

Town of Bethany Beach and Giving it Authority to Issue Bonds', Eliminating the Requirement That Voters Attend or Spend at Least One Week in Said Town Immediately Preceding the Day on Which the Election is Held to be Entitled to Vote"; to Corporations Municipal.

HB 205—"An Act to Amend Chapter 83, Title 11, Delaware Code, Relating to the Eligibility of the State Police for Pensions"; to Judiciary.

HB 239—"An Act Abolishing the Sinking Fund Commissioners of the City of Wilmington; Repealing Certain Acts Relating to the Sinking Fund Commissioners of the City of Wilmington and Transferring the Powers and Duties Heretofore Exercised by the Sinking Fund Commissioners of the City of Wilmington to the City Treasurer"; to Corporations, Municipal.

HB 241—"An Act to Authorize and Empower the Mayor and Council of Wilmington to Bond All Officers, Agents and Employees by Blanket Bonds or 'Position Schedule Bonds';" to Corporations, Municipal.

Mr. Hickman asked to be marked present.

On motion of Mr. Nechay **HB 64**—"An Act Making a Deficiency Appropriation to the State Treasurer for the Purpose of Making Refunds of License Fees Relating to Electrical Contractors" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem—14.

NAYS—None.

NOT VOTING—Mr. Simpson—1.

ABSENT—Messrs. McCullough, Williams—2.

Mr. Reilly moved that Mr. Simpson be permitted to vote Not Voting. Motion carried.

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

Mr. Watson introduced the following Resolution. Mr. Snowden moved that action upon the Resolution be deferred. Motion lost. On the further motion of Mr. Watson the Resolution was adopted by the Senate: **SR 56**—"Amending Rules of the Senate".

Mr. Nechay reported the following Bills from the Revised Statutes Committee: **HB 158**, 2 mer., 2 unfav.; **HB 211**, 2 fav., 1 mer., 1 unfav.

On motion of Mr. Reilly the Senate recessed at call of

the chair at 2:35 P.M. The Senate met at the expiration of the recess at 4:05 p.m. Pres. Pro Tem Cook presiding.

Mr. Williams asked to be marked present.

On motion of Mr. Tull **SB 145**—"An Act to Amend Chapter 9, Title 18, Delaware Code, Relating to Valuation and Nonforfeiture Requirements of Life Insurance Policies" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Tull requested the privilege of the floor for Harry K. Smith, Insurance Commissioner, who explained the Bill.

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

YEAS—Messrs. Correll, DuPont, Hickman, Hoey, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Mayhew, McCullough, Steen—3.

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

On motion of Mr. Tull, **SB 143**—"An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to Investment of Funds by Domestic Insurance Companies Secured by Mortgages or Deeds of Trust" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Tull requested the privilege of the floor for Mr. Harry S. Smith, who explained the Bill.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem—14.

NAYS—None.

ABSENT—Messrs. McCullough, Steen, Watson—3.

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

On motion of Mr. Reilly **SB 65**—"An Act to Amend Chapter 9, Title 5, Delaware Code Relating to Regulations Governing Business of Banks and Trust Companies" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem—15.

NAYS—None.

ABSENT—Messrs. 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. Cook introduced the following Resolution which on further motion by him was Adopted by the Senate: **SR 57**—“In Reference To Election of Officers”.

On motion by Mr. Watson **HB 79** as Amended by **SA 1** entitled “An Act to Amend Title 14, Delaware Code, Relating to School Board Elections” was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Mayhew, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—9.

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

ABSENT—Messrs. Hoey, McCullough—2.

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

On motion by Mr. Watson **HB 171**—“An Act to Amend Title 14, of the Delaware Code by Providing for the Election of School Board Members in the Conrad High School District” was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Nechay introduced **SA 1** to **HB 171** which on further motion by him was adopted by the Senate.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—10.

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

ABSENT—Mr. McCullough—1.

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

The Chair announced that he was signing **SJR 7**; **SCR 18**; **SR 56**; **SB 57**; **SB 60**.

The Chair directed that **HB 60** with **HA 1** be given first and second readings and referred to the Revised Statutes Committee.

HB 60—“An Act to Amend Title 28, Delaware Code,

Relating to Horse and Dog Racing in the State of Delaware."

On motion of Mr. Reilly, the Senate adjourned to Monday, May 4, 1959 at 1 P.M. at 5 P.M.

44TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:35 P.M. on Monday, May 4, 1959, Lieutenant Governor Buckson, presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present—Messrs. Correll, DuPont, Hoey, Price, Reilly, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem—Cook—10.

Members absent—Messrs: Hickman, Mayhew, McCullough, Nechay, Simpson, Steen, Williams—7.

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

Motion prevailed.

Mr. Cook moved that Rule 23 be suspended for the balance of the Legislative Day. Motion carried.

Mr. Correll introduced the Senior class from Newark High School.

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

SB 156—"An Act to Amend Various Titles of the Delaware Code to Make Elections Fall Upon a Uniform Date" by Mr. Watson, by request, to Elections Committee.

SB 157—"An Act to Amend Chapter 15, Title 10, Delaware Code, Entitled 'Court of Common Pleas - Kent County' Relating to the Salaries of the Judge and the Clerk Thereof" by Mr. Cook, to Judiciary.

On motion of Mr. Cook **SB 36**—"An Act to Amend Title 11, Delaware Code, Entitled 'Crimes and Criminal Procedure' in Respect to Authorizing the Board of Parole to Forfeit All or Part of Good Time upon the Violation of a Parole" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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—Messrs. Correll, DuPont, Hoey, Mayhew, Price, Reilly—6.

NAYS—Messrs. Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem—5.

ABSENT—Messrs. Hickman, McCullough, Nechay, Simpson, Steen, Williams—6.

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

At the request of Mr. Cook, **SB 36** was restored to the calendar.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:50 P.M. The Senate met at the expiration of the recess at 3:10 P.M., Lt. Gov. Buckson presiding.

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

HB 240—"An Act to Authorize the Mayor and Council of Wilmington to Issue Negotiable Bonds and Notes for Lawful Purposes and to Provide for Their Payment"; to Corporations, Municipal.

HB 259—"An Act to Amend Subchapter V, Entitled 'Controlled-Access Highways,' of Chapter 1, Title 17, of The Delaware Code, to Prohibit The Construction and Location of Commercial Establishments For Serving Motor Vehicle Users Along Controlled-Access Facilities on Public Owned Lands"; to Public Lands.

HB 238—"An Act Authorizing the Mayor and Council of Wilmington to Compile, Revise, Amend and Codify Existing Ordinances and Regulations Adopted By Any Department, Board, or Agency of Said The Mayor and Council of Wilmington"; to Corporations Municipal.

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

Miss Delaware (Miss Nancy Olney) was introduced to the Senate and invited to the rostrum.

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

The Senate met at the expiration of the recess at 4:35 P.M. Lt. Gov. Buckson presiding.

Messrs. Nechay and Williams asked to be marked present.

Mr. Tull reported the following Bills from Banking and Insurance: **SB 102**, 3 fav., 1 mer.; **SB 149**, 4 fav.

The Chair announced that he had signed: **SB 136**, **SR 57**; **HB 225**; **HB 137**, as amended; **HB 94**; **HB 87**; **HB 54**; **HCR 10**.

Mr. Hickman reported **SB 105** public health: 4 fav.

Mr. Price announced a public hearing in the Senate on Tuesday, May 5, 1959 at 2:00 P.M. on **SB 95**.

Mr. Nechay reported the following bills from revised statutes: **SB 114**, 1 fav., 3 mer.; **SB 97**, 1 fav., 3 mer.; **SB 111**, 2 fav., 1 unfav., 1 mer.; **SB 150**, 2 unfav., 1 fav., 1 mer.; **SB**

123, 2 fav., 1 unfav., 1 mer.; **SB 139**, 1 fav., 1 unfav., 2 mer.; **SB 134**, 2 fav., 2 mer.; **SB 121**, 1 fav., 3 mer.; **SB 126**, 1 fav., 2 unfav., 2 mer.; **SB 131**, 1 fav., 3 mer.; **HB 104**, 2 mer., 1 unf.; **HB 60**, 2 unfav., 2 mer.

Mr. Steen reported the following Bill from Public Lands: **HB 259**, 3 fav., 2 mer.

On motion of Mr. Cook, the Senate adjourned until Tues., Ma 5, 1959 at 1 P.M. at 4:50 P.M.

45TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 1 P.M., on Tuesday, May 5, 1959, Lieutenant Governor Buckson presiding.

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

Members present—Messrs. Correll, Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Williams—11.

Members absent—Messrs. DuPont, Hoey, Nechay, Snowden, Steen, Mr. Pres. Pro Tem (Cook)—6.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed without objection that so much be considered the reading of the Journal, and the Journal be approved.

On motion of Mr. Reilly **Rule 23** was suspended for the balance of the Legislative Day.

Mr. Hoey asked to be marked present.

The Chair presented the following House Bills which were given first and second reading and referred to committee:

HB 174—"An Act to Amend Chapter 11, Title 28, Delaware Code, Entitled 'Bingo' by Repealing Section Dealing With Advertising and Relating to Transportation to and from Authorized Game Locations"; to Miscellaneous.

HB 242—"An Act Requiring the Doing of All Work and the Furnishing of All Materials and Supplies to The Mayor and Council of Wilmington or To Any Board, Commission, Department or Agency Thereof to the Lowest and Best Bidder and Providing the Procedure Relating Thereto"; to Corporations, Municipal.

HB 182—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide For The Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds"; to Buildings and Highways.

Mr. Watson introduced **SB 158** which was given first and second readings and referred to the committee on Fish, Oyster and Game.

SB 158—"An Act to Amend Chapter 7, Title 7, Delaware Code, by Adding Thereto A New Subchapter Relating to the Woodchuck or Ground Hog."

On motion of Mr. Williams the Senate recessed at call of the Chair at 2:10 P.M. for the purpose of conducting the public hearing on **SB 95**.

The Senate met at the expiration of the recess at 4:50 P.M. Lt. Gov. Buckson, presiding.

Messrs. Cook, DuPont, Snowden, Steen and Nechay asked to be marked present.

Mr. Cook introduced **SJR 8** with title as follows which was given first and second readings and referred to the Revised Statutes Committee. "Relating to the Advent of the Common Law of England in the New World".

The Chair announced that he had signed **SB 34**.

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

SB 159—"An Act Appropriating Money to Millsboro School District No. 204"; to Finance.

SB 160—"An Act to Amend Section 4126 (c), Title 21, Delaware Code Relating to Specific Speed Limits and The Penalties Therefor"; Bldgs. and Highways.

SB 161—"An Act to Authorize the State of Delaware to Borrow A Certain Sum of Money to Provide for Highway Improvements and For Buildings Under the Jurisdiction of the State Highway Department by Acquiring Lands and Rights-of-Way, Constructing and Reconstructing Highways, Bridges, By Providing Buildings and Improvements Incidental Thereto and To Issue Bonds and Notes Therefore and Appropriating Said Funds"; to Buildings and Highways.

SB 162—"An Act Appropriating Certain Moneys to The State Highway Department to Conduct an Educational Campaign on Street and Highway Safety"; to Buildings and Highways.

SB 163—"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"; to Buildings and Highways.

SB 164—"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"; to Buildings and Highways.

SB 165—"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 Erosion: To Provide Penalties For Hindering or Delaying Work, Damage Prevention and Damage Repair; and To Confer Jurisdiction of Violations Upon Justices of the Peace"; to Buildings and Highways.

SB 166—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating To State Employees' Pension Plan"; to Finance.

Mr. Tull reported **HB 235** from the Agriculture Committee with 3 fav., 2 merits. Mr. Nechay reported **SJR 8** from the Revised Statutes Committee with 4 fav.

Mr. Cook moved that rule 9 be suspended for the purpose of considering **SJR 8** for passage. Motion prevailed.

On motion of Mr. Cook **SJR 8**—"Relating To The Advent of The Common Law of England In The New World" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs: Correll, DuPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—15.

NAYS—None.

ABSENT—Messrs: Reilly, Spicer—2.

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

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

HS 1 For HB 30—"An Act to Amend Chapter 21, Title 3, Delaware Code, Entitled 'Commercial Fertilizers', by Repealing The Present Provisions and Substituting New Administrative and Substantive Provisions"; to Agriculture.

HB 227—"An Act to Amend Chapter 31, Title 16, Delaware Code, Entitled 'Vital Statistics';" to Public Health.

On motion of Mr. Nechay **SB 15**—"An Act to Amend Chapter 43, Title 21, Delaware Code Relating to Equipment and Construction of Vehicles by Providing for a New Subchapter Thereto Entitled 'Brake Fluids'" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, DuPont, Hickman, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

NAYS—Mr. Spicer—1.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Reilly Steen—2.

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

On motion of Mr. Cook the Senate adjourned until Wednesday, May 6, 1959 at 1 P.M. at 5:50 P.M.

46TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:15 P.M. on Wednesday, May 6, 1959, President Pro Tem Cook, presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

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

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed without objection that so much be considered the reading of the Journal, and the Journal be approved.

Mr. Snowden introduced the following bills which were given first and second readings and referred to committee as follows:

SB 167—"An Act to Amend Chapter 6, Title 11, Delaware Code, Relating to the Crime of "Shoplifting"; by request to Revised Statutes.

SB 168—"An Act to Amend Chapter 6, Title 11, Delaware Code, Relating to the Crime of Larceny of Goods Held For Sale"; by request to Revised Statutes.

SB 169—"An Act Appropriating Funds for the Operations of the Kruse School for Girls, A Division of the Youth Services Commission of the State of Delaware"; to Finance.

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

Senate met at expiration of recess at 4:40 P.M. Lt. Gov. Buckson presiding.

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

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

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

Hugh R. Sharp, Jr., Greenville, to be a member of the State Highway Department (New Castle County Resident) for a term to expire May 1, 1963.

Frank R. Grier, Milford, to be a member of the State Highway Department (Sussex County Resident) for a term to expire May 1, 1965.

James E. Jackson, Milford, to be a member of the State Highway Department (Kent County Resident) for a term to expire May 1, 1965.

William O. Covey, Jr., Seaford, to be a member of the State Highway Department (Sussex County Resident) for a term to expire May 1, 1962.

Eugene D. Bookhammer, Lewes, to be a member of the State Highway Department (Sussex County At Large) for a term to expire May 1, 1964.

Ernest F. Smith, Jr., Kenton, to be a member of the Public Service Commission for a term to expire September 1, 1963.

Respectfully submitted,

J. CALEB BOGGS, Governor

Messrs. Williams, Steen, Hickman asked to be marked present.

Mr. Steen moved that **SB 105** be given its third reading, but upon his further request, consideration of the Bill was temporarily deferred.

On motion of Mr. Reilly, **HB 169** as amended **With HA 1** "An Act to Amend Chapter 23, Title 19, Delaware Code, Entitled Workmen's Compensation Relating to Compensation During Partial Disability and Compensation for Certain Permanent Injuries" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly introduced **SA 1** to **HB 169** which on further motion by him was adopted by the Senate.

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Neehay, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

NAYS—None.

NOT VOTING—Messrs. Correll DuPont, Hoey—3.

ABSENT—Mr. Price—1.

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

Mr. Hickman introduced the following resolution, which

on further motion by him was adopted by the Senate. **SR 58**—"In Reference To Election of Officers."

On motion of Mr. Steen **SB 105**—"An Act to Amend Chapter 245, Volume 51, Laws of Delaware, Relating to the State Board of Health Building, by Authorizing the State Board of Health to Expend Remaining Moneys for the Construction of a Health Center for Sussex County" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem.—11.

NAYS—Messrs. DuPont, Simpson—2.

NOT VOTING—Messrs. Correll, Snowden—2.

ABSENT—Messrs. Price, 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.

Mr. Watson introduced the following resolution which on further motion by him was adopted. **SR 59**—"Amending Rules of The Senate."

BE IT RESOLVED by the Senate of the 120th General Assembly of the State of Delaware that the Rules of the Senate adopted February 19, 1959, under Senate Resolution No. 29, as amended by Senate Resolution No. 56, passed April 30, 1959, be amended by striking out all of Rule 9 and inserting in lieu thereof the following:

RULE 9. PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS

Section 1. Every bill and joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper committee.

Section 2. No bill or joint resolution shall be put upon its passage on the same day it is reported out of committee, nor in the absence of the member who introduced it, unless by his written consent.

Section 3. When put upon its passage, each bill or joint resolution shall be read again by title only unless the Senate directs a reading in full.

On motion of Mr. Steen **HB 259**—"An Act to Amend Subchapter V, Entitled 'Controlled-Access Highways', of Chapter 1, Title 17, of the Delaware Code, to Prohibit the Construction and Location of Commercial Establishments for Serving Motor Vehicle Users Along Controlled-Access Facilities on

Public Owned Lands" was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Snowden, Steen, Watson, Williams, Mr. Pres. Pro Tem—10.

NAYS—Mr. duPont—1.

NOT VOTING—Messrs. Mayhew, Simpson, Spicer, Tull—4.

ABSENT—Messrs. Price, Reilly—2.

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

Mr. Watson introduced the following bill which was given first and second readings and referred to the Revised Statutes Committee: **SB 170**—"An Act to Add a New Chapter To Title 3 Delaware Code to be Called Chapter 24 Relating to the Licensing of Produce Dealers."

