at 4:25 P. M.

The Chair presented the following House Concurrent Resolutions, which on further motion by Mr. Steen were adopted and ordered returned to the House.

**HCR 1**—"Providing for the Adjournment of the House of Representatives and the Senate."

**HCR 2**—"That the Two Houses Meet in Joint Session to Hear the Message of the Governor."

On motion of Mr. Steen, the Senate adjourned at 4:30 P. M. until January 9, 1961, at 1:00 P. M.

## 2ND LEGISLATIVE DAY

January 9, 1961

The Senate met pursuant to adjournment at 2:04 P. M., on Monday, January 9, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. F. D. Milbury: Almighty God, the unfailing Source of light and mercy, Who has brought us to the beginning of this year and legislative term, and art sparing us to love Thee and keep Thy commandments; prepare us, we beseech Thee, for the coming days. Let Thy grace enlighten our darkness and strengthen our weakness. Help us to forget the sins and sorrows of the past, cherishing only the wisdom and the humility they may have taught us. Inspire us with new purposes and new hopes. Deepen within our hearts the love of truth and goodness. Enable us to discern the solemn meaning of these earthly days, and the high and sacred purpose for which they are given. Suffer us not to be unfaithful to Thee. Thou hast richly blessed us hitherto; still lead us by Thy hand; still admonish and guide us by Thy spirit; and leave us not to ourselves, Thou Good Shepherd of the sheep. Let not our sin take from us the thought that we are Thine. Let not the sorrow and weariness of life nor the darkness and mystery of the world rob us of our faith in Thee. Whatever light may shine or shadow fall keep us faithful to our trust, through Thy name. Amen.

Members present: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

Member absent Hoey—1.

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

A messenger from the Governor was admitted, who presented a communication from the Governor.

The Chair directed the reading of the messages, which were as follows:

## GOVERNOR'S MESSAGES

January 9, 1961

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

The attached message to the Senate of the 121st General Assembly of the State of Delaware consists of individuals appointed to their respective offices by Governor J. Caleb Boggs prior to his resignation as Governor of the State of Delaware. I hereby submit them for confirmation of the Senate.

Respectfully submitted,

DAVID P. BUCKSON

January 9, 1961

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

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

Frederic A. Walls, Harbeson, to be a member of the Sussex County Department of Elections for a term to expire January 15, 1963.

Frank J. Carello, Jr., Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire January 18, 1964.

Walter A. Gebhart, New Castle, to be a Justice of the Peace in and for New Castle County for a term to expire January 18, 1964.

Hazel M. Harrington, Felton, to be a member of the Kent County Department of Elections for a term to expire January 15, 1963.

George L. Townsend, III, Newark, to be a member of the State Tax Board for a term to expire March 23, 1964.

Louise Mercer, Dover, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1965.

W. Leslie Wheatley, Clayton, to be a member of the Water Pollution Commission of the State of Delaware for a term to expire August 1, 1963.

M. Haswell Pierce, Milford, to be a member of the Atlantic States Marine Fisheries Commission for a term to expire August 12, 1963.

Ernest S. Wilson, Sr., Wilmington, to be a member of the Board of Trustees of the University of Delaware for a term to expire August 25, 1966.

C. Fred Fifer, Wyoming, to be a member of the State Board of Agriculture for a term to expire March 1, 1963.

Ernest V. Keith, Dover, to be a Judge for the Court of Common Pleas for Kent County for a term to expire December 20, 1964.

August R. Umbrecht, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire November 21, 1964.

Ralph D. Knotts, Sr., Dover, to be a Justice of the Peace in and for Kent County for a term to expire November 16, 1964.

Albert Stetser, Wilmington, to be Chairman of the Unemployment Compensation Commission of Delaware for a term to expire May 1, 1965.

Dr. Henry V. P. Wilson, Dover, to be a member of the Board of Trustees of the University of Delaware for a term to expire December 5, 1965.

James M. Tunnell, Jr., Wilmington, elected by the Board of Trustees of the University of Delaware on June 13, 1959, to be a member of the Board of Trustees of the University of Delaware for a term of six years.

J. Ward Hurley, Dover, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1963.

Respectfully submitted,

DAVID P. BUCKSON

January 9, 1961

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

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

Samuel W. Gravenor, Townsend, to be a member of the Industrial Accident Board of the State of Delaware for a term to expire May 17, 1961.

Ford M. Warrington, Laurel, to be a member of the Industrial Accident Board of the State of Delaware for a term to expire May 2, 1965.

Respectfully submitted,

DAVID P. BUCKSON

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

### JOINT SESSION

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

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

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

The President Pro Tem appointed the following committee to escort the Governor to the Senate Chamber: Steen, Manning, Simpson, Cook, Best, Eskridge, Robbins and Fifer.

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

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

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

### GOVERNOR'S MESSAGE

Message of The Honorable J. Caleb Boggs, Governor of Delaware, to the One Hundred and Twenty-first General Assembly of the State of Delaware, convening in Regular Session at Dover, January, Nineteen Hundred and Sixty-one.

December 30, 1960

Mr. President, Mr. Speaker  
Members of the 121st General Assembly  
of the State of Delaware:

As the outgoing Governor of the State of Delaware, it is my privilege to present to you my final message.

In order that I might be sworn in January 3, 1961, as one of Delaware's United States Senators, I find it necessary to resign as Governor this date. I have asked my successor, Governor David P. Buckson, if he would be kind enough to transmit this message to the members of the 121st General Assembly.

It is not my purpose to set before you a specific Legislative program as I have done in past years. There will be a new Administration next month and I am confident that recommendations for a Legislative program will be submitted at that time.

However, because of the wonderful opportunity I have had to serve as your Governor for the past eight years—an opportunity for which I shall always be grateful—I believe I am in a position to make several suggestions and observations which are in the best interests of the people of Delaware.

### FINANCIAL CONDITION

One of the most serious problems facing the State of Delaware is its financial condition—present and future. This is a problem which has many facets, all of them of prime concern to the citizens of this State.

As for the current financial condition of the State of Delaware, I respectfully submit herewith the Budget Report of the State of Delaware for fiscal year 1961-62 and the Budget Appropriation Bill for the State of Delaware, an Act making appropriations for the expenses of the State Government for the fiscal year ending June 30, 1962 and authorizing the allocation of funds.

In order to provide the vitally-needed State services which our citizens require, I recommend a budget for the fiscal year 1962 in the amount of \$84,719,035.00. Because reversions of appropriations are expected to reach \$1,500,000.00 in the next fiscal year, it is estimated that total disbursements and commitments for the next year will amount to \$83,219,035.00.

Revised estimates of revenue anticipated for next year are \$80,000,000.00.

Therefore, recommended disbursements will exceed anticipated revenue by \$3,219,035.00 during fiscal 1962. Since estimated disbursements and commitments will exceed funds available as forecast for the fiscal year ending June 30, 1961 by \$3,519,328.71, the State of Delaware faces a potential total deficit of about \$6,738,363.71 by the end of the next fiscal year.

Obviously, we must make a choice. Either we must find new sources or increase existing sources of revenue, or we must drastically reduce the important services we are presently rendering the people.

We also have a third choice. That is to modernize and streamline our present State Government so that we are able to provide improved and additional services to the people in a far more economical and efficient manner.

It is my considered judgment, based on eight years' experience as your Governor, that there is only one realistic choice: we must shed our archaic and costly governmental system and adopt the modern machinery that will permit us to do the job better with lower operating costs.

### GOVERNMENT REFORM ESSENTIAL

I do not now, nor have I ever, suggested government reorganization as the cure-all to our problems. This General Assembly has at its disposal an excellent and detailed report prepared by the staff experts of the Joint Revenue Committee last year. It is undoubtedly the most up-to-date comprehensive study of Delaware's financial needs through 1965. It says that at our present rate of growth, with no change in our revenue structure, we will be saddled with an aggregate deficit of about \$100,000,000 by the middle of this decade. It is quite apparent from this report that to provide the necessary services to the people which this modern age demands, we will soon have to face the challenge of increases and revisions in our revenue structure. This report also points up the essential need for doing everything possible to improve our system of government, to increase efficiency and decrease operating costs.

We will not escape the responsibilities of the future by burying our heads in the sand dunes of past history. We have a date with the future and we have already tarried too long. There is plenty of unfinished business from the last General Assembly to be handled before we tackle any new problems, and this unfinished business will require both strong executive and legislative leadership.

With all questions of political motivation removed and with my resignation as Governor in effect by the time you receive this message, I implore you to face up to this unfin-



ished business that consists of (1) sweeping and basic reforms in the organization of the State Government and (2) a resumption of the work of the Joint Revenue Committee.

Specifically, I urge you to give renewed consideration to a program of government reorganization along the lines of the proposals I presented to the General Assembly last year. Many of you spent many hours with me listening to the views of experts and the opinions of many of our citizens during public hearings on this question of government reform.

Unfortunately, for one reason or another, the General Assembly chose to take no action on my recommendations. In my opinion, there is no longer any reason why some start toward a modern and more efficient government in Delaware should not be made by this General Assembly.

### ADDITIONAL REASONS FOR REFORM

If anything, there are additional, concrete reasons why reform must be undertaken. Those of you who sat through the public hearings heard the commission form of government described as being unresponsive to the people, lacking responsibility to the chief elected executive of the State, being wasteful and inefficient, and failing to provide the full-time executive administration of the multitude of agencies, commissions and boards which now make up our complex State Government.

If I and the more than one hundred other citizens who testified at those hearings failed to make a case for the need for government reform, then the Attorney General has succeeded. His report of his investigation of the State Highway Department points up all too clearly the weaknesses inherent in our commission form of government.

Whatever the outcome of his investigation, he has uncovered a scandal which is the outmoded system of government under which we operate.

If the demonstrated dangers of our present system are not sufficient to argue for reform, then certainly the guaranteed savings of taxpayers' present and future dollars are. There is available to the members of this General Assembly a complete set of transcripts of the public hearings . . . pages and pages of expert testimony, documented proof and concrete examples of how tax dollars have been and can be saved through government reform.

### SAVINGS OF \$2,000,000

This evidence leaves no doubt that there are savings of nearly two million dollars a year to be gained for the taxpayers of Delaware through such reforms. For instance, a Department of Finance with central purchasing would save an estimated \$700,000 a year, not to mention the fiscal control which the Attorney General's report showed to be woe-

fully lacking in at least one vast agency. A civil service system would save another \$750,000 in addition to providing the security and incentive which would encourage loyal and devoted service. There are other savings and other advantages for the people of Delaware in a sensible program of government reform.

### RESUME REVENUE STUDY

In addition, I urge you to reactivate the Joint Revenue Committee so that it may complete the job it failed to complete in the last session of the Legislature. The 120th General Assembly created the Joint Revenue Committee and instructed it (1) to make a comprehensive study of the future revenue needs of the State of Delaware and (2) to make recommendations concerning the best possible sources of such revenue.

Armed with the study it completed as one-half its assigned task, I strongly recommend that this committee be instructed to get on with the job of exploring and recommending the best and fairest potential sources of additional revenue which will be required if we are to fulfill our obligations in providing services to the people we represent.

This General Assembly and the next Administration have a remarkable opportunity. Governor Carvel is well aware of the advantages of government reform because it was during his previous administration and at his direction that the first comprehensive study of and concrete recommendations for government reform were completed. It was the plan developed by his committee—the Griffenhagen Committee—that served as the starting point for the updated government reform program I proposed in detail last year.

There are many other problems facing the people of Delaware with which you and the next Administration will have to deal. But I am convinced that there is none more vital to the future of this State than the question of government reform because it is the core of all our problems. With this basic problem solved, solutions to the others will come more easily.

### REFORM BEFORE TAXES

I have stated repeatedly that I support a policy of reforms before taxes. This was my firm conviction as Governor and this is my conviction as a citizen. I believe my fellow citizens share the belief that we must not increase the tax burden until we provide the proper government machinery and the necessary climate of public confidence to insure a full dollar's worth of services for each tax dollar they pay.

And may I, for purposes of continuity of government services, direct your attention to another matter.

The 120th General Assembly adopted a budget bill for the current fiscal year but did not provide to the Permanent Budget Commission either contingency funds or transfer authority within existing appropriations. Therefore, I suggest that this problem and the urgent needs of certain agencies be made one of the first orders of business of this General Assembly and the next Administration.

### CONCLUSION

I thank you for giving me the opportunity to present this message to you even though I will have resigned as Governor by the time you receive it. I assure you that my words are motivated by a deep sense of heartfelt gratitude for the opportunity the people of Delaware have given me in serving as their Governor for the past eight years. These past eight years have strengthened my deep pride in our State and in my fellow citizens. These years have brought into sharp focus the realization that there is nothing we cannot accomplish if we are willing to work for it.

The State of Delaware is its people, and the Governor is but their public servant. Whatever we have achieved during these past eight years are the achievements of the citizens of this State, the private individuals, the civic organizations, the elected and appointed officials, and the employees of the State. Too few of us are aware of their contributions to good government, but to them all I would like to offer a humble "thank you."

I want to offer my congratulations to the newly-elected members of this General Assembly; and to the entire 121st General Assembly, may I wish you a successful and gratifying term.

To Governor Buckson, I would like to offer my congratulations and gratitude for his excellent performance of duty, not only as chief executive of the State, but as an invaluable member of my Administration.

To my successors, who turned over the reins of State Government to me eight years ago, I extend my sincere wishes for success. I know that the State will be in the hands of a devoted and loyal public servant.

With Divine Guidance and with faith in the future, may Governor Carvel, the members of the 121st General Assembly and the people of Delaware realize the joy of lasting peace and the warmth of genuine happiness.

Thank you.

Respectfully submitted,

J. CALEB BOGGS, Governor

December 30, 1960

**GOVERNOR'S MESSAGE**

Message by Governor David P. Buckson to the 121st General Assembly, Dover, Delaware, January 9, 1961:

The office of Governor of Delaware deserves much more from any man, however brief his term, than a passive and detached serving of time. This great office commands the attention of the people, and its responsibilities command the occupant. To serve for even a day is to experience the weight of its authority and the necessity for its exercise, and I would be remiss if I brought to this General Assembly no more than the final and important message of my predecessor. The few days since December 30, 1960, have made clear to me the solemn duty and obligation to speak on a subject which cannot be timidly ignored as this Legislature begins its deliberations.

You are aware, as I am, of the climate of public opinion which now exists with respect to the State Highway Department. The People of Delaware have read, with us, the lucid and well-documented interim report of the Attorney General, and the facts therein disclosed are quite justifiably the reason for the public's disapproval of the Department.

It has been many years since so shocking a situation as that described by the Attorney General has been placed before the people of Delaware. The citizens of this State expect action to be taken in this matter, and they are looking to you, to me, and to my successor for that action. We cannot expect the people to be satisfied merely by the setting up of many committees to study the Attorney General's Report when they are rightfully expecting the Legislature and the executive to act upon its recommendations, and act now, without delay.

Accordingly, the first order of business of this General Assembly should be the consideration of legislative action to reorganize the State Highway Department and the Commission which administers it. Governor Boggs long ago made specific recommendations for such reorganization, not only for the Highway Department but for the entire State Government. Hopefully there will be other specific recommendations with respect to cleaning up the Highway Department, including the obvious need for measures prohibiting dual office holding and outlawing possible conflicts of interest.

But prompt action is necessary as I do not believe the people of Delaware will tolerate any foot-dragging in this matter which, when corrected, will save our taxpayers millions of dollars throughout the years.

A substantial number of the members of this General Assembly have suggested that the present members of the Highway Commission vacate their office, and I must wholeheartedly concur in this suggestion. Many of the matters

cited in the Attorney General's Report were known or certainly should have been known to the Commissioners if they were properly performing their duties, and the public has understandably withdrawn its confidence from them. It would be in the best interests of the people of this State if the present Commissioners would stand aside so that the next Governor might have the opportunity to appoint the people he wishes to administer the Department.

I must also agree with those members of this General Assembly who maintain that no additional bond funds should be granted the State Highway Department under existing conditions. It would appear contradictory to make available additional public monies to any agency which has fallen into disrepute for its financial policies and, as a result, has lost the confidence of the people whose hard earned money it was spending.

Any repetition of this tragic scandal must be prevented and it becomes the sober duty of every agency of the State to study their own operating procedures in the light of the Attorney General's Report. I strongly urge that this admonition be heeded well by all those involved in the work of our State and its government.

The Highway Department situation underscores the need for a change in our system of treating gubernatorial appointments. The present status of nine of the twelve Highway Commissioners attests to the slipshod manner in which previous General Assemblies have dealt with gubernatorial appointments. It is a condition which has contributed disproportionately to the already aggravated problem of inadequate executive authority. My successor should not be handicapped by a continuation of this practice. No government can be properly governed without adequate authority in its chosen chief executive.

These comments and observations are probably not new, but they reflect the feelings of the large majority of our people and I am certain that each of you has heard the same from your constituents.

Therefore, I believe that you must take action in this matter without further delay. If you do take prompt and appropriate action, you will contribute materially to the restoration of public confidence not only in the Highway Department, but in our whole governmental structure. If you do not take prompt action, I believe this General Assembly, like the Highway Commission, will justifiably lose the confidence of the people of our State.

The future of Delaware can be either brilliant or gloomy. The choice will be made by this and succeeding sessions of the General Assembly. There is, and should be, partizanship in politics; but right now, there should be a rivalry in seeing which party can be most effective in working for a prosper-

ous and healthy Delaware in the future. If that should be the case, there is no doubt in my mind that the future of Delaware is brilliant.

It is not so much where we are, as in which direction we are moving. Let us prove to all concerned that the welfare of the First State is first in the hearts and minds of her statesmen.

Thank you for the many courtesies of the past four years and thank you for today. May the good Lord look with favor upon your efforts.

### CONCLUSION

And so passes from the scenes of Legislative Hall a familiar figure, a friend of yours and of mine, and a most distinguished Delawarean. In addition to Senator Boggs, another well-known, well-liked, and highly respected member of his Administration is also departing. I refer, of course, to the Secretary of State, General Schulz, who will leave tomorrow for an extended trip through many parts of the world. I am certain you join me in wishing both these gentlemen "bon voyage" as they go their chosen way.

And now, before I, too, become a member of the "Ex" club, I would like to make a few brief comments.

Respectfully submitted,

DAVID P. BUCKSON, Governor

The previously named committee escorted the Governor from the Chamber.

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

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

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

Senate met in regular session.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Claims: SB 1—An Act Appropriating Funds for the Payment of a Claim of Rodney Wilson, Sr., Rising Out of the Negligent Operation of Delaware National Guard Vehicle.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Revised Statutes: SB 2—An Act Relating to Salaries of Certain Public Officials and Contingency Fund Accounts.

On motion of Mr. Steen, the Senate adjourned until 11:30 A. M., January 17, 1961.

## 3RD LEGISLATIVE DAY

January 17, 1961

The Senate met pursuant to adjournment at 11:30 A. M., on Tuesday, January 17, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

Members absent: None.

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

The Chair introduced the following resolution which on motion of Mr. Steen, was adopted: **SR 14**—"In Reference to Appointment to Standing Committees of the Senate."

**BE IT RESOLVED** by the Senate of the 121st General Assembly that all appointments to the Standing Committees of the Senate as heretofore made by either the President Pro Tempore or by motion of the Senate itself be and the same are hereby rescinded and set aside; and

**BE IT FURTHER RESOLVED** that the President Pro Tempore be and he is hereby directed by the Senate to appoint and constitute the Standing Committees of the Senate for this session as follows:

**Accounts Committee**—Leon Donovan, Chairman; Walter J. Hoey, Allen J. Cook, Calvin R. McCullough, Margaret Manning.

**Agriculture Committee**—Earle M. Tull, Chairman; Leon Donovan, B. Walter Johnson, Curtis W. Steen, Walton H. Simpson.

**Banking and Insurance Committee**—B. Walter Johnson, Chairman; Earle M. Tull, Calvin R. McCullough, Harry E. Mayhew, Walton H. Simpson.

**Building and Highway Committee**—B. Walter Johnson, Chairman; Curtis W. Steen, Allen J. Cook, Calvin R. McCullough, William F. Wilgus.

**Claims Committee**—Allen J. Cook, Chairman; Harry E. Mayhew, B. Walter Johnson, Curtis W. Steen, Reynolds duPont.

**Corporations — Municipal Committee**—Henry T. Price, Chairman; Walter J. Hoey, Jesse F. Watson, Calvin R. McCullough, Harvey B. Spicer.

**Corporations—Private Committee**—John E. Reilly, Chairman; Walter J. Hoey, B. Walter Johnson, Harry E. Mayhew, Reynolds duPont.

**Education**—Calvin R. McCullough, Chairman; Harry E. Mayhew, Earle M. Tull, Henry T. Price, Margaret Manning.

**Elections Committee**—Jesse F. Watson, Chairman; Henry T. Price, Walter J. Hoey, Earle M. Tull, Margaret Manning.

**Executive Committee**—Earle M. Tull, Chairman; John E. Reilly, Henry T. Price, Leon Donovan, James H. Snowden.

**Finance Committee**—Walter J. Hoey, Chairman; Harry E. Mayhew, Leon Donovan, B. Walter Johnson, Harvey B. Spicer.

**Fish, Oyster and Game Committee**—Harry E. Mayhew, Chairman; Walter J. Hoey, Calvin R. McCullough, Henry T. Price, Reynolds duPont.

**Judiciary Committee**—Harry E. Mayhew, Chairman; Calvin R. McCullough, Allen J. Cook, Walter J. Hoey, Reynolds duPont.

**Labor Committee**—John E. Reilly, Chairman; Calvin R. McCullough, Curtis W. Steen, Allen J. Cook, William F. Wilgus.

**Miscellaneous Committee**—Leon E. Donovan, Chairman; Curtis W. Steen, B. Walter Johnson, Harry E. Mayhew, Reynolds duPont.

**Passed Bills Committee**—Calvin R. McCullough, Chairman; Leon Donovan, Earle M. Tull, Allen J. Cook, Margaret Manning.

**Printing and Supplies Committee**—Walter J. Hoey, Chairman; Curtis W. Steen, B. Walter Johnson, Leon E. Donovan, Margaret Manning.

**Public Health Committee**—Curtis W. Steen, Chairman; John E. Reilly, Harry E. Mayhew, Henry T. Price, James H. Snowden.

**Public Lands Committee**—Curtis W. Steen, Chairman; Allen J. Cook, Jesse F. Watson, Earle M. Tull, Harvey B. Spicer.

**Revised Statutes Committee**—Jesse F. Watson, Chairman; Leon E. Donovan, Earle M. Tull, Allen J. Cook, James H. Snowden.

**Rules Committee**—Allen J. Cook, Chairman; B. Walter Johnson, Earle M. Tull, Curtis W. Steen, Harvey B. Spicer.

**Temperance Committee**—Henry T. Price, Chairman; Allen J. Cook, B. Walter Johnson, Leon E. Donovan, Reynolds duPont.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the the following resolution: **HJR 2**—"Relative to a Joint Session of the 121st General Assembly."

The Chair presented the following resolution, which on further motion by Mr. Steen was adopted and ordered returned to the House: **HJR 2**—"Relative to a Joint Session of the 121st General Assembly."

**BE IT RESOLVED** by the House of Representatives of the 121st General Assembly of the State of Delaware the Senate concurring therein, that there shall be a Joint Session of the 121st General Assembly to be held in the Senate Chamber at 11 o'clock A. M., on Tuesday, January 17, 1961.



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

### JOINT SESSION

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

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

Mr. Steen moved that Senate Rule 23 be suspended during the Joint Session. Motion prevailed.

In accordance with the Constitution, the Chair directed that the election returns for Governor and Lieutenant-Governor be read to the Joint Session.

The reading clerk read the same and the Chief Clerk of the House and the Secretary of the Senate tallied the returns and checked the certificates. Whereupon the Secretary of the Senate announced the results as follows:

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 sixty, for New Castle County, according to the Constitution and Laws of the State of Delaware, 70,529 votes were given for Eugene Lamot for Lieutenant-Governor; 70,994 votes were given for William V. Roth, Jr., for Lieutenant-Governor; 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, Charles L. Terry, Jr., and Andrew D. Christie, the 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 14th day of November, A. D. 1960.

Charles L. Terry, President Judge

Andrew D. Christie, Resident Associate Judge

(Seal)

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 sixty for Kent County, according to the Constitution and Laws of the State of Delaware, Ten thousand nine hundred and forty-one (10,941) votes were given for Eugene Lamnot for Lieutenant-Governor; Ten thousand one hundred and thirty-six (10,136) votes were given for William V. Roth, Jr., for Lieutenant-Governor; 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 10th day of November, A. D. 1960.

Collins J. Seitz, Chancellor

William J. Storey, Resident Associate Judge

(Seal)

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 sixty, for Sussex County, according to the Constitution and Laws of the State of Delaware, Sixteen thousand three hundred fifty-six (16,356) votes were given for Eugene Lamnot for Lieutenant-Governor; Fifteen thousand five hundred forty-one (15,541) votes were given for William V. Roth, Jr., for Lieutenant-Governor; 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. Stifftel, 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 Tenth day of November, A. D. 1960.

Albert J. Stifftel, Associate Judge

James B. Carey, Resident Associate Judge

(Seal)

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 sixty, for New Castle County, according to the Constitution and Laws of the State of Delaware, 72,598 votes were given for Elbert N. Carvel for Governor; 68,921 votes were given for John W. Rollins for Governor; 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, Charles L. Terry, Jr., and Andrew D. Christie, the 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 14th day of November, A. D. 1960.

Charles L. Terry, President Judge

Andrew D. Christie, Resident Associate Judge

(Seal)

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 sixty for Kent County, according to the Constitution and Laws of the State of Delaware, Eleven thousand one hundred and eight (11,108) votes were given for Elbert N. Carvel for Governor; Ten thousand one hundred and ninety-two (10,192) votes were given for John W. Rollins for Governor; 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 10th day of November, A. D. 1960.

Collins J. Seitz, Chancellor

William J. Storey, Resident Associate Judge

(Seal)

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 sixty, for Sussex County, according to the Constitution and Laws of the State of Delaware, Seventeen thousand and eighty-six (17,086) votes were given for Elbert N. Carvel for Governor; Fourteen thousand nine hundred and thirty (14,930) votes were given for John W. Rollins for Governor; 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 TESTMONY 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 Tenth day of November, A. D. 1960.

Albert J. Stiftel, Associate Judge  
James B. Carey, Resident Associate Judge

(Seal)

### Governor

Elbert N. Carvel	
New Castle County .....	72,598
Kent County .....	11,108
Sussex County .....	17,086
	<hr/>
	100,792

John W. Rollins	
New Castle County .....	68,921
Kent County .....	10,192
Sussex County .....	14,930
	<hr/>
	94,043

### Lieutenant-Governor

Eugene Lammot	
New Castle County .....	70,529
Kent County .....	10,941
Sussex County .....	16,356
	<hr/>
	97,826

William V. Roth, Jr.	
New Castle County .....	70,994
Kent County .....	10,136
Sussex County .....	15,541
	<hr/>
	96,671

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

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

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

On motion, the Senate recessed at call of the Chair at 11:55 A. M. The Senate met at the expiration of the recess at 3:45 P. M. President Pro Tem Reilly presiding.

Mrs. Manning introduced the following bill which was given first reading and referred to the Committee on Revised Statutes: **SB 3**—An Act to Amend Article 2, Section 2, of the Constitution of the State of Delaware.

Mr. Tull introduced the following bill which was given first reading and referred to the Committee on Judiciary: **SB 4**—An Act Authorizing the Disinterment and Reinterment of Bodies in the Cemetery Belonging to and on the Property of the Mt. Olivet Methodist Church in Seaford, Delaware, and Providing That the Property of Mt. Olivet Methodist Church Will be Used for Better Religious Advantage.

Mr. McCullough introduced the following resolution which was given first reading and on motion of Mr. Steen, was tabled: **SR 15**—"In Reference to Election of Officers."

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the following named persons be and they are hereby elected to the respective offices appearing opposite their names, to serve during the pleasure of the Senate:

G. Francis Downes—Chief Sergeant-of-Arms

Shirley Morlock—Attorneys' Secretary

Mary Alice Ryan—Attorneys' Secretary

Wilhelmina C. Galeznick—Attorneys' Secretary

Beatrice Adams—Assistant Supply Clerk

Mr. Snowden introduced the following bill which was given first reading and referred to the Committee on Labor: **SB 5**—An Act Making a Supplementary Appropriation to the Labor Commission of Delaware for the Fiscal Year Ending June 30, 1961 to Cover Salaries for a Director of the Labor Commission, a Supervisor of Fair Employment Practices, a Secretary, Equipment, Supplies and Printing and Salary Increases for the Labor Inspectors.

The following message from the Governor was received by the Senate:

### GOVERNOR'S MESSAGE

January 17, 1961

To the Honorable, The Senate of the State of Delaware  
Dover, Delaware

Gentlemen:

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:

Elisha C. Dukes, Selbyville, to be Secretary of State of the State of Delaware from January 17, 1961, during the pleasure of the Governor.

Maurice A. Hartnett, 3rd, Dover, to be Director of the Legislative Reference Bureau of the State of Delaware from January 17, 1961, during the pleasure of the Governor.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

Mr. Snowden moved to suspend Rule No. 1 of the Executive Rules.

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

YEAS: duPont, Manning, Snowden, Wilgus—4.

NAYS: Cook, Donovan, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem—9.

NOT VOTING: Hoey, Spicer—2.

ABSENT: Johnson, Simpson—2.

So the question was decided in the negative.

On motion, the Senate recessed at call of the Chair at 4:10 P. M. The Senate met at the expiration of the recess at 4:30 P. M. President Pro Tem Reilly presiding.

Mr. Steen's motion that the Senate meet in Executive Session was taken up for consideration. Motion carried. Whereupon the chamber was cleared of all persons except the Secretary of the Senate and the Senators.

The Senate reconvened in open session at 5:00 P. M. President Pro Tem Reilly presiding.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the following resolution: **HCR 5**—"Providing for Adjournment of the House of Representatives and Senate."

The Chair presented the following House Concurrent Resolution, which on further motion by Mr. Steen was adopted and ordered returned to the House: **HCR 5**—"Providing for Adjournment of the House of Representatives and Senate."

BE IT RESOLVED by the House of Representatives of the 121st General Assembly of the State of Delaware, the Senate concurring therein, that at the close of business on January 17, 1961, both Houses shall adjourn until Monday, January 23, at 1:00 P. M.

The Chair assigned SB 1 to the Claims Committee and SB 2 to the Finance Committee.

On motion of Mr. Steen, the Senate adjourned at 5:05 P. M. until January 23, 1961, at 1:00 P. M.

#### 4TH LEGISLATIVE DAY

January 23, 1961

The Senate met pursuant to adjournment at 1:26 P. M., on Monday, January 23, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Cook, Donovan, duPont, Price, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

Members absent: Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Watson—8.

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

Mrs. Manning and Mr. Simpson asked to be marked present.

On motion of Mr. Steen, the Senate recessed at call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 3:15 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Watson, Johnson and Mayhew asked to be marked present.

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

SB 6—"An Act Agreeing to a Proposed Amendment to Article V of the Constitution of the State of Delaware, Relating to the Superior Court Acting as Board of Canvass," to Judiciary.

SB 7—"An Act Agreeing to a Proposed Amendment to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary," to Judiciary.

SB 8—"An Act Agreeing to a Proposed Amendment to Article IV of the Constitution of the State of Delaware, Relating to the State Judiciary so as to Repeal Provisions Limiting the Number of Judges of the Superior Court and Orphans' Court and to Permit the General Assembly to Authorize Appointment of Additional Members of the Judiciary," to Judiciary.

SB 9—"An Act Agreeing to a Proposed Amendment to Article IV of the Constitution of the State of Delaware, Re-

lating to the Composition of the Superior Court and Orphans' Court so as to repeal the Provision Limiting the Number of Judges of Such Courts," to Judiciary.

Mr. Hoey asked to be marked present.

Messrs. Watson and Johnson introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 10**—An Act to Add a New Chapter to Title 3, Delaware Code, to be Called Chapter 24, Relating to the Licensing of Produce Dealers.

Mr. McCullough asked to be marked present.

Mr. Watson introduced the following bill which was given first reading and referred to the Committee on Labor:

**SB 11**—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. McCullough introduced the following resolution which on further motion by him was adopted: **SR 16**—"In Reference to Election of Officers."

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the following named persons be and they are hereby elected to the respective offices appearing opposite their names, to serve during the pleasure of the Senate:

Mary Alice Ryan—Attorneys' Secretary

Wilhelmina C. Galezniak—Attorneys' Secretary.

Beatrice Adams—Assistant Supply Clerk

The attaches named in **SR 16** were sworn in.

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

**SR 17**—"Authorizing Payment of Amount Due the Western Union Telegraph Company for Telegraph Service Rendered the Senate of the 120th General Assembly."

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the State Treasurer is hereby authorized and directed to pay to the Western Union Telegraph Company, 218 West 9th Street, Wilmington, Delaware, the sum of Fifteen Dollars and Thirty Cents (\$15.30) for telegraph services rendered for the Senate of the 120th General Assembly of the State of Delaware, being for seven-teen night letters on June 28, 1960.

**SR 18**—"An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through December 11, 1960 for Telephones RE 6-6111, RE 6-1295 and RE 6-1113."

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the following amounts



be paid to the Diamond State Telephone Company for services rendered through December 11, 1960:

RE 6-1113 .....	\$ 77.90
RE 6-1295 .....	126.13
RE 6-6111 .....	107.32
	<hr/>
	\$311.35

Mr. Cook introduced the following Senate Concurrent Resolutions which on further motion by him were adopted, and ordered sent to the House for concurrence:

**SCR 2**—"An Act Making an Appropriation to Butler's, Inc., for Supplies Furnished the 120th General Assembly."

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware the House of Representatives concurring therein, that the sum of \$1,100.55 be paid to Butler's, Inc., for supplies furnished the 120th General Assembly.

**SCR 3**—"An Act Making an Appropriation to Capitol Office Equipment Co. for Supplies Furnished the 120th General Assembly."

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the sum of \$199.01 be paid to Capitol Office Equipment Co., for supplies furnished the 120th General Assembly.

**SCR 4**—"An Act Making an Appropriation to Addressograph-Multigraph Corporation for Supplies Furnished the 120th General Assembly."

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware the House of Representatives concurring therein, that the sum of \$506.25 be paid to Addressograph-Multigraph Corporation for supplies furnished the 120th General Assembly.

**SCR 5**—"An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered the 120th General Assembly."

BE IT RESOLVED by the Senate of the 121st General Assembly, the House of Representatives concurring therein, that the sum of \$742.31 be paid the Diamond State Telephone Company for services rendered the 120th General Assembly.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Claims:

**SB 12**—An Act Making a Deficiency Appropriation to the State Board of Corrections for Office Expense.

Mr. Mayhew moved that bills be numbered before delivery. The Chair took the matter under consideration.

On motion of Mr. Steen, the Senate adjourned at 4:30 P. M. until 1:00 P. M., January 24, 1961.

## 5TH LEGISLATIVE DAY

January 24, 1961

The Senate met pursuant to adjournment at 1:40 P. M., on Tuesday, January 24, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. W. F. Milbury.

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—16.

Member absent: Watson—1.

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

On motion the Senate recessed at call of the Chair at 1:45 P. M. The Senate met at the expiration of the recess at 3:40 P. M. Lieutenant-Governor Lammot presiding.

Mr. Cook introduced the following resolution which on further motion by him was adopted: **SR 19**—"Authorizing Payment to Joshua M. Twilley for Compiling and Indexing the Senate Journal for the 120th General Assembly."

**BE IT RESOLVED:** by the Senate of the 121st General Assembly of the State of Delaware that the State Treasurer be and she is hereby authorized and directed to pay the sum of \$1,332 out of the General Fund of the State Treasury to Joshua M. Twilley, Secretary of the Senate of the 120th General Assembly of the State of Delaware, for compiling, preparing, indexing, and proof-reading the Senate Journal for the said 120th General Assembly.

Mr. Watson asked to be marked present.

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

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware, that Shirley Morlock be and she hereby is elected to the office of Secretary to the President of the Senate.

The above attache was administered the oath of office.

Messrs. Cook, Reilly, Tull, Steen and Wilgus introduced the following bill which was given first reading and referred to the Committee on Public Lands:

**SB 13**—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.

Mr. duPont introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 14**—An Act Establishing a Department of Public Works, Defining Its Organization, Powers and Duties.

Messrs. duPont and Spicer introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 15**—An Act Establishing a Department of Public Safety, Defining Its Organization, Powers and Duties.

Messrs. duPont, Wilgus, Spicer and Snowden introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 16**—An Act to Establish a Merit System of Personnel Administration in the State Government of the State of Delaware; to Provide for the Implementation and Operation of Such System and to Appropriate Funds.

Messrs. Simpson and Snowden introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 17**—An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Providing for a 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.

Messrs. Simpson and duPont introduced the following bill which was given first reading and referred to the Committee on Judiciary.

**SB 18**—An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Contracts Involving Persons in Authority and Contracts Involving Public Officers; Penalties.

Mr. Wilgus introduced the following bill which was given first reading and referred to the Committee on Elections:

**SB 19**—An Act to Amend Title 15, Delaware Code, Relating to the Regulations of Nomination and Election Expenses.

Messrs. Snowden and Reilly introduced the following bill which was given first reading and referred to the Committee on Claims.

**SB 20**—An Act Making a Supplementary Appropriation to the State Board of Corrections for the Fiscal Year July 1, 1960-June 30, 1961.

Mr. duPont introduced the following bills which were given first reading and referred to committees:

**SB 21**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Perth Community and Civic Association, Inc., from Assessment and Taxation.—To Buildings and Highways.

**SB 22**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Woman's Club of Claymont from Assessment and Taxation.—To Municipal Corporations.

Mrs. Manning introduced the following bill which was given first reading and referred to the Committee on Revised Statutes.

**SB 23**—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.

Mr. Mayhew reported the following bills from committee: **SB 6**, 2 favorably, 2 on merits; **SB 7**, 2 favorably, 2 on merits; **SB 8**, 2 favorably, 2 on merits; **SB 9**, 2 favorably, 2 on merits.

Mr. Cook introduced the following bill which was given first reading and referred to the Committee on Claims:

**SB 24**—An Act to Appropriate Funds to the Joint Veterans Claims Committee to Pay Certain Valid Claims to Veterans of World War II and Korean Conflict Which are Barred by the Lapse of Time.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following: **HCR 6**, **HCR 7** and **HCR 8**.

The Chair presented the following House Concurrent Resolution, which were given first and second reading and adopted by the Senate, and ordered returned to the House:

**HCR 6**—"An Act Making an Appropriation to Lo-Mar, Inc., for Supplies Furnished the 120th General Assembly."

**HCR 7**—"An Act Making an Appropriation to Matthews Brothers, Inc., for Supplies Furnished the 120th General Assembly."

**HCR 8**—"An Act Making an Appropriation to Whelan's for Supplies Furnished the 120th General Assembly."

On motion of Mr. Steen, the Senate adjourned at 4:10 P. M., until January 25, 1961, at 1:00 P. M.

## 6TH LEGISLATIVE DAY

January 25, 1961

The Senate met pursuant to adjournment at 1:30 P. M., on January 25, 1961. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

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

Members absent: Hoey, Spicer, Watson—3.

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

On motion of Mr. Steen, the Senate recessed at call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 3:20 P. M. Lieutenant-Governor Lamot presiding.

Messrs. Hoey and Watson asked to be marked present.

Mr. Price announced a breakfast in honor of the Governor.

On motion of Mr. Mayhew, **SB 8** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 8**—An Act Agreeing to a Proposed Amendment to Article IV of the Constitution of the State of Delaware, Relating to the State Judiciary so as to Repeal Provisions Limiting the Number of Judges of the Superior Court and Orphans' Court and to Permit the General Assembly to Authorize Appointment of Additional Members of the Judiciary.

Mr. Mayhew requested the privilege of the floor to Judge Charles L. Terry, Jr., to explain the bill. Privilege granted.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, President Pro Tem—14.

**NAYS:** Donovan—1.

**NOT VOTING:** McCullough, Watson—2.

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

On motion of Mr. Mayhew, **SB 9** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 9**—An Act Agreeing to a Proposed Amendment to Article IV of the Constitution of the State of Delaware Relating to the Composition of the Superior Court and Orphans' Court so as to Repeal the Provision Limiting the Number of Judges of Such Courts.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, President Pro Tem—14.

**NAYS:** Donovan—1.

**NOT VOTING:** McCullough, Watson—2.

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

On motion of Mr. Mayhew, **SB 6** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 6**—An Act Agreeing to a Proposed Amendment to Article V of the Constitution of the State of Delaware Relating to the Superior Court Acting as Boards of Canvass.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, President Pro Tem—15.

NAYS: Donovan—1.

NOT VOTING: 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.

On motion of Mr. Mayhew, SB 7 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 7—An Act Agreeing to a Proposed Amendment to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, President Pro Tem—14.

NAYS: Donovan—1.

NOT VOTING: McCullough, Watson—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. Johnson introduced the following bill which was given first reading and referred to the Committee on Finance:

SB 25—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Maintenance Division of the State Highway Department, by Making Certain Transfers Therein.

Mrs. Manning and Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

SB 26—An Act Authorizing the State Highway Department to Construct Flood Control Measures Along Little Mill Creek in Christiana Hundred and Appropriating Funds Therefor.

Mr. Steen introduced the following Concurrent Resolution, which on further motion by him was adopted and ordered to the House for concurrence:

SCR 6—Providing for Temporary Adjournment of the Senate and the House of Representatives of the 121st General Assembly of the State of Delaware Until Monday, February 13, 1961.

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

**SR 21**—In Reference to Election of Officers.

The following bills were reported from committee: **SB 25**, 4 favorably, 1 on merits; **SB 1**, 4 favorably, 1 on merits; **SB 12**, 4 favorably, 1 on merits.

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

**SR 22**—Authorizing Payment of Amount Due for Services Rendered by Clifford E. Hall as Accountant for the Joint Finance Committee of the 120th General Assembly of the State of Delaware, Being an Expense of the Senate of the Said 120th General Assembly.

On motion, the Senate recessed at call of the Chair at 3:55 P. M. The Senate met at the expiration of the recess at 5:01 P. M. Lieutenant-Governor Lammot presiding.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 27**—An Act Appropriating Funds to the State Board of Corrections to Pay an Additional Workmen's Compensation Premium for the Year July 1, 1957 to July 1, 1958.

Mr. Johnson moved that Rule 9 be suspended in order to consider **SB 25**. Motion prevailed.

On motion of Mr. Johnson, **SB 25** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 25**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Maintenance Division of the State Highway Department, by Making Certain Transfers Therein.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, President Pro Tem—15.

**NAYS:** None.

**ABSENT:** Donovan, Simpson—2.

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

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB28**—An Act Making an Appropriation to the State Highway Department for the Construction of a Dam at Portsville Pond in Sussex County.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 29**—An Act to Amend Section 4122, Title 21, Delaware Code, Relating to Stopping at Command of Police Officers.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following: **HCR 9**.

The Chair presented the following concurrent resolution, which on further motion by him was adopted and ordered returned to the House:

**HCR 9**—Providing for a Joint Session and Exercise in Commemoration of the Birthday Anniversary of Abraham Lincoln.

The Chair appointed Messrs. Steen and Snowden in accordance with **HCR 9**.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Public Health:

**SB 30**—An Act to Amend Section 2308, Title 31, Delaware Code, Relating to Amount of Assistance to the Blind.

**SB 22** was reported from committee with 4 favorably, 1 unfavorably.

On motion of Mr. Steen, the Senate adjourned at 5:31 P. M. until Monday, February 13, 1961, at 1:00 P. M.

## 7TH LEGISLATIVE DAY

February 13, 1961

The Senate met pursuant to adjournment at 1:25 P. M. on Monday, February 13, 1961. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. W. Milbury.

Members present: Cook, Hoey, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem—12.

Members absent: Donovan, duPont, McCullough, Simpson, Watson—5.

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

On motion of Mr. Steen, the Senate recessed at 1:30 P. M. for the Joint Session.

## JOINT SESSION

The Sergeant-at-Arms announced the President and Members of the Senate. They were admitted and seated. Mr. Tribbitt invited the President and the President Pro Tem to a seat on the rostrum.



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

Mr. Eskridge moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

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

The Chair appointed the following committee to escort the guest speaker to the House Chamber: Mr. Eskridge and Mr. Best.

The Sergeant-at-Arms admitted the speaker, the Honorable Elwood Melson, and the duly appointed committee to the House Chamber.

The Speaker of the House invited the speaker to the rostrum and introduced him to the Joint Session.

The Honorable Elwood Melson addressed the members of the General Assembly as follows:

One hundred years ago today, the electoral college confirmed the election of Abraham Lincoln as the sixteenth president of the United States. Two days before, he had left Springfield for Washington. The day before, he had celebrated his fifty-second birthday.

Lincoln had no illusions about the awful task that awaited him. Seven states had already seceded from the Union and formed the Confederacy. Four more were certain to secede. Three others, including vitally important Maryland, were on the fence. Throughout the North there were vast numbers who believed, along with President Buchanan, that the federal government had no power to compel a state to remain in the Union. There were vast numbers who would fight to preserve the Union, but only if slavery were abolished; while other vast numbers would fight to preserve the Union, but only if slavery were retained, for they feared that the freed slaves would flock to the North.

To accomplish his task Lincoln would have at his command a regular army of but 16,000 men, many of whose ablest officers were preparing to take up arms for the South. To augment the army he would have to depend upon volunteers. Since the South had no aggressive designs, but wanted only to secede in peace, he would have to depend upon these few regulars and as yet uncalled volunteers to invade a vast territory against men who would be fighting for their homes and on familiar ground. To top it all he would have to depend upon a hostile Congress to provide the needed funds. The outlook was not hopeful.

Despite these and many more seemingly insurmountable difficulties, Lincoln preserved the Union. Who was this man? What qualities did he possess that enabled him to make ours truly one nation indivisible? Judging from some of the stuff we read and see on television, one might conclude that he was a stalwart leader of reform without personal ambition who

licked Jack Armstrong, carried a torch for Ann Rutledge to his grave, shunned politics, and was a failure clear up until his terribly ambitious wife pushed her reluctant husband into the presidency.

Lincoln himself would have been the first to object to such a picturization. Explaining his aversion to biographies, he once said: "The author of the life of his hero paints him as a perfect man . . . an injury to the living and to the name of the dead." Let us therefore try to do justice by Lincoln. Bearings always in mind that human nature was no different then than now, let us trace his life from his birth in Kentucky on February 12, 1809, to his election as president, noting as we go along the development of those qualities that were to stamp him as one of the truly great men of all time.

Lincoln's beginnings were something less than promising. His father, a so-so carpenter not noted for his industry, was good natured, law abiding, honest, and illiterate, his attitude toward education amounting almost to contempt. His mother, likewise illiterate though extremely intelligent, was kind, affectionate, and anxious to please.

In the late fall of 1816 the Lincolns—father, mother, Abe, aged seven, and Nancy, aged nine—mounted on two horses, which also carried their few household belongings, moved to Indiana. Their first winter was spent in a lean to open across the front, with a pile of leaves for a bed. Their second winter was spent in a cabin with no floor, a doorway but no door, window openings, but no windows, and an unfinished roof. Mrs. Lincoln did not live to see another winter.

The pioneers among whom Lincoln spent these formative years were a rough and ready lot. In one room cabins no larger than many of our living rooms whole families—the average number of children was nine—together with visiting relatives, hired hands, and the traveling preacher, lived, cooking their meals over an open fire in a single pot, sleeping on slats laid across poles, or on the floor, and dressing and undressing in front of each other with no thought of impropriety. They worked hard, drank hard, swore hard, and laughed hard at the kind of stories you might have expected them to tell. Yet with it all they had and greatly admired in others those virtues upon which life on the frontier depended: courage, generosity, truthfulness, and honesty. These virtues were indelibly stamped upon the young Abraham.

In 1819 his father married a second time. With the arrival of his stepmother at the cabin a new phase in Lincoln's development began, for she was a strong willed woman who brought love and order to the Lincoln household, put her husband to work, and encouraged Abe in his quest for knowledge. She also brought a few books which he quickly de-

voured, reading and re-reading them until he could recite many whole pages by heart.

A happy, talkative child, Abe went about telling his neighbors what he had read. Their appreciative response encouraged him to read still more. He scoured the countryside for books. By the time he was fifteen it had become his delight to read a book, study it, reduce its ideas to the simplest language, and tell all he had read to all who would listen. Carefully he studied his audiences, gaining at once a mastery of the gentle art of persuasion and an abiding understanding of human nature. It was at this time that Lincoln began dreaming of and perhaps working toward the presidency.

When at the age of 22 he cut his ties with the past and strode off toward New Salem, Sangamon County, Illinois, he was a powerful, six foot four inch, two hundred pounder with a high pitched voice of enormous carrying power, an irresistible knack for winning friends, and a driving ambition for recognition. He arrived in the little hamlet of fifteen cabins in mid-summer, 1831, in time to be appointed an election registrar because he could write. His wit and good nature made him at once popular. His physical prowess gained him more friends. No sooner had he arrived than the leader of the Clary Grove boys, the drinkingest, fightingest young men within twenty miles, challenged him to a wrestling match. The bout ended in a draw, but the fact that Lincoln could read and write and still wrestle their best man to a draw won him their fierce allegiance.

"Honest Abe," as he soon became known (a nickname, incidentally, with great political value), had lived in New Salem less than seven months when he announced his candidacy for state representative. A natural politician he declared himself in favor of internal improvements that would benefit Sangamon County, education, and justice, and against excessive interest rates.

Before he could start campaigning the Black Hawk Indians went on the warpath. Jobless at the time and single, Lincoln, as did all others with political aspirations, promptly enlisted. The Clary Grove boys also enlisted and saw to it that Lincoln was elected company commander. Mustered out in July, 1832, he immediately began a cabin to cabin, hand shaking, joke telling campaign; but time ran out before he could cover the entire district, and so he lost the only election he was ever to lose at the hands of the people. It was portentous, however, that he carried New Salem by a vote of 205 to 3.

Following his defeat Lincoln tried running a store, but largely due to disinterest wound up heavily in debt. Thanks to his friends he was appointed assistant county surveyor, a job that took him all over the county, and New Salem Postmaster, a job that enabled him to read the several newspapers that came through the mails from different sections of

the country. He read of South Carolina's Ordinance of Nullification and Jackson's masterful Proclamation, which was to be the model for his own First Inaugural, and studied the debates raging in Congress on the issue of national authority. Since opinion in New Salem was hotly divided, Lincoln's thoughts at this time are not known for he kept them strictly to himself.

In 1834 he again ran for state representative and was elected for the first of four successive terms. During his first term he began studying law, plunging into it with such intensity that his health began to fail. His powers of concentration became so acute he would occasionally drift into periods of complete unawareness. It was at this time that Ann Rutledge, the second of four women he asked to marry him, passed away. Though romanticists have vastly overrated her influence upon his career, it is not unlikely that her death, coming at a time when he was plagued by debt and weakened by study, triggered a mild nervous breakdown. Two weeks of rest restored him to health.

Following the election of 1836 Lincoln, at 27, was the recognized leader of the Whigs in the legislature. Though the state went Democratic, Lincoln's own Sangamon County elected a solid Whig delegation of two senators and seven representatives. It was the largest delegation in the legislature, a fact not lost upon the astute Lincoln.

With single-minded purpose he set out to have the state capital transferred from Vandalia to Springfield, which was of course in Sangamon County. The task appeared hopeless, but Lincoln was confident. Long ago he had developed the practice of doing whatever he resolved to do, and now he resolved that Springfield should be the permanent capital. Pledging the Sangamon delegation to vote as a unit, he went to the smaller delegations and promised Sangamon's support for whatever internal improvements they wanted in exchange for their support of Springfield. Though the state ended up with several railroads that ran nowhere and streams deepened without system and a debt it was ultimately forced to repudiate, the capital was transferred by a Democratic legislature into the heart of Whig Sangamon County.

Earlier during the term the slavery issue had come up. Goaded by the attacks of northern abolition societies, the southern states had passed resolutions defending slavery and asking the northern states to restrict the abolitionists. In time these and several answering resolutions were brought before the Illinois legislature. Illinois' reply was sympathetic to the South. Lincoln voted against it because it denied that Congress had the right to restrict slavery within the District of Columbia; however he said nothing at the time, nor for six weeks, in fact not until the Springfield bill had passed. Then he stated his views on slavery from which he was not to vary for the next twenty-five years. He said that

slavery was founded on injustice and bad policy, that abolitionists served only to make the slave's condition more unbearable, that the constitutional right of a state to maintain slavery must be respected, and that Congress had the power to abolish slavery within the District of Columbia, but ought not unless petitioned to do so.

In 1837 Lincoln was admitted to practice law and moved to Springfield, a bustling town of 1,500, where he was now the hero of the hour. Though still poor he could not let politics alone long enough to make a living. So for his first four years in the new capital he accepted, and seemed content to accept, the charity of his friends.

By 1840 Lincoln was the leader of the Whig "Junto", a small group that dictated party plans and strategy and in the main selected party candidates. During the presidential campaign he worked tirelessly, but his efforts were more than matched by those of a young representative named Stephen A. Douglas. Though Illinois went Democratic, Sangamon County went Whig and sent Lincoln back to the legislature for his fourth and final term. One incident that occurred during this term we might note. In an effort to prevent the Democrats from forming a quorum, Lincoln tried to run out of the chamber. Finding the door locked, he turned and jumped out of a window. His noble effort proved in vain.

At 31 Lincoln could look back upon a spectacular rise in politics. Nobody nine years before, he was now state leader of his party. He felt supremely self-confident and self-sufficient. Fate was preparing to teach him humility.

Lincoln was quite naturally attracted to the cultured young women of the society set among whom he was now occasionally moving; but they were not attracted to him. One, however, was attracted to his rising political star. Mary Todd, whose charm consisted chiefly in a brilliant mind and membership in the politically most powerful family in Illinois, charmed Lincoln into a marriage proposal which she promptly accepted, and which he promptly regretted. Well he might, for never were two people less alike in temperament, manners, and all else except ambition.

On January 1, 1841, the day set for the wedding, everything was in readiness, but Lincoln. Wracked by doubts and indecision, he failed to show up. For months he suffered shame and bitter humiliation that drove him to the point of suicide. For about the only time in his life he had made a resolve he didn't keep. In time, however, he kept it. Two years later they were married; and with that marriage Lincoln began twenty years of instruction and practice in the virtues of patience and self-control.