On motion of Mr. Hickman the Senate adjourned until Thursday, May 7, 1959 at 1 P.M. at 5 P.M.

47TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 3:30 P.M. on Thursday, May 7, 1959, President Pro Tem Cook presiding.

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

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

Members absent—Mr. Steen—1.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed, without objection that so much be considered the reading of the Journal, and the Journal be approved.

Communications: A letter from U. S. Senator Frear in appreciation for **SR 49**.

Mr. Nechay reported **SB 89** from the Revised Statutes Committee with 4 on merits.

The Chair announced that it had signed **HB 171** as amended, **HB 79** as amended and **HB 64**.

Mr. Williams introduced the following Bill which was given first and second readings, the second by title only and referred to the Committee on Revised Statutes:

SB 171—"An Act to Amend Chapter 51, Title 29, of the Delaware Code by Authorizing the State Treasurer to Make

Certain Pay Roll Deductions and Providing Compensation to the State Therefore."

Mr. Mayhew reported **SB 155** from the Miscellaneous Committee with 2 favorably and 3 on merits.

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

HB 31—"An Act to Amend Chapter 15, Title 3, Delaware Code, Entitled 'Seeds' by Repealing the Present Provisions and Substituting New Administrative and Substantive Provisions," to Agriculture.

HB 117—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan," to Revised Statutes.

HS 1 for **HB 222**—"An Act to Increase the Compensation of the Register of Wills, Recorder of Deeds and Register in Chancery and Clerk of the Orphans' Court in and for New Castle County," to Judiciary.

HB 185—"An Act Amending Chapter 5, Title 13, Delaware Code, Entitled 'Desertion and Support' Concerning Support Wage Assignments and Other Wage Attachments and Garnishments," to Revised Statutes.

HB 231—"An Act to Amend Chapter 51, Title 29, Delaware Code, by Adding a New Section Concerning the Election of State Employees to Public Office; Leave of Absence," to Revised Statutes.

HB 176—"An Act to Amend Chapter 81, Title 10 of the Delaware Code, Relating to Limitations of Actions," to Judiciary.

HB 177—"An Act to Amend Chapter 15, Title 13, Delaware Code, Relating to Bars to Divorce," to Judiciary.

HB 178—"An Act to Amend Chapter 27, Title 12 of the Delaware Code, Relating to Sale of Lands by Executors and Administrators by Providing a Procedure Where the Real Estate is in More Than One County," to Judiciary.

Mr. Steen asked to be marked present.

Mr. Steen introduced the following Bill which was given first and second readings, the second by title only, and referred to Committee as follows:

SB 172—"An Act to Authorize the Issuance of Bonds to Finance the Cost of Work to Prevent and Repair Damage from Beach Erosion and to Finance the Cost of Construction and Maintenance of Necessary Facilities," to Buildings and Highways.

On motion of Mr. Steen Rule 9 was suspended for the purpose of considering **SB 155**.

On motion of Mr. Steen **SB 155** entitled "An Act to Amend Sections 3102 and 3103, Title 30, Delaware Code, Relating to Hucksters' and Peddlers' Licenses," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

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

NOT VOTING—Mr. Simpson—1.

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

On motion of Mr. Reilly the Senate adjourned until Monday, May 11 at 1 P.M. at 4:45 P.M.

48TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:15 P.M. on Monday, May 11, 1959, President Pro Tem Cook presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

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

Members absent—Messrs. Hoey, Tull, Williams—3.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed without objection that so much be considered the reading of the Journal, and the Journal be approved.

Communications: Letter from Central Baptist Church in favor of **SB 57**.

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

The Senate met at the expiration of the recess at 4:00 P.M. Pres. Pro Tem Cook presiding.

Messrs. Spicer and Simpson introduced the following Bill which was given first first reading and referred to the Building and Highways Committee:

SB 173—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Interstate Highway Division' and Relating to the Members Thereof."

Messrs. Spicer, Mayhew, Hoey, duPont, Simpson and Watson introduced the following Bill which was given first reading and referred to the Building and Highways Committee:

SB 174—"An Act to Appropriate Money to the State Highway Department for the Purpose of Repairing and Replacing the Boardwalk at Rehoboth Beach."

Mr. Snowden introduced the following Bill which was given first reading and referred to the Revised Statutes Committee:

SB 175—"An Act Proposing an Amendment to Section 9, Article 2 of the Constitution of the State of Delaware Relating to Public Hearings on Bills."

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

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

May 11, 1959

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

On May 4, 1959, I received Senate Bill No. 57, entitled:
**AN ACT TO AMEND SECTION 811, TITLE 11,
DELAWARE CODE, RELATING TO THE CRIME
OF ROBBERY.**

This Bill would provide for mandatory lashes in the sentencing of all persons convicted of robbery.

I respectfully return herewith this Bill without my signature for the following reasons:

(1) The Bill handcuffs the Judiciary by taking away its discretion in imposing sentences for robbery. In destroying this discretion, it violates one of the basic principles of our system of justice because it would treat all cases alike. The Judiciary should have discretion in imposing each sentence after full consideration of the circumstances surrounding the case.

(2) Experience in Delaware and careful studies conducted by other democratic governments have shown that whipping of criminals does not act as a deterrent to crime.

(3) This Bill would impose a sentence of mandatory lashes on first offenders and is not clear on the application of that sentence to youths and women who are convicted of robbery.

(4) Whipping is incompatible with rehabilitation of criminals. It is always the hope of our society that those citizens who have committed a crime, and especially first offenders, can be rehabilitated.

This Bill would represent a long step backward for Delaware. Action was taken on this Bill without holding any public hearings whatsoever to determine the will of the people.

I purposely delayed my action on this bill so that the citizens of Delaware would have an opportunity to express their feelings about it. They have spoken clearly in opposition to the Bill. Public opinion reaching me directly was at least three to one against the Bill.

In view of this strong public reaction to the Bill and the fact that Delaware is the only state in the Union and perhaps the only democratic locality in the world to maintain the whipping post, I believe the General Assembly should take immediate action to abolish the whipping post entirely. This is a barbaric, cruel, and inhuman method of punishment.

The action on this Bill has also underlined another deficiency in our governmental organization in Delaware. This is to guarantee an opportunity for the public to be heard on all legislation coming before the General Assembly. I have asked the Legislative Reference Bureau to study the problem and make appropriate recommendations for legislation to carry out this objective. Acting on legislation without public hearings and full consideration many times means that a particular Bill does not reflect the public will nor the true intention of the legislators.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

May 11, 1959

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

On May 5, 1959, I received Senate Bill No. 136, entitled:
AN ACT TO AMEND CHAPTER 21, TITLE 19,
DELAWARE CODE, RELATING TO THE INDUSTRIAL ACCIDENT BOARD.

The present Law provides as follows: It shall consist of 3 competent persons who shall, in every instance, be appointed by the Governor for terms of 6 years each."

This Bill would change the present law by providing as follows: "It shall consist of 3 members, each of whom shall be appointed by the Governor for a term of 6 years. The appointments shall be made so that there shall always be on the Board one resident from New Castle County, one from Kent County and one from Sussex County; and not more

than two of said members shall be of the same political party or faith."

I respectfully return herewith this Bill without my signature for the following reasons:

(1) This Bill removes the statutory requirements upon the Governor to appoint "competent persons". Webster's Dictionary defines a competent person as a person "legally qualified or capable".

Where existing statutory requirements provide for appointment of "competent persons" subsequent legislation omitting such words would clearly leave the legal inference that the qualifications had been changed and lessened.

(2) The proposed Bill would in addition impose "political party or faith" restrictions upon the Governor's appointments to the Industrial Accident Board. Since the creation of the Industrial Accident Board in 1917, these appointments have been made by the Governor without statutory reference and requirements of "political party or faith".

In this long period of time the Board has been variously composed of members of both parties or with all of its members at times being of one party affiliation or the other. To inject politics as such into the composition of the Industrial Accident Board after this long and satisfactory experience under the present law would seem to establish a factor undesirable in deliberations concerning the very important work of the Board in passing judgment upon accident and death compensation claims.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Williams asked to be marked present.

Mr. Reilly reported the following Bills from the Labor Committee: **SB 154**, 3 favorably, 1 merits; **SB 153**, 3 favorably, 1 merits, and the following Bills from the Judiciary Committee: **SB 157**, 1 unfavorably, 3 merits; **SB 147**, 3 merits, 1 fav.; **SB 117**, 3 merits, 1 fav.; **SB 133**, 3 merits, 1 favorably; **SB 132**, 3 favorably, 1 merits; **SB 115**, 4 merits; **SB 113**, 3 favorably, 1 merits; **SB 130**, 2 favorably, 2 merits; **SB 129**, 3 merits, 3 favorably; **SB 122**, 3 merits, 1 favorably; **SB 128**, 2 favorably, 2 merits; **SB 127**, 3 merits, 1 favorably; **SB 125**, 2 favorably, 2 merits; **HB 178**, 4 favorably; **HB 177**, 3 merits, 1 favorably; **HB 176**, 3 merits, 1 favorably; **HB 222**, 4 merits; **HB 119**, 1 favorably, 4 merits.

Mr. Hoey asked to be marked present.

Mr. Watson reported **HB 85** from the Elections Committee with 4 merits.

Mr. Nechay reported **HB 70** from the Revised Statutes Committee with 1 favorably, 1 unfavorably, 2 merits.

Mr. Watson reported **HB 236** from Elections Committee Committee with 4 favorably.

Mr. Hoey reported the following Bills from the Finance Committee: **HB 232**, 4 merits; **HB 202**, 3 merits, 1 unfavorably.

On motion of Mr. Reilly **HB 107** was given its last reading and brought up before the Senate for consideration in order to pass the Senate. Mr. Williams moved that action on **HB 107** be deferred. Motion carried.

Mr. Steen reported the following Bills from the Corporations, Municipal Committee: **HB 238**, 2 favorably, 2 merits; **HB 242**, 2 favorably, 1 merits; **HB 241**, 2 favorably, 2 merits; **HB 240**, 2 favorably, 1 merits, and from Buildings and Highways: **SB 160**, 2 favorably, 3 merits.

The Chair directed that the following House Bills be given their first reading and assigned to Committee as follows:

HB 263—"An Act to Amend Chapter 1, Title 17, Delaware Code, by Requiring the State Highway Department to Provide the Governor an Automobile Suitable and Befitting the Office of Governor," to Buildings and Highways.

HB 28—"An Act to Amend Title 1, Delaware Code, Relating to a Contract for the Compilation, Revision, Annotation, Printing and Binding of the Pocket Parts," to Printing and Supplies.

HCR 12—"An Act Making Appropriations to Various Companies for Services and Supplies Rendered the 120th General Assembly of the State of Delaware," to Printing and Supplies.

Mr. Mayhew reported the following Bills from the Miscellaneous Committee: **HB 174**, 2 unfavorably, 1 merits; **SB 158**, 3 favorably, 2 merits.

Mr. Mayhew introduced **SS 1** for **SB 86** which on further motion by him was adopted by the Senate.

SS 1 for **SB 86**—"An Act to Amend Section 555 (c), Title 11, Delaware Code, Relating to the Issuance of Checks Known to be Worthless".

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted by the Senate:

SR 60—"An Act Making an Appropriation to Whelan's for Repairs to Royal Standard Typewriter No. HHP15-4976874."

SR 61—"Appropriation for Postage Stamps for the Senate of the 120th General Assembly."

SR 62—"An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through April 11, 1959."

SR 63—"Relating to Amounts Due Whelan's for Expenses Incurred by the 120th General Assembly."

SR 64—"An Act Making an Appropriation to International Business Machines Corporation for Payment of IBM Standard Electric Typewriter No. 1135831."

On motion of Mr. Reilly the Senate adjourned until 1 P.M. Tuesday, May 12 at 5 P.M.

49TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 3:55 P.M. on Tuesday, May 12, 1959, President Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, Hickman, Mr. Cullough, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem (Cook)—12.

Members absent—Messrs. Hoey, Mayhew, Nechay, Spicer, Steen—5.

The Secretary proceeded to read the Journal of the Previous Session when the Chair directed without objection that so much be considered the reading of the Journal, and the Journal be approved.

Messrs. Spicer, Mayhew, Hickman, Hoey and Nechay asked to be marked present.

On motion of Mr. Watson, **HB 236** entitled "An Act to Amend Section 1704, Title 15, Delaware Code to Permit the Use of Certified Mail in Notifying Voters That Their Names May Be Removed From the Rolls," was taken up for consideration and read a second time by title in order to pass the Senate.

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

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

NOT VOTING—Mr. Hoey—1.

ABSENT—Mr. Nechay—1.

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

On motion of Mr. Reilly **SB 154** entitled "An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation," was taken up for consideration and read a second time by title in order to pass the Senate.

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

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

NOT VOTING—Messrs. Hoey, Nechay—2.

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

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

SB 176—"An Act to Amend Section 10, Chapter 128, Volume 33, Laws of Delaware, Relating to Responsibility for Damage Resulting to Persons or Property upon Footways in the Town of Middletown," by Mr. Correll, to Corporations, Municipal.

SB 177—"An Act to Amend Section 5, Chapter 128, Volume 33, Laws of Delaware, Relating to Compensation of the Mayor and Members of Council of Middletown," by Mr. Correll, to Corporations, Municipal.

SB 178—"An Act to Amend the Charter of the Town of Milton as Established by Chapter 194, Volume 45, Laws of Delaware, Vesting the Mayor and Council with Power to Levy and Collect Taxes, for the Purpose of Helping Defray the Expenses of Constructing and Maintaining a Sanitary Sewerage System, Upon all Real Estate, Either Improved or Unimproved, Abutting on Streets Along Which Sewer Mains Have Been Constructed and are Maintained," by Mr. Steen, to Corporations, Municipal.

SB 179—"An Act to Amend Chapter 17, Title 3, Delaware Code Relating to the Commercial Feeds," by Messrs. Tull, Hickman and Correll, to Agriculture.

On motion of Mr. Steen **HB 134** entitled "An Act to Amend Chapter 167, Volume 37, Laws of Delaware, Entitled 'An Act to Incorporate the Town of Slaughter Beach' Relating to Duties and Powers of Alderman; Taxation," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

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

ABSENT—Mr. Spicer—1.

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

On motion of Mr. Steen **SB 160** entitled "An Act to Amend Section 4126 (c) Title 21, Delaware Code Relating

to Specific Speed Limits and the Penalties Therefor," was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—12.

NAYS—Mr. duPont—1.

NOT VOTING—Messrs. McCullough, Simpson, 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.

On motion of Mr. Reilly **HB 107** entitled "An Act to Amend Chapter 19, Title 11, Delaware Code Relating to Arrest and Detention," was taken up for consideration and read a second time by title in order to pass the Senate.

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

YEAS—Messrs. Hickman, Hoey, McCullough, Steen, Watson—5.

NAYS—Messrs. Correll, duPont, Reilly, Simpson, Snowden, Williams, Mr. Pres. Pro Tem—7.

NOT VOTING—Messrs. Mayhew, Nechay, Price, Spicer, Tull—5.

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

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

SR 65—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

The Chair directed the reading of the following House Concurrent Resolution which was adopted and ordered returned to the House: **HCR 11**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Joint Revenue Committee of the 120th General Assembly."

On motion of Mr. Reilly the Senate recessed until call of the Chair at 4:40 P.M.

Senate met at expiration of recess at 4:55 P.M., President Pro Tem Cook presiding.

On motion of Mr. Steen **SB 136** entitled "An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to the Industrial Accident Board" was taken up for consideration over the Governor's veto and read in order to pass the Senate. The Governor's veto message was also read again.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem—11.

NAYS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

ABSENT—Mr. Snowden—1.

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

On motion of Mr. Reilly the Senate adjourned until Wednesday, May 13, 1959 at 1 P.M. at 5 P.M.

50TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2 P.M. on Wednesday, May 13, 1959, President Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem (Cook)—10.

Members absent—Messrs. Hickman, Hoey, Mayhew, Nechay, Steen, Watson, Williams—7.

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

Communications: One criticizing the Highway Department from a citizen. One in favor of **SB 95** from the Delaware Association for Retarded Children.

Messrs. Price and Simpson introduced the following Bills which were given first readings and referred to Committees as follows:

SB 180—"An Act to Authorize the City of Dover to Issue Revenue Bonds for the Purpose of Financing the Extension, Reconstruction or Improvement of the City's Water System, Electric System and Sewer System, and to Provide for the Payment of Such Bonds," to Corporations, Municipal.

SB 181—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36. Laws of Delaware, to Pro-

vide for the Establishment of a Debt Limit," to Corporations, Municipal.

SB 182—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said City After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed," to Corporations, Municipal.

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

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:30 P.M.

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

Mr. Williams asked to be marked present.

Messrs. Hickman and Nechay asked to be marked present.

Messrs. Hoey, Mayhew and Spicer introduced **SR 66** which on further motion by them was adopted by the Senate.

SR 66—"Commending Milton K. Fried, Editor of The Delaware Coast Press, upon His Nomination for the 1959 Elijah Parish Lovejoy Award for Courage in Journalism."

Mr. Snowden introduced **SCR 19** which on further motion by him was adopted by the Senate.

SCR 19—"Conveying the Congratulations and Good Wishes of the 120th General Assembly to the Honorable J. Caleb Boggs, Governor of the State of Delaware on His Birthday, May 15, 1959."