At this time Lincoln received yet another sharp lesson in humility. As part of the political game he wrote a series of anonymous letters to the newspaper attacking the char-

acter of James Shields, an essentially honest man. Shields challenged Lincoln to a duel. Since Shields was slightly built, Lincoln chose for weapons the heaviest cavalry swords in existence. Shields, though he faced certain death, did not back down; but Lincoln did. Although he could have sliced Shields into bacon strips, he was opposed to force to settle a dispute, and in this instance had doubts that he was entirely in the right. Courageously and properly he apologized. Never again did he write an anonymous letter or attack another's character. Once more he demonstrated his priceless capacity for growth.

Following his marriage Lincoln was twice refused the Whig nomination for United States representative. He had begun to despair that his career in politics was ending when a young Whig, William A. Herndon, who had long idolized him and who was immensely influential with the young set, rallied their support to him. In 1844, the astute Lincoln formed the law firm of "Lincoln and Herndon."

With renewed interest Lincoln started campaigning for the congressional nomination in 1846. Tirelessly he sought votes, and when the convention met he was ready. In order, Herndon was appointed secretary, Lincoln nominated by acclamation, and a platform adopted which avoided nearly every vital issue. It was Lincoln's convention from start to finish.

Shortly after his nomination the Mexican War broke out and war fever ran high throughout Illinois. Both Lincoln and his opponent supported the war, which was universally approved; neither mentioned slavery, about which opinion was divided. In the end personal popularity and party organization swept Lincoln in by an unprecedented majority.

Soon after taking his seat in Congress, Lincoln abandoned his habitual caution and spoke in support of the Whig contention that President Polk had unconstitutionally started the Mexican War. His speech was his undoing, for back home it was widely misrepresented as a foul slander upon the nation's soldiers. In despair Herndon wrote Lincoln that his political career was ended; and so it appeared.

In June, 1848, Lincoln attended the national Whig convention and worked hard to nominate Zachary Taylor in preference to Henry Clay or Daniel Webster. Taylor, though ignorant of both national and foreign affairs and a slaveholder to boot, had two notable political assets; a fine military record, and no political record. He won by a landslide. Back home Lincoln's successor, running on Lincoln's record, was soundly trounced. Convinced that his political career was now ended, Lincoln served out his term and gloomily returned home to practice law.

During the next five years Lincoln sought no office nor made any speeches of importance. Traveling the court circuit from county seat to county seat gave him an opportunity

to mingle with the people and overcome the resentments that had been built up against him. He continued his reading of several newspapers and gathering the opinions of the people on events both local and national. As usual his own opinions he kept to himself; but it is certain that he was discerning with growing clarity the awful issues that would soon split and threaten to shatter the nation.

In 1854 an opportunity to re-enter the political arena presented itself when Senator Douglas, now a national figure, vitally concerned for westward expansion, pushed through Congress a bill for the organization of Kansas and Nebraska that made slavery a subject of local option. The bill repealed the Missouri Compromise of 1820 which would have required that the two territories be organized as free states. It also brought down upon Douglas a storm of denunciations.

When Douglas declared that his sole concern was westward expansion and that he did not care whether the new states organized as free or slave states, Lincoln took issue with him. In a truly magnificent speech, prepared only after weeks of intensive research, Lincoln traced the growth of slavery and with astonishing frankness in an election campaign reminded his audience that the North was equally responsible for the advent of slavery and that the South was acting no differently than the North would act were their situations reversed. Pointing out that while slavery, because of its monstrous injustice and because it deprived this nation of its just influence in the world, was a great evil, destruction of the Union would be a greater one, he called for an immediate halt to the spread of slavery as the surest way to both preserve the Union and put slavery on the path to ultimate extinction. With this speech Lincoln emerged as the spokesman for the great body of concerned, thinking moderates.

Time, however, was running out. Long since weary of merely demanding freedom for the slaves, extremists among the abolitionists had resorted to slander and threats. They accused southerners of perpetuating slavery in order to keep their negro mistresses, and suggested that southern white women also enjoyed the company of their male slaves. They demanded the hanging of slave owners, charged that the Methodist Church South was fouler than any brothel in New York City, and denounced the Constitution, because it recognized slavery, as a compact with Hell. Southern "fire-eaters", as they came to be known, were quick to respond. Pointing with considerable justification to the dismal working conditions and total lack of security of northern labor, they came up with the frightening conclusion that they would be better off under slavery. When northerners began urging slave insurrections, southerners made it a capital crime to teach a slave to read and write. As it seems generally to do, the shrill voice of extremism appealing to the emotions

gradually drowned out the calm voice of moderation appealing to reason.

Events moved swiftly. The outbreak of fighting in Kansas between slavery and anti-slavery forces stimulated the consolidation of Whig, Free Soilers, Know Nothings, and Abolitionists into the Republican Party. By 1856, when Lincoln finally joined it, it had become a national party. At its first convention, in Philadelphia, Lincoln received 110 votes for the vice-Presidential nomination, a fact which gave him some national recognition. Though the party lost its first presidential race, it received a promising vote. Its nomination in 1860 would be well worth having.

As the fighting continued to mount in Kansas so did feeling throughout both North and South. Such was the condition of public opinion when, in 1858, against the advice of his friends, Lincoln electrified Illinois with the famed Biblical words: "A house divided against itself cannot stand." With this speech Lincoln's true greatness burst into full bloom, for his primary consideration was no longer his own personal advancement, but rather the welfare of his country and his fellow man. Said he: "... if it is decreed that I should go down because of this speech, then let me go down linked to the truth—let me die in the advocacy of what is just and right."

During the campaign of that year, 1858, Lincoln shrewdly manipulated Senator Douglas into a series of debates. Since Douglas was a national figure and received national press coverage, the debates served the intended purpose of publicizing Lincoln's name on a national scale. In November the Democrats won the Illinois legislature and sent Douglas back to the Senate. During the next year and a half Lincoln made several speeches outside of Illinois, the most notable of which was an address at Cooper Institute in New York City.

When the Republican National Convention met in Chicago in 1860, Lincoln's politically astute managers had by the usual deals and promises built up considerable support for their man. Then on the night before the balloting was to occur they got their hands on several stacks of excess convention tickets. To these they forged the names of the proper convention officials and distributed them to Lincoln followers. Next day when the regular ticket holders arrived at the hall they found the place already jammed. Thus it was that whenever Lincoln's name was mentioned the cheers nearly wrecked the building. On the third ballot he was nominated. Six months later, though receiving but 40% of the total vote, yet because of a Democratic split, Abraham Lincoln was elected President.

This was the man who through four harrowing years held the Union together. He needed and had steady courage when panic could mean ruin. He needed and had inflexible



determination when faltering could mean failure. He needed and had abiding patience when a premature step could mean disaster. He needed and had humility to withstand the vilest slanders and most calculated insults ever heaped upon an American president. He needed and had an incomparable ability to reach the people and express their hopes and fears in language they could understand. He needed and had a comprehensive knowledge of political manipulation that enabled him to confound enemies in both parties. He needed and had a strong, rugged physique. And above all, he needed and had an unshakable faith in the eternal rightness of the cause of "one nation under God indivisible with liberty and justice for all."

Mr. Eskridge moved that a committee be appointed to escort the Governor to the Chamber. Motion prevailed.

The Chair appointed Messrs. Steen, Spicer, Best and Eskridge.

The committee escorted the Governor to the House Chamber and the Speaker invited him to the rostrum.

The Governor addressed the General Assembly as follows:

### GOVERNOR'S MESSAGE

Message by Governor Elbert N. Carvel to the One Hundred and Twenty-First General Assembly of the State of Delaware, Convening in Regular Session at Dover on February 13, 1961.

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

Last week, the Secretary of Labor of the United States declared that "We are in a full fledged recession." The United States Department of Labor reported that unemployment during January 1961 amounted to 5,400,000, and according to a Labor Department manpower expert, the job situation has "never been worse" in twenty years.

The Chairman of the Delaware Unemployment Compensation Commission estimated last week that there were about 13,000 eligible people in Delaware who are today unemployed.

To add to the heavy burdens of the unemployed, Delaware has experienced one of the most devastating winters in its history. Not only have some of our citizens suffered for the lack of food, and for the lack of fuel to heat their homes during this bitter winter, but they have suffered for the lack of medicine and medical care to relieve their many ills, resulting from and aggravated by this severe cold weather.

I am sure that every member of this General Assembly has been faced with individual cases of misery and suffering, and fully realizes the seriousness of the plight of many

of our unfortunate Delaware neighbors during this trying period.

Immediate action should be taken by you on emergency measures designed to relieve the pressing, acute cases of human misery.

### PUBLIC WELFARE

Your attention and consideration is respectfully invited to House Bill No. 8 which provides for additional emergency funds for the Department of Public Welfare. These funds are needed by this Department to: (1) provide assistance for the increasing numbers of people who find themselves obliged to call upon the State for help because of the deteriorating employment situation, and; (2) to employ additional case workers in the Department which was already short-handed before the present emergency developed.

### SURPLUS FOOD DISTRIBUTION

The President of the United States last month announced increased distribution of surplus foods by the Federal Government to those in need throughout the nation. Delaware presently has no program for the distribution of these foods.

On January 31, 1961, a meeting was held in the Governor's Office where the leaders of the General Assembly, heads of interested State agencies, Levy Court Commissioners of the three counties, and leaders of religious organizations and private welfare groups participated. We were in complete agreement that legislation should be enacted immediately, setting up machinery whereby surplus foods might be distributed on a Statewide basis under the control of responsible, experienced State agencies, the moderate cost of which would be borne by the State. Legislation is being introduced today to carry out these objectives. I urge you to give immediate consideration to the Surplus Food Distribution Bill, and urge that its passage be expedited. Our objective is to start actual distribution of surplus foods by February 27th. The Levy Courts of all three counties have assured me that they will provide the limited funds needed for the initial distribution beginning in February, and I hope that through your prompt action, the State will be able to provide the funds for the stepped-up program beginning in March.

### EXTENSION OF UNEMPLOYMENT COMPENSATION BENEFITS

The President of the United States recently stated that there were now a half million people in the nation who have exhausted their Unemployment Compensation Insurance Benefits. He estimated that unless swift action is taken, within 6 months this number will triple. The chairman of the Dela-

ware Unemployment Compensation Commission last week stated that over 3,000 Delaware workers have exhausted their jobless benefits during the current fiscal year. Immediate steps should be taken to extend the length of the period of coverage of unemployment compensation benefits, just as was done during a similar period of unemployment in 1959.

## MEASURES RECOMMENDED TO IMPROVE EMPLOYMENT

The emergency recommendations preceding are urged to meet and temporarily solve the immediate unemployment distress, which has been aggravated by the bitter winter.

The ideal solution to unemployment and high welfare expenses is employment. I am sure that every self-respecting citizen prefers honorable employment to unemployment compensation or State relief.

We in Delaware can do our part to step up employment, by making needed repairs, and improvements to our homes and businesses and by planning and commencing projects designed to meet the needs of a fast increasing population.

We are all familiar with the condition of many of our streets and roads throughout the State. The heavy falls of snow, plus the complication of ice and sleet have severely damaged our older arteries of transportation, pointing up the need for reconstruction in some cases and extensive repairs in others.

In a fast growing State, automobile traffic also mushrooms, making new and wider routes necessary in order to provide for a safe and speedy traffic flow. Millions of dollars every year are wasted by Delaware motorists because of traffic tie-ups resulting from overloaded streets and roads, especially in the northern part of our State.

Presently, our Highway Program in Delaware is at a standstill. No new projects have been authorized for almost one and one-half years, and funds in the construction account are only sufficient to carry the payroll of the experienced engineering staff until the end of April 1961.

Most serious of all is the fact that if we do not provide State matching funds of over 2 million dollars by June 30, 1961, we will lose almost 14 million dollars of Federal highway matching funds, practically all of which must be used on the Interstate Highway Project.

It is indeed essential that we begin at once by authorizing a bond issue which will: (1) help Delaware begin a sorely needed, stepped-up highway program; (2) provide employment for thousands of Delawareans in the construction industry who are presently unemployed; (3) increase employment in Delaware and the United States among the suppliers of the Delaware highway construction industry; (4) guarantee our State that it will save almost 14 million dollars in Federal matching funds; (5) generally contri-

bute to the improvement of the economy of the United States and Delaware, resulting in increased income taxes, an asset, instead of increased welfare costs, a burden.

In addition to the 14 million dollars in Federal matching funds which will expire on June 30, 1961, there will still exist about 26 million dollars in unmatched Federal highway funds for Delaware which, in turn, will require only 8 million dollars in State moneys to activate.

So you will perceive, we indeed have our work cut out for us. You cannot pass a bond bill on June 29, 1961, and expect to obtain Federal matching funds on June 30, 1961. Engineering plans and rights of way must be in order before such funds can be authorized, and our bond bill should be enacted by March 1, 1961, at the latest, to assure an orderly and efficient preparation by the Highway Department to qualify for those all-important Federal funds.

When we enact a bond bill, I urge that we provide a well-rounded program, taking care that all classes of necessary road construction be covered—suburban roads, city through streets, dirt roads, beach erosion work, and general highways.

I will be glad to work with the members of the General Assembly and the members of the Highway Department in arriving at a program which will achieve this goal.

## REORGANIZATION OF THE HIGHWAY DEPARTMENT

On numerous occasions, I have stated that the present Highway Department should be reorganized.

The Chairman of the Committee for the Improvement of the Highway Department has informed me that his committee will give its report one week from today—that is, February 20th.

I do not believe a Commission as important to the State as the Highway Department should be reorganized with undue speed. I believe that we should have the benefit of the best brains of our State deliberating the problem and working with the Governor to develop the most efficient and effective reorganization possible.

Therefore, in the best interests of Delaware we should treat the Bond Bill and the reorganization of the Highway Department as separate and independent matters.

In order to guarantee Federal matching funds and assure a stepped-up highway program, with the resultant improvement in employment, we should enact a Highway Bond Bill with reasonable dispatch, but at the latest, by March 1, 1961.

The reorganization of the Highway Department should proceed at a deliberate pace so that we will be assured of an efficient and effective program. This cannot be accomplished in two weeks, and I am sure the people of Delaware do not

expect, nor would they approve of such hasty, unconsidered action.

Let us move forward to meet our responsibility to help our nation and our State achieve economic strength and stability.

ELBERT N. CARVEL, Governor

Mr. Eskridge 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 Speaker of the House.

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

On motion, the Senate recessed at call of the Chair at 1:28 P. M. The Senate met at the expiration of the recess.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Labor:

**SB 31**—An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Provisions Relating to Variable Contribution Rates.

Messrs. Simpson, Watson, Cook and Donovan asked to be marked present.

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

**SR 23**—In Reference to Election of Officers.

On motion of Mr. Steen, **SCR 7** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SCR 7**—Relative to the Proposed Amendment to the Constitution of the United States Relating to the Granting of Representation in the Electoral College to the District of Columbia.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, President Pro Tem—16.

**NAYS:** None.

**NOT VOTING:** Donovan—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.

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

### GOVERNOR'S MESSAGE

February 13, 1961

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

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

William M. Coverdale, 309 Delaware Circle, George Read Village, Newark, Delaware, to be a Justice of the Peace in and for New Castle County for a term to expire February 8, 1965.

James H. Wood, 523 N. Bradford Street, Dover, to be Custodian of the State House for a term to expire on the 2nd Tuesday of February 1965.

Elbert N. Carvel, Clayton Avenue, Laurel, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board 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 to be a member of that Board for a term of 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 to be a member of that Board for a term of six years from June 9, 1957.

George Burton Pearson, Jr., 2427 Delaware Avenue, Wilmington, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board 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 to be a member of that Board 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 to be a member of that Board 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 to be a member of that Board for a term of six years from December 6, 1958.

Walter S. Carpenter, Jr., 18th Street and Rising Sun Lane, Wilmington, Delaware, elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years from March 19, 1959.

Preston G. Townsend, Selbyville, Delaware, elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years from June 20, 1959.

Ernest S. Wilson, Sr., 1401 Ridge Road, Holly Oak, Wilmington 3, Delaware, elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years from August 25, 1960.

James M. Tunnell, Jr., 601 Beaver Valley Road, Wilmington, Delaware, elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years from June 13, 1959.

Dr. Henry V. P. Wilson, E. Loockerman and Park Drive, Dover, Delaware, elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years from December 5, 1959.

Edward H. Maull, Lewes, Delaware, to be a member of the Police Pension Board, term of office to be during the pleasure of the Governor.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

**SJR 1**—Requesting the President of the United States to take the Necessary Action to Assure the Citizens of the State of Delaware of Adequate Radio Reception.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, President Pro Tem—17.

**NAYS:** None.

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

Mr. McCullough introduced the following joint resolution which was given first reading and referred to the Committee on Revised Statutes:

**SJR 2**—Requesting the President of the United States to Take Such Action as is Necessary to Require the Federal Communications Commission to Allocate Channel 12 for an Educational Television Station to be Operated Within the State of Delaware.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Claims:

**SB 32**—An Act Relating to Salaries of Certain Public Officials.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Insurance:

**SB 33**—An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Education by Providing Hospitalization and Surgical Insurance for School Employees.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Insurance:

**SB 34**—An Act to Amend Section 5521, Title 29, Delaware Code, Relating to Optional and Mandatory Retirement of Covered Employees of the State of Delaware.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 35**—An Act to Amend Title 14, Delaware Code, Entitled "Education" by Providing for Sabbatical Leave for Professional Employees of the School Districts, the Special School Districts, the Board of Education of the City of Wilmington, and the State Board of Education.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 36**—An Act to Amend Title 14, of the Delaware Code Relating to Education by Providing Uniform Regulations for the Payment of Teachers Out of Local Funds.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Public Health:

**SB 37**—An Act to Amend Section 2308, Title 31, Delaware Code Relating to Amount of Assistance to the Blind.

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

**SB 1**—An Act Appropriating Funds for the Payment of a Claim of Rodney Wilson, Sr., Rising Out of the Negligent Operation of a Delaware National Guard Vehicle.

Mr. Snowden moved that **SB 1** be deferred until Thursday, February 16, 1961.

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

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

**NAYS:** Donovan, McCullough, Steen, Tull, Watson, President Pro Tem—6.

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



Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 38**—An Act to Amend Title 10, Chapter 11, Delaware Code, Relating to the Juvenile Court of Kent and Sussex Counties by Providing for an Additional Judge for the Court.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 39**—An Act Proposing an Amendment to Article 2, Section 25, of the Constitution of the State of Delaware Relating to Zoning in Sussex County.

On motion of Mr. Steen, the Senate adjourned at 5:37 P. M. until February 14, 1961, at 1:00 P. M.

### 8TH LEGISLATIVE DAY

February 14, 1961

The Senate met pursuant to adjournment at 1:20 P. M., on Tuesday, February 14, 1961. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Donovan, Hoey, Mayhew, Price, Simpson, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

Members absent: Cook, duPont, Johnson, Manning, McCullough, Snowden, Steen, Watson—8.

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

Communications: From the Governor; from the State Labor Council inviting the Senators to luncheon.

### GOVERNOR'S MESSAGE

January 27, 1961

The Honorable John Reilly, President Pro Tem  
Delaware Senate, Dover, Delaware

Dear John:

Our Inauguration Day was a most successful one and I want to thank you and the members of your Inauguration Committee for the splendid work that you all did to make it such a success.

It will be a real pleasure to work with you in Dover during my Administration and I hope that there will be many opportunities when we will be working closely together.

Cordially yours,

(Bert) Elbert N. Carvel, Governor

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 40**—An Act to Amend Chapter 537, Volume 20, Laws of Delaware (as amended) Entitled "An Act to Re-incorporate the Town of Smyrna".

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 41**—An Act to Amend the Charter of the Town of Smyrna, Chapter 537, Volume 20, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said Town After a Special Election of the Qualified Voters and Real Estate Owners of Their Territory Proposed to be Annexed, or in the Alternative by Petition by Owners of Real Property to the Council of the Town of Smyrna.

On motion, the Senate recessed at call of the Chair at 1:30 P. M. The Senate met at the expiration of the recess at 4:18 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Watson, Steen, Snowden, Wilgus, McCullough, (Mrs.) Manning, Hoey, duPont asked to be marked present.

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

**SR 24**—In Reference to Election of Officers.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 42**—An Act Proposing an Amendment to Article 2, Section 25 of the Constitution of the State of Delaware Relating to Zoning in Kent County.

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

### GOVERNOR'S MESSAGE

February 14, 1961

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

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

Claude L. Massey, Blades, Delaware, to be a Justice of the Peace in and for Sussex County for a term to expire February 14, 1965.

Respectfully submitted,

Elbert N. Carvel, Governor

Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 43**—An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" to Provide for an Ad-

ditional Vice-Chancellor and Two Additional Superior Court Judges.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education:

SB 44—An Act to Amend Chapter 134, Volume 52, Laws of Delaware, Relating to Tuition Charges for Pupils Attending Schools Outside Their Resident District.

Mr. duPont introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

SB 45—An Act to Amend Chapter 41, Title 14, Delaware Code, Relating to General Regulatory Provisions.

On motion of Mr. Steen, the Senate adjourned at 4:50 P. M., until Wednesday, February 15, 1961, at 1:00 P. M.

### 9TH LEGISLATIVE DAY

February 15, 1961

The Senate met pursuant to adjournment at 1:45 P. M., on Wednesday, February 15, 1961. Lieutenant-Governor Lam-mot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

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

Members absent: Donovan, McCullough, Watson—3.

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

### DELAWARE STATE BOARD OF HEALTH

#### Air Pollution Authority

Dover, Delaware, January 31, 1961

Honorable Eugene Lam-mot, Lieutenant-Governor and President of the Senate, 121st General Assembly  
Legislative Hall, Dover, Delaware

Dear Mr. President:

There is enclosed herewith a brief report of the activities in which the Air Pollution Authority engaged in correcting the obnoxious odor, which in 1959 and early in 1960, caused much concern in the Delaware City area. Many members of the Senate were interested in this condition and the Authority requests that the brief report be read before the entire Senate of the 121st General Assembly, if it is expedient to do so.

Respectfully yours,

Floyd I. Hudson, M. D.  
Chairman, Air Pollution Authority

## REPORT ON CONTROL OF AN OBNOXIOUS ODOR FROM THE TIDEWATER REFINERY

The Air Pollution Authority received a constant flow of complaints beginning in May, 1959, of an obnoxious odor in the vicinity of the Tidewater Refinery at Delaware City. The Authority took immediate steps to determine the source of the odor and worked with the engineers of the Refinery and consultants on Air Pollution from the U. S. Public Health Service. Late in July the source of the odor was determined and the design of a satisfactory device to control the odor was begun. Naturally the odor continued since a controlled device had not yet been manufactured and installed.

The Authority, with the assistance of the State Board of Health, conducted a survey to determine the extent of the odor nuisance and found that it could spread as much as ten to twelve miles from the Delaware City area.

Final plans for the control equipment were completed in November and an order for the device was issued by the Company in November, 1959. It is of interest to note that Tidewater through 1960 expended approximately one-half million dollars (\$500,000) for this additional odor abatement program.

In the meantime many complaints had come to members of the General Assembly. The interest in correcting this situation was expressed in Senate Resolution 117 which ordered the Authority to schedule a public hearing. This was done on February 27, 1960, and the report of the hearing has already been transmitted to the Senate.

The manufactured equipment was delivered at the Tidewater plant on February 18, 1960, and installation promptly begun. Operation of the new equipment was started actually one day before the hearing was held.

The Authority, with the assistance of the State Board of Health, continued surveillance of the area to check on odor abatement. Immediately after the new equipment was put into operation, the odor began to disappear. A repeat survey of residents within twelve miles of the Refinery was done by the Authority about two months following the beginning of the operation of the control device. This survey indicated that continuous odors were no longer in evidence and that the newly operating odor control device was working satisfactorily.

The Authority has continued its surveillance of the area in which the odor nuisances occurred. There has been no repetition of the nuisance conditions. We are maintaining constant contact with the management of the Refinery and believe that we can prevent future similar conditions from occurring again. It should be pointed out that equipment breakdown or malfunction may on occasions produce short

periods when an odor may be detected. Such periods should be kept to a minimum with hours instead of days being involved.

Messrs. Donovan and Watson asked to be marked present.

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

**SR 25**—Relating to Classification, Titles, and Compensation Rates for Officers of the Senate.

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

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

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

**SR 26**—An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through January 11, 1961 for Phone RE-6-1295, RE-6-6111 and RE-6-1113.

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the sum of \$45.40 be paid to the Diamond State Telephone Company for services rendered through January 11, 1961 as follows:

RE 6-1295 .....	\$12.00
RE 6-6111 .....	18.50
RE 6-1113 .....	14.90

Messrs. Cook and duPont introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 46**—An Act to Amend Section 2143, Title 21, Delaware Code, Relating to the Inspection of Motor Vehicles Before Registration; Exception.

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

**SR 27**—Authorizing Payment of Balance Due the Sussex Countian for Printing the Senate Calendar for the Senate of the 120th General Assembly.

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, that the State Treasurer be and she is hereby authorized and directed to pay to the Sussex Countian, of Georgetown, Delaware, the sum of \$1,410.00 covering the balance due for printing the Senate Calendar for the Senate of the 120th General Assembly, as follows:

August 7—994 pages 500 copies @ \$7.50 per page....	\$705.00
Final Calendar—94 pages 500 copies @ \$7.50 per	
page .....	705.00
<hr/>	
Total Balance Due.....	\$1,410.00

Mr. Mayhew reported SB 43 from the Judiciary Committee with 3 favorably, 1 on merits.

Mr. Cook introduced the following bills which were given first reading and referred to the Committee on Buildings and Highways:

**SB 47**—An Act to Amend Title 17, Chapter 11 of the Delaware Code Relating to Outdoor Advertising.

**SB 48**—An Act Authorizing the State Highway Department to Construct, Maintain, Repair, Improve and Operate Self-Liquidating Express Highways from a Point in the Vicinity of the Westerly Approach of the Delaware Memorial Bridge to Points at or Near the Pennsylvania and Maryland State Lines to be Known as the "Delaware Turnpike"; Establishing the Status, Powers, Duties and Authority of the Department With Respect to Such Express Highways; Providing for the Financing of Such Highways by Revenue Bonds and Providing for a Turnpike Division of the State Highway Department.

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

**SCR 8**—An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through January 11, 1961.

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the sum of \$99.10 be paid to

the Diamond State Telephone Company for services rendered through January 11, 1961 for extensions 202, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230 and 231.

**SCR 9**—An Act Making an Appropriation to Underwood Corporation Covering Rental of Typewriter #8554848 and Adding Machine #46298.

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the sum of \$109.40 be paid to Underwood Corporation to cover rental of typewriter #8554848 and adding machine #046298, for a five month period beginning August 15, 1960 through January 15, 1961.

**SCR 10**—An Act Making an Appropriation to Capitol Office Equipment Co. for Supplies Furnished the 121st General Assembly.

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the sum of \$108.30 be paid to Capitol Office Equipment Co. for supplies furnished the 121st General Assembly.

Mr. McCullough asked to be marked present.

Mrs. Manning and Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Public Health:

**SB 49**—An Act to Amend Sections 1101 and 1102, Title 16, Delaware Code, Relating to Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related Institutions.

On motion of Mr. Steen, the Senate recessed at 2:15 P. M., at call of the Chair. The Senate met at the expiration of the recess at 4:35 P. M. Lieutenant-Governor Lammot presiding.

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

**SR 28**—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 121st General Assembly.

**BE IT RESOLVED** by the Senate of the State of Delaware, that the following amounts be and they are hereby appropriated out of any money in the General Fund of the State Treasury as allowances for the compensation of the officers and employees of the Senate, being expenses connected with the present session of the 121st General Assembly, up to and including the 10th Legislative Day, and the State Treasurer is hereby authorized and directed to pay to the respective persons hereinafter named the respective sums set opposite their respective names:

Sidney Balick .....	\$750.00
Lawrence C. Elliott .....	750.00
Joshua M. Twilley .....	330.00

Mary Alice Ryan .....	275.00
Wilhelmina C. Galezniak .....	275.00
Emilie E. Tugend .....	275.00
Edna Vadden .....	275.00
Barbara Melvin .....	275.00
Jane Dunning .....	275.00
Helen Looney .....	275.00
Melba Anne Webb .....	316.25*
Shirley Morlock .....	275.00
Alvin P. Lyons .....	275.00
Joseph McClements .....	250.00
Joel Rawlins .....	250.00
Leslie C. Greenley .....	250.00
Inez Hassenstein .....	250.00
Isaac L. Smith .....	250.00
Rosemary Tull .....	275.00
J. Paul Pepper .....	250.00
Ronald Darling .....	250.00
Rev. F. Douglas Milbury .....	200.00
Dale Boyce .....	200.00
Webster Ivins .....	200.00
Marion A. Palmer .....	200.00
Alex Alfree .....	200.00
Charles I. Walker .....	200.00
Alton B. Cordrey .....	200.00
Sam Elliott .....	200.00
Joseph Kelleher .....	200.00
John Loder .....	200.00
George B. Vincent .....	200.00
Henry Carey .....	200.00
Harry L. Skinner, Sr. ....	200.00
G. Francis Downs .....	200.00
Ruth Haggerty .....	200.00
Thomas B. Taylor .....	200.00
Harry White .....	200.00
Leonard Walker .....	200.00
Frank Webb .....	200.00
Flora Warrington .....	200.00
Robert Heller .....	200.00
Tyson Cohee .....	200.00
Catherine Temple .....	200.00
Beatrice Adams .....	200.00
Edward Washington .....	120.00
Lace Bryant .....	80.00
Clifford E. Hall .....	562.50*

\*These salaries are duplicated by the House of Representatives. The salary of Clifford E. Hall is for a 25 day period and of Melba Anne Webb a 23 day period.

Mrs. Manning and Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Banking and Insurance.



**SB 50**—An Act to Amend Section 5527, Title 29, Delaware Code, to Permit Deduction of Federal Old Age Insurance Benefits from State Pension Benefits Only If Federal Benefits Were Actually Received by the Pensioner.

Mr. Steen reported **SB 49** from Public Health Committee with 4 favorably, 1 on merits.

Mr. Steen requested the privilege of the floor (which was granted) to deliver the following statement:

In the Delaware State News, Tuesday, February 14, 1961, there was headlined "fact that State Detective Walter J. Wassmer had billed the Delaware Citizens Crime Commission for 974 1/2 hours of work between September 9, 1959, and August 13, 1960". The Attorney General is quoted as saying that Mr. Wassmer's work for the Crime Commission was a help, not a hindrance, to his work as a State Detective and that he investigated gambling during that period. He further said that Mr. Wassmer did most of his work between 10:00 P. M. and 3:00 A. M.

By any stretch of the imagination, this means that at least 4 nights out of each week in that period, Mr. Wassmer worked until 3:00 A. M. and then reported for duty the next day on his regular job as a State Detective. My imagination does not stretch to cover this possibility. It is much more likely that double pay was received for some percentage of this 974 hours.

The disclosure of this conflict of interest raises several questions as to whether or not the records of the State Attorney General's office are available for use in Mr. Wassmer's private work and how much of Mr. Wassmer's private work is done on time normally allotted to the State Attorney General's office. I am not making any attempt to say that anything is wrong in this particular case, but I am trying to point out to you that similar conditions and situations mentioned in the Attorney General's interim report on the State Highway Department have been construed by him to constitute conflict of interest, self-dealing and even the misuse of State funds.

This case certainly indicates that all the need for reorganization does not lie exclusively in the State Highway Department.

On Motion of Mr. Steen, the Senate adjourned at 4:45 P. M., to February 16, 1961, at 1:00 P. M.

## 10TH LEGISLATIVE DAY

February 16, 1961

The Senate met pursuant to adjournment at 1:30 P. M., on Thursday, February 16, 1961. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—13.

Members absent: Cook, Hoey, Price, Mr. President Pro Tem Reilly—4.

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

Messrs. Cook and Price asked to be marked present.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 51**—An Act to Amend Chapter 7, Title 10, Delaware Code, Entitled "Orphans' Court", to Provide for the Method of Recording Instruments in the Orphans' Court in Sussex County.

The following bills were reported from Buildings and Highways Committee: **SB 29**, 3 favorably, 2 on merits; **SB 46**, 4 favorably, 1 on merits.

The Chair presented the following House Bill which was given first reading and referred to the Committee on Miscellaneous:

**HB 47**—An Act to Provide for the Distribution of Federal Surplus Foods to Needy Persons in the State of Delaware; Emergency Appropriations.

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

**SB 1**—An Act Appropriating Funds for the Payment of a Claim of Rodney Wilson, Sr., Rising Out of the Negligent Operation of Delaware National Guard Vehicle.

The privilege of the floor was extended to a member of the State Police to explain his investigation. Mr. Snowden presented the National Guard report.

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

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

**NAYS:** duPont, Price, Simpson—3.

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

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

On motion of Mr. Steen, the Senate recessed at 3:10 P. M. at call of the Chair. The Senate met at the expiration of the recess at 4:45 P. M. President Pro Tem Reilly presiding.

The Chair presented the following House Bill which was given first reading and referred to the Committee on Elections:

**HB 48**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Department of Elections for New Castle, Kent and Sussex Counties.

Mr. Reilly, chairman of the Labor Committee, reported the following bills from committee: **SB 5**, 3 favorably, 2 on merits; **SB 11**, 4 favorably, 1 on merits; from Miscellaneous: **HB 47**, 4 favorably, 1 on merits.

On motion of Mr. Cook, **SB 46**, with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 46**—An Act to Amend Section 2143, Title 21, Delaware Code, Relating to the Inspection of Motor Vehicles Before Registration; Exception.

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

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

NAYS: None.

NOT VOTING: duPont—1.

ABSENT: Manning—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. Donovan, **HB 47** with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 47**—An Act to Provide for the Distribution of Federal Surplus Foods to Needy Persons in the State of Delaware; Emergency Appropriation.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Manning—1.

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

On motion of Mr. Mayhew, **SB 43** with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 43**—An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" to Provide for an Additional Vice-Chancellor and Two Additional Superior Court Judges.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, President Pro Tem Reilly—15.

**NAYS:** None.

**ABSENT:** Manning, Watson—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. Watson, chairman of the Elections Committee, reported the following bill from committee: **HB 48**, 4 favorably.

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

**SCR 11**—Creating a Joint Committee for Highway Safety and Appropriating Funds Therefor.

WHEREAS, the increasing number of traffic accidents upon the highways of this State results in an ever increasing destruction, maiming, death and economic loss for this State and its citizen; and

WHEREAS, it is desirable to reduce the toll of such traffic accidents and fatalities and to assure that everything possible is being done toward that end;

**NOW THEREFORE**

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that a Joint Committee for Highway Safety be established, composed of five members from the Senate to be appointed by the President Pro Tem of the Senate and five members from the House of Representatives to be appointed by the Speaker of the House; which said committee is empowered and directed to study highway safety problems in this State, to inquire into and determine any advisable highway safety legislation, to cooperate with the appropriate legislative bodies of other States and with national organizations concerning highway safety in order to determine current trends and desirable legislation, and to report and propose to the General Assembly such legislation as will be desirable to reduce traffic accidents and fatalities and promote the safety and general welfare of the people of the State of Delaware; and

BE IT FURTHER RESOLVED that the sum of \$5,000 be and it hereby is appropriated out of the General Fund of the State Treasury to cover the expenses of said Committee; and

BE IT FURTHER RESOLVED that said Committee shall elect a Chairman and Vice-Chairman from its own members, and is authorized to retain or employ an attorney, a secretary for said attorney, and a committee secretary, and to incur such other expenses as may be necessary, not to exceed said sum of \$5,000.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

SB 52—An Act to Provide for Refunds to Persons, Who Overpaid the Fee for Hucksters' and Peddlers' License for the Year Beginning June 1, 1959.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Judiciary:

SB 53—An Act to Amend Sections 141, 158 and 223 of Title 8, Delaware Code, Relating to the General Corporation Law.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Finance:

SB 54—An Act Making an Emergency Supplementary Appropriation to the State Board of Accountancy for the Fiscal Year Ending June 30, 1961.

The privilege of the floor was extended to Mr. Steen to make the following statement:

### STATEMENT

What I have to say has nothing to do with the highway investigation, but I understand that throughout the State of Delaware, there have been over-runs, better known as change orders, during our school building programs. I have also been informed that many of these so called change orders have violated the bidding laws of our State. I have not gone to the trouble to look into this matter because I felt that this was done by any number of Local School Building Commissions with the approval of the State Board of Education. I am sure these many dedicated groups were doing their best to render an economic service to the various schools of Delaware. However, some of us would certainly like to know the final cost of many of the buildings.

Yet, there has come to my attention, what I consider to be a very unethical practice pertaining to some schools in Sussex County, and I understand also, in other counties of Delaware. There are in some schools, members of the Board acting as janitors, and other members that have contracts with the State Board of Education for driving school busses. This certainly seems to me to be a conflict of interest. I

am not making this statement to invite the Attorney General's attention. My only interest is in responsible government.

To this end, I am, Mr. President, presenting a bill that will modify school members qualifications, and correct this situation that can become dangerous in our State.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 55**—An Act to Amend Section 306 and Section 506, Delaware Code, Relating to the Qualifications of School Board Members.

Mr. Mayhew, chairman of the Judiciary Committee, reported the following bill from committee: **SB 51**, 3 favorably, 2 on merits.

On motion of Mr. Steen, the Senate adjourned at 5:30 P. M., until Monday, February 20, 1961, at 1:00 P. M.

### 11TH LEGISLATIVE DAY

February 20, 1961

The Senate met pursuant to adjournment at 1:30 P. M., on Monday, February 20, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Cook, Donovan, Manning, McCullough, Price, Snowden, Tull, Watson, Mr. President Pro Tem Reilly—9.

Members absent: duPont, Hoey, Johnson, Mayhew, Simpson, Spicer, Steen, Wilgus—8.

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

The Chair presented the following House bill which was given first reading and referred to the Committee on Judiciary:

**HB 13**—An Act to Amend Title 9, Delaware Code With Regard to Powers of the Levy Court of New Castle County.

On motion the Senate recessed at the call of the Chair. The Senate met at the expiration of the recess at 4:30 P. M. President Pro Tem Reilly presiding.

Messrs. Simpson, Wilgus, duPont, Mayhew and Spicer asked to be marked present.

Mr. duPont introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 56**—An Act Establishing a Department of Roads and Engineering, Defining Its Organization, Powers and Duties, and Providing for the Transfer Thereto of Certain Powers, Duties and Property.

Mrs. Manning introduced the following bill which was given first reading and referred to the Committee on Education.

**SB 57**—An Act to Amend Chapter 134, Volume 52, Laws of Delaware, Relating to Tuition Charges and Providing an Exception Therefrom.

Mrs. Manning and Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 58**—An Act Making a Supplementary Appropriation to the State Board of Education for the Fiscal Year Ending June 30, 1961.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 59**—An Act to Amend Title 29, Delaware Code, Relating to State Employees' Pension Plan and Making an Appropriation Therefor.

Mr. Price, chairman of the Municipal Corporation Committee, reported the following bill from committee: **SB 34**, 3 favorably, 2 on merits.

On motion of Mr. Watson, **HB 48** with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 48**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Fiscal Year Ending June 30, 1961," Being Chapter 299, Volume 52, Laws of Delaware in Respect to Appropriations to Department of Elections for New Castle, Kent and Sussex Counties.

The privilege of the floor was extended to Mr. Hutchinson, Secretary of the New Castle Department of Elections.

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

**YEAS:** Cook, Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Wilgus, President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** Watson—1.

**ABSENT:** Hoey, Johnson, Steen—3.

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

On motion of Mr. Cook, the Senate adjourned at 5:00 P. M., until Tuesday, February 21, 1961, at 1:00 P. M.

## 12TH LEGISLATIVE DAY

February 21, 1961

The Senate met pursuant to adjournment at 1:00 P. M., on Tuesday, February 21, 1961. Lieutenant-Governor Lam-mot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Donovan, duPont Mayhew, Price, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

Members absent: Cook, Hoey, Johnson, Manning, McCul-lough, Simpson, Snowden, Watson—8.

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

On motion of Mr. Steen, the Senate recessed at call of the Chair at 1:30 P. M. The Senate met at the expiration of the recess at 3:30 P. M. Lieutenant-Governor Lam-mot presid-ing:

The following asked to be marked present: Messrs. Cook, Hoey, Johnson, (Mrs.) Manning, McCullough, Simpson, Snow-den, and Watson.

Messrs. Reilly and Snowden introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 60**—An Act to Amend Title 11, Delaware Code, En-titled "Crimes and Criminal Procedure" in Respect to Author-izing the Board of Parole to Forfeit All or Part of Good Time Upon the Violation of a Parole.

Mr. McCullough introduced the following substitute bill which on further motion by him, was adopted in lieu of the original:

**SS 1 for SB 32**—An Act Relating to Salaries of Certain Public Officials.

The Chair presented the following House bill which was given first reading and referred to the Committee on Miscel-laneous:

**HB 45**—An Act to Make Further Provision for the Issu-ance of Bonds Which the Governor, the State Treasurer and the Secretary of State are Authorized to Issue on Behalf of the State of Delaware Pursuant to Acts Theretofor Enacted.

The Chair presented the following House bill which was given first reading and referred to the Committee on Miscel-laneous:

**HB 17**—An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Legislative Bills by Providing That Bills May be Stenciled.

Communications: From the League of Women Voters commending the Senate for adopting the 23rd amendment.



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

**SCR 12**—Providing for a Joint Session and Exercise in Commemoration of the Birthday Anniversary of George Washington.

Mr. Snowden requested the privilege of the floor to make the following statement:

Mr. President:

Within the past week, the floor of the Senate has been the scene of several clashes on the subject of "conflicts of interest". Tempers have become short, and angry words have been spoken not only across the aisle but from the rostrum, a circumstance that adds absolutely nothing to the dignity and the deliberative processes of this important and powerful legislative body.

To a very great extent, perhaps, the emotionalism being displayed attaches to the individual members' opinions of the conduct of the Highway Department; but to some extent, quite obviously, the emotionalism is also rooted in an unfortunate lack of knowledge as to what a "conflict of interest" is, and what each Senator's rights and duties concerning such conflicts are. It is my purpose today to present a few facts which may be helpful in overcoming this lack of knowledge.

The Constitution of the State of Delaware (Article II—Section 20) reads: "Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon".

In 1897, when the present Constitution was written, the Constitutional Convention added this provision with remarkable speed. On Page 2256 of the Constitutional Debates, Delegate William Saulsbury of Kent County, who moved consideration of the section, said: "This is a new provision, and it seemed to the Committee to be a very proper one. No objection to it seems to be apparent". It was approved without further comment.

Thus the Constitutional Debates shed no light on the intent of the section; apparently the delegates thought it self-explanatory and unambiguous. Today, we can only speculate on what was meant by "personal or private interest", and the complete and wordless agreement of the Constitutional Convention is a handicap rather than an asset.

In the sixty-four years that have passed since that time, no General Assembly has enacted legislation to develop this constitutional instruction, nor has this section been examined by the Courts. Indeed, no laws concerning conflicts of interest have been passed even as to the executive branch of government. Some agencies of the State have established administrative regulations bearing directly or indirectly upon the

subject, but the authority to do so derives from their general regulatory powers rather than from specific legislative direction or precedence. Need for restraint, therefore, has been recognized more often, more specifically, and more recently in the executive branch than in the legislative although statutorily it is explicit only as to members of the Assembly.

In summary, then, there is available as a guide no judicial interpretation of "conflict of interest", either legislative or executive.

Nevertheless, legislative conflict of interest is a matter of deep concern to legislators and their constituents. The framers of the Delaware Constitution said so very clearly, and they considered the need and desirability of such a restriction on voting privilege so apparent as to require neither discussion or amplification. The House of Representatives in Washington operates under a rule which requires its members to disqualify themselves from voting in certain limited situations of personal interest, and while the United States Senate has no corresponding formal rule, it appears to occupy the same position as the House.

From the lack of Constitutional debate, the lack of legislation action, the lack of legal action, and from the presence of action by agencies in the executive branch of government, there emerges the thought that conflicts of interest as applied to members of a legislature are uniquely different than as applied to members of the executive branch of government. This thought is suggested by the legislator's particular function; his duty to advance the interests of the people who place him in office.

Obviously the representative of an industrial area is interested particularly in labor legislation, and the representative of a farm area is interested particularly in farm legislation, and a very rigid application of an inflexible rule against acting in situations involving self-interest would bar the farm Senator from voting on farm bills, the labor Senator from voting on labor bills, or the Negro Representative from voting on bills affecting Civil Rights. Because of this, a "purist" viewpoint on the evils of conflict of interest would run afoul of the basic premises of American representative government.

The current investigation of the Highway Department (which involves conflicts of interest in the executive branch of government) and the employment of members of the General Assembly by several state-created agencies and political sub-divisions has focused attention upon this problem and heightened the need for the members of the Senate to act with wisdom and timely discretion.

As a first step in meeting the implications of these events, it seems reasonable to consider the basic governmental concepts that are exposed to erosion when conflicts of interest are allowed to exist without restraint. Three such concepts come quickly to mind.

- 1) **Governmental efficiency:** Corruption in government is practically synonymous with inefficiency. The official who places an agency contract or purchase with his own firm can deprive the government of an opportunity to get the job done cheaper or better.
- 2) **Equal citizen treatment:** The official who plays favorites among the citizens offends our American sense of equality under law, fair play, and the assumptions of free enterprise. Citizens are properly angered at discovering that the personal interest of a deciding official has worked against them; this is government loading the dice.
- 3) **Governmental integrity:** Government, in the final analysis, depends upon public confidence. When officials use their offices for personal gain rather than public gain, government by common consent and voluntary compliance becomes virtually unrealizable.

It is significant to note that in each of the foregoing instances, the evils of conflict of interest are realized by the subordination of the interest of the government official (and the public) in the proper administration of his office to the official's interest in his private economic affairs.

Obviously, an infinitely wider, but apparently less reprehensive area exists involving conflicts of public duty and non-economic personal interests. Public officials are motivated by many considerations, and efficiency, integrity, and equality in government may be singly or severally bent if not broken by giving contracts or jobs to—or making purchases from old college roommates—or individuals of sympathetic political, religious, or family affiliations. Indeed, the public good is most frequently dealt a low blow by the appointment of an incompetent to a public job for political reasons. Knowing this, it is reasonable to ask, if such non-economic departures from desirable impartiality are bearable, why single out economic gain as an evil?

There are two reasons. First, it is better to control the possibilities of improper behavior attributable to economic motives than to control none. This does not, of course, confer a blessing upon non-economic personal motives, it merely recognizes an inability to devise workable definitions and controls.

Second, so long as the most prominent ethic concern of the public is economic (as evidenced by the popular notion that political office-holders leap at an opportunity to pick up a dollar) conflict of interest restraints should emphasize economics, for the most important goal in the area of government ethics is public confidence.

This reasoning suggests that primarily we should try to disarm situations in which there is or there appears to be an obvious opportunity for public duty and personal profit to conflict. It is a well-accepted opinion that the public places

as much importance on an official's "looking" honest as they do on his "being" honest. We cannot, if we are objective, expect the public to assume that election to the Senate places a man above temptation. We know our oaths of office are a ritual of promise, not a ritual of moral purification; one does not acquire an exemplary character by elevation to office, legislative or otherwise.

For exactly that reason, it is the opportunity for possible conflict that should be the target of restraint, not the fact that an individual has more than a single interest. You and I may understand that conflicting interests do not necessarily mean that an official's action favorable to one interest will be harmful to the other, or that his action will necessarily favor himself and be injurious to the government, but we cannot expect others to be as subjective.

It is the very existence of opportunity, the individual's exposure to temptation, and the public's economic concern that requires this door to be shut, and certainly the dignity of office enjoyed by every member of this Senate requires that our affairs be arranged so that none of us is put in such an equivocal position.

Fortunately, the legislative instances in which opportunity for undesirable conflicts of interest to occur seem to be fairly limited. Those members employed by State agencies and political sub-divisions undoubtedly recognize their particular exposure on legislative proposals directly affecting their employment such as salary, pension, or employment conditions. Similar, perhaps, is the appointment of legislative directors of the Farmers Bank, which while they are eagerly sought by Assembly members primarily for purposes of prestige, carry an obvious economic gain.

In such instances, the "personal" interest pronounced in the Constitution seems quite apparent; it is direct, tangible, and most importantly, economic.

Without some effort at definition, it is entirely possible that we in Delaware's Senate can twist this legitimate concern into a continuous sniping across the aisle that will—at a given moment—destroy any chance of a mutually beneficial solution. The situation is neither so black nor so white as it has been painted; what is needed—for our own protection and for the protection of our objectives—is a policy that neither sacrifices integrity for opportunism nor drowns practical legislating in moralism. We need a thoughtful rule of Senatorial conduct that restrains conflicts of interest without creating a choking loss of representative powers.

The solution is not so difficult as the most belligerent antagonists undoubtedly think. We could, for example, refer the matter to the Rules Committee and instruct that Committee to implement Article II, Section 20 of the Constitution clearly and concisely. We could adopt a resolution requiring the President Pro Tem to appoint a committee to

study and recommend a code of ethics for legislators. Or, finally, we could enact legislation achieving the same purpose.

The prerogative, it seems to me, belongs to the majority members; they are entitled to consider these suggestions, and take whatever early action they consider appropriate. I have attempted to research and study this problem not for my own credit, nor for any partisan credit, but for the benefit of every Delawarean so fortunate as to become a member of this distinguished body, the Senate of the "First" State. I am convinced that some definitive action should be taken; should the majority decide to take no action, I shall, of course, submit a solution of my own choice.

Mr. Reilly appointed Mr. Snowden and Mr. Steen on the committee in accordance with SCR 12.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Fish, Oysters and Game:

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

On motion, the Senate recessed at call of the Chair at 4:10 P. M. The Senate met at the expiration of the recess at 4:20 P. M. Lieutenant-Governor Lammot presiding.

Mr. Snowden introduced the following substitute bill, which was given first reading and referred to the Committee on Labor, and adopted in lieu of the original:

**SS 1 for SB 31**—An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Provisions Relating to Variable Contribution Rates.

On motion of Mr. Reilly, SB 30 was stricken from the Calendar.

Mr. Steen was granted the privilege of the floor to make the following statement:

I notice in the Wilmington Morning News and on the front page, that I have been smeared by my distinguished colleague from across the aisle, Senator duPont. I feel that such an attack was unmerited and does require an answer. I am requesting that my answer get like consideration on the front page of the same newspaper.

It is really gratifying to know that my distinguished friend from across the aisle is only interested in picking on a Democratic Highway Department. This fact I had suspected for sometime. It has become all too obvious that this gentleman has been crying Wolf! Wolf! and accusing others of playing politics at the expense of the State of Delaware, while at the same time he, himself, has been most guilty of his own accusations, namely of political intents. It seems most obvious that his attack yesterday was politically inspired and

also his interest in Highway Reorganization is likewise politically inspired. There are over 2,200 miles of road in Sussex County. It is very hard for me to understand how one man in Sussex County can cope with the enormous number of problems connected with these roads and do it better than a four man commission. It looks as if my distinguished friend, Senator duPont, is more interested in a one man dictatorship.

I would like to take this opportunity to categorically brand as absolutely false any impression that I at any time intend to influence the Highway Commission. Also do I deny that there is any desire on my part to dictate to the Honorable Governor Carvel. My only ambition is to represent my Senatorial District and also to see that we continue in the State of Delaware to enjoy our sacred heritage namely a "Government of the People". A people that my friend seems to have forgotten. I do not believe these people have a memory so short that they cannot remember how this same distinguished gentleman, Senator duPont, led a fight against a bond appropriation for the Highway Department while time has conclusively proven how badly this bond money was needed to help boost our economy. It was also necessary that the Highway Department have the benefit of this money in order to get the Federal Matching Funds due to the State of Delaware. I would like to remind Senator duPont that the Eisenhower Administration approved an increased gasoline tax of 1c per gallon for the purpose of helping to defray the cost of the Federal Road Building Program. The people of the State of Delaware are paying their share of the gasoline tax for this purpose. Yet, Senator duPont is saying if he cannot have his way politically then he will block the State of Delaware from getting its share of the funds the people of this State have been furnishing to the Federal Government for the purpose of building roads. In reality he is forcing the people of this State in the position of furnishing Federal tax money from which they cannot benefit.

I also gather from his statement that he is not interested in ethics in the Attorney General's office and over runs, unless it is pertaining to the Highway Department. He is not interested in School Board members hiring themselves or in a Republican controlled Commission paying \$30,000.00 for a bulldozer without a bid price. If the bidding laws are only to be used as class legislation, then they should be stricken from the statutes.

If there is any question in Senator duPont's mind concerning his own political interest and attempted influence, than the majority leader will be most happy to oblige him in an open statement on this Senate floor.

I believe that the majority members of this Senate and the House are for better Government. We believe that the Attorney General of this State has helped out with a number

of suggestions pertaining to operation of the Highway Department. Many of these will be utilized to the betterment of all concerned. For myself, I cannot see how anyone can expect the citizens of the State of Delaware to be penalized when they deserve far better treatment.

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

### GOVERNOR'S MESSAGES

February 20, 1961

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

I am hereby withdrawing from nomination and appointment, the following names which were submitted to you for consent and confirmation by Governor David P. Buckson on January 9, 1961:

Samuel W. Gravenor, Townsend, to be a member of the Industrial Accident Board of the State of Delaware for a term to expire May 17, 1961.

Ford M. Warrington, Laurel, to be a member of the Industrial Accident Board of the State of Delaware for a term to expire May 2, 1965.

Frederic A. Walls, Harbeson, to be a member of the Sussex County Department of Elections for a term to expire January 15, 1963.

Frank J. Carello, Jr., Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire January 18, 1964.

Walter A. Gebhart, New Castle, to be a Justice of the Peace in and for New Castle County for a term to expire January 18, 1964.

Hazel M. Harrington, Felton, to be a member of the Kent County Department of Elections for a term to expire January 15, 1963.

George L. Townsend, III, Newark, to be a member of the State Tax Board for a term to expire March 23, 1964.

Louise Mercer, Dover, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1965.

W. Leslie Wheatley, Clayton, to be a member of the Water Pollution Commission of the State of Delaware for a term to expire August 1, 1963.

M. Haswell Pierce, Milford, to be a member of the Atlantic States Marine Fisheries Commission for a term to expire August 12, 1963.

C. Fred Fifer, Wyoming, to be a member of the State Board of Agriculture for a term to expire March 1, 1963.

Ernest V. Keith, Dover, to be a Judge for the Court of Common Pleas for Kent County for a term to expire on December 20, 1964.

August R. Umbrecht, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire November 21, 1964.

Ralph D. Knotts, Sr., Dover, to be a Justice of the Peace in and for Kent County for a term to expire November 16, 1964.

Albert Stetser, Wilmington, to be Chairman of the Unemployment Compensation Commission of Delaware for a term to expire May 1, 1965.