Mr. Steen asked to be marked present.

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

SB 183—"An Act to Amend Chapter 33, Title 29, Delaware Code, Relating to the Public Archives Commission, its Duties and the Transfer of Records to its Custody."

On motion of Mr. Mayhew **SB 149** entitled "An Act to Amend Chapter 35, Title 12, of the Delaware Code, Relating to Assignments of Interests in Spendthrift Trusts," was taken up for consideration and read a second time in order to pass the Senate.

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

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

ABSENT—Mr. Watson—1.

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

Mr. Steen reported **HB 118** as amended from Committee as follows: 2 favorable, 2 merits.

On motion of Mr. Reilly the Senate adjourned until Thursday, May 14, 1959 at 9 A.M. at 5 P.M.

51ST LEGISLATIVE DAY

Senate met pursuant to adjournment at 9 A.M. on Thursday, May 14, 1959, Lt. Gov. Buckson presiding.

Prayer by Mr. Cook.

Members present—Mr. Pres. Pro Tem (Cook) and Lt. Gov. Buckson—1.

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

There being no quorum present, the Chair declared the Senate adjourned until Monday, May 18, 1959 at 1 P.M.

52ND LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P.M. on Monday, May 18, 1959, President Pro Tem Cook presiding.

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

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

Members absent—Messrs. Hoey, Williams—2.

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

On motion of Mr. Reilly Rule 22 was suspended for the balance of the Legislative Day.

Mr. Simpson introduced the following Resolution which was referred to the Rules Committee:

SR 67—"Regarding Removal of Senate Attaches."

Mr. Williams asked to be marked present.

The Chair announced that he was signing **SB 143**, **SB 145**, **SR 66**.

On motion of Mr. Watson **SB 158** entitled "An Act to Amend Chapter 7, Title 7, Delaware Code, by Adding There-to a New Subchapter Relating to the Woodchuck or Ground Hog," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—Messrs. McCullough, Snowden—2.

ABSENT—Mr. 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.

Mr. McCullough was granted the privilege of the floor to speak against **HB 271**.

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:30 P.M.

The Senate met at expiration of the recess, 5:10 P.M., Pres. Pro Tem Cook presiding.

The Chair directed that the following House Bills be given first reading and assigned to Committee:

HB 189—"An Act to Amend Section 3709 of Title 12, Now Relating to Trustees of Non-Resident Mentally Ill Persons, the Amendment to Encompass Fiduciaries of Non-Resident Mentally Ill, Aged, or Infirm Persons," to Judiciary.

HB 162—"An Act to Amend Subchapter 11, Chapter 45, Title 10, Delaware Code, Relating to Special Juries," to Judiciary.

HB 220—"An Act to Amend Chapter 1, Title 8, Para. 243 (f) of the Delaware Code Relating to the Redemption, Purchase or Retirement of Stock," to Corporations, Private.

HB 200—"An Act to Amend Chapter 1, Title 8, § 324, of the Delaware Code Relating to Attachment of Shares of Stock or Any Right, Option or Interest Therein; Procedure; Sale; Title Upon Sale; Proceeds," to Corporations, Private.

HJR 3—"An Act Creating a Joint Committee to Study the Salaries of the Employees of the State of Delaware and Report to the 120th General Assembly," to Miscellaneous.

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted:

SR 68—"In Reference to Election of Officers."

SR 69—"Authorizing Payment of Amount Due The Sussex Countian for Printing Senate Calendar."

Mr. Steen reported **HB 182** from Buildings and Highways with 2 favorably and 2 on merits, and **HB 148** from Corporations Municipal with 2 favorably and 2 merits.

The Chair announced a Joint Session of the House and Senate on Wednesday, May 20, 1959 to hear a message of the Governor.

Mr. Snowden moved that we adjourn. Motion lost.

On motion of Mr. Watson **HB 97** entitled "An Act to Amend Title 15, Section 1105 (a), Delaware Code, by Changing the Dates for the Registration of Voters," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—Mr. duPont—1.

NOT VOTING—Mr. Simpson—1.

ABSENT—Mr. Reilly—1.

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

On motion of Mr. Watson **HB 96** with **HA 1** entitled "An Act to Amend Title 15, Section 1751, Delaware Code, by Changing the Time for Change of Party Designation by Registered Voters," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—12.

NAYS—Messrs. duPont, Simpson—2.

NOT VOTING—Mr. Correll—1.

ABSENT—Messrs. Reilly, Snowden—2.

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

On motion of Mr. Hoey **HB 232** entitled "An Act to Amend Chapter 81, Title 9, Delaware Code, Giving the Veteran Employees Association, Delaware Division, Pennsylvania Railroad Tax Exemption Status," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—11.

NAYS—Messrs. Nechay, Simpson, Spicer—3.

NOT VOTING—Mr. duPont—1.

ABSENT—Messrs. Reilly, Snowden—2.

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

The following Bills were introduced, given first readings and assigned to Committee:

SB 184—"An Act to Amend Section 103, Title 15, Delaware Code, Relating to the New Castle County Department of Elections and Reducing the Membership of That Department to 12 Members," by Mr. Watson, to Elections.

SB 185—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Departments of Elections for Kent and Sussex Counties," by Mr. Steen, to Elections.

Mr. Hickman reported **HB 233** from Public Health with 3 favorably and 1 on merits.

On motion of Mr. Hickman the Senate adjourned until Tuesday, May 19, 1959 at 1 P.M. at 5:50 P.M.

53RD LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:20 P.M. on Tuesday, May 19, 1959, President Pro Tem (Cook) presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Reilly, Steen, Watson, Williams, Mr. Pres. Pro Tem—9.

Members absent—Messrs. Hickman, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Tull—8.

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

Mr. Steen reported **SB 178** from the Corporations Municipal Committee with 3 favorably.

Mr. Reilly introduced **SCR 20** which on further motion by him was adopted by the Senate.

SCR 20—"That the Two Houses Meet in Joint Session to Hear the Message of the Governor."

Messrs. Steen and Hickman introduced **SB 186** which was given first reading and referred to the Committee on Corporations Municipal:

SB 186—"An Act to Amend an Act Entitled 'An Act to Incorporate the Town of Bethany Beach and Giving it Authority to Issue Bonds', Being Chapter 212, Volume 25, Laws of Delaware, as Amended, Relating to the Election of the President and Commissioners of the Town of Bethany Beach."

Mr. Steen reported **SB 186** from the Corporations Municipal Committee with 3 favorably.

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

Senate met at the expiration of the recess at 4:35 P.M. President Pro Tem Cook presiding.

Messrs. Hickman, McCullough, Nechay, Price, Simpson, Snowden, Spicer and Tull asked to be marked present.

The Chair directed that the following House Bills be given first readings and referred to Committee as follows:

HB 254—"An Act to Amend Chapter 15, Title 9, of the Delaware Code by Authorizing the Levy Court of New Castle County to Regulate or Prohibit the Dumping of Garbage, Rubbish, Ashes or Other Waste Material, and Providing Penalties for Violations Thereof," to Revised Statutes.

HB 252—"An Act to Amend Chapter 24, Title 9, Delaware Code, by Defining the Term 'Garbage Disposal Plant' as Used Therein," to Revised Statutes.

On motion of Mr. Nechay **HB 70** entitled "An Act to Amend Title 29, Delaware Code Entitled State Government Relative to the Powers and Duties of the Budget Commission and the Auditor of Accounts," was given its last reading, in order to be considered by the Senate for passage.

Mr. Nechay introduced **SA 1** to **HB 70**.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

NAYS—Mr. duPont—1.

NOT VOTING—Mr. Spicer—1.

ABSENT—Mr. McCullough—1.

So the question was decided in the affirmative.

Mr. Simpson moved that **HB 70** be deferred. Motion carried.

On motion of Mr. Reilly **HS 1** for **HB 222** entitled "An Act to Increase the Compensation of the Register of Wills, Recorder of Deeds and Register in Chancery and Clerk of the Orphans' Court in and for New Castle County," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Williams, Mr. Pres. Pro Tem—10.

NAYS—Messrs. Steen, Tull, Watson—3.

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

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

Mr. Steen moved that Rule 9 be suspended in order to consider **SB 178**. Motion carried.

On motion of Mr. Steen, **SB 178** entitled "An Act to Amend the Charter of The Town of Milton as Established by Chapter 194, Volume 45, Laws of Delaware, Vesting the Mayor and Council with Power to Levy and Collect Taxes, for the Purpose of Helping Defray the Expenses of Constructing and Maintaining a Sanitary Sewerage System, Upon All Real Estate, Either Improved or Unimproved, Abutting on Streets Along Which Sewer Mains Have Been Constructed and are Maintained," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Nechay, Reilly—3.

NAYS—Messrs. Correll, duPont, Mayhew, Simpson, Spicer, Steen, Tull, Williams—8.

NOT VOTING—Messrs. Hoey, Price, Snowden, Watson, Mr. Pres. Pro Tem—5.

ABSENT—Mr. McCullough—1.

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

Bills were reported out of Committee as follows: **HS 1** for **HB 30**, 5 favorably (Agriculture); **HB 31**, 5 favorably (Agriculture); **SB 116**, 2 favorably, 1 merits, 1 unfavorably (Revised Statutes); **SB 118**, 1 favorably, 3 merits (Miscellaneous); **SB 100**, 4 merits (Miscellaneous); **HB 185**, 2 merits, 2 favorably (Revised Statutes); **SB 185**, 3 favorably, 1 unfavorably, 1 merits (Elections); **SB 184**, 3 favorably, 1 merits, 1 unfavorably (Elections); **HB 239**, 4 favorably (Corporations Municipal).

The Chair announced that he was signing **SB 151**, **SR 68** and 69.

Mr. Reilly moved that Rule 9 be suspended in order to consider **HB 239**. Motion prevailed.

On motion of Mr. Reilly, **HB 239** entitled "An Act Abolishing the Sinking Fund Commissioners of the City of Wilmington; Repealing Certain Acts Relating to the Sinking Fund Commissioners of the City of Wilmington and Transferring the Powers and Duties Heretofore Exercised by the Sinking Fund Commissioners of the City of Wilmington to the City Treasurer," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—10.

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

ABSENT—Mr. McCullough—1.

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

On motion of Mr. Steen **SB 178** was restored to the calendar.

On motion of Mr. Reilly **HB 239** was restored to the calendar.

On motion of Mr. Mayhew **HJR 5** entitled "Regarding the State Song of Delaware," was taken up for consideration and read a second time in order to pass the Senate. The Resolution was adopted by voice vote.

The Chair announced that he was signing **SCR 20** and **SCR 19**.

On motion of Mr. Reilly the Senate adjourned until Wednesday, May 20 at 1 P.M. at 5:35 P.M.

54TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 1:15 P.M. on Wednesday, May 20, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Mayhew, Price, Reilly, Simpson, Spicer, Tull, Mr. Pres. Pro Tem (Cook)—10.

Members absent—Messrs. Hickman, McCullough, Nechay, Snowden, Steen, Watson, Williams—7.

The Chair dispensed with the reading of the Journal, without objection.

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

Mr. Cook moved that the House and Senate meet in joint session. Motion prevailed.

Mr. Steen asked to be marked present.

The Sergeant at arms announced the arrival of the members of the House who were admitted.

JOINT SESSION

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

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

Mr. Reilly moved that the Chair appoint a committee to escort the Governor to the Senate Chamber. Motion prevailed.

The Chair appointed Messrs. Reilly, Price, Spicer and Simpson.

The Sergeant at arms announced the arrival of the Governor who was escorted into the Senate Chamber and to the Rostrum. Lt. Gov. Buckson stepped down from the Chair and introduced the Governor.

The Governor addressed the Joint Session as follows:

May 20, 1959

Mr. President

Mr. Speaker

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

The citizens of Delaware are paying a high price in taxes and inadequate services for an antiquated, inefficient, sprawling state government. The government consists of about 100 separate agencies, boards, and commissions, which are far removed from the people. The duties of these agencies often conflict, their expenditures often overlap, and their operating heads cannot be directly responsible to the citizens. There is built into the system a lack of direction, coordination, and cooperation.

It is for this reason that I firmly believe we must take bold and decisive action to carry out a full-scale reorganization of the present government in Delaware into a system that can provide better services, greater efficiency, lower costs, and bring government closer to the people.

This message is designed to outline the first step in this reorganization or reform program which can update and modernize the overgrown and inefficient system we are now operating in Dover.

There will always be some persons who attack any governmental reorganization as a means of increasing political power. Let us erase any such thoughts right at the start. I strongly recommend that the changes to be proposed become effective July 1, 1961. My term as Governor will expire about seven months prior to that date, and I am not eligible under the Constitution to seek another term. Obviously I cannot personally benefit from them. Furthermore, a general election will be held next year, and neither party can know whether Republicans or Democrats will be in office at the time this governmental reform becomes effective. Therefore,

the benefits derived from this reorganization will be for the people of this state, and not for either political party.

I have been personally studying the present structure of our state government and, having served nearly two terms as Governor, I believe I can speak with some feeling about the strangling effects of our present cumbersome system. I am planning to submit a series of reorganization plans to bring about modern government in Delaware. As each individual plan is ready, I shall make it public. If the legislature is not in session, I will have bills prepared and ready for delivery to the General Assembly at its very next meeting. The legislature will have ample time to study the plans, sample public opinion, then act when they are again in session if that is their desire. It is my firm conviction that the people will not tolerate any longer this inefficient government organization.

In the message which I presented to the General Assembly at the beginning of this session in January, I outlined the two fundamental and pressing governmental problems which confront Delaware. The first problem is the critical financial situation, which includes a heavy deficit for the present fiscal year, the complete absence of efficient budget controls, and the failure to provide a long-range, realistic revenue structure for future state needs. Appropriate recommendations were made again to head off financial chaos through a balanced budget, a new Department of Finance, and a top-to-bottom revenue study.

The second basic problem is the futile attempt to meet adequately the demands of our people for state services with an ancient governmental structure.

The recommendations I made in January are designed to help create a new day for Delaware. These new proposals for governmental reorganization might be considered a second phase, a Part II, of the new day for Delaware program.

Our system of government in the United States rests on three equal but separate branches; the Legislative branch which has the power to make the laws by which we live; the Executive branch which is responsible for administering those laws; and the Judiciary which has the duty to administer justice under the laws.

Today, in Delaware, the operation of the Executive branch of the government cannot be truly responsible to the people because it is not under the administrative direction of the Governor who is elected as the chief executive of the state. All of the 100 agencies are in reality operated independently. About seventy agencies are run by commissions or boards over whom there is little or no control provided by law. Hence we have a government-by-commission in this state.

As a matter of comparison, the nation's most populous state, New York, has a maximum of nineteen departments all of which are responsive to the direction and leadership of the Governor and are really responsible through him to the people.

I believe that the people elect a Governor with the thought that this one man can be held accountable for the operation of the Executive branch of the state government according to the laws which are established by the legislature. Further, I believe our citizens elect a Governor who is expected to carry out the program which he has proposed. Our Constitution says, "The supreme executive powers of the State shall be vested in the Governor."

In Delaware, however, the Governor has very little, if any chance to direct the activities of the Executive branch of the government. He is blocked in many instances in attempting to carry out any program. A Democratic Governor and a Republican legislature in 1949 recognized this situation and had an extensive study made by a bi-partisan commission and a professional consulting firm. Concrete recommendations were made in 1950 for reorganizing the government but both Republican and Democratic legislatures have completely ignored this pressing problem.

I do not mean to infer that the people who are appointed to operate our 100 agencies are doing a poor job. I believe that almost all of them are doing a good job, an outstanding one in many instances. Regardless of the caliber of the people heading our agencies, Delaware's government is run by several hundred people, over whom the citizens have no effective control through the Governor. Over the years, our government has been moved farther and farther from our citizens. Also, through the lack of coordination and central administration in our system there is ever present the risk of inefficiency, duplication of activities, lack of attention to certain important problems, waste, and an absence of coordinating overall planning.

In the January message to the legislature, I recommended the first step in reorganizing the Executive branch of the government. I asked that the present Highway Department be reorganized into a Department of Public Works. A special message as you will recall was promised to spell out the details of such a reorganization plan.

It seems to me that the Highway Department is a sensible and logical place to begin our streamlining efforts. It is an agency that spends over \$30,000,000 a year. It is an Agency which is vitally important to the progress of our citizens. It has about 1,400 employees scattered throughout the state. Most important of all, it is in real need of reorganization because it now contains many activities that do not

have any direct relationship to its primary responsibility of building and maintaining highways and some of the other public works in the state.

Specifically, it is recommended that a Department of Public Works be established to take over functions of the present Highway Department and appropriate legislation has been prepared to carry out this recommendation.

This legislation I hope will be introduced immediately and I respectfully recommend that each member of the legislature devote careful study to the bill, the details of its provisions, the reorganization concept, and also naturally seek the advice of his constituents.

The new department would have the following responsibilities: (1) to provide the planning, design, contracting, construction and maintenance of all public works in the state such as buildings, highways, bridges, and interstate highway facilities; (2) to provide central services for all state engineering needs; (3) to insure close budgetary and administrative control of all these activities; and (4) to perform the present functions of the State Board of Housing, the Buildings and Grounds Commission, the State Custodian, and the Interstate Highway Division.

To carry out its assigned responsibilities, the Department of Public Works would have a director appointed by the Governor with the advice and consent of the Senate. The director would be paid \$17,500 a year in order that a man of high caliber could be attracted to the job. The Director should serve at the pleasure of the Governor.

I propose a department which will have six permanent divisions. The division managers will be appointed by the department director and will receive not more than \$12,500 a year. The Engineering Division would provide the central service for engineering required by all state agencies. At the present time, we require the services of highway engineers, sanitary engineers, drainage engineers, water pollution, air pollution and survey engineers. This central engineering division would provide the design and engineering work for all public works and for all other activities of government in need of engineering assistance.

The Highway Division would plan, supervise the construction of, and maintain the state's highway system. It would also have the responsibility for developing and administering our part of the interstate highway system.

The Buildings Division would administer the present activities of the Buildings and Grounds Commission, which is now a separate state agency. It would administer the maintenance programs for all state buildings, allocate space for government activities, plan for additional space requirements,

and serve in an advisory and planning capacity for school construction where needed.

The Housing Division would take over the present functions of the State Board of Housing which is designed to implement public housing plans initiated by the Federal Government and to administer state housing programs whenever they are indicated.

The Contracting Division will be responsible for preparing, negotiating, and letting all contracts for work to be conducted by the department for itself or for other state agencies. This division will be staffed by men who are thoroughly familiar with the problems of contracting work, and it will guarantee performance under contracts through testing, inspection, and contract supervision, in conjunction with other personnel.

The Administration and Control Division will provide the so-called housekeeping function of the entire department and will provide close control of all expenditures under the budget appropriated for the department by the General Assembly.

There will be a Division of **Temporary Services**. This division will provide the means of continuing other activities of the present Highway Department, including the State Police, Motor fuel tax collection, public lands, motor vehicle registration, mosquito control, and state communications division, until they are transferred to other new departments to be recommended shortly. Since no reorganization plan is to take effect before July 1, 1961, it is hoped that reorganization of the entire executive branch of the government will be completed by that time.

A final organizational feature of the new Department of Public Works will be an advisory board of eight members. The Board will be comprised of two members from each county and two members at large, all with specific qualifications in some field allied with public works. The Board members will serve without compensation except for expenses incurred. This reorganization plan, which might be referred to as Reorganization Plan Number 1, will eliminate the need for the present Highway Commission of twelve members.

What will this new modern Department of Public Works mean to our citizens? In my judgment it will have three benefits:

1. It will save money by consolidating in one department the engineering and contracting functions now carried on independently by many present state agencies. It will also consolidate maintenance service for all state buildings.

2. It will improve the quality of the state public works services by centralizing planning, coordinating the talents of experts in these fields, and removing from the Highway Department many unrelated activities.
3. It will reduce the number of state agencies by lopping off four other separate agencies: the Buildings and Grounds Commission, the State Board of Housing, the State Custodian, and Delaware Interstate Highway Division, and centralize allied functions of others.
4. It will provide citizens with greater control over public works projects by having the director of the department responsible to the Governor, an elected official.
5. It will eliminate at least 25 specific, top-level administrative jobs in the state government.

Even greater benefits will be evident when the additional reorganization plans are presented. Since January, I have been studying the deficiencies in our governmental organization, drawing on experienced sources, and planning the best way to modernize our present system. We must discard our commission-type government and establish a cabinet-type government that will bring the state's services back closer to the people.

To be really effective, the new departments to be developed under these reorganization plans must be permanently established in our Constitution. This certainly is a matter that should be dealt with by the Constitutional Convention that I have recommended. Constitutional provision will insure that neither political party can tamper with the foundation of our government for political patronage purposes. Ripper legislation will be as dead in Delaware as the dodo bird.

The future stature of Delaware and the quality of its services to the people will depend in large measure on the enactment of sound, reorganization plans. We can no longer shore up our present governmental organization with piecemeal action.

The time is here when a complete rebuilding job must be undertaken and accomplished. Anything less will mean that the people will suffer. I will work for this reform program with every ounce of energy that I have. I will fight for it if that is required. A modern state government will depend on action by the General Assembly. A new day for Delaware depends on a new government responsive to the needs of our people.

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

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

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

Messrs. Watson and Williams, Nechay and McCullough asked to be marked present.

Mr. Simpson introduced the following Bill which was given first reading and assigned to the committee on Buildings and Highways:

SB 187—"An Act Establishing a Department of Public Works, Defining its Organization, Powers and Duties."

On motion of Mr. Reilly the Senate recessed at call of the Chair at 2:00 P.M.

The Senate met at the expiration of the recess at 4:35 P.M., Pres. Pro Tem Cook presiding.

Mr. Hickman asked to be marked present.

On motion of Mr. McCullough the Senate adjourned until May 21, (Thursday) 1959 at 1:00 P.M. at 4:40 P.M.

55TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:20 P. M. on Thursday, May 21, 1959, President Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem (Cook)—12.

Members absent—Messrs. Hoey, Mayhey, Nechay, Spicer, Williams—5.

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

Mr. Price reported the following Bills from the Corporations, Private Committee: **HB 200**, 3 favorably, 2 merits; **HB 220**, 3 favorably, 2 merits.

On motion of Mr. Steen **SB 52** entitled "An Act to Amend Section 5401, Title 7, Delaware Code, Relating to the Delaware Archaeological Board," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem—12.

ABSENT—Messrs. Hoey, Mayhew, Nechay, Spicer, Williams—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 from the Governor was read to the Senate:

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

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

Wayne C. Brewer, Wilmington, to be a member of the New Castle County Department of Elections for a term to expire April 1, 1956.

Alexander DeStefano, Wilmington, to be a member of the New Castle County Department of Elections for a term to expire April 1, 1965.

Robert A. Groves, Wilmington, to be a member of the New Castle County Department of Elections for a term to expire April 1, 1965.

Norman E. Battersby, Newark, to be a member of the New Castle County Department of Elections for a term to expire April 1, 1965.

Respectfully submitted,
J. CALEB BOGGS, Governor

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

The Senate met at the expiration of the recess at 3:20 P.M. Pres. Pro Tem Cook presiding.

Messrs. Hickman and Simpson introduced the following Concurrent Resolution which on further motion by them was adopted by the Senate and ordered to the House for concurrence.

SCR 21—"Relating to the Oyster Industry of the State of Delaware."

The Chair introduced the following House Bills which were given first readings and referred to Committee:

HB 303—"An Act to Permit the Sussex County Register of Wills to Record Instruments by Using a Photo Copying Machine," to Revised Statutes.

HB 275—"An Act to Amend Title 9, Delaware Code by Adding Thereto a New Chapter 27 Concerning Trenches and Excavations in New Castle County," to Buildings and Highways.

Messrs. Hoey and Mayhey asked to be marked present.

Mr. Hoey reported **HB 131** from the Finance Committee with 3 favorably and 1 merits.

Mr. Reilly moved that Rule 9 be suspended. Motion prevailed.

On motion of Mr. Reilly **HB 131** entitled "An Act Proposing an Amendment to Article 8 of the Constitution of the State of Delaware Entitled 'Revenue and Taxation'," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Price, Simpson, Tull, Watson, Mr. Pres. Pro Tem—9.

NAYS—Messrs. Hoey, Reilly—2.

ABSENT—Messrs. McCullough, Nechay, Snowden, Spicer, Steen, Williams—6.

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

On motion of Mr. Reilly **HB 131** was restored to the calendar.

The following communication from the Finance Committee was read to the Senate:

JOINT FINANCE COMMITTEE

Legislative Hall, Dover

May 20, 1959

To Whom It May Concern:

The members of the Joint Finance Committee met today to consider the many protests and allegations recently received by the members of the 120th General Assembly concerning the Budget Appropriation Bill (**HB 271**), especially as it concerns the Educational System.

It was determined by the Committee that a majority of the protestants had been pressured into making statements which were not based on fact. The Committee thereupon agreed to release the following statement for the information of the General Public.

1. The Laws of Delaware provide that each school or school district in the state shall receive state funds according to a set schedule depending upon the number of pupil units in the school. The teachers and administrators in each school are also paid according to a prescribed schedule. Therefore, the Finance Committee could not, and did not, withhold any funds or reduce any amounts to which a school was entitled. The Committee did initially eliminate **anticipated** units on the

theory that they would return in January 1960 to prepare a budget for 1961, and could, at that time, provide for the additional units actually on hand. However, several administrators indicated they would have difficulty hiring teachers in the middle of the term, and a contingency bill was introduced immediately to correct that situation.

2. Protests that the Committee had failed to provide for handicapped children were met with the fact that they were also eliminated from the Governor's Budget, and the apparent cause was due to the oversight and/or neglect of Dr. Charlton or Dr. Tarumianz, or both. The Committee feels that a general overhaul of all programs dealing with exceptional, retarded and handicapped children is long overdue. There is much duplication of effort in that at least three or four agencies are involved with similar programs concerning these children with the line of distinction being very fine, and the several Administrative costs being exceedingly large. They further stated that a supplemental bill would correct that situation which was not of their making.

3. The Committee went on record as admitting to, and being in favor of, the reduction in personnel and administrative costs of the State Board of Education and the City of Wilmington. It appeared that both had grown out of proportion of the needs of the state, and that arbitrary appointments of directors, supervisors, and other strictly administrative personnel had been made without regard to rhyme, reason or any authorization of the laws of Delaware. It was felt that Wilmington was no more or less than a special school district as defined in the law, and that any personnel they employed with state funds should conform to the Code as any other special district must do. In some instances, the Wilmington Board of Education had more supervisory personnel than the State Board of Education, yet the number of pupils supervised was very small. The following chart is an example:

| | State Wilmington | |
|------------------------------------|------------------|------------------|
| Superintendent | 1 | 1 |
| Assistant Superintendent | 4 | 4 $\frac{1}{2}$ |
| Directors | 14 | 5 |
| Supervisors W/Program | 14 | 13 |
| Supervisors WO/Program | 13 | 16* |
| Psychologists, etc. | 20 | |
| Total Administrative | 66 | 39 $\frac{1}{2}$ |
| Percent of Students | 83 | 17 |
| Percentage of Adm. employees | 62.8 | 37.2 |

HB 271 provides \$197,755.00 for the above categories for State Board of Education, Vocational Education and Rehabilitation and \$113,500.00 for the same classification employed by Wilmington Board of Education. The total supervisory

allotment is \$311,255.00, or 64% for State and 36% for Wilmington, although the State supervises 83% of students and Wilmington 17%.

4. The Committee felt that a closer look at the tremendous rise in educational costs, and the reasons for them, might cause many persons who are now objecting to what they term "cutting the education of their children," to examine more closely the areas that were cut; and to decide whether or not the education of their children has been affected. They would also remind these same people that the Committee's responsibility for a 65-70 million dollar budget is not one to be taken lightly. Each agency naturally assumes its program to be the most important, and one that is absolutely essential to the welfare of the State; and any reduction of personnel or program, immediately brings howls of anguish; yet no agency or taxpayer is willing to confront the General Assembly with a proposal for, or a willingness to pay, the expanded services. It was noted that budget hearings are open to the public; that constructive criticism is always welcome; and that any agency or individual who feels so inclined, has the privilege of requesting any legislator to introduce a bill designed to correct any real or imagined error in the budget. In conclusion, the Committee felt that the educational system, which consumes nearly half of the entire State Budget might well investigate the possibility of increased attention to the three R's and the elimination of other "nice to have" programs which would conceivably come under local option and be financed at local expense.

WALTER J. HOEY, Chairman

HARRY E. MAYHEW

CHARLES C. KING, Chairman Appr. Com.

NORMAN A. ESKRIDGE

LEMUEL H. HICKMAN

J. A. CORRELL

Mr. Spicer asked to be marked present.

On motion of Mr. Reilly, **HB 131** was again considered for passage by the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Mr. Pres. Pro. Tem—13.

ABSENT—Messrs. McCullough, Nechay, Snowden, Williams—4.

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

On motion of Mr. Reilly the Senate adjourned until Monday, May 25, 1959 at 1 P.M. at 3:55 P.M.

56TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P.M. on Monday, May 25, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Nechay, Price, Reilly, Simpson, Spicer, Tull, Watson, Williams—10.

Members absent—Messrs. Hickman, Hoey, Mayhew, McCullough, Snowden, Steen, Mr. Pres. Pro Tem (Cook)—7.

The President stepped down from the rostrum and Mr. Williams presided.

The Chair dispensed with the reading of the Journal, without objection.

Mr. Simpson was granted the privilege of the floor to deliver the following statement:

Last week it was brought to my attention that a man stole a \$90.00 water pump from a home which was under construction. I should like to take a few minutes of your time to develop this story.

Last March a home was under construction in Kent County. This home did not have a basement, it had a crawl space under the floor. The plumber delivered the water pump on the job and put it well back in the crawl space. A few days later when the mechanics were sent to the job to hook up the pump it was gone. The State Police were called in and in a few days the pump was located. It had been sold for \$15.00. The police spent nearly a week on this case. The plumber paid his mechanics for six or seven hours lost while being interrogated, which would amount to approximately \$21.00. This does not count any cost for the three or four hours lost by the owner of the business. You can see that well over \$100.00 was involved.

I am told that the person who stole the water pump was sentenced to one year on probation. According to the court's record this was probably a first offense. I submit to you that this might have been a first offense on the records but a grown man's first offense would hardly be stealing an object worth around \$100.00. What the court really meant was this was the first time this person got caught.

A year or so ago we had a case in our area where a man entered a home and mercilessly beat a woman into insensibility before attempting to rob the home. This man was sentenced two years which means that he was eligible for parole in about one year from the date of sentence. While on parole he was apprehended again and pled guilty to a charge of

stealing empty soft drink bottles. How much longer can we expect our police to go about making first class investigations when the courts persist in only smacking the culprit on the wrist and saying go home, be a good boy and don't get into mischief again.

Some folks said the Legislature was regressing when they voted for the Whipping Post Bill. A good question to ask about now would be are our courts regressing? Back in the last century a man with property often had to hire a guard with a gun to protect it. Do our courts encourage wrong doers to the extent that a man dare not always have the door to his home locked? Are we going to have to put a guard on the job every time some merchandise is not left under lock and key?

What was so wrong with Judge Reardon's mentioning the whip to the mother of some teenage offenders in Wilmington a few days ago? When parents refuse to accept the obligation of raising their children to respect the law and the rights of others then the public must take over. A child can be taught the difference between right and wrong a lot easier before he reaches his teens than he can after. Should not a practical approach be considered as well as idealistic views when problems of this type confront our courts?

The courts are very jealous of their discretionary powers when it comes senturage. If they don't start exercising it with a more practical approach they will probably see more Bills introduced with specific punishment for specific crimes.

The Chair declared a recess at call of the Chair at 2:05 P.M.

The Senate met at the expiration of the recess at 4:10 P.M. Pres. Pro Tem Cook presiding. Messrs. Cook, Steen, Hickman and McCullough asked to be marked present.

The Chair announced that it was signing **HB 282, HS 1** for **HB 222, HB 97, HB 96** as amended, **HJR 5, SB 65, SCR 9**, and **SB 154**.

On motion of Mr. Price **HB 200** entitled "An Act to Amend Chapter 1, Title 8, § 324 of the Delaware Code Relating to Attachment of Shares of Stock or Any Right, Option or Interest Therein; Procedure; Sale; Title Upon Sale; Proceeds," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—14.

ABSENT—Messrs. Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Price **HB 220** entitled "An Act to Amend Chapter 1, Title 8, Para. 243 (f) of the Delaware Code Relating to the Redemption, Purchase or Retirement of Stock," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

NOT VOTING—Mr. Spicer—1.

ABSENT—Messrs. Hoey, Mayhew, Snowden—3.

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

Mr. Steen reported **HB 263** from Corporations Private Committee with 3 favorable. Mr. Steen moved that Rule 9 be suspended for the balance of the Legislative Day. Motion prevailed.

On motion of Mr. Steen **HB 263** entitled "An Act to Amend Chapter 1, Title 17, Delaware Code, by Requiring the State Highway Department to Provide the Governor an Automobile Suitable and Befitting the Office of Governor," was taken up for consideration and read a second time in order to pass the Senate.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem—12.

NOT VOTING—Messrs. Spicer, Watson—2.

ABSENT—Messrs. Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Reilly the Senate adjourned at 4:35 P.M. until Tuesday, May 26 at 1 P.M.

57TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:05 P.M. on Tuesday, May 26, 1959, Pres. Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, Hickman,

Hoey, McCullough, Price, Reilly, Simpson, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem—13.

Members absent—Messrs. Mayhew, Nechay, Snowden, Steen—4.

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

The following Bills were introduced by Mr. duPont, given first reading and referred to Committee as follows:

SB 188—"An Act to Amend Section 4975, Title 15, Delaware Code, Relating to Disqualified Ballots," to Elections.

SB 189—"An Act to Amend Section 5702, Title 15, Delaware Code, Relating to Powers of Court," to Judiciary.

SB 190—"An Act to Amend Section 1705, Title 15, Delaware Code, Relating to Removal of Records of Deceased Persons from Registration Records," to Elections.

On motion of Mr. Watson **SS 1** for **SB 78** 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 78**—"An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation, by Providing for Coverage for Employees of the State of Delaware, and by Providing a Method Whereby Political Subdivisions of the State May Elect Coverage for Their Employees."