J. Ward Hurley, Dover, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1963.

Respectfully submitted,

Elbert N. Carvel Governor

February 21, 1961

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

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

Frank E. Holton, 411 Charles Street, Frankford, Delaware, to be a Justice of the Peace in and for Sussex County for a term to expire February 21, 1965, replacing David J. McDade, resigned.

Respectfully submitted,

Elbert N. Carvel Governor

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

**SCR 13**—Providing for Adjournment of the Senate and House of Representatives.

Mr. Watson announced a public hearing on March 15, 1961, at 2:30 P. M., in the Senate Chamber on **SJR 2**.

Mr. Cook, Chairman of the Claims Committee, reported the following bill from committee: **SB 24**, 4 favorably, 1 on merits.

On motion of Mr. Steen, the Senate adjourned at 4:55 P. M., until Wednesday, February 22, 1961, at 1:00 P. M.

### 13TH LEGISLATIVE DAY

February 22, 1961

The Senate met pursuant to adjournment at 1:30 P. M., on Wednesday, February 22, 1961. Lieutenant-governor Lamot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Cook, Donovan, Price, Spicer, Watson, Wilgus, Mr. President Pro Tem Reilly—7.

Members absent: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Tull—10.



There not being a quorum, the Chair declared a recess at the call of the Chair.

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

The Chair directed that the roll be called again.

Roll call taken at 3:25 P. M.:

Members present: duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

Members absent: Cook, Donovan, Johnson, Simpson—4.

Mr. Watson introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 62**—An Act Proposing and Amendment to Article VIII of the Constitution of the State of Delaware, Relating to the Expenditure of Highway Funds.

The Chair presented the following House bill which was given first reading and referred to the Committee on Labor:

**HB 50 with HA 1**—An Act to Provide for a Temporary Extension of Unemployment Compensation Benefits to Unemployed Workers Who Have Exhausted Their Rights to Benefits Under State Unemployment Compensation Laws.

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

On motion of Mr. Reilly, Rule 9 was suspended.

On motion of Mr. Reilly, **HB 50 with HA 1** with title as follows, was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 50 with HA 1**—An Act to Provide for a Temporary Extension of Unemployment Compensation Benefits to Unemployed Workers Who Have Exhausted Their Rights to Benefits Under State Unemployment Compensation Laws.

The privilege of the floor was extended to Mr. LaPenta to explain the bill.

Mr. Mayhew asked to be marked present.

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

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

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Simpson—4.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 52**, 3 favorably.

Messrs. Spicer and Mayhew introduced the following bill which was given first reading and referred to the Committee on Fish, Oysters and Game:

**SB 63**—An Act to Amend Chapter 21, Title 23, Delaware Code, Relating to Registration, Equipment and Operation of Motor Boats.

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

### JOINT SESSION

Joint Session commemorating the Birthday of George Washington.

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

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

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

At this time the Chair announced a recital by the University of Delaware Orchestra, under the direction of Dr. King.

The Chair appointed the following committee to escort Dr. Monroe to the Senate Chamber: Mr. Steen and Mr. Snowden.

The Sergeant-at-Arms admitted Dr. Monroe and the duly appointed committee to the Senate Chamber.

The President invited Dr. Monroe to the rostrum and introduced him to the Joint Session.

Dr. Monroe addressed the members of the General Assembly, describing the character of George Washington and his problems during his presidency.

The previously named committee escorted Dr. Monroe from the Chamber.

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

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

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

On motion of Mr. Steen, the Senate recessed at call of the Chair at 5:10 P. M. The Senate met at the expiration of the recess at 5:50 P. M. President Pro Tem Reilly presiding.

Mr. Snowden moved that the Secretary of the Senate write a letter of appreciation for the recital of University of Delaware Orchestra, and the speech of Dr. Monroe at the Joint Session, to Drs. Perkins, King and Monroe.

The Chair announced that the annual visits of the Senators to State facilities would commence on Monday at the New Castle Correctional Institute.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 64—An Act to Amend Section 109, Title 24, Delaware Code, Relating to Fees.**

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

### GOVERNOR'S MESSAGE

February 22, 1961

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

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

Samuel J. Fox, Leipsic, Delaware, to be Executive Secretary of The Delaware Commission of Shell Fisheries, replacing Nathaniel W. Taylor, Jr.; term of office to be during the pleasure of the Governor.

Edwin Golin, 4001 N. Monroe Street, Wilmington 2, Delaware, to be Director of the Delaware State Development Department, replacing Col. C. B. Shaffer; term of office to be during the pleasure of the Governor.

J. Alton Knowles, Laurel, Delaware, to be re-appointed as a Justice of the Peace in and for Sussex County for a term to expire February 22, 1965.

Millard F. Murray, Millsboro, Delaware, to be re-appointed as a Justice of the Peace in and for Sussex County for a term to expire February 22, 1965.

Respectfully submitted,

Elbert N. Carvel, Governor

On motion of Mr. Steen, the Senate adjourned in accordance with **SCR 13**, until Monday, March 13, 1961, at 1:00 P. M.

### 14TH LEGISLATIVE DAY

March 13, 1961

The Senate met pursuant to adjournment at 2:00 P. M., on Monday, March 13, 1961. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. D. Milbury

Members present: Cook, duPont, Manning, Mayhew, Price, Simpson, Snowden, Tull, Watson, Wilgus—10.

Members absent: Donovan, Hoey, Johnson, McCullough, Spicer, Steen, Mr. President Pro Tem Reilly—7.

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

Mr. Steen asked to be marked present.

Communications: From Tidewater Refinery, thanking the Senate for the resolution thanking them for their odor abatement program.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Public Health:

**SB 65**—An Act to Amend Chapter 25, Title 24, Delaware Code, Concerning Drugs, Pharmacies, Pharmacists, and the State Board of Pharmacy.

On motion the Senate recessed at call of the Chair at 2:20 P. M. The Senate met at the expiration of the recess at 3:30 P. M. Lieutenant-Governor Lamnot presiding.

Messrs. Hoey, Reilly, Donovan, Spicer and McCullough asked to be marked present.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **HB 17**, 5 favorably.

The Chair presented the following House Bill which was given first reading and referred to the Committee on Revised Statutes:

**HB 19**—An Act to Authorize the Comptroller of New Castle County to Select and Employ Deputies and Clerical Assistance.

Mr. Reilly introduced a communication from the State Board of Health, announcing the dedication of the new State Board of Health Building.

The following three messages were received from the Governor and referred to the Executive Committee:

## GOVERNOR'S MESSAGES

March 13, 1961

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

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

Sidney J. Clark, 2601 Speakman Place, Wilmington, Delaware, to be Associate Judge of the Municipal Court of the City of Wilmington, for a term of 12 years from March 1, 1961, to succeed Edmund S. Hellings.

Respectfully submitted,

ELBERT N. CARVEL, Governor

March 13, 1961

The Honorable Eugene Lamot, President of the Senate  
121st General Assembly, Dover, Delaware

Dear Mr. President:

In accordance with Article 4, Section 3, Constitution of the State of Delaware, I am hereby informing you by public letter of my intention to submit to the Senate on March 23, 1961, for confirmation as an appointment, the following:

William Duffy, Jr., Millcreek Road, Hockessin, Delaware, to be an Associate Judge of the Superior Court of the State of Delaware, for a term of 12 years.

Stewart Lynch, 1508 Pennsylvania Avenue, Wilmington, Delaware, to be an Associate Judge of the Superior Court of the State of Delaware, for a term of 12 years.

Isaac D. Short, 2nd, W. Market Street, Georgetown, Delaware, to be a Vice-Chancellor of the State of Delaware, for a term of 12 years.

Respectfully,

ELBERT N. CARVEL, Governor

March 13, 1961

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

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

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

William Duffy, Jr., Millcreek Road, Hockessin, Delaware, to be a member of the Board of Trustees of the University of Delaware for a term of six years to end on March 13, 1967, succeeding John G. Leach.

J. Allen Frear, Jr., South State Street, Dover, Del., re-appointed a member of the Board of Trustees of the University of Delaware for a term of six years to end on March 13, 1967.

Mrs. Charles P. Townsend, Selbyville, Delaware, re-appointed a member of the Board of Trustees of the University of Delaware for a term of six years to end on March 13, 1967.

Respectfully submitted,

ELBERT N. CARVEL, Governor

Mr. Reilly moved that SS 2 for SB 31 be adopted in lieu of the original and that SS 1 for SB 31 be stricken.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, Mayhew, Simpson—3.

So the question was decided in the affirmative.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 66**—An Act to Amend Section 26 of Chapter 191, Volume 45, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Delaware City", and Relating to the Issue of Bonds by the Mayor and Council of Delaware City.

Mr. McCullough introduced the following bills which were given first reading and referred to the Committee on Finance:

**SB 67**—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.

**SB 68**—An Act to Appropriate Funds to Provide Aid to Needy Students at University of Delaware.

Messrs. Cook and Simpson introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 69**—An Act to Amend Chapter 15, Title 10, Delaware Code, Relating to the Court of Common Pleas for Kent County.

Mr. Hoey introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 70**—An Act to Amend the Charter of the City of Milford, Chapter 162, Volume 37, Laws of Delaware, as Amended, Concerning the Time for Appointment of Officers by the City Council and Salary Increases Based on Merit.

A communication was read from the Kent County Democratic Women's Club in support of the Highway Department.

Mr. Cook introduced the following bill which was given first reading and referred to the Committee on Miscellaneous:

**SB 71**—An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department.

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

**SR 29**—Making an Appropriation to the Harrington Journal to Cover Cost of Bill Backers Furnished the 120th General Assembly.

**SR 30**—Making an Appropriation to the Harrington Journal to Cover Cost of Roll Call Books for the 121st General Assembly.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 72**—An Act to Amend Section 306 and Section 506, Title 14, Delaware Code, Relating to the Qualifications of School Board Members.

On motion of Mr. Steen, **SB 55** was stricken from the Calendar.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 19**, 4 favorably, 1 on merits.

Mr. Cook, Chairman of the Claims Committee, reported the following bill from committee: **SB 20**, 4 favorably.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 73**—An Act to Amend Titles 9 and 10, Delaware Code, by Increasing the Salary of the Clerk of the Peace, Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Receiver of Taxes, Prothonotary, Sheriff, Register in Chancery and Clerk of the Orphans' Court in and for Sussex County.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 66**, 3 favorably, 1 on merits.

Mr. Steen requested that **SB 29**, **SB 51** and **SB 52** be put on the agenda and **HB 17** and **HB 19**.

Mr. Mayhew, Chairman of the Fish, Oysters and Game Committee, reported the following bill from committee: **SB 63**, 2 favorably, 2 on merits.

On motion of Mr. Steen, the Senate adjourned at 4:20 P. M., until Tuesday, March 14, 1961, at 1:00 P. M.

## 15TH LEGISLATIVE DAY

March 14, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, March 15, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. D. Milbury

Members present: Donovan, Mayhew, Price, Simpson, Tull, Watson, Mr. President Pro Tem Reilly—7.

Members absent: Cook, duPont, Hoey, Johnson, Manning, McCullough, Snowden, Spicer, Steen, Wilgus—10.

There not being a quorum, the Chair declared a recess at call of the Chair. The Senate met at the expiration of the recess at 5:30 P. M.

The following Senators were marked present: Cook, duPont, Hoey, Manning, McCullough, Snowden, Spicer, Steen, Wilgus.

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

Messrs. Steen and Cook introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 74**—An Act to Permit the State Highway Department to Use for Highway Repair and Reconstruction Certain Reimbursement Funds Received by the State of Delaware from the Delaware Interstate Highway Division.

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 75**—An Act to Amend Chapter 9, Title 10, Delaware Code, by Enlarging the Jurisdiction of the Family Court in the Disposition of Certain Children.

Messrs. Snowden and Reilly introduced the following substitute bill which on further motion by Mr. Snowden, was adopted:

**SS 3 for SB 31**—An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Provisions Relating to Variable Contribution Rates.

On motion of Mr. Snowden, **SS 2 for SB 31** was stricken.

Mr. Steen requested that **SB 74** be placed on the agenda.

Messrs. Price and Simpson introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 76**—An Act to Amend Section 1403, Chapter 14, Title 14, Delaware Code, Entitled "Education", Relating to Procedures for the Termination of Services of Professional Employees.

Mr. McCullough introduced the following amendment which was given first reading and referred to the Committee on Revised Statutes:

**SA 1 to SJR 2**—To Amend **SJR 2**.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 74**, 3 favorably, 1 on merits.

Mr. McCullough introduced the following bills which were given first reading and referred to the Committee on Education:

**SB 77**—An Act to Amend Title 14, Delaware Code, Relating to Education by Increasing the Credit for Experience Allowed on the Teachers' Salary Schedule for Out of State Experience.

**SB 78**—An Act Appropriating Money to the Booker T. Washington School.

**SB 79**—An Act Making a Supplementary Appropriation to the Rose Hill-Minquadale School District, School District No. 47.



Mr. McCullough requested SB 76 be put on agenda.

Mr. Cook introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 80**—An Act to Amend Chapter 19, Title 10, Delaware Code, Relating to Judicial Reports.

Mr. Steen, Chairman of the Public Health Committee, reported the following bill from committee: **SB 65**, 3 favorably, 1 on merits.

On motion of Mr. Steen, the Senate adjourned at 6:00 P. M., until March 15, 1961.

### 16TH LEGISLATIVE DAY

March 15, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, March 15, 1961. Lieutenant-Governor Lam-mot presiding.

Prayer by the Chaplain, Rev. D. Milbury

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

Members absent: Cook, duPont, Hoey, McCullough, Spicer, Mr. President Pro Tem Reilly—6.

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

Messrs. Cook, duPont, Hoey, Spicer and Mr. President Pro Tem Reilly asked to be marked present.

Mr. Johnson introduced the following bills which were given first reading and referred to the Committee on Buildings and Highways:

**SB 81**—An Act to Provide That Any Unused Funds Appropriated for Maintenance and Construction to the State Highway Department in the Budget Appropriation Act for the Biennium Ending June 30, 1961, Shall be Credited by the State Treasurer for the Use of the State Highway Department for the Purpose for Which They Were Originally Appropriated.

**SB 82**—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan.

Mr. Hoey introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 83**—An Act to Amend Chapter 186, Volume 23, Laws of Delaware Entitled "An Act to Incorporate the Town of Ellendale", to Provide for Payment of Salaries to All of the Town Commissioners.

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

**HB 6**—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Allocation of Funds. To Revised Statutes.

**HB 30**—An Act to Amend Title 19, Delaware Code, by Prohibiting Any Person, Firm or Corporation, Not Directly Involved in a Labor Strike or Lockout from Recruiting, Securing or Offering to Secure Employment for Persons to Take the Places of Employees Where a Labor Strike or Lockout Exist: and Providing for Legally Established Employment Service. To Labor.

**HB 63**—An Act Providing for the Payment of Salaries of Teachers Employed as Substitutes from the Appropriations for Teachers Salaries in Chapter 299, Volume 52, Laws of Delaware. To Education.

On motion the Senate recessed at call of the Chair at 2:00 P. M. The Senate met at the expiration of the recess at 5:20 P. M. President Pro Tem Reilly presiding.

Mr. McCullough asked to be marked present.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Corporations, Private:

**SB 84**—An Act to Amend Chapter 45, Title 7 of the Delaware Code, Relating to Public Lands Lying Beneath the Waters of a Navigable Body of Water.

On motion of Mr. Steen, **SB 52** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 52**—An Act to Provide for Funds to Persons, Who Overpaid the Fee for Hucksters' and Peddlers' Licenses for the Year Beginning June 1, 1959.

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

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

**NAYS:** None.

**ABSENT:** Donovan, Johnson—2.

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

On motion of Mr. Steen, **SB 51** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 51**—An Act to Amend Chapter 7, Title 10, Delaware Code, Entitled "Orphans' Court," to Provide for the Method of Recording Instruments in the Orphans' Court in Sussex County.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Johnson—1.

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

Mr. Watson, Chairman of Revised Statutes and Judiciary Committees, reported the following bills from committees: **HB 6**, 5 favorably; **HB 13**, 3 favorably, 2 on merits.

The Chair ordered the above two bills put on the agenda.

On motion of Mr. Watson, **HB 19** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 19**—An Act to Authorize the Comptroller of New Castle County to Select and Employ Deputies and Clerical Assistance.

The privilege of the floor was extended to Representative Dineen to explain the bill.

On motion of Mr. Steen, **HB 19** was deferred.

On motion of Mr. McCullough, **SB 66** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 66**—An Act to Amend Section 26 of Chapter 191, Volume 45, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Delaware City", and Relating to the Issue of Bonds by the Mayor and Council of Delaware City.

Mr. duPont moved that **SB 66** be deferred until tomorrow.

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

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

NAYS: McCullough, Watson, Mr. President Pro Tem Reilly—3.

ABSENT: Donovan, Johnson—2.

So the question was decided in the affirmative.

Mrs. Manning introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 85**—An Act to Waive the Sovereign Immunity of the State of Delaware and Permit a Suit in Tort Against the State of Delaware by James F. Long and Ray E. Parsons, Arising Out of Water Damage Sustained on August 31, 1960 from a Drain Maintained by the State Highway Department.

On motion of Mr. Steen, the Senate adjourned at 5:50 P. M., until Thursday, March 16, 1961, at 1:00 P. M.

### 17TH LEGISLATIVE DAY

March 16, 1961

The Senate met pursuant to adjournment at 2:20 P. M. on Thursday, March 16, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Milbury.

Members present: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

Member absent: Donovan—1.

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

Mr. Donovan asked to be marked present.

On motion of Mr. Steen, SB 29 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 29**—An Act to Amend Section 4122, Title 21, Delaware Code, Relating to Stopping at Command of Police Officers.

Mr. Steen requested 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:** Cook, duPont, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—11.

**NAYS:** Donovan, Hoey, Johnson, Mr. President Pro Tem Reilly—4.

**NOT VOTING:** Mayhew, Watson—2.

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

The Chair presented the following bill which was given first reading and referred to the Committee on Miscellaneous:

**HB 65**—An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following resolution from committee: SA 1 to SJR 2, 5 on merits.

On motion of Mr. Steen, SB 74 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 74**—An Act to Permit the State Highway Department to Use for Highway Repair and Reconstruction Certain Reimbursement Funds Received by the State of Delaware from the Delaware Interstate Highway Division.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Mayhew, Price, Watson—4.

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

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 86**—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan by Providing for Credit for Other Employment.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Claims:

**SB 87**—An Act Authorizing and Directing the Delaware National Guard to Pay a Claim of Rodney Wilson, Sr.

On motion of Mr. Tull, the Senate resolved itself into Executive Session.

On motion the Senate recessed at call of the Chair at 3:30 P. M. The Senate met at the expiration of the recess at 4:30 P. M. Lieutenant-Governor Lamot presiding.

On motion of Mr. Tull, the Senate resolved into Executive Session.

The Senate resolved into Regular Session at 5:10 P. M. Lieutenant-Governor Lamot presiding.

On motion of Mr. McCullough, **SB 66** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 66**—An Act to Amend Section 26 of Chapter 191, Volume 45, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Delaware City", and Relating to the Issue of Bonds by the Mayor and Council of Delaware City.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Hoey—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. Price, **SB 65** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 65**—An Act to Amend Chapter 25, Title 24, Delaware Code, Concerning Drugs, Pharmacies, Pharmacists, and the State Board of Pharmacy.

Mr. Price requested the privilege of the floor to Mr. Golden to explain the bill.

On motion of Mr. Simpson, the bill was deferred for one week.

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bills from committee: **SB 47**, 5 favorably; **SB 48**, 5 favorably; **SB 62**, 3 favorably, 2 on merits.

The Chair presented the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**HB 18**—An Act to Amend Chapter 188, Volume 18, Laws of Delaware, Creating a Street and Sewer Department, as an Agency of the Mayor and Council of Wilmington, and the Acts Amendatory Thereof and Supplemental Thereto, by Changing the Name of Said Department to the Department of Public Works.

The Chair presented the following bill which was given first reading and referred to the Committee on Miscellaneous:

**HB 39**—An Act to Amend Title 21, Authorizing Blue Lights on Vehicles Used by Fire Police.

Messrs. Reilly and Snowden introduced the following bill which was given first reading and referred to the Committee on Labor:

**SB 88**—An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Provisions Relating to Variable Contribution Rates.

Messrs. Snowden, Spicer, Simpson, Wilgus, duPont and Mrs. Manning introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 89**—An Act Amending Title 17 of the Delaware Code of 1953 Relating to the State Highway Department, Defining Its Organization, Providing for the Offices of Director of Operations and Controller, Defining Their Powers and Duties, Abolishing the Office of Chief Engineer, and Directing the Establishment of a Merit System of Personnel Administration.

On motion of Mr. Snowden, **SS3** for **SB 31** was stricken.

On motion of Mr. Watson, **HB 6** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 6**—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Allocation of Funds.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Donovan—1.

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

On motion of Mr. Watson, **HB 19** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 19**—An Act to Authorize the Comptroller of New Castle County to Select and Employ Deputies and Clerical Assistance.

Mr. Watson introduced **SA 1** to **HB 19** and moved for its adoption. Motion prevailed.

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

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

NAYS: Manning.

ABSENT: Donovan—1.

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

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Elections:

**SB 90**—An Act to Amend Title 14, Delaware Code, Relating to "Education" by Providing That School Board Elections Shall be Conducted by the Department of Elections, and Making Similar Provisions for the Conduct of Referenda on School Taxes and School Bond Issues; Limiting Referenda.

Mr. duPont moved that **SB 56** be stricken. Motion prevailed.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 91**—An Act to Amend Title 14 of the Delaware Code Relating to Education by Providing Uniform Regulations for the Payment of Teachers Out of Local Funds.

On motion of Mr. Steen, the Senate adjourned at 6:00 P. M., until Monday, March 20, 1961, at 1:00 P. M.

## 18TH LEGISLATIVE DAY

March 20, 1961

The Senate met pursuant to adjournment at 1:00 P. M., on Monday, March 20, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Donovan, duPont, Hoey, Manning, Price, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Cook, Johnson, Mayhew, McCullough, Simpson, Watson—6.

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

Mr. Reilly presented a communication from the Edgemoor Garden Association in favor of **HB 26** and **HB 27**.

Messrs. Cook, Simpson, Watson and Johnson asked to be marked present.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 92**—An Act Agreeing to a Proposed 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".

Mr. Donovan introduced the following bill which was given first reading and referred to the Committee on Miscellaneous:

**SB 93**—An Act to Increase the Salaries of Certain County Officers in Kent County by Amending Titles 9, 10 and 12, Delaware Code.

Mrs. Manning, Messrs. Spicer, Reilly and Cook introduced the following bill which was given first reading and referred to the Committee on Corporations, Private:

**SB 94**—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Pensions of State Employees.

Mr. Johnson introduced the following bills which were given first reading and referred to the Committee on Buildings and Highways:

**SB 95**—An Act to Amend Title 17, Delaware Code, Entitled Highways, to Provide for the Regulation of Traffic, Adoption of Rules and Regulations, Provide Penalties for Violations and to Confer Jurisdiction Over Violations on Justices of the Peace.

**SB 96**—An Act to Amend Title 17, Delaware Code, Entitled Highways, to Authorize the State Highway Department or Its Agents, to Enter Upon Beaches or Shoreline Areas to Perform Work, Prevent and Repair Damage from Beach Ero-



sion: to Provide Penalties for Hindering or Delaying Work, Damage Prevention and Damage Repair: and to Confer Jurisdiction of Violations Upon Justices of the Peace.

Messrs. Donovan and Cook, Chairmen of the Miscellaneous and Claims Committees, reported the following bills from committee: **HB 39**, 4 favorably; **SB 87**, 3 favorably, 1 unfavorably; **SB 71**, 4 favorably, 1 unfavorably.

Mr. McCullough asked to be marked present.

On motion of Mr. Donovan, **HB 17** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 17**—An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to Legislative Bills by Providing that Bills May be Stenciled.

Mr. Donovan introduced **SA 1** to **HB 17** and moved for its adoption. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Mayhew—1.

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

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

**HB 117** with **HA 1**—An Act to Amend Title 30, Section 1171, Delaware Code, Relating to Income Tax by Repealing the Provisions for Installment Payments. (To Revised Statutes.)

**HB 53**—An Act Relating to Arbor Day. (To Miscellaneous.)

**HJR 3**—Requesting the President of the United States to Take the Necessary Action to Assure the Citizens of the State of Delaware of Adequate Radio Reception. (To Revised Statutes.)

Mr. Mayhew asked to be marked present.

Mr. Reilly, Chairman of the Corporations, Private, Committee, reported the following bills from committee: **SB 84**, 2 favorably, 3 on merits; **SB 94**, 2 favorably, 3 on merits.

On motion the Senate recessed at call of the Chair at 2:10 P. M. The Senate met at the expiration of the recess at 4:15 P. M. Lieutenant-Governor Lamot presiding.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 117** with **HA 1**, 2 favorably, 1 on merits, 1 unfavorably.

Mrs. Manning moved that the roll call on SB 49 be tabled.

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

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

NAYS: Donovan, Price—2.

ABSENT—Snowden—1.

So the question was decided in the affirmative.

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

### **SPECIAL MESSAGE BY GOVERNOR ELBERT N. CARVEL TO THE ONE HUNDRED AND TWENTY-FIRST GENERAL ASSEMBLY**

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

Two related and pressing problems face us which I deem of such interest and importance to the people and welfare of our State that I take this opportunity in a special message to urge their immediate solution by the enactment of legislation now pending in the General Assembly. These problems specifically relate to the immediate need for the enactment of toll road enabling legislation and legislation essential to assure additional crossings of the Delaware River and Bay. Because of their great importance to our State and in view of the time and effort which has gone into their study, planning and negotiations with our neighboring States, I shall treat them separately and in some detail in the hope of affording a better understanding of these problems and the overriding need for their prompt solution by this General Assembly. Because the bill authorizing the toll road has already been introduced, I shall deal with it first, and will urge support of the additional Delaware River and Bay crossings in a separate message in the near future.

## **I. TOLL ROAD LEGISLATION**

### **1. THE NEED FOR TOLL ROAD LEGISLATION**

Most Delawareans and many non-residents are fully aware of the heavy traffic volumes using U. S. Routes 13 and 40, particularly in the area between Farnhurst and the State Road Intersection. Relief from this ever increasing congestion can be attained only by additional highway construction. Such construction is needed not only to facilitate the interstate transportation of persons and commerce but is demanded from the standpoint of the general public safety.

The public need for additional express highways has never been doubted; Delaware's problem has been concerned with the method of financing. Initially the State Highway

Department proposed that the needed construction be financed from tolls collected at the Delaware Memorial Bridge since the largest number of these express highway users is generated by the River crossing. Strenuous efforts have been made since 1955 to obtain the necessary federal legislation to permit the continuation of tolls on the present Bridge so that future revenue could be used to finance additional express highways connecting the Bridge. After a hearing before a Sub-committee of the House Committee on Public Works, Congress refused to act on such legislation on the traditional ground that, since New Jersey objected, Congress would not resolve the differences. Consequently, Bridge revenue as a source for such financing was effectively foreclosed to our State.

The next hope of financing such highway arose out of the passage of the Federal Aid Highway Act of 1956. Under that legislation, interstate routes were to be financed 90% from federal funds and 10% from state funds. The State Highway Department immediately moved under this program to prepare plans for a freeway to connect the Memorial Bridge to a new Maryland highway leading to the Baltimore Tunnel. Plans for such construction are now virtually complete. Maryland likewise laid plans under the same federal program to connect the Delaware freeway to the Baltimore Tunnel. Two factors, however, intervened to prevent the project construction under the federal aid program. First, the lack of state funds prevented the Delaware State Highway Department from placing the work under contract, and secondly, even if these funds had been available at the State level, the apportionment of federal funds is such that it would take at least 10 years for the completion of the project on the basis of anticipated federal allotments. Moreover, if federal interstate funds which become available were spent on the one route, the proposed express highways through other sections of the State would be delayed even longer.