Mr. Spicer moved that **SS 1** for **SB 78** be deferred.

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

YEAS—Messrs. Correll, duPont, Mayhew, Price, Simpson, Spicer, Tull, Williams—8.

NAYS—Messrs. Hickman, McCullough, Reilly, Watson, Mr. Pres. Pro Tem—5.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Nechay, Snowden, Steen—3.

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

Mr. Mayhew asked to be marked present.

The following Bills were presented by the Chair, given first reading and referred to Committee:

HB 274—"An Act to Amend Chapter 81, Title 9, Delaware Code by Giving the Women's Civic Club of Richardson Park Tax Exemption Status," to Revised Statutes.

HB 130—"An Act to Amend Title 30, Delaware Code, Chapter 11, Relating to Income Taxes by Exempting Certain Non-Residents from the Application Thereof," to Revised Statutes.

HB 299—"An Act to Amend an Act Entitled 'An Act Changing the Name of "The City of Harrington" and Establishing a Charter Therefor,'" to Corporations Municipal.

On motion of Mr. Reilly the Senate recessed at call of the Chair.

The Senate met at the expiration of the recess at 4:45 P.M. Pres. Pro Tem Cook presiding. A quorum was not present and so the Chair declared a recess at call of the Chair at 4:55 P.M.

Senate met at the expiration of the recess at 5:10 P.M. Lt. Gov. Buckson presiding.

On motion of Mr. Mayhew **SB 102** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 102—"An Act to Amend Title 5, Delaware Code, Entitled 'Banking' Providing for the Financing of the Sale of Motor Vehicles, the Licensing of Sales Finance Companies, the Regulation of Motor Vehicle Retail Installment Transactions, the Powers and Duties of the State Bank Commissioner, and Providing for Violations and Penalties."

Mr. Mayhew introduced **SA 1** to **SB 102** and moved for its adoption.

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

YEAS—Messrs. Correll, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—10.

NOT VOTING—Messrs. duPont, Simpson, Spicer—3.

ABSENT—Messrs. Hickman, Snowden, Steen, Watson—4.

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

Mr. Mayhew introduced **SA 2** to **SB 102** and moved for its adoption.

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

YEAS—Messrs. Correll, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

NOT VOTING—Messrs. duPont, Spicer—2.

ABSENT—Messrs. Hickman, Snowden, Steen, Watson—4.

So the question was decided in the affirmative and the

Amendment having received the required constitutional majority passed the Senate.

At the request of Mr. Williams and with the consent of Mr. Mayhew, **SB 102** was deferred until Wednesday, May 27, 1959.

Messrs. Reilly, Watson, Correll, McCullough, Simpson, duPont, Snowden, Hoey and Cook introduced **SB 191** which was given first reading and referred to the Buildings and Highways Committee:

SB 191—"An Act to Create the Public Building Authority of the State of Delaware, County of New Castle and City of Wilmington; Prescribing the Composition, Rights, Powers and Duties of Such Authority; Authorizing Such Authority to Acquire, Construct, Furnish, Equip, Own, Improve, Enlarge, Operate and Maintain a Building or Buildings and the Necessary Site or Sites Therefor for the Use Primarily of the State of Delaware, County of New Castle and City of Wilmington, and, Secondly, of the United States Government and Others; Authorizing the Execution of Contracts Pertaining to Such Property and the Use Thereof; Providing for the Issuance and Payment of Revenue Bonds by Such Authority; Exempting the Property of and Bonds Issued by Such Authority from Taxation; and Providing for the Abolishment of the Existing Building Commission for the City of Wilmington and for New Castle County and for the Transfer of its Property Rights, Powers and Duties to Such Authority."

Messrs. McCullough and Nechay reported the following Bills from Committee:

From Education: **SB 72**, 3 on merits, 1 favorably; **SB 79**, 3 favorably, 1 on merits; **SB 103**, 1 favorably, 3 on merits; **SB 73**, 3 favorably, 1 on merits. From Revised Statutes: **SB 90**, 2 favorably, 2 merits; **SB 124**, 2 favorably, 2 merits; **SB 183**, 2 favorably, 3 merits; **SB 121**, 2 favorably, 2 merits; **SB 175**, 2 favorably, 1 merits, 1 unfavorably; **SB 167**, 2 favorably, 1 merits, 1 unfavorably; **HB 303**, 4 favorably; **HB 231**, 1 favorably, 2 merits; **HB 252**, 3 merits. From Claims: **HCR 9**, 3 merits. From Judiciary, **HB 254**, 1 favorably, 2 merits.

The Chair announced that he was signing **HB 131**.

Mr. Reilly for Mr. Cook introduced the following Bill which was given first reading and referred to the Judiciary Committee:

SB 192—"An Act to Amend Chapter 43, Title 11, Delaware Code, Entitled 'Probation' and Relating to Assistant Probation Officers."

Mr. McCullough introduced the following Bills which were given first reading and referred to Committee as follows:

SB 193—"An Act to Amend Section 5403, Title 7, Delaware Code Relating to the Purposes of the Delaware

Archaeological Board," to Revised Statutes.

SB 194—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees," to Education.

On motion of Mr. Reilly the Senate adjourned until Wednesday, May 27, 1959 at 1 P.M. at 6:00 P.M.

58TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:15 P.M. on Wednesday, May 27, 1959 Lt. Gov. Buckson presiding.

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

Members present—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

Members absent—Messrs. Correll, duPont, McCullough, Simpson, Snowden, Spicer, Steen, Williams—8.

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

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 4:35 P.M. Lt. Gov. Buckson presiding.

Messrs. duPont, Correll, Steen, Simpson and Williams asked to be marked present.

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

Mr. Steen introduced **SA 1** to **SB 162** which was given first reading and referred to the committee on Buildings and Highways, in which is **SB 162**.

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

GOVERNOR'S MESSAGE EXECUTIVE DEPARTMENT STATE OF DELAWARE

Dover, Delaware, May 27, 1959

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

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

Major General Joseph J. Scannell, Wilmington, to be Adjutant General of the State of Delaware for a term to expire May 2, 1968.

Respectfully submitted,
J. CALEB BOGGS, Governor

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

HCR 9—"An Act Making Appropriations to Certain Companies for Supplies and Services Rendered the 120th General Assembly."

On motion of Mr. Nechay the Resolution was adopted by the Senate, and ordered returned to the House.

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

SR 70—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

SR 71—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

On motion of Mr. Steen **SB 178** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 178—"An Act to Amend the Charter of The Town of Milton as Established by Chapter 194, Volume 45, Laws of Delaware, Vesting the Mayor and Council with Power to Levy and Collect Taxes, for the Purpose of Helping Defray the Expenses of Constructing and Maintaining a Sanitary Sewerage System, Upon All Real Estate, Either Improved or Unimproved, Abutting on Streets Along Which Sewer Mains Have Been Constructed and Are Maintained."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. Hickman, Snowden, Spicer, 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.

Messrs. Mayhew and Steen reported the following Bills from Committee: From Miscellaneous: **SB 59**, 1 favorably, 4 merits; from Corporations, Municipal: **SB 180**, 3 favorably, 1 merits; **SB 181**, 4 favorably; **SB 182**, 4 favorably.

On motion of Mr. Nechay **HS 1** for **HB 63** 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: **HS 1** for **HB 63** with **HA 1**—"An Act Amending Title 30, Delaware Code, Entitled 'State Taxes' Relating to Income Tax Deductions."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. Hickman, Snowden, Spicer, Watson—4.

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

On motion of Mr. Steen **SB 185** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 185**—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Departments of Elections for Kent and Sussex Counties."

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

YEAS—Messrs. Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Simpson, Williams—4.

ABSENT—Messrs. Hickman, Snowden, Spicer, 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.

The Chair announced that he was signing **HB 200**, **HB 220** and **HB 263**.

On motion of Mr. Steen **HB 148** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 148**—"An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled 'An Act to Incorporate the Town of Bethany Beach and Giving it Authority to Issue Bonds', Eliminating the Requirement That Voters Attend or Spend at Least One Week in Said Town Immediately Preceding the Day on Which the Election is Held to be Entitled to Vote."

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

YEAS—Messrs. Correll, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Mr. duPont—1.

ABSENT—Messrs. Hickman, Snowdey, Spicer, Watson—4.

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

ed the Senate and was returned to the House.

On motion of Mr. Reilly the Senate adjourned at 5:20 P.M. until Thursday, May 28, 1959 at 1 P.M.

59TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on Thursday, May 28, 1959 Pres. Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, Nechay, Price, Reilly, Simpson Spicer, Steen, Watson, Mr. Pres. Pro Tem Cook—11.

Members absent—Messrs. Hoey, McCullough, Snowden, Tull, Williams—6.

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

The following Bills were introduced by Messrs. Reilly and McCullough, given first reading, and referred to Committee:

SB 195—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst by Chapter 288, Volume 51, Laws of Delaware," to Finance.

SB 196—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Mental Hygiene Clinic, by Chapter 147, Volume 51, Laws of Delaware," to Finance.

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

HB 272—"An Act to Amend Title 14, Delaware Code, Relating to 'Education' by Changing the Form Required for Appropriations," to Education.

HB 283—"An Act Relating to the Reimbursement of Funds Received by the State of Delaware or Any Agency Thereof for the Cost of Construction of Interstate Roads or Highways," to Buildings and Highways.

HB 296—"An Act Making an Appropriation for Certain Contingencies to the State Board of Education for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of the Budget Commission in Relation Thereto," to Finance.

HB 204—"An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing," to Revised Statutes.

HB 311—"An Act to Amend Titles 9, 10, and 12, Delaware Code by Increasing the Salary of the Clerk of the Peace, Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Members of the Board of Assessment, Receiver of

Taxes, Prothonotary, Sheriff, Register in Chancery, and Clerk of the Orphans' Court, and Register of Wills, in and for Sussex County," to Revised Statutes.

HS 1 to HB 292—"An Act to Amend Title 14, Section 7136, Delaware Code, Relative to the District Library Commission of Dover, Delaware," to Education.

HB 289—"An Act to Amend Chapter 9, Title 10, Delaware Code, by Enlarging the Jurisdiction of the Family Court in the Disposition of Certain Children," to Judiciary.

HB 282—"An Act to Amend Chapter 3, Title 17, Delaware Code, Relating to the Authority of the State Highway Department to Issue Revenue Bonds to Defray the Cost of Construction of a Bridge Over the Delaware River, by Increasing the Aggregate of the Bonds that May be Issued Thereunder and to Authorize and Empower the Delaware Interstate Highway Division, Successor of the State Highway Department for the Operation and Control of the Delaware Memorial Bridge, from Time to Time, to Improve and Make Additions to the Bridge, its Appurtenances and Approaches as May be Deemed Appropriate by Such Division at a Cost Not to Exceed in the Aggregate Fifty-Two Million Five Hundred Fifty Thousand Dollars (\$52,550,000) and to Issue Additional Revenue Bonds Not to Exceed Said Amount for Such Purposes, and to Authorize the Division to Enter into Agreements with the State Highway Department, Among Others, to Construct Such Additions and Improvements and to Pay or Reimburse Said Department, in Whole or Part, the Costs Thereof," to Buildings and Highways.

HB 288—"An Act to Amend Title 11, Delaware Code, in Relation to the Prosecution of Children as Adults," to Judiciary.

HB 191—"An Act to Amend Chapter 9, Title 10, Delaware Code, with Respect to the Powers of Police, Justices of the Peace, Other Courts and Other Committing Magistrates in Issuance of Process; Conduct of Preliminary Proceedings and Detention of Children in Family Court Matters," to Judiciary.

HB 310—"An Act to Amend Title 28, Delaware Code Relating to the Hours During Which Bingo Games May Be Played," to Revised Statutes.

HB 190—"An Act to Amend Title 19, Delaware Code, Relating to Workmen's Compensation," to Labor.

HB 271—"An Act Making Appropriation for the Expenses of the State Government for the Fiscal Year Ending June 30, 1960," to Finance.

HB 153—"An Act Appropriating Money to Wilmington Manor Fire Company with Which to Operate and Maintain an Ambulance," to Finance.

SS 1 for **SB 13** with **HA 1** to Revised Statutes.

The Chair directed that the following Resolution be read to the Senate, and after the reading thereof it was adopted by the Senate and ordered back to the House: **HCR 13**—"Providing for Adjournment of the House of Representatives and Senate."

On motion of Mr. Price **SB 183** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 183**—"An Act to Amend Chapter 33, Title 29, Delaware Code, Relating to the Public Archives Commission, its Duties and the Transfer of Records to its Custody."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

ABSENT—Messrs. Hickman, McCullough, Snowden, Steen, Tull—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.

Mr. Nechay reported **HB 117** out of Committee with 2 favorably and 2 merits.

On motion the Senate recessed at call of the Chair at 2:55 P.M.

The Senate met at the expiration of the recess at 3:45 P.M., Pres. Pro Tem Cook presiding.

At the request of Mr. Nechay **HB 231** was restored to the Calendar.

Mr. Williams introduced the following Resolution which on further motion by him was adopted and ordered to the House for concurrence: **SCR 22**—"Inviting the Boys' State to be the Guests of the One Hundred and Twentieth General Assembly."

Messrs. Williams and Reilly introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes: **SB 197**—"An Act to Amend Chapter 84, Title 9, Delaware Code, Relating to Destruction of Cancelled Bonds and Coupons by the Receiver of Taxes and County Treasurer for New Castle County."

Mr. Hoey reported **HB 271** out of the Finance Committee with 4 favorable.

On motion the Senate adjourned until Tuesday, June 2, 1959 at 1 P.M. at 4 P.M.

60TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:05 P.M. on Tuesday, June 2, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Nechay, Reilly, Steen, Williams, Mr. Pres. Pro Tem Cook—8.

Members absent—Messrs. Hickman, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson—9.

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

The Chair announced the absence of a quorum, whereupon, upon motion the Senate recessed at call of the Chair at 2:10 P.M.

The Senate met at the expiration of the recess at 5:05 P.M., Lt. Gov. Buckson presiding.

Messrs. Hickman, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull and Watson asked to be marked present.

Mr. Watson reported the following Bills from Committee: **HB 299**, 3 favorably; **SB 119**, 4 favorably, 1 merits.

At the request of Mr. McCullough the Chair granted a public hearing on June 3, 1959 at 2:30 P.M. for the purpose of an address by Dr. Mort on Educational Administration.

On motion of Mr. Hoey **HB 271** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 271** with **HA 1** and **HA 2** and **HA 3**—"An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1960."

Mr. Snowden introduced **SA 1** for **HB 271** and moved for its adoption.

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

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

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NOT VOTING—Mr. Correll—1.

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

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Mc-

Cullough, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. duPont, Simpson, Snowden, Spicer, Williams—5.

ABSENT—Mr. Steen.

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

On motion the Senate recessed at call of the Chair at 5:22 P.M.

The Senate met at the expiration of the recess at 5:40 P.M. Lt. Gov. Buckson presiding.

Mr. Hoey reported **HB 296** out of Committee with 2 favorably and 2 on merits.

Mr. Hoey moved that rule nine be suspended for the purpose of considering **HB 296**. Motion prevailed.

On motion of Mr. Hoey **HB 296** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 296**—"An Act Making an Appropriation for Certain Contingencies to the State Board of Education for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of the Budget Commission in Relation Thereto."

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

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

ABSENT—Mr. Steen—1.

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

Mr. Hoey moved that the Senate convene in executive session. Motion prevailed.

At the end of the executive session upon motion of Mr. Hoey the Senate resolved into General Session.

The following Bills were introduced, given first reading, and referred to Committee:

SB 198—"An Act to Amend Chapter 3, Title 14 of the Delaware Code Relating to School Board Elections," by Messrs. Reilly and Williams to Elections.

SB 199—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Purpose of Opening the South End of Deep Hole Creek to the Broadkilk River," by Messrs. Hoey and Spicer, to Finance.

SB 200—"An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Local School Taxes," by Messrs. Reilly and Williams, to Education.

SB 201—"An Act to Amend Section 1521, Title 9, Delaware Code, by Empowering the Levy Court of New Castle County to Invest Surplus Funds," by Messrs. Reilly and Williams, to Revised Statutes.

On motion of Mr. Watson **SB 184** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 184**—"An Act to Amend Section 103, Title 15, Delaware Code, Relating to the New Castle County Department of Elections and Reducing the Membership of That Department to 12 Members."

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

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

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

ABSENT—Mr. Steen—1.

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

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

HB 280—"An Act to Amend Section 2521, Title 12, Delaware Code, Entitled 'Descendents' Estates' and Relating to Kent County," to Revised Statutes.

HB 281—"An Act to Repeal Section 8303, Title 9, Delaware Code Relating to New General Assessments Every Four Years in Kent County," to Revised Statutes.

HB 161—"An Act Agreeing to the Proposed Amendments to Article IV of the Constitution of the State of Delaware Relating to the Judiciary," to Judiciary.

HB 300 with **HA 1**—"An Act to Amend Section 170 (a), Title 8, Delaware Code, Relating to the Delaware Corporation Law," to Revised Statutes.

Mr. Nechay reported **HB 130** from Committee with 1 favorably and 2 merits.

The Chair announced that he had signed **SR 71**, **SR 70**, **SCR 21**.

On motion the Senate adjourned at 6:15 P.M. until Wednesday, June 3, 1959 at 1 P.M.

61ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:00 P.M. on Wednesday, June 3, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Tull, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Nechay, Spicer, Steen, Watson, Williams—5.

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

Mr. duPont requested that a communication concerning the Dog Racing Bill be read to the Senate and requested a hearing on said Bill, during the week of June 8, 1959.

Mr. Spicer asked to be marked present.

Mr. Price introduced **SS 1** for **SB 180** with title same as the original and on his further motion the substitute was adopted.

Mr. Price moved that **SS 1** for **SB 180** be given its last reading but on his further motion **SS 1** for **SB 180** was deferred.

On motion of Mr. Price **SB 181** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 181**—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, to Provide For the Establishment of a Debt Limit."

Mr. Watson 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—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Steen, Williams—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. Price **SB 182** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 182**—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said City After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed."

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

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

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

ABSENT—Messrs. Nechay, Williams—2.

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

Mr. Steen asked to be marked present.

On motion of Mr. Snowden **SS 1** for **SB 13** as amended by **HA 1** with title as follows was taken up for consideration and read by title in order to pass the Senate: **SS 1** for **SB 13** with **HA 1**—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to the Youth Services Commission of Delaware Authorizing the Commission to Accept the Transfer of Certain Property from the Woods Haven School for Girls after Certain Agreements and Conditions are Met."

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

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

ABSENT—Messrs. Nechay, Williams—2.

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

On motion of Mr. Steen **HB 299** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 299**—"An Act to Amend an Act Entitled 'An Act Changing the Name of 'The City of Harrington' and Establishing a Charter Therefor.'"

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

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

ABSENT—Messrs. Nechay, Williams—2.

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

On motion of Mr. Mayhew **SB 102** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 102**—"An Act to Amend Title 5, Delaware Code, Entitled 'Banking' Providing for the Financing of the Sale of Motor Vehicles, the Licensing of Sales Finance Companies, the Regulation of Motor Vehicle Retail Installment Transactions, the Powers and Duties of the State

Bank Commissioner, and Providing for Violations and Penalties."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. Simpson—1.

ABSENT—Messrs. Nechay, Williams—2.

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

On motion of Mr. Reilly Rule 23 was suspended for the balance of the Legislative Day.

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

HB 301—"An Act to Amend Section 6108, Title 10, Delaware Code, Relating to Transcript of Trial," to Judiciary.

HB 315—"An Act to Amend Title 15, Delaware Code, Relating to Absentee Ballots," to Elections.

HB 257—"An Act to Amend Chapter 35, Title 12, Delaware Code, Relating to Trusts," to Banking and Insurance.

HB 304—"An Act Relating to the Use of Certified Mail in Lieu of Registered Mail by the State of Delaware, its Various Offices, Departments and Agencies," to Miscellaneous.

On motion of Mr. Reilly **SB 153** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 153**—"An Act to Amend Sections 6913, 6914, and 6915, Title 29, Delaware Code, Relating to Wages."

Mr. Snowden moved that action on **SB 153** be deferred for one day. Motion prevailed.

Mr. Nechay asked to be marked present.

On motion the Senate recessed at call of the Chair at 3:45 P.M.

The Senate met at the expiration of the recess at 4:00 P.M., Lt. Gov. Buckson presiding.

Mr. Price introduced **SA 1** to **SS 1** for **SB 180** which on further motion by him was adopted by the Senate.

On motion of Mr. Price **SS 1** with **SA 1** for **SB 180** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SS 1** with **SA 1** for **SB 180**—"An Act to Authorize the City of Dover to Issue Revenue Bonds for the Purpose of Financing the Extension, Reconstruction or Improvement of the City's

Water System, Electric System and Sewer System, and to Provide for the Payment of Such Bonds."

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

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

ABSENT—Messrs. Nechay, Steen—2.

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

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 5:00 P.M. Lt. Gov. Buckson presiding.

Mr. Williams asked to be marked present.

Mr. McCullough reported **SB 110** from Committee with 1 favorably, 3 merits.

The following Bills were also reported from Committee: **HS 1** to **HB 292**, 5 merits; **SB 176**, 2 favorably, 3 merits; **SB 177**, 5 merits; **SB 174**, 4 merits, 1 favorably; **SB 173**, 5 merits; **SB 108**, 2 favorably, 1 merits; **HB 227**, 4 favorably, 1 merits.

On motion of Mr. Watson **HB 202** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 202**—"An Act to Amend Chapter 81, Title 9, Delaware Code by Giving Taylor's Bridge Community Center Incorporated, Blackbird Community Center, Inc., and Oak Hill Community Center, Inc., Tax Exemption Status."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Spicer, Steen, Tull, Watson, Williams—12.

NAYS—Messrs. Nechay, Snowden—2.

NOT VOTING—Messrs. duPont, Simpson—2.

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

Mr. McCullough moved that Rule 9 be suspended for the balance of the Legislative Day.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull, Watson, Williams—12.

NAYS—Messrs. Correll, duPont, Simpson, Snowden—4.

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

On motion of Mr. McCullough **SB 108** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 108**—"An Act to Amend Title 11, Delaware Code, by Creating a Police Council."

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Steen, Williams—7.

NAYS—Messrs. Hickman, Mayhew, McCullough, Price, Reilly—5.

NOT VOTING—Messrs. Hoey, Nechay, Tull, Watson—4.

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

On motion of Mr. Nechay **HB 211** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 211**—"An Act Creating a Division of the Aging in the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna; Establishing a Delaware Citizens' Council for the Aging; Membership and Duties."

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

YEAS—Messrs. Correll, duPont, Hickman, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams—13.

NAYS—Mr. McCullough—1.

NOT VOTING—Messrs. Hoey, Mayhew—2.

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

On motion of Mr. McCullough **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 7, Title 4, Delaware Code Relating to Sale or Service of Liquor to an Intoxicated Person."

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

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

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

At the request of Mr. McCullough **SB 108** was restored to the Calendar.

On motion of Mr. McCullough **SB 113** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 113**—"An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles; Enforcement; Arrest, Bail and Appeal."

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

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

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

On motion of Mr. McCullough **SB 111** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 111**—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Search and Seizure."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams—15.

NAYS—Mr. Reilly—1.

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

On motion of Mr. Nechay **HB 303** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 303**—"An Act to Permit the Sussex County Register of Wills to Record Instruments by Using a Photo Copying Machine."

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

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams—15.

NOT VOTING—Mr. Spicer—1.

ABSENT—Mr. Pres. Pro Tem Cook—1.

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

Mr. Mayhew reported the following Bills from the Miscellaneous Committee: **SB 137**, 4 merits, 1 favorably; **SB 138**, 4 merits, 1 favorably.

Mr. Nechay introduced the following Concurrent Resolution which on further motion by him was adopted, and ordered sent to the House for concurrence: **SCR 23**—"An Act Authorizing Appropriations to be Made to Certain Companies for Services and Supplies Rendered the 120th General Assembly."

Mr. Steen reported the following Bill from Buildings and Highways: **HB 275**, 3 favorably, 2 merits.

Mr. Reilly moved that **HB 275** be given its last reading, by title only. Mr. Snowden requested reading in full. At the request of Mr. Snowden **HB 275** was deferred.

Mr. Nechay reported **SB 197** from the Revised Statutes Committee with 4 favorably.

On motion of Mr. Reilly the Senate adjourned at 5:52 P.M. until Thursday, June 4, 1959 at 1 P.M.

62ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:05 P.M. on Thursday, June 4, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. duPont, Hickman, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Correll, McCullough, Reilly, Watson, Williams—5.

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

Messrs. Reilly, Watson and Correll asked to be marked present.

Communications:

From Penny Hill Business and Professional Women's Club concerning the State's financial problems.

From Stanton Methodist Church against dog racing.

Mr. Steen reported **SB 191** from Committee with 2 favorably, 3 merits.

The Chair announced that he was signing **HB 296**, **HCR 9**, **HCR 13**, **HB 63**, **HB 148**, **HB 271** as amended.

Mr. Watson introduced the following Bills by request which were given first reading and referred to the Committee as follows:

SB 202—"An Act to Amend Section 2710, Title 21, Delaware Code Relating to Application by Minors for Licenses," to Buildings and Highways.

SB 203—"An Act to Amend Section 2709, Title 21, Delaware Code Relating to Applications for Licenses," to Buildings and Highways.

SB 204—"An Act to Amend Chapter 7, Title 4, by Adding a New Section Relating to the Size of Alcoholic Liquor Containers," to Temperance.

On motion the Senate recessed at call of the Chair at 2:25 P.M.

The Senate met at the expiration of the recess at 5 P.M., Lt. Gov. Buckson presiding.

Messrs. Williams and McCullough asked to be marked present.

On motion of Mr. Watson **SB 83** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 83**—"An Act to Amend Section 2920, Title 24, Delaware Code Relating to the Termination of Employment and Re-Employment of Real Estate Salesmen."

Mr. Watson introduced **SA 1** to **SB 83** and moved for its adoption.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Hoey, Mayhew, Nechay—3.

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

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

YEAS—Messrs. Hickman, McCullough, Nechay, Reilly, Spicer, Steen, Tull, Watson, Williams—9.

NAYS—Mr. duPont—1.

NOT VOTING—Messrs. Correll, Price, Simpson, Snow-

den, Mr. Pres. Pro Tem Cook—5.

ABSENT—Messrs. Hoey, Mayhew—2.

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

On motion of Mr. Williams **SB 197** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 197**—"An Act to Amend Chapter 84, Title 9, Delaware Code, Relating to Destruction of Cancelled Bonds and Coupons by the Receiver of Taxes and County Treasurer for 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—Messrs. Correll, duPont, Hickman, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Hoey, Mayhew—2.

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

On motion of Mr. Correll **SB 176** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 176**—"An Act to Amend Section 10, Chapter 128, Volume 33, Laws of Delaware, Relating to Responsibility for Damage Resulting to Persons or Property Upon Footways of the Town of Middletown."

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

YEAS—Messrs. Correll, duPont, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams—12.

NAYS—Mr. Pres. Pro Tem Cook—1.

ABSENT—Messrs. Hickman, Hoey, Mayhew, 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. Correll **SB 177** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 177**—"An Act to Amend Section 5, Chapter 128, Laws of Delaware Relating to Compensation of the Mayor and Members of Council of Middletown."

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

YEAS—Messrs. Correll, duPont, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Hickman, Hoey, Mayhew, 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. Nechay **HB 117** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 117**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan."

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

YEAS—Messrs. Correll, duPont, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Hickman, Watson—2.

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

On motion of Mr. Mayhew **HB 119** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 119**—"An Act to Authorize the Recorder of Deeds in and for Sussex County to Make New Indices for Mortgages."

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

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

ABSENT—Messrs. Hickman, Watson—2.

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

Mr. Nechay reported **HB 281** from Committee with 1 favorably, 2 merits.

On motion of Mr. Spicer **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **SB 173**—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Inter-State Highway Division' and Relating to The Members Thereof."

Mr. Spicer introduced **SA 1** to **SB 173** and moved for its adoption.

Mr. Reilly moved to defer action of **SB 173** and Amendment. Motion prevailed.

On motion of Mr. Reilly the Senate adjourned at 5:45 P.M. until Monday, June 8, 1959 at 1 P.M.

63RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:05 P.M. on Monday, June 8, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hickman, McCullough, Price, Rrice, Simpson, Snowden, Steen, Tull—10.

Members absent—Messrs. Hoey, Mayhew, Nechay, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—7.

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

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

HB 302—"An Act to Amend Chapter 35, Title 10, Delaware Code, Relating to Attachments," to Judiciary.

HB 294—"An Act to Amend Title 21, Delaware Code, Relating to Motor Vehicles, by Increasing the Fine for Reckless Driving," to Buildings and Highways.

HB 309—"An Act to Amend Title 15, Delaware Code, Relating to Elections," to Elections.

HB 108—"An Act to Amend Title 15, Delaware Code Providing That the Department of Elections Shall Select Primary Election Officers and Clerks," to Elections.

The Chair announced that he was signing **SB 13** and **SCR 22**.

On motion the Senate recessed at call of the Chair at 2:15 P.M.

The Senate met at the expiration of the recess at 4:20 P.M., Lt. Gov. Buckson presiding.

Messrs. Cook and Williams asked to be marked present.

Messrs. Tull and Reilly reported the following Bills out of their respective Committees: **SB 179**, from Agriculture, 3 merits, 1 favorably; from Judiciary, **HB 162**, 2 favorably, 1 merits; **HB 189**, 3 merits, 1 favorably; **HB 301**, 3 merits, 1 favorably; **HB 302**, 1 favorably, 3 merits; **HB 289**, 4 favorably; **HB 288**, 4 favorably; **HB 161**, 3 favorably, 1 merits; **HB 191**, 4 favorably.

Mr. Tull introduced the following Bill which was given first reading and referred to the Agriculture Committee: **SB 205**—"An Act to Amend Title 3, Delaware Code, Relating to the Powers and Authority of the State Board of Agriculture."

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

HB 324—"An Act to Amend Chapter 135, Volume 29, Laws of Delaware, Entitled 'An Act to Revise and Consoli-

date the Statutes Relating to Curbstone Markets in the City of Wilmington,' By Providing for a Building to be Known as the 'Farmers' and Trucker's Market,'" to Corporations municipal.

HB 317—"An Act to Increase the Maximum Allowable County Tax Rate in Kent County," to Miscellaneous.

On motion of Mr. Tull, **HS 1** for **HB 30** 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 30**—"An Act to Amend Chapter 21, Title 3, Delaware Code, Entitled 'Commercial Fertilizers', by Repealing the Present Provisions and Substituting New Administrative and Substantive Provisions."

Messrs. Hoey and 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—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Spicer, Watson—3.

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

On motion of Mr. Reilly **HB 275** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 275**—"An Act to Amend Title 9, Delaware Code, by Adding Thereto a New Chapter 27 Concerning Trenches and Excavations in New Castle County."

On motion the Senate recessed at call of the Chair.

The Senate met at the expiration of the recess at 4:45 P.M., with Pres. Pro Tem Cook presiding.

Mr. duPont moved that **HB 275** be deferred.

Mr. Watson asked to be marked present.

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

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

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

ABSENT—Messrs. Hoey, Nechay, Spicer—3.

So the Motion was lost.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Steen, Tull, Watson, Williams—14.

NOT VOTING—Mr. Pres. Pro Tem Cook—1.

ABSENT—Messrs. Nechay, Spicer—2.

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

On motion of Mr. Tull **HB 31** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 31**—"An Act to Amend Chapter 15, Title 3, Delaware Code, Entitled 'Seeds' by Repealing the Present Provisions and Substituting New Administrative and Substantive Provisions."

Mr. Nechay 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—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. Tull **HB 235** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate: **HB 235**—"An Act to Amend Chapter 35, Title 3, Delaware Code Relating to Eggs."

Mr. Tull introduced **SA 1** to **HB 235** and moved for its adoption.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Ne-

chay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer,
—4.

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

On motion of Mr. Reilly **HB 89** with title as follows was taken up for consideration in order to pass the Senate over the Governor's veto. The veto message was again read in full: **HB 89**—"An Act to Repeal Paragraph 3919, Title 10, Delaware Code, Relating to Limitations of Liability of Newspapers for Libel."

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

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

NAYS—Messrs. Correll, Nechay, Williams—3.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer
—4.

At the request of Mr. Reilly and without objection the vote on **HB 89** was tabled.

At the request of Mr. Steen and without objection **SB 173** was recommitted to Committee.

On motion of Mr. Watson **SB 57** with title as follows was taken up for consideration in order to pass the Senate over the Governor's veto. The veto message was again read in full. **SB 57**—"An Act to Amend Section 811 Delaware Code Title 11 Relating to the Crime of Robbery."

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

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

NAYS—Messrs. Correll, Williams—2.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer,
—4.

At the request of Mr. Watson the vote on **SB 57** was tabled.

On motion of Mr. Watson **HB 79** with title as follows was taken up for consideration in order to pass the Senate over the Governor's veto. The veto message was again read in full.

HB 79 with **SA 1**—"An Act to Amend Title 14, Delaware Code, Relating to School Board Elections."

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

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

NAYS—Messrs. Correll, Williams—2.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. Watson **HB 171** with title as follows was taken up for consideration in order to pass the Senate over the Governor's veto. The veto message was again read in full.

HB 171 with **SA 1**—"An Act to Amend Title 14, of the Delaware Code by Providing for the Election of School Board Members in the Conrad High School District."

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

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

NAYS—Messrs. Correll, Williams—2.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. Watson **SB 158** as amended by **HA 1** with title as follows was taken up for consideration in order to pass the Senate:

SB 158 with **HA 1**—"An Act to Amend Chapter 7, Title 7, Delaware Code, by Adding Thereto a New Subchapter Relating to the Woodchuck or Ground Hog."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Steen, Tull, Watson, Williams—11.

NAYS—Mr. Pres. Pro Tem Cook—1.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

Mr. Mayhew reported **HB 317** from the Miscellaneous Committee with 3 favorably and 2 merits.

Mr. Hoey reported the following Bills from the Finance Committee: **HB 9**, 4 merits; **HB 10**, 4 merits; **HB 13**, 4 merits, **HB 198**, 4 merits.