○ Maryland was faced with the same lack of funds and delays in the construction of its link of the route. Consequently, both Delaware and Maryland looked for a more feasible way for the prompt building of the express highway. Both States jointly determined that it probably could be built without delay as a toll turnpike at no cost to the taxpayers. Over the past year and a half Delaware and Maryland highway officials have met with respect to this program. This joint effort of the two States in building a toll facility between the Delaware Memorial Bridge and Baltimore Tunnel can be financed as a toll facility only with the closest cooperation between them. Its financial feasibility depended on both States building the express route as a toll highway. Maryland already has enabling legislation authorizing the Maryland Road Commission to build the Maryland portion of the route as a toll road. Delaware does not.

## 2. THE TOLL ROAD IS FINANCIALLY FEASIBLE

Before embarking on such a plan it was necessary for both States to obtain a financial feasibility report prepared by a recognized engineering firm in order to determine whether revenue bonds would be marketable and whether it would be supported by vehicular use. Accordingly, each State retained the firm of Coverdale & Colpitts to conduct an extensive traffic survey. The report made with respect to the Delaware end of the route was paid for by The Delaware Interstate Highway Division at the request of the State Highway Department. The report as made indicates that if each State determines to build a toll turnpike it will be financially feasible and will support its costs of construction at a reasonable toll rate. It will not be financially feasible, however, if either Maryland or Delaware refuses to build its length as a toll facility.

## 3. FEDERAL INTEREST AND PARTICIPATION

Also in order to accomplish the toll road construction, it was necessary to obtain federal legislation to permit the toll route to remain a part of the National System of Interstate Highways and to permit those federal aid funds already spent for engineering costs on the project as a freeway to be reimbursed to the federal government for re-allocation to Delaware for use on other federal aid projects in Delaware. Accordingly, representatives of both Delaware and Maryland were instrumental in having the necessary federal legislation enacted for this purpose in mid-1960. The Congress for the first time enacted the federal enabling legislation at the joint request of Delaware and Maryland even though Delaware had not yet adopted its authorizing legislation.

## 4. DELAWARE LEGISLATION

As a result of the planning to date, all obstacles have been removed for the accomplishment of the toll project except for the necessary Delaware enabling legislation. Senate Bill No. 48, now pending, will authorize Delaware to proceed in cooperation with Maryland to construct this badly needed facility without cost to Delaware taxpayers and without further financial delay. Therefore, I sincerely urge its prompt passage.

Briefly, S. B. 48 authorizes the State Highway Department to issue revenue bonds for construction of the highway and to use tolls to maintain and operate it. The Highway Department will control its operation, subject to the terms of a trust indenture securing the bonds to be issued. For its day-to-day administration and operation, a Turnpike Division, headed by a General Manager, will be in charge but always subject to control and regulation of the Department.

## 5. NO TAX COST TO DELAWARE

One of the most important factors of this legislation is that all costs which have been expended by the Highway Department in designing and acquisition of right-of-way and other work in connection with the Delaware link will be repaid by the Department to the State Treasury from proceeds of the revenue bonds sold to finance the project. Furthermore, the future costs of maintenance and operation will come solely from tolls paid by the users rather than from Delaware taxpayers.

## 6. ESTIMATED TIMING OF THE PROJECT

As stated before, the engineering feasibility reports for Maryland and Delaware are essentially complete. They indicate that the project can be financed by revenue bonds based on very reasonable tolls. It is estimated that prompt enactment of S. B. 48 would allow the bonds to be sold in about eight months thereafter. In turn the project could be completed in approximately two years. Maryland would pursue a similar schedule. Both bond issues for the Delaware and Maryland side of the project would be issued simultaneously. Of course, Maryland cannot proceed until Delaware enacts legislation. This has been a source of concern both to the Governor of Maryland and its highway authorities. They are awaiting Delaware to proceed with the necessary legislation.

## 7. SUMMARY

Time for further delay has passed. Action on S. B. 48 should be taken now. The need for the highway is growing desperate. The beneficial results of toll financing as against the use of tax money or bonds backed with the faith and credit of the State is obvious. The State Treasury will obtain the return of its money already spent on the project. Federal aid funds reimbursed to the government will be released for re-allotment to other federal aid projects in Delaware. The slackening economy of our State will be stimulated by such construction and this boast will come from private investors rather than from tax money.

Therefore, as a solution to the compelling need of the highway from the standpoint of public safety, of obtaining the facility at no costs to our taxpayers, and as a stimulus to our economy, I sincerely urge the prompt enactment of S. B. No. 48.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Cook, SB 48 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 48—An Act Authorizing the State Highway Department to Construct, Maintain, Repair, Improve and Operate Self-Liquidating Express Highway from a Point in the Vicin-

ity of the Westerly Approach of the Delaware Memorial Bridge to Points at or Near the Pennsylvania and Maryland State Lines to be Known as the "Delaware Turnpike"; Establishing the Status, Powers, Duties and Authority of the Department With Respect to Such Express Highways: Providing for the Financing of Such Highways by Revenue Bonds and Providing for a Turnpike Division of the State Highway Department.

On motion of Mr. Cook, SB 48 was deferred.

On motion of Mr. Steen, HB 6 was reconsidered.

Mr. Watson introduced SA 1 to HB 6, which was on motion of Mr. Steen adopted.

On motion of Mr. Cook, SB 48 was again taken up for consideration and read by title in order to pass the Senate.

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

YEAS: Donovan, Johnson, McCullough, Price, Tull, Watson, Mr. President Pro Tem Reilly—7.

NAYS: Cook, duPont, Hoey, Manning, Simpson, Spicer, Steen, Wilgus—8.

NOT VOTING: Mayhew—1.

ABSENT: Snowden—1.

Mr. Cook changed his vote from yea to nay for the purpose of restoring the bill.

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

On motion of Mr. Mayhew, SB 63 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 63—An Act to Amend Chapter 21, Title 23, Delaware Code, Relating to Registration, Equipment and Operation of Motor Boats.

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

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

NAYS: None.

ABSENT: McCullough, Snowden, 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. Cook introduced the following resolution which on further motion by him was taken up for consideration in order to pass the Senate:

SR 31—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

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

YEAS: Cook, Hoey, Johnson, Mayhew, Price, Steen, Tull, Mr. President Pro Tem Reilly—8.

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

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

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

Messrs. Steen and Wilgus introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 97**—An Act to Appropriate Money to the Roxana Volunteer Fire Company.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Miscellaneous:

**SB 98**—An Act to Validate the Establishment and Organization of the Dover Housing Authority.

Mr. Price, Chairman of the Judiciary and Corporations, Municipal, Committees, reported the following bills from committee: **SB 4**, 3 favorably 2 on merits; **SB 53**, 1 favorably, 4 on merits; **HB 18**, 4 favorably, 1 on merits.

Mr. Cook introduced the following resolution which on further motion by him was 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 121st General Assembly.

Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 99**—An Act to Amend Title 29, Section 4301, Delaware Code, Relating to Notaries Public by Increasing the Number of Notaries That May be Granted.

On motion of Mr. Steen, the Senate adjourned at 6:15 P. M., until Tuesday, March 21, 1961, at 1:00 P. M.

## 19TH LEGISLATIVE DAY

March 21, 1961

The Senate met pursuant to adjournment at 1:25 P. M. on March 21, 1961. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

Member absent: Johnson—1.

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

On motion the Senate recessed at call of the Chair at 1:45 P. M. The Senate met at the expiration of the recess at 3:55 P. M. Lieutenant-Governor Lamnot presiding.

Mr. Johnson asked to be marked present.

On motion of Mr. Donovan, **HB 39** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 39**—An Act to Amend Title 21, Authorizing Blue Lights on Vehicles Used by Fire Police.

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

YEAS: Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—13.

NAYS: None.

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

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

On motion of Mr. Mayhew, **HB 13** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 13**—An Act to Amend Title 9, Delaware Code with Regard to Powers of the Levy Court of New Castle County.

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

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

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Cook, Hoey, 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 returned to the House.

On motion of Mrs. Manning, **SB 49** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 49**—An Act to Amend Sections 1101 and 1102, Title 16, Delaware Code, Relating to Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related Institutions.



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

YEAS: duPont, Simpson, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—6.

NAYS: Cook, Donovan, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Steen, Watson—11.

Mr. Snowden and Mrs. Manning changed their vote for the purpose of restoring the bill.

So the question was decided in the negative.

Mrs. Manning moved that the roll call on SB 49 be lifted.

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

YEAS: duPont, Manning, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—8.

NAYS: Cook, Donovan, Johnson, Mayhew, McCullough, Price, Steen—7.

ABSENT: Hoey, Watson—2.

So the question was decided in the affirmative.

Mr. Donovan moved that a new roll call be taken on SB 49.

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

YEAS: Cook, Donovan, Johnson, Mayhew, McCullough, Price, Steen—7.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—8.

ABSENT: Hoey, Watson—2.

So the question was decided in the negative.

On motion of Mr. Steen, SB 87 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 87—An Act Authorizing and Directing the Delaware National Guard to Pay a Claim of Rodney Wilson, Sr.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: Manning—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. Snowden introduced the following substitute which on further motion by him was adopted in lieu of the original and assigned to the Claims Committee:

SS 1 for SB 20—An Act Making a Supplementary Appropriation to the State Board of Corrections for the Fiscal Year July 1, 1960-June 30, 1961.

On motion of Mr. Snowden, SB 20 was stricken.

Mr. Cook introduced the following bill which was given first reading and referred to the Committee on Finance:

SB 102—An Act Appropriating Money to the Coroner of Kent County for the Sole Purpose of Performing Autopsies for the Fiscal Year Ending June 30, 1961.

Mr. Cook introduced the following bill which was given first reading and referred to the Committee on Miscellaneous:

SB 103—An Act to Amend Section 2733, Title 21, Delaware Code, Entitled Discretionary Suspension or Revocation of Driver's License Such Amendment Relating to Occupational License.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: SB 54, 4 favorably, 1 on merits; SB 64, 3 favorably, 2 on merits.

Mr. Cook moved that SB 48 be restored to the Calendar. Motion prevailed.

Mr. Cook introduced SA 1 to SB 48 which was placed with the bill.

Mr. Price introduced SA 1 to SB 76 which was placed with the bill.

On motion of Mr. Steen, the Senate adjourned until Wednesday, March 22, 1961, at 1:00 P. M.

## 20TH LEGISLATIVE DAY

March 22, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, March 22, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Donovan, duPont, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Tull, Wilgus—10.

Members absent: Cook, Hoey, McCullough, Simpson, Steen, Watson, Mr. President Pro Tem Reilly—7.

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

Messrs. Simpson and Steen asked to be marked present.

Mr. Simpson introduced the following amendment which on further motion by him was adopted:

SA 1 to HB 30—An Act to Amend Title 19, Delaware Code, by Prohibiting Any Person, Firm or Corporation, Not Directly Involved in a Labor Strike or Lockout from Recruiting, Securing or Offering to Secure Employment for Persons

to Take the Places of Employees Where a Labor Strike or Lockout Exist: and Providing for Legally Established Employment Service.

The Chair presented the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**HB 67**—An Act to Amend An Act Entitled "An Act Changing the Name of the 'Town of Newark' to the 'City of Newark' and Establishing a Charter Therefor" by Making the Appointment of an Alderman Permissive Instead of Mandatory.

Messrs. Hoey and Reilly asked to be marked present.

The Chair presented the following bill which was given first reading and referred to the Committee on Miscellaneous:

**HB 127**—An Act to Designate a Name for the Woodland Ferry.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bills from committee: **SB 98**, 4 favorably, 1 on merits; **HB 45**, 4 favorably, 1 on merits.

On motion the Senate recessed at call of the Chair at 1:45 P. M. The Senate met at the expiration of the recess at 3:00 P. M. Lieutenant-Governor Lamot presiding.

Mr. Snowden introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 104**—An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Providing for the Appointment of Two Additional Deputy Attorneys General in New Castle County.

Messrs. Watson, McCullough and Cook asked to be marked present

On motion of Mr. Watson, **SA 1** to **HB 6** was stricken.

Mr. Watson introduced **SA 2** to **HB 6** and moved for its adoption.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** McCullough—1.

**ABSENT:** Hoey, Simpson—2.

So the question was decided in the affirmative.

On motion of Mr. Watson, **HB 6** as amended by **SA 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 6** with **SA 2**—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Allocation of Funds.

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

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

NAYS: McCullough—1.

ABSENT: Cook, Simpson—2.

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

The Chair presented the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**HB 36**—An Act to Further Amend Chapter 121, Volume 28, Laws of Delaware, as Amended by Chapter 142, Volume 36 and Chapter 4, Volume 51, Laws of Delaware, and Relating to the Taking and Hearing of Appeals from the Board of Assessment for the City of Wilmington.

On motion of Mr. Watson, **HB 117** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 117** with **HA 1**—An Act to Amend Title 30, Section 1171, Delaware Code, Relating to Income Tax by Repealing the Provisions for Installment Payments.

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

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

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

NOT VOTING: Watson—1.

ABSENT: McCullough, Simpson—2.

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

Mr. Hoey and Mrs. Manning introduced the following concurrent resolution which was given first reading and adopted:

**SCR 14**—Providing That the Two Houses of the General Assembly Meet in Joint Session to View the Film "Operation Abolition".

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **SB 92**, 4 favorably, 1 on merits.

On motion of Mr. Price, Rule 9 was suspended in order to consider **SB 92**.

On motion of Mr. Price, **SB 92** with title at follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 92**—An Act Agreeing to a Proposed Amendment to the Constitution of the State of Delaware by Adding a New Article Entitled "Continuity of the State and Local Governmental Operations in Periods of Emergency Resulting from Disasters Caused by Enemy Attack."

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

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

**NAYS:** None.

**NOT VOTING:** Hoey—1.

**ABSENT:** 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 84** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 84**—An Act to Amend Chapter 45, Title 7, of the Delaware Code Relating to Public Lands Lying Beneath the Waters of a Navigable Body of Water.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

**NAYS:** None.

**ABSENT:** 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. Price, **HB 18** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 18**—An Act to Amend Chapter 188, Volume 18, Laws of Delaware, Creating a Street and Sewer Department, as an Agency of the Mayor and Council of Wilmington, and the Acts Amendatory Thereof and Supplemental Thereto, by Changing the Name of Said Department to the Department of Public Works.

On motion of Mr. Price, **HB 18** was deferred for 24 hours.

Messrs. Snowden and Tull introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 105**—An Act Making a Supplementary Appropriation to a Youth Services Commission of Delaware for the Fiscal Year Ending June 30, 1962.

On motion of Mr. Hoey, SB 64 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 64**—An Act to Amend Section 109, Title 24, Delaware Code, Relating to Fees.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Wilgus—13.

**NAYS:** Spicer—1.

**ABSENT:** Simpson, Watson, Mr. President Pro Tem Reilly—3.

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

The Chair presented the following bill which was given first reading and referred to the Committee on Judiciary:

**HB 128**—An Act to Give Constables 10 Days, Instead of Five, in Which to Provide Bond After Appointment.

On motion of Mr. Price, SB 98 with title at follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 98**—An Act to Validate the Establishment and Organization of the Dover Housing Authority.

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

**YEAS:** duPont, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Wilgus—10.

**NAYS:** None.

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

**ABSENT:** Simpson, Watson, Mr. President Pro Tem Reilly—3.

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

On motion of Mr. Snowden, SB 49 was restored to the calendar.

On motion of Mr. Cook, SB 47 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 47**—An Act to Amend Title 17, Chapter 11 of the Delaware Code Relating to Outdoor Advertising.

Mr. Cook introduced SA 1 to SB 47 and moved for its adoption. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus—13.

NAYS: None.

ABSENT: Johnson, McCullough, Simpson, Mr. President Pro Tem Reilly—4.

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

On motion of Mr. Steen, the Senate adjourned at 4:45 P. M. until Thursday, March 23, 1961, at 1:00 P. M.

## 21ST LEGISLATIVE DAY

March 23, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, March 23, 1961. Lieutenant-Governor Lamot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Cook, Donovan, Johnson, Mayhew, Price, Simpson, Spicer, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

Members absent: duPont, Hoey, Manning, McCullough, Snowden, Steen, Tull—7.

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

The Chair presented the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**HB 114**—An Act to Amend Section 34 of Chapter 207, Volume 17, Laws of Delaware by Authorizing "The Mayor and Council of Wilmington", a Municipal Corporation, to Provide, by Ordinance, for a Procedure for the Withdrawal of Funds on Deposit in the Name of "The Mayor and Council of Wilmington", Including the Authorization to Said "The Mayor and Council of Wilmington" to Authorize the Use of Facsimile Signatures on Checks Drawn Against the Accounts of "The Mayor and Council of Wilmington".

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **HB 127**, 4 favorably.

On motion the Senate recessed at call of the Chair at 2:00 P. M. The Senate met at the expiration of the recess at 3:50 P. M. Lieutenant-Governor Lamot presiding.

Messrs. duPont, Hoey, Snowden, Steen and Tull asked to be marked present.

On motion of Mr. Donovan, Rule 9 was suspended.

On motion of Mr. Donovan, **HB 127** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 127**—An Act to Designate a Name for the Woodland Ferry.

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

**YEAS:** Cook, Donovan, duPont, Manning, Mayhew, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

**NAYS:** None.

**NOT VOTING:** Hoey, Price, Simpson, Spicer, Watson—5.

**ABSENT:** Johnson, McCullough—2.

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

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

**SR 33**—Relative to the Death of Former Senator Paul B. Messick.

**WHEREAS**, the Senate of the 121st General Assembly of the State of Delaware has learned with regret of the passing of Paul B. Messick, a former member of the Senate; and

**WHEREAS**, former State Senator Paul B. Messick served his State faithfully and well during his term in the General Assembly of the State of Delaware, and

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

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

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

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

Mr. Johnson introduced the following concurrent resolution which upon further motion by him was adopted and sent to the House for concurrence:

**SCR 15**—Relative to the Death of Former Senator and Representative John R. Butler.



WHEREAS, the 121st General Assembly of the State of Delaware has learned with regret of the passing of John R. Butler, a former member of the Senate and a former member of the House of Representatives, and,

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

NOW, THEREFORE

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of John R. Butler, a prominent figure in his community and a former member of the Senate and House of Representatives, and

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

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

Messrs. Price and Cook, Chairman of the Corporations, Municipal, and Claims Committees, reported the following bills from committee: **HB 114**, 2 favorably, 3 on merits; **SS 1** for **SB 20**, 5 favorably.

On motion of Mr. Price, **HB 18** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 18**—An Act to Amend Chapter 188, Volume 18, Laws of Delaware, Creating a Street and Sewer Department, as an Agency of the Mayor and Council of Wilmington, and the Acts Amendatory Thereof and Supplemental Thereto, by Changing the Name of Said Department to the Department of Public Works.

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

**YEAS:** Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

**NAYS:** None.

**ABSENT:** Cook—1.

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

Mr. McCullough asked to be marked present.

Mr. Tull introduced the following bill which was given first reading and referred to the Committee on Education:

**SB 106**—An Act to Amend Section 126, Chapter 1, Title 14, Delaware Code, Entitled "Education", Relating to Insurance on School Buildings and Disposition of Funds Therefrom.

Mr. Cook introduced the following resolution and moved for its adoption. Motion prevailed.

**SR 34**—Making an Appropriation to the Able-Mar Printing Service to Cover Cost of Bill Backers for the Senate of the 121st General Assembly.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 107**—An Act to Amend Section 8203, Title 9, Delaware Code, Relating to the Board of Assessment of Sussex County.

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

### GOVERNOR'S MESSAGE

March 23, 1961

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

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

William Duffy, Jr., Millcreek Road, Hockessin, Delaware, to be an Associate Judge of the Superior Court of the State of Delaware, for a term of 12 years from March 23, 1961;

Stewart Lynch, 1508 Pennsylvania Avenue, Wilmington, Delaware, to be an Associate Judge of the Superior Court of the State of Delaware, for a term of 12 years from March 23, 1961;

Isaac D. Short, 2nd, W. Market Street, Georgetown, Delaware, to be a Vice-Councillor of the State of Delaware, for a term of 12 years from March 23, 1961.

Respectfully, submitted,

ELBERT N. CARVEL, Governor

Messrs. Reilly and Johnson, Chairmen of the Labor and Buildings and Highways Committees, reported the following bills from committee: **SB 88**, 2 favorably, 3 on merits; **SB 82**, 5 favorably; **SB 96**, 2 favorably, 3 on merits; **SB 81**, 3 favorably, 2 on merits.

On motion of Mr. Steen, the Senate resolved itself into Executive Session.

On motion the Senate recessed at call of the Chair at 4:50 P. M. The Senate met at the expiration of the recess at 6:15 P. M. President Pro Tem Reilly presiding.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 108**—An Act to Amend Section 8205 (3), Title 9, Delaware Code, Relating to the Salaries of the Members of the Board of Assessment of Sussex County.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 36**, 5 on merits.

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

### GOVERNOR'S MESSAGE

March 23, 1961

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

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

Lawrence C. Elliott, N. Bedford Street, Georgetown, Delaware, to be a Judge of the Court of Common Pleas for Sussex County for a term of 12 years from March 23, 1961, to succeed Isaac D. Short, 2nd.

Respectfully, submitted,

ELBERT N. CARVEL, Governor

Mr. Mayhew presented a news article against **SB 84**, together with his answer thereto.

Mr. Steen moved that the Senate resolve itself into Executive Session at 6:40 P. M. The Senate resolved into regular session at 6:45 P. M.

On motion of Mr. Steen, the Senate adjourned at 6:45 P. M. until April 3, 1961, at 1:00 P. M.

### 22ND LEGISLATIVE DAY

April 3, 1961

The Senate met pursuant to adjournment at 1:40 P. M. on Monday, April 3, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Donovan, duPont, Price, Spicer, Tull—5.

Members absent: Cook, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

There not being a quorum, the Chair declared a recess at 1:42 P. M. The Senate met at expiration of the recess.

Messrs. Cook, Hoey, Mayhew, McCullough, Simpson, Snowden, Watson, Wilgus and Reilly asked to be marked present.

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

Mr. Hoey introduced the following concurrent resolution which was given first reading and on a further motion by him was adopted and ordered to the House for concurrence:

**SCR 16**—Relating to the Anticipated Revenue of the State of Delaware in the Fiscal Year 1960-1961.

WHEREAS the Joint Finance Committee has met and considered the State's estimated income for the fiscal year of 1960-1961; and

WHEREAS the Joint Finance Committee has determined that the practical estimate of income for the fiscal year of 1960-1961 will be Seventy-Seven Million Seven Hundred Thousand Dollars (\$77,700,000.00), broken down as follows:

Income Tax .....	\$30,100,000.00
Franchise Tax .....	10,000,000.00
Motor Fuel Tax .....	8,900,000.00
Corporation Tax .....	7,500,000.00
Motor Vehicle Fees .....	3,900,000.00
Pari-Mutuel Sales .....	4,350,000.00
Alcoholic Beverage Taxes .....	1,900,000.00
Cigarette Sales Tax .....	2,000,000.00
Inheritance and Estate Taxes .....	1,000,000.00
Insurance Taxes .....	1,400,000.00
Mercantile Licenses .....	1,350,000.00
All Other Taxes .....	5,300,000.00
	<hr/>
	\$77,700,000.00

and

WHEREAS it is anticipated that moneys will revert to the General Fund from moneys appropriated to various state agencies in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) and

WHEREAS when such moneys which will revert to the General Fund are added to the practical estimate of income for the fiscal year beginning July 1, 1960, the net practical estimate of income is Seventy-Nine Million Two Hundred Thousand Dollars (\$79,200,000.00)

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly, the House of Representatives concurring therein, that any supplementary appropriation bill which when added to all prior appropriation bills passed by the House of Representatives and the Senate and approved by the Governor, shall exceed the net practical estimate of income for the fiscal year

of 1960-1961, such supplementary appropriation bill shall be unlawful unless such appropriation bill shall designate a source of income other than the General Fund of the State of Delaware.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bills from committee: **HB 53**, 3 favorably, 1 on merits; **HB 65**, 3 favorably, 1 on merits; **HB 136**, 4 favorably; **SB 83**, 5 on merits; **SB 101**, 3 favorably, 1 on merits; **SB 103**, 4 favorably.

Mr. Hoey introduced the following bill which was given first reading and referred to the Committee on Miscellaneous:

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

The Chair presented the following House Concurrent Resolutions which were given first reading and adopted, and ordered returned to the House:

**HCR 13**—An Act Making an Appropriation to Cover the Expenses of Legislators Participating in the Meetings of the National Conference of State Legislative Leaders.

**HCR 14**—An Act Making an Appropriation to the National Conference of State Legislative Leaders as Registration and Membership Fees for the Year 1961.

The Chair presented the following bills which were given first reading and referred to the Committee on Miscellaneous:

**HB 158**—An Act Authorizing the Register of Wills of Kent County to Procure a New Seal.

**HB 159**—An Act Authorizing the Prothonotary of Kent County to Procure a New Seal.

Mr. Steen asked to be marked present.

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 110**—An Act to Amend Chapter 5, Title 21, Delaware Code, Relating to Motor Vehicles, Authorizing the Erection of Stop Signs at Railroad Grade Crossings and Requiring the Drivers of Vehicles Upon Highways so Designated to Obey Such Signs.

On motion of Mr. Steen, the Senate adjourned at 4:30 P. M. until April 4, 1961, at 1:00 P. M.

## 23RD LEGISLATIVE DAY

April 4, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, April 4, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Donovan, duPont, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Cook, Hoey, Johnson, Mayhew, McCullough, Watson—6.

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

Mr. Reilly introduced the following bill which was given first reading and referred to the Committee on Labor:

**SB 111**—An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing the Definition of "States" to Include "Puerto Rico".

On motion of Mr. Steen, the Senate recessed at call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 2:35 P. M. Lieutenant-Governor Lammot presiding.

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

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

**SR 35**—Expressing the Sympathy of the Senate of the Illness of Senator B. Walter Johnson.

WHEREAS, the members of the 121st General Assembly of the State of Delaware have learned that Senator B. Walter Johnson is ill, and

WHEREAS, the members of the Senate desire to express and extend their regret and sympathy to Senator B. Walter Johnson, NOW THEREFORE

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

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the Senate of the 121st General Assembly of the State of Delaware and a copy be forwarded to Senator B. Walter Johnson.

Mrs. Manning and Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Education.

**SB 112**—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the State Board of Education, by Making Transfers in Certain Appropriation Items Therein.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **HB 30**, 3 favorably, 1 on merits.

Messrs. Snowden and Reilly introduced the following bill which was given first reading and referred to the Committee on Labor:

**SB 113**—An Act to Amend Sections 106 and 107, Title 19, Delaware Code, Relating to the Labor Commission of Delaware.

Mr. Tull moved that the Senate go into Executive Session at 2:40 P. M.

On motion of the Chair, the Senate recessed at call of the Chair at 3:05 P. M. The Senate met at the expiration of recess at 3:25 P. M. Lieutenant-Governor Lamnot presiding.

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

**SR 36**—In Reference to Election of Officers.

WHEREAS Lawrence C. Elliott, who was previously elected to the office of Senate Attorney;

WHEREAS Lawrence C. Elliott has now been appointed and confirmed as Judge of the Court of Common Pleas in and for Sussex County and has resigned as Senate Attorney:

NOW, THEREFORE;

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware that the resignation of Lawrence C. Elliott as Senate Attorney be and is hereby accepted:

BE IT FURTHER RESOLVED that Dean Betts be and is hereby elected to the office of Senate Attorney, to serve during the pleasure of the Senate.

On motion of Mr. Snowden, **SS 1** for **SB 20** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1** for **SB 20**—An Act Making a Supplementary Appropriation to the State Board of Corrections for the Fiscal Year July 1, 1960-June 30, 1961.

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

YEAS: duPont, Manning, Price, Simpson, Snowden, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Cook, Donovan, Hoey, Johnson, Mayhew, 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 Chair presented the following bills which were given first reading and referred to the Committee on Finance:

**HB 145**—An Act Making a Supplementary Appropriation to the State Board of Education, Certain School Districts and the Wilmington Board of Education for the Fiscal Year Ending June 30, 1961.

**HS 1** for **HB 8**—An Act to Appropriate Funds to the Department of Public Welfare for Salaries, Assistance Grants and Child Welfare Service.

**HB 150**—An Act to Direct the Levy Court of Sussex County to Appropriate \$500 Annually to Selbyville American Legion Post No. 39, Inc., for the Maintenance of an Ambulance.

Messrs. Steen and Snowden introduced the following resolution which on further motion by Mr. Steen was adopted:

**SR 37**—Relating to a Bronze Plaque for the Senate Chamber.

WHEREAS it has been the custom in the Senate to cause a bronze tablet to be affixed to the walls of the Senate Chamber each session bearing the names of the members of the Senate for that session, and

WHEREAS it is felt that this is a fine practice for the sake of history,

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly:

Section 1. That the Committee on Printing is authorized to cause to be prepared and affixed to the Senate walls, a tablet showing the names of the members of the Senate of the 121 General Assembly.

Section 2. The sum of \$360.00 is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, to pay for the tablet. Any monies not so expended shall revert to the General Fund.

On motion of Mr. Steen, **SB 101** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 101**—An Act Making Supplementary Appropriation to the Custodian of the State House, the Office of Governor, the Secretary of State, and the Legislative Reference Bureau.

On motion of Mr. Steen, **SB 101** was deferred.

On motion of Mrs. Manning, **SB 58** was stricken.

Mrs. Manning introduced the following bill which was given first reading and referred to the Committee on Revised Statutes:

**SB 114**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Maple Valley Club, Inc., from Assessment and Taxation.

Mr. Cook introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 115**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the State Communications Division of the State Highway Department, by Making Certain Transfers Therein.



Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 116**—An Act Making a Supplementary Appropriation to the Court of Chancery for the Fiscal Year Ending June 30, 1961.

Messrs. Reilly and Donovan, Chairman of the Corporations, Private, and Miscellaneous Committees, reported the following bills from committee: **SB 100**, 2 favorably, 2 on merits; **SB 110**, 2 favorably, 1 on merits; **HB 159**, 2 favorably, 1 on merits; **HB 158**, 3 favorably, 1 on merits.

On motion of Mr. Snowden, **SB 88** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 88**—An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing Certain of the Provisions Relating to Variable Contribution Rates.

The privilege of the floor was extended to Mr. Rosbrow 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:** Cook, Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

**NAYS:** None.

**ABSENT:** Hoey, Johnson—2.

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

The following message was received from the Governor:

### GOVERNOR'S MESSAGE

April 4, 1961

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

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

Watson S. Minner, 134 Green Street, Claymont, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire on March 23, 1965, replacing August R. Umbrecht.

Respectfully submitted,

ELBERT N. CARVEL, Governor

Mr. Steen introduced **SS 1** for **SB 101**, which on further motion by him was adopted:

**SS 1** for **SB 101**—An Act Making Supplementary Appropriation to the Custodian of the State House, the Office of Governor, the Secretary of State, and the Legislative Reference Bureau.

The following bills were reported from committee: **SB 112**, 3 favorably, 2 on merits; **SB 115**, 4 favorably.

On motion of Mr. Steen, **SS 1** for **SB 101** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1** for **SB 101**—An Act Making Supplementary Appropriation to the Custodian of the State House, the Office of Governor, the Secretary of State, and the Legislative Reference Bureau.

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

On motion of Mr. Cook, **SB 103** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 103**—An Act to Amend Section 2733, Title 21, Delaware Code, Entitled Discretionary Suspension or Revocation of Driver's License Such Amendment Relating to Occupational License.

Mr. Spicer moved to defer **SB 103**.

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

YEAS: duPont, Manning, Price, Simpson, Snowden, Spicer, Wilgus—7.

NAYS: Cook, Donovan, Mayhew, McCullough, Steen, Tull, Watson, Mr. President Pro Tem Reilly—8.

ABSENT: Hoey, Johnson—2.

So the question was decided in the negative.

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

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

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

NOT VOTING: Snowden—1.

ABSENT: Hoey, Johnson—2.

Mr. Cook moved that the roll call be tabled. Motion prevailed.

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

**SR 38**—Adopting Permanent Rules for the Senate of the 121st General Assembly.

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware that the permanent Rules of Order of the Senate of the 120th General Assembly are hereby adopted as the permanent rules of this Senate except that Rule 8 is to read as follows:

**RULE 8. PREPARATION OF BILLS AND RESOLUTIONS:**

Section 1. No bill or joint resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the

title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be typewritten, printed, or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations and shall be produced in such a manner as shall be approved by the State Archivist and Director of the Legislative Reference Bureau.

Section 2. Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary, shall be introduced with one original and at least eight copies. The original shall at all times remain in the custody of the Chairman of the Committee to which it was referred, or of the Secretary of the Senate; one copy shall at all times be under the general supervision of the Bill Clerk of the Senate; one copy shall be delivered to the Presiding Officer of the Senate; one copy shall be delivered upon introduction to the Majority Leader of the Senate; one copy upon introduction shall be delivered to the Minority Leader of the Senate; one copy shall be delivered to the member introducing the bill or resolution; and one copy shall be delivered to the representative of the Press who may be present upon the introduction of the bill or resolution. In addition, every Senator shall be provided with a copy of the text of the bill or resolution.

Section 3. All bills for the amendment of any statutes contained in the Delaware Code of 1953 shall be made with reference to the statutes or parts of statutes contained in said Code, and shall conform to the arrangement of said Code.

Mr. Mayhew introduced the following joint resolution which was given first reading and referred to the Committee on Claims:

**SJR 4—**Providing for the Use of Certain Funds of the Joint Inaugural Committee to Prepare and Modify the Delaware Inaugural Float to be Used in the Cherry Blossom Festival in Washington, D. C.

WHEREAS, the sum of \$20,000 was appropriated out of the General Fund to the expenses of the Joint Inaugural Committee, a part of which was used for the Delaware Inaugural Float, and

WHEREAS, Miss Clara Louise Frear has been chosen to represent the State of Delaware at the Annual Cherry Blossom Festival in Washington, D. C., and

WHEREAS, certain funds are necessary for the preparation and modification of the Delaware Inaugural Float for its use in the Annual Cherry Blossom Festival in Washington, D. C., in a manner which would be appropriate for a representative of the State of Delaware.

**BE IT RESOLVED** by the Senate, the House of Representatives joining therein, that the Joint Inaugural Committee be and hereby is authorized to use the sum of \$700 of any

funds which may remain unexpended for the purpose of preparing and modifying the Delaware Inaugural Float for use in the Annual Cherry Blossom Festival in Washington, D. C.

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund.

On motion of Mr. McCullough, the Senate adjourned until Wednesday, April 5, 1961, at 1:00 P. M.

## 24TH LEGISLATIVE DAY

April 5, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, April 5, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Donovan, duPont, Manning, Mayhew, Price, Snowden, Steen, Tull, Wilgus—9.

Members absent: Cook, Hoey, Johnson, McCullough, Simpson, Spicer, Watson, Mr. President Pro Tem Reilly—8.

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

Communications: Letter from Claymont P. T. A. objecting to **HB 109**.

Messrs. Simpson, Spicer, Reilly and Watson asked to be marked present.

On motion the Senate recessed at call of the Chair at 1:40 P. M. The Senate met at the expiration of the recess at 3:20 P. M. Lieutenant-Governor Lammot presiding.

Messrs. McCullough, Hoey and Cook asked to be marked present.

Communications: From Richardson Park Faculty in favor of **SB 59** and **HB 23**.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **SB 99**, 3 favorably, 1 on merits.

On motion of Mr. Simpson, **SB 100** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 100**—An Act to Amend Chapter 31 and 33, Part III, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing the Words "Contribution" and "Contributions" Therein to Read "Assessment" or "Assessments" as the Case May be.

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

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

NAYS: McCullough—1.

ABSENT: Johnson—1.

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

On motion of Mrs. Manning, **SB 112** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 112**—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the State Board of Education, by Making Transfers in Certain Appropriation Items Thereon.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem—16.

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Donovan, **HB 45** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 45**—An Act to Make Further Provision for the Issuance of Bonds which the Governor, the State Treasurer and the Secretary of State are Authorized to Issue on Behalf of the State of Delaware Pursuant to Acts Heretofore Enacted.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem—16.

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Reilly, **HB 114** with title at follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 114**—An Act to Amend Section 34, of Chapter 207, Volume 17, Laws of Delaware, by Authorizing "The Mayor and Council of Wilmington" a Municipal Corporation, to Provide, by Ordinance, for a Procedure for the Withdrawal of Funds on Deposit in the Name of "The Mayor and Council of Wilmington", Including the Authorization to Said "The Mayor and Council of Wilmington" to Authorize the Use of Facsimile Signatures on Checks Drawn Against the Accounts of "The Mayor and Council of Wilmington".

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

On motion of Mr. Steen, **SB 110** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 110**—An Act to Amend Chapter 5, Title 21, Delaware Code, Relating to Motor Vehicles, Authorizing the Erection of Stop Signs at Railroad Grade Crossings and Requiring the Drivers of Vehicles Upon Highways so Designated to Obey Such Signs.

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

Messrs. Hoey, Cook and McCullough, Chairmen of the Finance, Claims and Education Committees, reported the following bills from committees: **SB 116**, 1 favorably, 3 on merits; **SB 78**, 1 favorably, 4 on merits; **SB 35**, 3 favorably, 2 on merits; **SB 27**, 2 favorably, 2 on merits; **SB 79**, 5 favorably, **SJR 4**, 3 favorably, 1 on merits; **SB 72**, 5 on merits; **HB 145**, 2 favorably, 2 on merits; **HS 1** for **HB 8**, 2 favorably, 2 on merits; **HB 63**, 5 favorably.

On motion of Mr. Steen, **SS 1** for **SB 101** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1** for **SB 101**—An Act Making Supplementary Appropriations to the Custodian of the State House, the Office of Governor, the Secretary of State, and the Legislative Reference Bureau.

The privilege of the floor was extended to Mr. Wood 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:** Cook, Donovan, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—14.

**NAYS:** duPont—1.

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

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

The Chair presented the following bills which were given first reading and referred to the Committee on Finance:

**HB 23**—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees.

**HB 118**—An Act to Authorize the Transfer of Certain Encumbered Funds to the Salaries and Wages Account of the Maintenance Division of the State Highway Department Appropriations.

The following message was received from the Governor:

### GOVERNOR'S MESSAGE

April 5, 1961

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

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

Lawrence C. Elliott, N. Bedford Street, Georgetown, Delaware, to be a Judge of the Court of Common Pleas for Sussex County for a term of 12 years from April 5, 1961, to succeed Isaac D. Short, 2nd, resigned.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, the Senate resolved itself into Executive Session at 4:35 P. M.

On motion of Mr. Cook, SB 115 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 115**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware in Respect to Appropriations to the State Communications Division of the State Highway Department, by Making Certain Transfers Therein.

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

**YEAS:** Cook, Donovan, duPont, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—13.

**NAYS:** None.

**ABSENT:** Hoey, Johnson, Manning, Mr. President Pro Tem Reilly—4.

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

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

**SR 39**—Relating to Amount Due the Harrington Journal for Printing Incurred by the 121st General Assembly.

**BE IT RESOLVED** by the Senate of the 121st General Assembly of the State of Delaware, that the State Treasurer be and hereby is authorized and directed to pay to The Harrington Journal, Harrington, Delaware, the sum of \$556.00 covering cost of printing which is part of the expense of the Senate in the present Session, itemized as follows:

300 copies, 22 pp. @ \$5.50 per page, Feb. 16 .....	\$121.00
500 copies, 28 pp. @ \$7.50 per page, March 16 .....	210.00
500 copies, 30 pp. @ \$7.50 per page, March 23 .....	225.00
	<hr/>
	\$556.00

Mr. Mayhew moved to suspend Rule 9 to consider **SJR 4**. Motion prevailed.

On motion of Mr. Mayhew, **SJR 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SJR 4**—Providing for the Use of Certain Funds of the Joint Inaugural Committee to Prepare and Modify the Delaware Inaugural Float to be Used in the Cherry Blossom Festival in Washington, D. C.

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

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

**NAYS:** None.

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

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. Steen, the Senate adjourned at 4:50 P. M. until Thursday, April 6, 1961, at 1:00 P. M.

## 25TH LEGISLATIVE DAY

April 6, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, April 6, 1961. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. F. Douglas Milbury.

Members present: Cook, Donovan, duPont, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.



Members absent: Hoey, Johnson, Manning, McCullough, Steen—5.

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

On motion of Mr. Cook, **SB 24** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 24**—An Act to Appropriate Funds to the Joint Veterans Claims Committee to Pay Certain Claims of Veterans of World War II and Korean Conflict Which are Barred by the Lapse of Time.

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

Mrs. Manning, Messrs. Hoey and McCullough asked to be marked present.

On motion of Mr. Donovan, **HB 136** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 136**—An Act Authorizing the Recorder of Kent County to Procure a New Seal.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, Steen, Watson—3.

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

On motion of Mr. Donovan, **HB 158** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 158**—An Act Authorizing the Prothonotary of Kent County to Procure a New Seal.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, Steen, Watson—3.

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

On motion of Mr. Donovan, **HB 159** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 159**—An Act Authorizing the Register of Wills of Kent County to Procure a New Seal.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Johnson, Steen, Watson—3.

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

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

**SPECIAL MESSAGE BY GOVERNOR ELBERT N. CARVEL  
TO THE ONE HUNDRED AND TWENTY-FIRST  
GENERAL ASSEMBLY**

April 6, 1961

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

On March 20, 1961, I indicated in a Special Message, two related and most pressing problems that face the State of Delaware. These involve the enactment of toll road enabling legislation and legislation to assure additional crossings of the Delaware River and Bay.

In the earlier Message I dealt entirely with the toll road legislation and postponed the discussion of the additional Delaware River and Bay crossings until the legislation was ready for introduction. Today I urge your prompt consideration of bridge and ferry crossings of the Delaware River and Bay. This problem is extremely important to Delaware for a number of reasons.

**1. THE PROBLEM**

First, we are faced with the catastrophic financial burden inevitably resulting if a way is not found to continue tolls on the present Delaware Memorial Bridge. The original federal legislation authorizing Delaware to construct that Bridge contains a provision requiring it to become toll free upon payment of the outstanding revenue bonds. With continually increasing traffic, and despite several reductions of toll rates, it is now anticipated that all bonds will be paid in full within the next two years. At that moment, if nothing is done, the taxpayers of this State will be burdened with immediate main-

tenance charges estimated from three-quarters to a million dollars annually which will certainly increase as the Bridge becomes older.

Secondly, there is the overriding need for a second structure near the present Bridge. It is estimated that nearly 12 million vehicles will use the Bridge this year. Its maximum capacity is but 16 million annually and congestion, driving hazards and delays become intolerable when 2,000 or more vehicles per hour use the Bridge. These peak periods are growing with greater frequency. In 1960, 85 such periods occurred. This year it will occur 135 times and by 1965 it is estimated peak loads will be carried 335 hours. Thus, the necessity of a second bridge is obvious. A second facility should be ready for use in the very near future. A new twin structure, to carry traffic one way in conjunction with the present Bridge, will cost at least twice that of the original Bridge. Surely, we cannot finance such a new facility with tax money or bonds backed by the faith and credit of the State. This can be easily accomplished by revenue financing whereby the users will eventually pay for the crossing. Unquestionably this method is much fairer when it is realized that 85 per cent or more of the present users are non-residents.

Finally, there is the growing opinion that a ferry crossing at the mouth of the Delaware Bay between Cape May and Lewes is needed to open up the shortest highway route from the north to the south and to stimulate the business and economy of another important section of our State. Again, Delaware is not in a financial position to underwrite such a project with tax money and from studies already made its financial feasibility can be assured only by revenue financing in connection with the present Memorial Bridge if it is permitted to continue as a toll facility.

All of these issues are very real, demanding and are becoming increasingly serious. Fortunately, these problems have not just been noticed. There have been studies, planning and negotiations going on for some time as to the best method of satisfactorily solving these complicated problems. I believe the answer lies in the adoption of legislation now pending in the General Assembly as House Bills Nos. 182 and 183.

## 2. PAST ATTEMPTS AT SOLUTION

While Delaware's efforts to solve these problems are detailed in a Report To The Governor, dated May 29, 1958, submitted by The Delaware Interstate Highway Division, copies of which were delivered to the members of the General Assembly, I think it appropriate here to briefly review those steps actually taken in the past with respect to them. As indicated above in connection with the toll road legislation, the Interstate Highway Division in early 1956 caused legislation

to be introduced into the Congress which would have permitted the continuation of tolls on the present Bridge for use to finance a second crossing and for the construction of new free-ways in Delaware leading to the Bridge. In July of that year a hearing was held on that legislation by a Subcommittee of the House Public Works Committee. While the Division had obtained prior approval of such legislation from the United States Commissioner of Public Roads, at the hearing the bill was actively opposed by New Jersey's Governor, Congressmen and highway officials. They objected to continuing tolls on the present Bridge, after the outstanding bonds are paid, and their use for other Delaware projects. In view of New Jersey's position the Congressional Committee refused to approve the bill on the traditional ground it would not resolve a dispute between sister states involving a facility located in both. Accordingly, Delaware's representatives were advised to negotiate with New Jersey in an attempt to remove its opposition.

Since the present Bridge is located partly in New Jersey and any other similar operation crossing the Delaware River or Bay would likewise terminate there, nothing could be accomplished to resolve Delaware's problems without New Jersey's agreement, particularly in view of the attitude of Congress. Consequently, the Division commenced negotiations with the Highway Commissioner of New Jersey. Many proposals and counter-proposals were advanced and considered over an eighteen month period. The end result was that New Jersey never retreated from its original position that, in order for Delaware to obtain its consent to continue tolls on the present Bridge, to build a second structure, to operate a Bay ferry or to use toll revenues for any other purpose, it would first be necessary for Delaware to agree to the future construction and operation of such toll facilities by a bi-state agency in which both states would be equally represented.

### 3. JOINT REPORT OF DELAWARE-NEW JERSEY CONFEREES

When no working agreement appeared to be attainable, in October 1958, Governor Meyner of New Jersey and Governor Boggs of Delaware appointed a bi-partisan study group from each State with the direction that it make a further attempt to work out a reasonable and fair plan. The conferees, after negotiating and studying the problem for over a year, issued a Joint Report to the Governors of both States, dated October 29, 1959, in which they unanimously recommended the adoption of a comprehensive Compact between Delaware and New Jersey whereby the planning of essential development within the Delaware River and Bay area could be carried out jointly by them in amicable cooperation.

Both States fully recognized that neither could hope by itself to provide bridges, ferries, tunnels or other crossings adequately to serve this increasingly important area without the full agreement and participation of the other for the reason that every such facility requires a terminus or installation in the other State. It also became obvious that bi-state efforts to deal with interstate traffic across the Delaware River and Bay would require a base broad enough to permit planning and operations for many years in the future. After all, transportation by all forms and methods, must be dealt with in an integrated manner as it is but part of the larger task of dealing with common problems affecting the economic development and progress of adjacent areas on both sides of the water barrier.

I am now fully convinced after much study of these problems that the best way to solve them is to adopt the unanimous recommendations of the bi-state study group. It is the only practicable method affording a reasonable basis for carrying out the immediate needs of our State and to guarantee the future cooperation of our sister State, New Jersey, which is so essential to effectively develop important areas of our own State.

#### 4. THE PRESENT LEGISLATION

House Bills Nos. 182 and 183 embrace the necessary enabling legislation to permit the tolls to remain on the present Bridge, to permit the construction of a second bridge and to authorize the establishment of a ferry across that part of the Delaware Bay which is too wide to permit the economic construction of a bridge. Furthermore, all this may be financed by revenue bonds and without the use of either tax money or bonds backed by the credit of the State.

House Bill No. 182 consents to the Delaware-New Jersey Compact which, if enacted in both States, will create a single bi-state agency consisting of 10 members, 5 of whom are residents of each State. No more than 3 of the 5 members from each State may be of the same political party. The members will be appointed by the Governor with the advice and consent of the Senate for terms of 5 years, except that the first commissioners shall be so appointed that the term of one expires each year. The compact specifically grants authority to the bi-state agency: (1) to operate the present Bridge; (2) to construct a second or additional crossings; (3) to establish a Bay ferry, and (4) to plan, develop and operate related transportation facilities and projects within those areas of both States which border on or are adjacent to the Delaware River and Bay, south of the boundary line between Delaware and Pennsylvania, as extended across the Delaware River to the New Jersey shore.

Of course, in placing the responsibility for these interstate projects in such a bi-state agency, it must be recognized

that its authority will be limited and regulated by (1) the financial feasibility of the projects and the ability to borrow on revenue bonds for them; (2) the requirement that agency action must be by a majority vote of the commissioners voting by States; (3) the subjection of the vote of the commissioners of each State to the veto by the Governor of their State, and (4) the need to secure approval of Federal officials for any project involving a crossing of the River or Bay. In addition, the compact expressly prohibits the bi-state agency from undertaking any project, other than bridges, ferries, or other crossings, without first securing concurrent legislation from the legislature of both States.

House Bill No. 183, a companion measure, enables the maintenance and operation of the present Bridge to be transferred to the new bi-state authority. It must be noted that neither of these Acts becomes effective by their terms until New Jersey has adopted similar legislation, the compact is thereafter approved by Congress and the federal legislation authorizing the present Bridge is amended to permit tolls to be continued. If all this is accomplished before July 1, 1962, then the bi-state agency will take over on that date, otherwise not until all the other steps have been taken.

## 5. SUMMARY

Therefore, I most earnestly urge the prompt passage of House Bills Nos. 182 and 183. Time is fast running out for the accomplishment of these important steps. Action is required now to prevent the present Bridge from becoming a tax burden on the taxpayers of this State and in order to assure the continuation of adequate future crossings by bridges and ferries over the Delaware River and Bay. I cannot urge you too strongly of the necessity for prompt action. The problem has been under almost constant study since 1955 and I am convinced that the only reasonable, fair and workable solution is to adopt the Delaware-New Jersey Compact as embraced in this legislation. It will afford that protection and assurance to our citizens which their welfare demands. May you act promptly!

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Reilly, **HB 114** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 114**—An Act to Amend Section 34, of Chapter 207, Volume 17, Laws of Delaware, by Authorizing "The Mayor and Council of Wilmington" a Municipal Corporation, to Provide, by Ordinance, for a Procedure for the Withdrawal of Funds on Deposit in the Name of "The Mayor and Council of Wilmington", Including the Authorization to said "The Mayor

and Council of Wilmington" to Authorize the Use of Facsimile Signatures on Checks Drawn Against the Accounts of "The Mayor and Council of Wilmington".

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

YEAS: Cook, Donovan, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Tull, Mr. President Pro Tem Reilly—10.

NAYS: duPont—1.

NOT VOTING: Simpson, Spicer, Wilgus—3.

ABSENT: Johnson, Steen, Watson—3.

Mr. Reilly moved that the roll call be tabled. Motion prevailed.

On motion of Mr. McCullough, SB 78 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 78—An Act Appropriating Money to the Booker T. Washington School.

Mr. McCullough introduced SA 1 to SB 78 which on his further motion was adopted by the Senate, and on his further motion the bill was deferred.

On motion of Mr. McCullough, SB 78 was stricken from the Calendar.

On motion of the Chair, the Senate recessed at call of the Chair at 2:30 P. M. The Senate met at the expiration of the recess. Lieutenant-Governor Lamot presiding.

On motion of Mr. Reilly, HB 30 as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 30 with SA 1—An Act to Amend Title 19, Delaware Code, by Prohibiting Any Person, Firm or Corporation, Not Directly Involved in a Labor Strike or Lockout from Recruiting, Securing or Offering to Secure Employment for Persons to Take the Places of Employees Where a Labor Strike or Lockout Exists: and Providing for Legally Established Employment Service.

Mr. Donovan introduced SA 2 to HB 30 and moved for its adoption. Motion prevailed.

The privilege of the floor was extended to Walter Hampton to explain the bill.

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

YEAS: Cook, Donovan, duPont, Manning, McCullough, Simpson, Snowden, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: Price—1.

NOT VOTING: Hoey, Mayhew—2.

ABSENT: Johnson, Steen, Wilgus—3.

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

Mr. McCullough introduced the following bills which were given first reading and referred to the Committee on Education:

**SB 117**—An Act to Amend Section 8422, Title 9, Delaware Code, Relative to the Collection of School and Park District Taxes.

**SB 118**—An Act to Amend Subchapter IV of Chapter 7, Title 9, Delaware Code, Relating to Taxing Powers of Park Districts.

**SB 119**—An Act to Amend Chapter 7, Title 14, Delaware Code, Relating to School Districts, General and Administrative Provisions.

**SB 120**—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees.

Mr. McCullough introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 121**—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Changing the Benefits and Eliminating Social Security Benefits Deductions.

On motion of Mr. Hoey, **HB 145** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 145**—An Act Making a Supplementary Appropriation to the State Board of Education, Certain School Districts and the Wilmington Board of Education for the Fiscal Year Ending June 30, 1961.

Mr. Hoey introduced **SA 1** to **HB 145** and moved for its adoption. Motion prevailed.

Mr. Hoey moved to defer the bill.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Mayhew, McCullough, Price, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—11.

**NAYS:** Manning, Simpson—2.

**ABSENT:** Johnson, Steen, Watson, Wilgus—4.

So the question was decided in the affirmative.

On motion of Mr. McCullough, **HB 63** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 63**—An Act Providing for the Payment of Salaries of Teachers Employed as Substitutes from Appropriations for Teachers Salaries in Chapter 229, Volume 52, Laws of Delaware.



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

YEAS: Cook, Donovan, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—11.

NAYS: duPont—1.

ABSENT: Hoey, Johnson, Steen, Watson, Wilgus—5.

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

Mr. Tull introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 122**—An Act Authorizing the State of Delaware to Borrow Two Hundred Fifty Thousand Dollars (\$250,000) and Issue Bonds and Notes Therefor, to Provide for the Construction of Certain Armory Buildings and Facilities and Incidental Improvements for the Use of the Delaware National Guard, and Providing for the Form of Such Bonds and Notes as Well as the Procedure for the Sale Thereof, and Providing for the Payment of Principal and Interest of Such Bonds and Notes, and Appropriating the Sum or Sums Received Therefrom to the Delaware National Guard.

On motion of Mr. Mayhew, **SB 99** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 99**—An Act to Amend Title 29, Section 4301, Delaware Code, Relating to Notaries Public by Increasing the Number of Notaries That May be Granted.