Mr. Mayhew moved that Rule 9 be suspended in order to consider **HB 317**. Motion prevailed.

Mr. Cook stepped down from the rostrum and Mr. Reilly stepped up to the rostrum and presided.

On motion of Mr. Mayhew **HB 317** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 317—"An Act to Increase the Miximum Allowable County Tax Rate in Kent County."

On motion and with the consent of Mr. Mayhew **HB 317** was deferred.

Mr. Reilly stepped down from the rostrum and Mr. Cook stepped up to the rostrum and presided.

On motion of Mr. Hickman **HB 233** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 233—"An Act to Amend Title 16, Delaware Code Entitled 'Health and Safety' by Increasing the General Powers and Duties of the State Board of Health."

Mr. Price introduced **SA 1** to **HB 233** and moved for its adoption.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

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

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

NOT VOTING—Mr. Correll—1.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. McCullough **HS 1** for **HB 292** 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 292**—"An Act to Amend Title 14, Section 7136, Delaware Code, Relative to the District Library Commission of Dover, Delaware."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

Mr. Watson introduced **SS 1** for **SB 170** with title same as the original and moved for its adoption in lieu of the original. Motion prevailed.

Messrs. Hoey, Mayhew, Price and Hickman introduced **SB 206** with title as follows which was given first reading and referred to the Finance Committee:

SB 206—"An Act Making Certain Supplementary Appropriations to the State Highway Department for the Purpose of Giving Summer Employment to High School and College Boys."

Mr. Watson reported the following Bills from the Elections Committee **HB 309**, 4 favorably; **HB 108**, 4 favorably; **HB 315**, 4 favorably.

On motion of Mr. Nechay **HB 70** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 70—"An Act to Amend Title 29, Delaware Code Entitled State Government Relative to the Powers and Duties of the Budget Commission and the Auditor of Accounts."

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

YEAS—Messrs. Correll, Hoey, Mayhew, Nechay, Price, Reilly, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—10.

NOT VOTING—Messrs. Hickman, McCullough, Steen—3.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. Hoey **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 Authorize the Levy Court of Kent County and The Harrington Special School District to Make Certain Tax Refunds."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. Reilly **HB 231** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 231—"An Act to Amend Chapter 51, Title 29, Delaware Code, by Adding a New Section Concerning the Election of State Employees to Public Office; Leave of Absence."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. duPont, Simpson, Snowden, Spicer—4.

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

On motion of Mr. Reilly the Senate adjourned at 6:00 P.M. until Tuesday, June 9, 1959 at 1 P.M.

64TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:15 P.M. on Tuesday, June 9, 1959, Pres. Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Watson, Mr. Pres. Pro Tem Cook—14.

Members absent—Messrs. Nechay, Tull, Williams—3.

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

Mr. Simpson asked for the privilege of the floor to address the Senate concerning the tax rates necessary to pay for education in the lower two counties compared with New Castle County.

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

SCR 24—"An Act Making Appropriations to Certain Companies for Supplies and Services Rendered the 120th General Assembly."

Messrs. Snowden and Simpson introduced **SB 207** with title as follows which was given first reading and referred to the Finance Committee:

SB 207—"An Act Making a Supplementary Appropriation to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

On motion of Mr. Mayhew **HB 156** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 156—"An Act to Amend Chapter 75, Title 16, Delaware Code, Relating to Buildings Requiring Fire Escapes; Kinds."

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

YEAS—Messrs. Correll, duPont, Mayhew, McCullough, Price, Reilly, Simpson, Snowden—8.

NAYS—Mr. Hickman—1.

NOT VOTING—Messrs. Hoey, Spicer, Steen, Watson, Mr. Pres. Pro Tem Cook—5.

ABSENT—Messrs. Nechay, Tull, Williams—3.

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

Pres. Pro Tem Cook stepped down from the rostrum and

Mr. Reilly stepped up to the rostrum and presided.

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

SB 208—"An Act Amending Title 31, Delaware Code, Entitled 'Department of Public Welfare' and Relating to the Composition of the Board of Welfare."

Mr. Reilly stepped down from the rostrum and Pres. Pro Tem Cook again stepped up to the rostrum and presided.

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

On motion of Mr. Reilly **SB 153** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 153—"An Act to Amend Sections 6913, 6914, and 6915, Title 29, Delaware Code Relating to Wages."

Mr. Reilly requested the privilege of the floor for Mr. LaPenta who explained the Bill and answered questions.

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

YEAS—Messrs. Correll, Hickman, McCullough, Nechay, Snowden, Watson, Williams—7.

NAYS—Messrs. duPont, Price, Reilly, Simpson, Spicer—5.

NOT VOTING—Messrs. Hoey, Mayhew, Steen, Tull, Mr. Pres. Pro Tem Cook—5.

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

At the request of Mr. Reilly **SB 153** was restored to the Calendar.

The Chair granted the request of Mr. Watson that **SB 139** and **SB 25** be stricken from the Calendar.

On motion the Senate recessed at call of the Chair at 4:35 P.M.

The Senate met at the expiration of the recess at 5:00 P.M., Pres. Pro Tem Cook presiding.

The Chair introduced the following House Bills which were given first reading and referred to Committee:

HB 312—"An Act to Amend Title 11, Delaware Code, Relating to Causing a Fire by Careless Use of Cigarettes, Cigars, Pipes or Other Inflammable Device," to Revised Statutes.

HB 250—"An Act to Amend Chapter 77, Title 11, Delaware Code, Relating to Parole," to Judiciary.

HB 284—"An Act Appropriating Money to Ellendale

School District District No. 125," to Finance.

HS 1 for **HB 183**—"An Act to Amend Chapter 17, Title 10, Delaware Code, Entitled 'Municipal Court - Wilmington' Relating to Appointment of Assistant to the Chief Judge of the Municipal Court," to Judiciary.

HB 321—"An Act to Amend Chapter 428, Volume 50, Laws of Delaware, Relating to the Town of Elsmere," to Corporations Municipal.

The Chair introduced **HCR 14** with title as follows which was given first reading and on motion of Mr. Reilly adopted by the Senate and returned to the House:

HCR 14—"Approving the Second Interim Report of the Joint Revenue Committee and Directing That Said Committee Continue its Study and Report to the 120th General Assembly."

The following Bills were reported out of Committee by the Chairmen of their respective Committees: **HB 190**, from Labor, 3 favorably, 1 merits; **SB 205**, from Agriculture, 3 favorably, 1 merits; **SB 208**, from Revised Statutes, 1 favorably, 3 merits; **HB 274**, from Revised Statutes, 1 favorably, 2 merits, 1 unfavorably.

The Chair granted the request of Mr. Mayhew that **HB 156** be restored to the Calendar.

On motion of Mr. Mayhey **HB 317** with titles as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 317—"An Act to Increase the Maximum Allowable County Tax Rate in Kent County."

Mr. Simpson moved that **HB 317** be deferred.

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

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

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

ABSENT—Mr. Watson—1.

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

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Tull, Williams, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Hoey, Steen—2.

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

ABSENT—Mr. Watson—1.

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

On motion of Mr. Nechay **HB 130** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 130—"An Act to Amend Title 30, Delaware Code, Chapter 11, Relating to Income Taxes by Exempting Certain Non-Residents from the Application Thereof."

Mr. Snowden moved that **HB 130** be deferred. Motion prevailed.

On motion of Mr. Reilly the Senate adjourned at 5:45 P.M. until Wednesday, June 10, 1959 at 1 P.M.

65TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on Wednesday, June 10, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Hoey, Mayhew, Nechay, Steen, Tull—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. Motion prevailed.

At the request of Mr. Snowden and without objection **SB 41** was recommitted to Committee.

On motion of Mr. Williams **SB 89** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 89—"An Act to Amend Section 5523, Title 29, Delaware Code Relating to Amount of Benefit Under State Employee' Pension Plan."

Mr. Williams introduced **SA 1** to **SB 89** and moved for its adoption.

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Simpson, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Messrs. Hoey, Mayhew, Nechay, Steen, Tull—5.

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

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Price, Reilly, Snowden, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

NOT VOTING—Mr. Simpson—1.

ABSENT—Messrs. Hoey, Mayhew, Nechay, Steen, Tull—5.

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

Messrs. Simpson, Williams, Snowden, Cook and Reilly introduced **SS 1** for **SB 81** which on their further motion was adopted by the Senate in lieu of the original.

Mr. Hoey asked to be marked present.

On motion of Mr. Watson **HB 315** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 315—"An Act to Amend Title 15, Delaware Code, Relating to Absentee Ballots."

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

YEAS—Messrs. Hickman, Hoey, McCullough, Price, Reilly—5.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Watson, Williams—7.

ABSENT—Messrs. Mayhew, Nechay, Steen, Tull, Mr. Pres. Pro Tem Cook—5.

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

On motion the Senate recessed at call of the Chair at 3 P.M.

The Senate met at the expiration of the recess at 4:10 P.M., Lt. Gov. Buckson presiding.

Mr. Reilly introduced **SR 72** with title as follows, which was given first reading:

SR 72—"Amending Rules of the Senate."

Messrs. Steen and Nechay asked to be marked present.

Mr. Simpson moved to defer **SR 72**.

On the question "Shall the Motion pass the Senate?" the

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

YEAS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Williams, Mr. Pres. Pro Tem Cook—7.

NAYS—Messrs. Hickman, Hoey, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson—9.

ABSENT—Mr. Mayhew—1.

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

At the request of Mr. Reilly and without objection **SR 72** was withdrawn.

Mr. Watson requested that **HB 315** be restored to the Calendar.

The Chair refused the request on the ground that there was no provision in the Rules of the Senate for this purpose.

Mr. Hoey introduced **SCR 25** with title as follows and moved for its adoption:

SCR 25—"Relating to the Anticipated Revenue of the State of Delaware in the Fiscal Year 1959-1960."

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

YEAS—Messrs. Correll, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. duPont, Simpson, Snowden, Spicer, Williams—5.

ABSENT—Mr. Mayhew—1.

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

Mr. Watson again moved that **HB 315** be restored to the Calendar.

The Chair ruled that the motion was out of order.

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

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

YEAS—Messrs. Hickman, Hoey, McCullough, Nechay, Reilly, Steen, Watson, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. Correll, duPont, Price, Simpson, Snowden, Spicer, Tull, Williams—8.

ABSENT—Mr. Mayhew—1.

The Chair voted yea so the question was decided in the affirmative and the Motion having received the required constitutional majority passed the Senate.

On motion of Mr. Simpson **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 173—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Inter-State Highway Division' and Relating to The Members Thereof."

Mr. Reilly moved that **SB 173** be deferred.

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

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

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

ABSENT—Mr. Mayhew—1.

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

Mr. Reilly moved that the previously adopted Rules of the Senate be restored.

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

YEAS—Messrs. Hickman, Hoey, McCullough, Nechay, Price, Reilly, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, duPont, Simpson, Spicer, Williams—5.

ABSENT—Mr. Mayhew—1.

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

Mr. Watson requested that **HB 315** be restored to the Calendar.

The Chair ruled again that there was no provision in the Rules for this request and did not grant it.

Mr. Cook moved that the Senate override the Chair's ruling.

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

YEAS—Messrs. Hickman, Hoey, McCullough, Nechay,

Reilly, Steen, Watson, Mr. Pres. Pro Tem Cook—8.

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

NOT VOTING—Messrs. Price, Tull—2.

ABSENT—Mr. Mayhew—1.

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

The Chair introduced **HCR 15** which was adopted by the Senate:

HCR 15—"Providing for Adjournment of the House of Representatives and Senate."

The Chair announced that he was signing: **SB 158, SB 4, SB 184, SB 185, SB 23, HB 303, SB 105, HB 31, SB 49, HS 1 for HB 30, SB 47, HB 47, HB 231, HB 275, HS 1 for HB 292, HB 119, HB 202, HB 211, HB 297, HB 117.**

Mr. Steen reported **HB 321** from Committee with 1 favorably and 2 merits.

Mr. Steen introduced **SS 1** for **SB 186** which on further motion by him was adopted in lieu of the original.

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

66TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on Monday, June 15, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

Members absent—Messrs. Hoey, Nechay, Steen, Tull—4.

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

Communications: Letter from Grace Church, Wilmington in opposition to Dog Racing.

Messrs. Snowden and Reilly introduced the following Bills which were given first readings and referred to Committee as follows:

SB 209—"An Act Making a Supplementary Appropriation to the Department of Public Welfare for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Revised Statutes.

SB 210—"An Act Making a Supplementary Appropriation to the Family Court of New Castle County for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Judiciary.

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

SB 211—"An Act Making a Supplementary Appropriation to the Youth Services Commission of Delaware for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

Mr. Simpson asked for the privilege of the floor to explain that while a member of the Senate he was not engaged in any State contracts or business.

Messrs. duPont and Snowden introduced **SB 212** which was given first reading and referred to the Committee on Miscellaneous:

SB 212—"An Act Making a Supplementary Appropriation to the State Tax Commissioner for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

Messrs. Steen and Tull asked to be marked present.

Mr. Steen introduced **SA 1** to **HB 321** which was read to the Senate and placed with the original Bill.

On motion the Senate recessed at call of the Chair at 2:49 P.M.

The Senate met at the expiration of the recess at 5:18 P.M., Pres. Pro Tem Cook presiding.

Messrs. Hoey and Nechay asked to be marked present.

Mr. Reilly introduced the following Bills which were given first readings and referred to the Committees as follows:

SB 213—"An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to the Powers of the Board of Game and Fish Commissioners, to Authorize the Board to Contract with the Delaware Society for the Prevention of Cruelty to Animals for the Performance of the Function of Dog Control, Limiting the Contract Price for Such Service, Authorizing the Appointment of Deputy Dog Control Officers or Dog Wardens with Power of Arrest and Granting Authority to Dispose of Property to the Society or Permit the Society to Use Such Property," to Revised Statutes.

SB 214—"An Act to Appropriate Money to the Board of Boiler Rules," to Finance.

Mr. Watson moved that **HB 315** be restored to the Calendar.

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

YEAS—Messrs. Hickman, Hoey, McCullough, Nechay, Price, Reilly, Steen, Watson, Williams, Mr. Pres. Pro Tem Cook—10.

NOT VOTING—Messrs. Correll, duPont, Simpson—3.

ABSENT—Messrs. Mayhew, Snowden, Spicer, Tull—4.

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

On motion of Mr. Tull **SB 205** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 205—"An Act to Amend Title 3, Delaware Code, Relating to the Powers and Authority of the State Board of Agriculture."

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

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

ABSENT—Messrs. Mayhew, Spicer—2.

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

Mr. Cook introduced **SCR 26** with title as follows and moved for its adoption:

SCR 26—"Relating to House Bill No. 275."

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

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

ABSENT—Messrs. Mayhew, Spicer—2.

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

On motion of Mr. Steen **HB 321** with title as follows was given its second reading. On further motion by Mr. Steen **SA 1** to **HB 321** was adopted:

At the request of Mr. Williams and with the consent of Mr. Steen **HB 321** was deferred.

Mr. Steen reported the following Bills from the Buildings and Highways Committee: **SB 172**, 2 favorably, 1 unfavorably, 1 merits; **SB 140**, 3 merits, 1 favorably, 1 unfavorably; **SB 161**, 1 favorably, 3 merits, 1 unfavorably; **SB 165**, 2 favorably, 2 merits, 1 unfavorably; **SB 164**, 4 favorably, 1 unfavorably; **SB 163**, 2 favorably, 2 merits, 1 unfavorably; **SB 162**, 1 favorably, 4 merits.

The Chair introduced the following House Bills which

were given first readings and referred to Committee as follows:

HB 328—"An Act to Increase the Fees of the Recorder in Kent County," to Revised Statutes.

HB 306—"An Act to Amend Chapter 61, Title 10, Delaware Code Relating to Condemnation, By Providing That the Good-will or Going Concern Value of a Business Located Upon Land Taken in Eminent Domain Proceedings Shall be Considered as a Proper Element of Just Compensation and That Evidence of Such Goodwill or Going Concern Value Shall be Competent and Revelant Evidence Upon the Issue of Just Compensation," to Judiciary.

HB 335—"An Act to Amend Title 19, Section 3315, Delaware Code, Relating to Disqualification for Benefits of Unemployment Compensation," to Labor.

HB 12—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware which Maintain and Operate an Ambulance," to Finance.

HB 245 with **HA 1** and **HA 2**—"An Act to Completely Revise, Recodify and Amend Title 11, Delaware Code in Relation to Sentencing, Probation, Parole and Pardon of Adult Offenders; Creating a State Probation and Parole Commission, A State Department of Probation and Parole Services and a Probation and Parole Advisory Board; Procedures With Respect to Executive Clemency; Appropriating Funds and Repealing Contrary Provisions," to Judiciary.

On motion of Mr. Watson **HB 108** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 108—"An Act to Amend Title 15, Delaware Code Providing That the Department of Elections Shall Select Primary Election Officers and Clerks."

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

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

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

ABSENT—Messrs. Mayhew, Spicer—2.

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

On motion of Mr. Watson **HB 309** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 309—"An Act to Amend Title 15, Delaware Code,

Relating to Elections.”

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

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

ABSENT—Messrs. Mayhey Spicer—2.

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

On motion of Mr. Watson **HB 315** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 315—“An Act to Amend Title 15, Delaware Code, Relating to Absentee Ballots.”