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

YEAS: Cook, Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Hoey, Johnson, Steen, Watson, Wilgus—5.

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

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

### GOVERNOR'S MESSAGE

April 6, 1961

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

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

Charles W. Ross, Frederica, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 6, 1965, succeeding Sharp Wilson, deceased.

Elijah S. Harrington, Felton, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 6, 1965, succeeding Elmer R. Poynter.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Cook, SB 24 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 24—An Act to Appropriate Funds to the Joint Veterans Claims Committee to Pay Certain Claims of Veterans of World War II and Korean Conflict Which Are Barred by the Lapse of Time.

Mr. Cook introduced SA 1 to SB 24 and moved for its adoption. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Hoey, Johnson, Steen, Tull, Watson, Wilgus—6.

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

On motion of Mr. Mayhew, SB 116 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 116—An Act Making a Supplementary Appropriation to the Court of Chancery for the Fiscal Year Ending June 30, 1961.

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

YEAS: Cook, Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Hoey, Johnson, Steen, Tull, Watson, Wilgus—6.

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

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

**HB 126**—An Act to Amend Title 7, Section 1702, Delaware Code, Relating to Dogs Running at Large. (To Fish, Oysters and Game)

**HB 170**—An Act to Amend Section 2503, Title 10, Delaware Code to Permit the Register in Chancery for New Castle County to Employ Additional Clerks. (To Judiciary)

**HB 38**—An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to Retired School Employees. (To Revised Statutes)

**HB 169**—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Department of Public Welfare, by Making Transfers in Certain Appropriation Items Therein. (To Finance)

**HB 172**—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to State Board of Registration for Professional Engineers and Land Surveyors, by Making Transfers in Certain Appropriation Items Therein. (To Finance)

**HB 137**—An Act to Amend Chapter 3, Title 22, Delaware Code, Relating to Qualification of Members of Boards and Commissions of the City of Wilmington. (To Municipal Corporation)

The Chair presented the following joint resolution, which was given first reading and on motion of Mr. Reilly was not referred to committee, but adopted by voice vote, and returned to the House:

**HJR 4**—Requesting the Department of Defense to Reconsider Its Decision to Close the Lenape Plant of Chrysler Corporation at Newark, Delaware.

WHEREAS, the Defense Department has announced plans to close the Lenape Plant of Chrysler Corporation at Newark, Delaware, and to transfer the operations to an Army Depot outside the State of Delaware; and

WHEREAS, such a closing will result in the loss of employment by at least Five Hundred (500) trained workers; and

WHEREAS, such a closing will result in a loss to the community of a payroll amounting to approximately Sixty Thousand Dollars (\$60,000) a week; and

WHEREAS, New Castle County is already an area of high unemployment; and

WHEREAS, the Lenape Plant of Chrysler Corporation at Newark, Delaware, is the only Defense Plant operating in the State of Delaware;

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 121st General Assembly of the State of Delaware, (THE SENATE CONCURRING THEREIN):

That the President of the United States and the Defense Department be requested to reconsider the decision to close the Lenape Plant of Chrysler Corporation at Newark, Delaware, because of the severe impact upon the economy of New Castle County and the State of Delaware.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to:

The President of the United States

The Secretary of Defense

The Secretary of the Interior

The Secretary of Labor

U. S. Senator John J. Williams

U. S. Senator J. Caleb Boggs

U. S. Representative Harris B. McDowell

On motion of Mr. Cook, the Senate adjourned at 5:30 P. M. until Monday, April 9, 1961, at 1:00 P. M.

## 26TH LEGISLATIVE DAY

April 10, 1961

The Senate met pursuant to adjournment at 1:40 P. M. on Monday, April 10, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Donovan, Hoey, Mayhew, McCullough, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Cook, duPont, Johnson, Manning, Snowden, Steen—6.

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

On motion of the Chair, the Senate recessed at call of the Chair at 1:45 P. M. The Senate met at the expiration of the recess at 2:25 P. M. President Pro Tem Reilly presiding.

Messrs. duPont, Snowden, Cook and Steen asked to be marked present.

On motion of Mr. Donovan, **HB 53** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 53—An Act Relating to Arbor Day.**

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

**YEAS:** Cook, Donovan, duPont, Hoey, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

ABSENT: Johnson, Manning, Simpson, Spicer—4.

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

On motion of Mr. Reilly, **HB 114** with title as follows was lifted from the table and taken up for consideration and read a second time by title in order to pass the Senate:

**HB 114**—An Act to Amend Section 34, of Chapter 207, Volume 17, Laws of Delaware by Authorizing "The Mayor and Council of Wilmington" a Municipal Corporation, to Provide, by Ordinance, for a Procedure for the Withdrawal of Funds on Deposit in the Name of "The Mayor and Council of Wilmington", including the Authorization to Said "The Mayor and Council of Wilmington" to Authorize the Use of Facsimile Signatures on Checks Drawn Against the Accounts of "The Mayor and Council of Wilmington".

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

YEAS: Cook, Donovan, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—12.

NAYS: duPont—1.

NOT VOTING: Simpson, Spicer, Wilgus—3.

ABSENT: Johnson—1.

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

Mr. Steen introduced the following bill which was given first reading and referred to the Committee on Buildings and Highways:

**SB 123**—An Act to Amend Title 21, Delaware Code, Relating to Suspension of License and/or Registration for Failure to File Proof of Financial Responsibility.

On motion of Mr. Price, **SB 65** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 65**—An Act to Amend Chapter 25, Title 24, Delaware Code, Concerning Drugs, Pharmacies, Pharmacists, and the State Board of Pharmacy.

Mr. Price introduced **SA 1** and **SA 2** to **SB 65** and moved for their adoption. Motion prevailed.

Mr. Hoey introduced **SA 3** to **SB 65** and moved for its adoption. Motion prevailed.

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

YEAS: Donovan, duPont, Hoey, Manning, Mayhew, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Cook, Johnson, Simpson, Spicer—4.

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

On motion of Mr. Hoey, **HB 145** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 145**—An Act Making a Supplementary Appropriation to the State Board of Education, Certain School Districts and the Wilmington Board of Education for Fiscal Year Ending June 30, 1961.

Mr. Hoey moved that SA 1 to **HB 145** be adopted. Motion prevailed.

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

YEAS: Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Cook, Johnson, Simpson, Spicer—4.

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

On motion of Mrs. Manning, SS 1 for **SB 94** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1 for SB 94**—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Pensions of State Employees.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, Simpson, 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.

Messrs. Wilgus and Steen introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 124**—An Act to Appropriate Money to the State Highway Department for the Purpose of Repairing and Replacing the Boardwalk at Bethany Beach.

Mr. Donovan introduced the following bill which was given first reading and referred to the Committee on Public Health:

**SB 125**—An Act to Amend Chapter 13, Title 16, Delaware Code, Relating to Treatment of Drinking Water with Chemicals and Providing Referenda.

On motion of Mr. Steen, **HS 1** for **HB 8** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 8**—An Act to Appropriate Funds to the Department of Public Welfare for Salaries, Assistance Grants and Child Welfare Service.

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

**YEAS:** Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** Cook, Spicer—2.

**ABSENT:** Johnson, Simpson—2.

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

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **SB 113**, 3 favorably, 1 on merits, 1 unfavorably.

On motion of Mr. Reilly, **HB 36** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 36**—An Act to Further Amend Chapter 121, Volume 28, Laws of Delaware, as Amended by Chapter 142, Volume 36 and Chapter 4, Volume 51, Laws of Delaware, and Relating to the Taking and Hearing of Appeals from the Board of Assessment for the City of Wilmington.

Mr. Reilly introduced **SA 1** to **HB 36** and moved for its adoption.

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

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 70**, 5 on merits.

The Chair presented the following House bills which were given first reading and assigned to committees as follows:

**HB 176**—An Act Making a Supplementary Appropriation to the State Tax Department. (To Finance)

**HB 73**—An Act to Amend Title 14, Delaware Code, Relating to School Board Elections and Appointments. (To Elections)

**HB 102**—An Act to Amend Title 14, Sections 311 and 1904, Delaware Code, Relating to Notices of School Elections. (To Elections)

**HB 174**—An Act to Amend Title 31, Delaware Code, with Respect to Support from Relatives of Persons Applying for or Receiving Public Assistance. (To Revised Statutes)

**HB 178**—An Act to Permit the State Tax Department to Void Certain Unclaimed Checks. (To Claims)

On motion of Mr. Cook, the Senate resolved into Executive Session.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**SB 126**—An Act to Amend the Charter of Smyrna, Chapter 192, Volume 36, Laws of Delaware, by Authorizing the Town Council to Fill the Offices of Town Treasurer, Board of Assessment, Alderman and Town Collector in the Event of Any Vacancy for Any Reason.

On motion of Mr. Steen, the Senate recessed at call of the Chair at 3:25 P. M. The Senate met at the expiration of the recess at 4:30 P. M. Lieutenant-Governor Lamnot presiding.

A message was received from the Governor and read to the Senate and referred to the Executive Committee.

Mr. Price, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 170**, 3 favorably, 1 on merits.

Mr. Price introduced the following substitute bill which on further motion by him was adopted in lieu of the original and **SB 41** was stricken from the calendar:

**SS 1 for SB 41**—An Act to Amend the Charter of the Town of Smyrna, Chapter 537, Volume 20, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said Town After a Special Election of the Estate Owners of Their Territory Proposed to be Annexed or in the Alternative by Petition by Owners of Real Property to the Council of the Town of Smyrna.

On motion of Mr. Reilly, the Senate adjourned at 4:45 P. M. until Tuesday, April 11, 1961, at 1:00 P. M.

## 27TH LEGISLATIVE DAY

April 11, 1961

The Senate met pursuant to adjournment at 1:40 P. M. on Tuesday, April 11, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Donovan, duPont, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Cook, Hoey, Johnson, McCullough, Steen, Watson—6.

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



Mr. Tull, Chairman of the Banking and Insurance Committee, reported the following bill from committee: **SB 50**, 3 favorably, 1 on merits.

The Chair presented the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

**HB 22**—An Act to Increase the Compensation of the Comptroller for New Castle County and the Clerk of the Peace for New Castle County.

On motion of the Chair, the Senate recessed at call of the Chair at 1:45 P. M. The Senate met at the expiration of the recess at 5:10 P. M. Lieutenant-Governor Lamot presiding.

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

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bills from committee: **SB 40**, 5 favorably; **SB 126**, 5 favorably.

Mr. Price introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 127**—An Act Relating to the Custody and Exchange of Law Books.

Mr. Steen introduced the following joint resolution which was given first reading and referred to the Committee on Education:

**SJR 5**—Withdrawing from the Southern Regional Education Compact.

WHEREAS, by virtue of that certain Senate Joint Resolution adopted April 5, 1955, and set forth as Chapter 646, Volume 50, Laws of Delaware, the General Assembly of the State of Delaware adopted the Southern Regional Education Compact, AND

WHEREAS, the Compact in part provides and sets forth a means for withdrawal therefrom which reads as follows:

"After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact", AND

WHEREAS, the State of Delaware has found the objectives most worthwhile, yet it is believed that Delaware cannot materially contribute to or benefit from the Compact's objectives, NOW, THEREFORE

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that

Section 1. The State of Delaware does hereby withdraw from the Southern Regional Education Compact subject to the agreements, covenants and obligations therein set forth and binding upon the State.

Section 2. The Secretary of the Senate is directed to send forthwith a certified copy of this Senate Joint Resolution to the Board of Control for Southern Regional Education, and the Secretary of the Senate shall notify said Board in writing of the withdrawal of the State of Delaware from said Compact, such withdrawal to become effective as therein provided, to-wit: two years after written notice is submitted to the Board accompanied by a certified copy of the requisite legislative action.

Messrs. Snowden and Tull introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 128**—An Act Making a Supplementary Appropriation to the Youth Services Commission of Delaware for the Fiscal Year Ending June 30, 1962, for Establishing and Operating a Juvenile Detention Home in Kent and Sussex Counties.

Mr. Cook, Chairman of the Claims Committee, reported the following bill from committee: **HB 178**, 3 favorably, 1 on merits.

On motion of Mr. Mayhew, **HB 170** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 170**—An Act to Amend Section 2503 Title 10, Delaware Code to Permit Register in Chancery for New Castle County to Employ Additional Clerks.

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

**YEAS:** Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

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

**ABSENT:** Cook, Johnson—2.

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

On motion of Mr. McCullough, **SB 78** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 78**—An Act Appropriating Money to The Booker T. Washington School.

On motion of Mr. McCullough, **SA 1** to **SB 78** was withdrawn.

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

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

NAYS: None.

ABSENT: Cook, Hoey, Johnson, Watson—4.

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

On motion of Mr. Reilly, **HB 36** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:.

**HB 36**—An Act to Further Amend Chapter 121, Volume 28, Laws of Delaware, as Amended by Chapter 142, Volume 36 and Chapter 4, Volume 51, Laws of Delaware, and Relating to the Taking and Hearing of Appeals from the Board of Assessment for the City of Wilmington.

Mr. Reilly moved for the adoption of **SA 1** to **HB 36**. Motion prevailed.

Mr. Reilly introduced **SA 2** to **HB 36** and moved for its adoption. Motion prevailed.

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

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

NAYS: None.

ABSENT: Donovan, Johnson, Simpson—3.

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

Mr. Tull introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 129**—An Act to Waive the Sovereign Immunity of the State of Delaware and Permit a Suit in Tort Against the State of Delaware, in Any Court of Competent Jurisdiction, by Martha A. Spicer, Widow of Minos Rora Spicer, by Reason of an Accident Resulting in the Latter's Death, on June 29th, 1958, on the Woodland Ferry at That Time Operated by the State of Delaware Across the Nanticoke River.

Mr. Price introduced the following substitute bill which on further motion by him was adopted in lieu of the original bill, and **SS 1** for **SB 41** was stricken:

**SS 2** for **SB 41**—An Act to Amend the Charter of the Town of Smyrna, Chapter 192, Volume 36, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said

Town After a Special Election of the Qualified Voters and Real Estate Owners of Their Territory Proposed to be Annexed.

On motion of Mr. Steen, the Senate adjourned at 5:40 P. M. until Wednesday, April 12, 1961, at 1:00 P. M.

## 28TH LEGISLATIVE DAY

April 12, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, April 12, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Cook, Donovan, duPont, Mayhew, Price, Simpson, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

Members absent: Hoey, Johnson, Manning, McCullough, Snowden, Spicer, Steen, Watson—8.

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

On motion of the Chair, the Senate recessed at call of the Chair at 1:40 P. M. The Senate met at the expiration of the recess at 4:08 P. M. Lieutenant-Governor Lammot presiding.

Mrs. Manning and Messrs. Hoey, Watson and Steen asked to be marked present.

Messrs. Reilly and duPont introduced the following joint resolution and moved for the suspension of Rule 9 to act upon the resolution. Motion prevailed.

**SJR 6**—Relative to the Selection of Dr. Francis J. Cummings as Recipient of the 1961 Shotwell Award of the American Association of Workers for the Blind.

WHEREAS, the Members of the 121st General Assembly of the State of Delaware have learned with great pleasure of the selection of Dr. Francis J. Cummings, Executive Secretary of the Delaware Commission for the Blind as recipient of the 1961 Shotwell Award of the American Association of Workers for the Blind, and

WHEREAS, Dr. Francis J. Cummings has for many years faithfully and diligently served as Executive Secretary of the Delaware Commission for the Blind, AND

WHEREAS, Dr. Francis J. Cummings has in addition to his duties as Secretary of the Delaware Commission for the Blind has taken time to be a leader in many diverse and civic functions, AND

WHEREAS, Dr. Francis J. Cummings has on many occasions served on National and International Committees and Organizations, AND

WHEREAS, the Members of the Senate, in conjunction with the people of the State of Delaware, desire to express in this public manner their feelings of appreciation and to compliment Dr. Cummings on his latest honor, NOW THEREFORE

BE IT RESOLVED by the Senate, that the members hereby give their warmest congratulations to Dr. Cummings upon his receipt of this award.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dr. Cummings and that the text of this resolution be made a permanent part of the Senate of the 121st General Assembly of the State of Delaware.

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

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

NAYS: None.

ABSENT: Johnson, McCullough, Simpson, Snowden, Spicer—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.

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

**SR 40**—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation the Officers and Employees of the Senate, Being Expenses Connected With the Present Session of the Senate of the 121st General Assembly.

Messrs. Reilly, Hoey and Cook introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 130**—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the Board of Trustees of Delaware State College, to Issue Bonds and Notes Therefor, and to Make an Appropriation Therefore.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bills from committee: **SS 2** for **SB 41**, 3 favorable; **HB 22**, 3 on merits.

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

**SCR 17**—Providing for a Joint Committee to Investigate the Feasibility of the Construction of an Addition to Legislative Hall to House Officers and Rooms for the Members of the General Assembly.

WHEREAS, Legislative Hall, the seat of the government of Delaware houses the offices of the Chief Executive and the Houses of the General Assembly, and

WHEREAS, there are at present no suitable offices or other rooms for the members of the General Assembly although such offices are necessary to the transaction of the business of the State of Delaware: NOW THEREFORE

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that a Joint Committee consisting of three members from the Senate to be appointed by the President of the Senate and three members from the House of Representatives to be appointed by the Speaker of the House; which said committee is empowered and directed to study the feasibility of the construction of an addition on either side of Legislative Hall to house offices and other rooms for the members of the General Assembly, and further to hire an architect to prepare plans for this addition and to take any other necessary action to achieve the desired result.

BE IT FURTHER RESOLVED that the sum of \$5,000 be and is hereby appropriated out of the General Fund of the State Treasury to cover the expenses of the said committee in making this study.

BE IT FURTHER RESOLVED that any part of the appropriation hereby made which may remain unexpended when the said committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund.

On motion of Mr. Tull, the Senate resolved into Executive Session at 4:20 P. M.

The Senate resolved into regular session at 4:40 P. M.

On motion of Mr. Price, SB 126 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 126**—An Act to Amend the Charter of Smyrna, Chapter 192, Volume 36, Laws of Delaware, by Authorizing the Town Council to Fill the Offices of Town Treasurer, Board of Assessment, Alderman and Town Collector in the Event of Any Vacancy for Any Reason.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Johnson, McCullough, 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 ordered to the House for concurrence.

Mr. Mayhew, Chairman of the Judiciary Committee reported the following bills from committee: SB 38, 2 favorably, 2 on merits; SB 127, 2 favorably, 2 on merits.

Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Judiciary:

**SB 131**—An Act to Amend Chapter 9, Title 10, Delaware Code, Known as the Family Court Act by Clarifying the Power of the Court Relating to the Custodial Care of a Child Pending Final Determination, and in the Matter of Examinations and Treatment.

Mr. Steen introduced **SJR 7** and moved for the suspension of Rule 9 in order to consider the resolution. Motion prevailed.

**SJR 7**—Endorsing and Approving the Construction of an Inland Waterway from Delaware Bay to Chesapeake Bay.

WHEREAS, the District Engineer, U. S. Army Engineer District, Philadelphia, has been directed to make a survey and prepare a report with a view to determining the advisability of undertaking improvements, modifications, and relocations to provide a continuous waterway from Delaware Bay, Delaware to Chesapeake Bay, Virginia, and alternate routes from Chincoteague Bay, Maryland to Chesapeake Bay, Maryland, and

WHEREAS, in order that the report may fully cover the matter, a public hearing will be held at Ocean View, Delaware, on April 14, 1961, and

WHEREAS, the members of the Senate and the House of Representatives of the 121st General Assembly wish to endorse and approve the project.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein that the undertaking of the construction of an inland waterway from Delaware Bay to Chesapeake Bay be and is hereby endorsed and approved.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Governor of the State of Delaware and to Colonel T. H. Setliffe, District Engineer.

On motion of Mr. Steen, the resolution was stricken.

Mr. Steen introduced **SJR 8** and moved for the suspension of Rule 9 in order to consider the resolution. Motion prevailed.

**SJR 8**—Endorsing the Survey of an Inland Waterway from Delaware Bay to Chesapeake Bay.

WHEREAS, the District Engineer, U. S. Army Engineer District, Philadelphia, has been directed to make a survey and prepare a report with a view to determining the advisability of undertaking improvements, modifications, and relocations to provide a continuous waterway from Delaware Bay,

Delaware to Chesapeake Bay, Virginia, and alternate routes from Chincoteague Bay, Maryland to Chesapeake Bay, Maryland, and

WHEREAS, in order that the report may fully cover the matter, a public hearing will be held at Ocean View, Delaware, on April 14, 1961, and

WHEREAS, the members of the Senate and the House of Representatives of the 121st General Assembly wish to endorse the project.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein that the undertaking of the survey of an inland waterway from Delaware Bay to Chesapeake Bay be and is hereby endorsed.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Governor of the State of Delaware and to Colonel T. H. Setliffe, District Engineer.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Johnson, McCullough, Snowden, Spicer—4.

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

Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 132**—An Act to Amend Chapter 11, Title 10, Delaware Code, Known as the Juvenile Court Act for Kent and Sussex Counties by Clarifying the Power of the Court Relating to the Custodial Care of a Child Pending Final Determination, and in the Matter of Examinations and Treatment.

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

**HB 5**—An Act Appropriating Certain Money to Palmer Home, Incorporated. (To Finance)

**HB 29**—An Act to Amend Section 6913, 6914 and 6915, Title 29, Delaware Code, Relating to Wages. (To Labor)

**HB 160**—An Act to Amend Chapter 345, Volume 52, Laws of Delaware, Relating to the Enlargement and Improvement of the System of Free Public Schools of Delaware and the Financing of the Same by the Issuance of Bonds of the State and of Certain Districts, by Providing That Certain School Districts be Included and Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds. (To Education)



**HB 161**—An Act Authorizing the State of Delaware to Borrow Money to be Used by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna to be Used to Make Capital Improvements and to Purchase Equipment for the State Welfare Home and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board. (To Public Health)

**HB 188**—An Act to Amend Chapter 207, Volume 17, Laws of Delaware, Entitled "An Act to Revise and Consolidate the Statutes Relating to the City of Wilmington", as Amended, by Further Amending Section 31 Thereof so That the Council Shall Have Power to Provide, by Ordinance or Resolution, for the Sale and Disposition of Abandoned and Surplus Lands and Properties and the Proceeds Therefrom. (To Corporations, Municipal)

On motion of Mr. Cook, the roll call on **SB 103** was lifted.

On motion of Mr. Cook, the roll call on **SB 103** was stricken.

Mr. Cook introduced the following substitute bill which on further motion by him was adopted in lieu of the original:

**SS 1 for SB 103**—An Act to Amend Section 2733, Title 21, Delaware Code, Entitled Discretionary Suspension or Revocation of Driver's License, Such Amendment Relating to Occupational License.

On motion of Mr. Simpson, the Senate recessed at call of the Chair at 5:10 P. M. The Senate met at the expiration of the recess at 5:20 P. M. President Pro Tem Reilly presiding.

On motion of Mr. Cook, **SS 1 for SB 103** was deferred.

On motion of Mr. Steen, the Senate adjourned until Thursday, April 13, 1961, at 1:00 P. M.

## 29TH LEGISLATIVE DAY

April 13, 1961

The Senate met pursuant to adjournment at 2:24 P. M. on Thursday, April 13, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: duPont, Manning, Mayhew, McCulloch, Price, Simpson, Spicer, Steen, Wilgus—9.

Members absent: Cook, Donovan, Hoey, Johnson, Snowden, Watson, Tull, Mr. President Pro Tem Reilly—8.

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

On motion of Mr. Steen, the Senate recessed at call of the Chair at 2:26 P. M. The Senate met at the expiration of the recess at 2:36 P. M. Lieutenant-Governor Lammot presiding.

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

### GOVERNOR'S MESSAGE

April 13, 1961

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

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

Horace H. Best, Sr., 803 Greentree Road, Newark, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 13, 1965, succeeding William Coverdale, resigned.

Respectfully submitted,

ELBERT N. CARVEL, Governor

A communication was read inviting the Senators to attend the dedication of the new State Library Building on April 18, 1961.

On motion of Mr. Reilly, the Senate recessed at call of the Chair at 2:40 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lammot presiding.

Mr. Watson asked to be marked present.

Mr. Mayhew introduced the following bill which was given first reading and referred to the Committee on Finance:

**SB 133**—An Act Authorizing the State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Howard H. Dickerson to the General Fund of the State of Delaware.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bills from committee: **HB 188**, 2 favorably, 3 on merits; **HB 161**, 4 favorably.

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

**SR 41**—Making an Appropriation to Able-Mar Printing Service for Printing Bill Backers for the Senate of the 121st General Assembly.

On motion of Mr. Tull, the Senate resolved into Executive Session at 5:00 P. M. The Senate resolved into regular session at 5:15 P. M.

Mr. Cook introduced the following substitute bill which on further motion by him was adopted in lieu of the original.

**SS 2 for SB 103**—An Act to Amend Section 2733, Title 21, Delaware Code, Entitled Discretionary Suspension or Revocation of Driver's License, Such Amendment Relating to Occupational License.

On motion of Mr. Cook, SS 2 for SB 103 was taken up for consideration and read a second time by title in order to pass the Senate:

SS 2 for SB 103—An Act to Amend Section 2733, Title 21, Delaware Code, Entitled Discretionary Suspension or Revocation of Driver's License, Such Amendment Relating to Occupational License.

Mr. Cook introduced SA 1 to SS 2 for SB 103 and moved for its adoption.

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

YEAS: Cook, duPont, Hoey, Manning, Price, Simpson, Spicer, Wilgus—8.

NAYS: McCullough, Steen, Mr. President Pro Tem Reilly—3.

NOT VOTING: Mayhew, Tull, Watson—3.

ABSENT: Donovan, Johnson, Snowden—3.

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

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

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

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

ABSENT: Donovan, Johnson, Snowden—3.

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

Mr. Reilly, Chairman of the Labor Committee, reported the following bills from committee: **HB 27**, 5 favorably; **HB 29**, 3 favorably, 2 on merits; **SJR 5**, 2 favorably, 3 on merits.

Messrs. Price and Mayhew introduced the following bills which were given first reading and referred to the Committee on Finance:

**SB 134**—An Act to Provide for the Return of Certain Funds to the Unemployment Compensation Fund.

**SB 135**—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations for the Debt Service of the State of Delaware, by Making Transfers in Certain Items Therein, and by Making a Transfer from Debt Service to Salaries and Wages of the State Treasurer.

On motion of Mr. Steen, the Senate adjourned at 6:00 P. M. until Monday, April 17, 1961, at 1:00 P. M.

## 30TH LEGISLATIVE DAY

April 17, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, April 17, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. F. D. Milbury.

Members present: Donovan, duPont, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

Members absent: Cook, Hoey, Johnson, Mayhew, McCullough—5.

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

Communication: From Senator Johnson expressing appreciation for sympathy of Senate.

On motion of Mr. Steen, the Senate recessed at call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 4:00 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Mayhew and Cook asked to be marked present.

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

## GOVERNOR'S MESSAGE

April 17, 1961

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

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

Thomas L. Winterbottom, Millville, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years to expire on April 17, 1965, to succeed Roger A. Thomas of Bethany Beach.

Clarence H. Kirkpatrick, 22 Henlopen Avenue, Rehoboth, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 17, 1965, succeeding Theodore R. Dick.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Reilly, **HB 27** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 27**—An Act to Amend Chapter 83, Title 11, Delaware Code, Entitled "State Police", Relating to Expanding the State Police Force, Providing Funds Therefor.