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

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

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

ABSENT—Messrs. Mayhew, Spicer—2.

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

On motion of Mr. Steen **SB 160** as amended by **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 160 as amended by **HA 1**—“An Act to Amend Section 4126 (c) Title 21, Delaware Code Relating to Specific Speed Limits and the Penalties Therefor.”

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

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

ABSENT—Messrs. Mayhew, Spicer—2.

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

Mr. Tull reported **HB 257** from Banking and Insurance Committee with 3 favorably and 1 merits.

Mr. Nechay introduced the following Resolution which on further motion by him was adopted: **SR 73**—“In Reference to Election of Officers.”

Mr. Steen reported the following Bills from Building and Highways: **HB 283**, 2 favorably, 2 merits; **HB 282**, 3 favorably, 1 merits.

Mr. Hoey reported **SB 206** from Finance with 4 merits.

On motion of Mr. Nechay **HB 274** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 274—"An Act to Amend Chapter 81, Title 9, Delaware Code, by Giving the Women's Civic Club of Richardson Park Tax Exemption Status."

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

YEAS—Messrs. Correll, McCullough, Reilly, Snowden, Watson, Mr. Pres. Pro Tem Cook—6.

NAYS—Messrs. duPont, Hickman, Hoey, Nechay, Price, Simpson, Williams—7.

ABSENT—Messrs. Mayhew, Spicer, Steen, Tull—4.

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

Mr. Williams moved that **HB 274** be restored to the Calendar.

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

YEAS—Messrs. Correll, duPont, Hoey, McCullough, Nechay, Reilly, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Hickman, Price, Simpson—3.

ABSENT—Messrs. Mayhew, Spicer, Steen—3.

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

Mr. Steen moved to suspend Rule 9 to consider **HB 282**.

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

YEAS—Messrs. Correll, Hickman, Hoey, McCullough, Nechay, Price, Reilly, Snowden, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. duPont, Simpson—2.

ABSENT—Messrs. Mayhew, Spicer—2.

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

On motion of Mr. Steen **HB 282** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 282—"An Act to Amend Chapter 3, Title 17, Delaware Code, Relating to the Authority of the State Highway Department to Issue Revenue Bonds to Defray the Cost of Construction of a Bridge Over the Delaware River, by Increasing the Aggregate of the Bonds That May Be Issued Thereunder and to Authorize and Empower the Delaware Interstate Highway Division, Successor of the State Highway Department for the Operation and Control of the Delaware Memorial Bridge, from Time to Time, to Improve and Make Additions to the Bridge, Its Appurtenances and Approaches As May Be Deemed Appropriate by Such Division at a Cost Not to Exceed in the Aggregate Fifty-Two Million Five Hundred Fifty Thousand Dollars (\$52,550,000) and to Issue Additional Revenue Bonds Not to Exceed Said Amount for Such Purposes, and to Authorize the Division to Enter Into Agreement With the State Highway Department, Among Others, to Construct Such Additions and Improvements and to Pay or Reimburse Said Department, In Whole or Part, the Costs Thereof."

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

YEAS—Messrs. Hickman, Hoey, McCullough, Nechay, Price, Reilly, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

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

ABSENT—Messrs. Mayhew, Spicer—2.

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

On motion of Mr. Steen and without objection **HB 282** was restored to the Calendar.

On motion of Mr. Reilly the Senate adjourned at 6:30 P.M. until Tuesday, June 16, 1959 at 1 P.M.

67TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:30 P.M. on Tuesday, June 16, 1959, Pres. Pro Tem Cook presiding.

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

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

Members absent—Messrs. Reilly, Williams—2.

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

On motion of Mr. Nechay **HB 185** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 185—"An Act Amending Chapter 5, Title 13, Delaware Code, Entitled 'Desertion and Support' Concerning Support Wage Assignments and Other Wage Attachments and Garnishments."

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

YEAS—Messrs. Correll, McCullough, Price, Snowden, Steen, Tull, Watson—7.

NAYS—Messrs. duPont, Hickman, Hoey, Nechay, Simpson, Spicer, Mr. Pres. Pro Tem Cook—8.

ABSENT—Messrs. Reilly, Williams—2.

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

Mr. Nechay moved that **HB 185** be restored to the Calendar. Motion prevailed.

The Chair introduced the following House Bills which were given first reading and referred to Committee:

HB 342—"An Act to Amend Title 19, Delaware Code, Entitled 'Labor' Relating to Wage Payments for Railroad Employees Every Two Weeks," to Labor.

HB 345—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," to Education.

On motion the Senate recessed at call of the Chair at 3:35 P.M.

The Senate met at the expiration of the recess at 4:35 P.M., Lt. Gov. Buckson presiding.

Messrs. Reilly and Williams asked to be marked present.

Mr. Reilly reported the following Bills from Committee: **SS 1** for **HB 183**, 3 favorably, 1 merits; **HB 342**, 1 favorably, 3 merits.

On motion of Mr. Reilly **HB 288** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 288—"An Act to Amend Title 11, Delaware Code, in Relation to the Prosecution of Children as Adults."

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

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

NOT VOTING—Mr. McCullough—1.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Reilly **HB 289** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 289—"An Act to Amend Chapter 9, Title 10, Delaware Code, by Enlarging the Jurisdiction of the Family Court in the Disposition of Certain Children."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams—15.

ABSENT—Messrs. McCullough, Mr. Pres. Pro Tem Cook—2.

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

On motion of Mr. Reilly **HB 191** 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 191 with **HA 1**—"An Act to Amend Chapter 9, Title 10, Delaware Code, with Respect to the Powers of Police, Justices of the Peace, Other Courts and Other Committing Magistrates in Issuance of Process; Conduct of Preliminary Proceedings and Detention of Children in Family Court Matters."

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

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

ABSENT—Mr. Tull—1.

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

On motion of Mr. Steen **SB 28** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 28—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50, Laws of Delaware."

Mr. Steen introduced **SA 1** to **SB 28** and moved for its adoption.

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

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

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

Mr. duPont moved to defer **SB 28** as amended.

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

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

NAYS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—11.

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

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

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

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Steen, Williams—7.

So the question was decided in the negative and the Bill not having received the required three-fourths constitutional majority was lost.

Mr. McCullough requested that **SB 35** be given its last reading but at his further request **SB 35** was deferred.

Mr. McCullough reported **HB 133** from Education with 5 merits.

Mr. Nechay reported the following Bills from Revised Statutes: **HB 300**, 2 favorably, 3 merits; **HB 312**, 2 favorably, 3 merits; **HB 311**, 2 favorably, 3 merits; **HB 328**, 4 favorably; **SS 1** for **SB 170**, 2 favorably, 2 merits; **SB 201**, 2 favorably, 2 merits; **SB 193**, 2 favorably, 2 merits; **SB 213**, 2 favorable, 1 unfavorably, 1 merits; **HB 280**, 3 favorably, 2 merits; **SB 209**, 2 favorably, 2 unfavorably; **SB 168**, 2 favorably, 2 merits.

On motion of Mr. McCullough **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 Chapter 23, Title 24, Delaware Code, Relating to Records to be Kept and Reports to be Rendered to Police."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Hickman, Spicer, Steen, 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. Mayhew reported **HB 304** with 1 favorably, 3 merits from Miscellaneous.

The Chair announced that he had signed **SR 73, SB 104, SB 160, SB 10.**

On motion the Senate adjourned at 5:30 P.M. to Wednesday, June 17, 1959 at 1 P.M.

68TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:55 P.M. on Wednesday, June 17, 1959, Pres. Pro Tem Cook presiding.

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

Members present—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

Members absent—Messrs. Correll, Nechay, Snowden—3.

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

Mr. Snowden asked to be marked present.

On motion of Mr. Reilly Rule 23 was suspended for the rest of the Legislative Day.

The request of Mr. Steen that **SB 28** be restored to the Calendar was granted by the Chair.

On motion of Mr. Reilly **HB 252** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 252—"An Act to Amend Chapter 24, Title 9, Delaware Code, by Defining the Term 'Garbage Disposal Plant' as Used Therein."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Correll, Nechay, Snowden—3.

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

On motion of Mr. Reilly **HB 254** 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 254 with **HA 1**—"An Act to Amend Chapter 15, Title 9, of the Delaware Code by Authorizing the Levy Court of New Castle County to Regulate or Prohibit the Dumping of Garbage, Rubbish, Ashes, or Other Waste Material, and Providing Penalties for Violations Thereof."

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

YEAS—Messrs. duPont, Hickman, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—9.

NOT VOTING—Messrs. Hoey, Mayhew, McCullough, Price, Watson—5.

ABSENT—Messrs. Correll, Nechay, Steen—3.

So the question was decided in the negative and the Bill not having received the required two-thirds constitutional majority was lost.

Messrs. Spicer, Correll and Simpson introduced the following Resolution which was given first reading and referred to the Agriculture Committee:

SJR 9—"An Act Creating a Committee to Study the Poultry Industry of the State of Delaware."

On motion of Mr. McCullough **SB 118** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 118—"An Act to Amend Title 21, Delaware Code, Section 2732 (a) Relating to Chemical Tests."

Mr. McCullough introduced **SS 1** for **SB 118** and on his further motion the Substitute was adopted in lieu of the original Bill.

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

YEAS—Messrs. duPont, McCullough, Price, Reilly, Simpson, Snowden—6.

NAYS—Messrs. Reilly, Spicer, Watson, Mr. Pres. Pro Tem Cook—4.

NOT VOTING—Messrs. Hickman, Hoey, Mayhew, Tull—4.

ABSENT—Messrs. Correll, Nechay, Steen—3.

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

On motion of Mr. McCullough **SB 127** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 127—"An Act to Amend Chapter 45, Title 10, Delaware Code, Relating to Grand and Petit Juries by Changing the Qualifications for Jury Commissioners and by Changing the Method of Selection of Grand Jurors."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Mr. Reilly—1.

NOT VOTING—Mr. Watson—1.

ABSENT—Messrs. Correll, Nechay, 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 to the House for concurrence.

On motion of Mr. McCullough **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 Article 1, Section 4 of the Constitution of the State of Delaware."

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

YEAS—Messrs. duPont, McCullough, Reilly, Snowden, Williams—5.

NAYS—Messrs. Hickman, Mayhew, Price, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—7.

NOT VOTING—Messrs. Hoey, Simpson—2.

ABSENT—Messrs. Correll, Nechay, Steen—3.

So the question was decided in the negative and the Bill not having received the required two-thirds constitutional majority was lost.

Mr. Pres. Pro Tem stepped down from the rostrum and Lt. Gov. Buckson stepped up to the rostrum and presided.

On motion of Mr. McCullough **SB 124** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 124—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Searches and Seizures by Providing for Short Form Affidavit and Application for Search War-

rant and Short Form of Search Warrant."

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

YEAS—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Correll, Nechay, Steen, 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. Tull introduced the following Bill which was given first reading and referred to the Committee on Banking and Insurance: **SB 215**—"An Act to Amend Title 18, Delaware Code by Adding a New Chapter Relating to Credit Insurance."

Mr. Hickman reported the following Bills from Committee: **HB 272**, 5 merits; **HB 28**, 4 favorably; **HB 345**, 5 merits.

The Chair introduced the following Bills which were given first readings and referred to Committee as follows:

HB 349—"An Act to Amend an Act Entitled 'Housing Authority' Being Chapter 16, Volume 39, Laws of Delaware, by Repealing the Duties of the Resident Judge and by Providing for the Appointment of Commissioners," to Revised Statutes.

HB 333—"An Act to Authorize and Direct the State Treasurer to Make a Certain Tax Refund to Dale E. Wolf and Clarice E. Wolf," to Finance.

The Chair introduced **HCR 16** which was given first reading in full and adopted by the Senate and returned to the House.

HCR 16—"Thanking the American Legion, Department of Delaware, for Its Sponsorship of 'Boys' State'."

The following Bill was introduced by Mr. Cook, given first reading, and referred to Committee on Miscellaneous: **SB 216**—"An Act to Amend Section 2128, Title 21, Delaware Code, Relating to the Status of Plates Upon a Transfer of Title to a Motor Vehicle."

On motion of Mr. Hickman **HB 227** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 227—"An Act to Amend Chapter 31, Title 16, Delaware Code, Entitled 'Vital Statistics'."

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

YEAS—Messrs. duPont, Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Correll, Hoey, Nechay, Steen—4.

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

On motion of Mr. Snowden **SB 167** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 167—"An Act to Amend Chapter 6, Title 11, Delaware Code, Relating to The Crime of Shoplifting."

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

YEAS—Messrs. duPont, Hickman, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Correll, Hoey, Nechay—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 168** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 168—"An Act to Amend Chapter 6, Title 11, Delaware Code, Relating to the Larceny of Goods Held for Sale."

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

YEAS—Messrs. duPont, Price, Reilly, Simpson, Steen, Tull, Williams—7.

NAYS—Mr. Snowden—1.

NOT VOTING—Messrs. Hickman, Mayhew, Spicer, Mr. Pres. Pro Tem Cook—4.

ABSENT—Messrs. Correll, Hoey, McCullough, Nechay, Watson—5.

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

The following Bill was introduced by Mr. Cook, given first reading, and referred to Committee on Buildings and Highways: **SB 217**—"An Act to Amend Chapter 27, Title 29, by Adding a New Section Relating to Revenues Received by Reason of the Use of the Highways of This State."

Mr. Mayhew moved that **HB 254** be restored to the Calendar. Motion prevailed.

Mr. Hickman introduced **SR 74** with title as follows, which was read to the Senate: **SR 74**—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected with the Present Session of the Senate of the 120th General Assembly."

On motion of Mr. Cook **SR 74** was deferred.

Mr. Snowden moved that **SB 168** be restored to the Calendar. Motion prevailed.

Mr. Steen announced a public hearing in the Senate Chamber on Tuesday, June 23, at 2:00 P.M. on the Bethany Beach Bill.

Mr. Snowden introduced **SB 218** which was given first reading and referred to the committee on Revised Statutes: **SB 218**—"An Act to Amend Chapter 57, Volume 52, Laws of Delaware."

Mr. Cook announced a public hearing on Monday, June 22, at 2:00 P.M. in the Senate on **SB 146**.

On motion of Mr. Cook the Senate adjourned at 4:35 P.M. until Thursday, June 18, 1959 at 1 P.M.

69TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:45 P.M. on Thursday, June 18, 1959, Pres. Pro Tem Cook presiding.

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

Members present—Messrs. Correll, duPont, McCullough, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

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

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

Mr. Snowden introduced a communication from the Delaware Mothers of the Year against Dog Racing.

Messrs. Reilly and Snowden introduced the following Bill which was given first reading and referred to the Committee on Buildings and Highways: **SB 219**—"Relating to the Transfer of Lands to the Interstate Highway Division of the State Highway Department of the State of Delaware by the State Board of Trustees of the Delaware State Hospital."

Mr. McCullough introduced the following Bill which was given first reading and referred to the Committee on Revised Statutes: **SB 220**—"An Act to Amend Section 2611, Title 9, Delaware Code Relating to Changes in Zoning."

Mr. Reilly moved that **HB 254** which had previously been read to the Senate a last time be again be considered for passage by the Senate.

Messrs. Hickman and Williams asked to be marked present.

Mr. Watson moved that **HB 254** be deferred.

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

YEAS—Messrs. Correll, Hickman, Mayhew, McCullough, Nechay, Price, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. duPont, Reilly, Snowden—3.

ABSENT—Mr. Hoey—1.

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

On motion of Mr. Spicer **SB 174** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 174—"An Act to Appropriate Money to The State Highway Department for the Purpose of Repairing and Replacing the Boardwalk at Rehoboth Beach."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Messrs. McCullough, Nechay—2.

ABSENT—Messrs. Hoey, Steen, Watson—3.

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

On motion of Mr. McCullough **SB 79** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 79—"An Act to Appropriate Funds to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession."

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

YEAS—Messrs. Correll, Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

ABSENT—Messrs. duPont, Hoey, Simpson, Snowden, Steen, Watson—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 introduced the following Resolution which was adopted by voice vote and returned to the House: **HCR 17**—"Inviting the Girls' State to be the Guests of the One Hundred and Twentieth General Assembly."

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

HB 322—"An Act to Amend Chapter 1, Title 8, § 274 of the Delaware Code Relating to Surrender of Corporate Rights Before Payment of Capital and Beginning Business," to Corporations Private.

HB 318—"An Act to Amend Title 17, Delaware Code Entitled Highways Relating to Locomotive Engines Sounding Whistles at Public Highway Crossings," to Buildings and Highways.

HB 285—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' Relating to Procurement of Land for School Sites," to Education.

HB 320—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Hillside Civic Association from Assessment and Taxation," to Finance.

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

SB 221—"An Act Making an Appropriation to the Seaford Special School District for the Purpose of Restoring to its State Appropriation Certain Cash Collections Which Were Deposited in the General Fund of the State of Delaware."

On motion of Mr. McCullough **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 Appropriate Funds to Provide Aid to Needy Students at University of Delaware."

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

YEAS—Messrs. Correll, Hickman, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

ABSENT—Messrs. duPont, Hoey, Mayhew, Snowden, Steen, Watson—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. Reilly **SB 140** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 140—"An Act to Amend Chapter 19, Title 9, of the Delaware Code Relating to Fire and Police Protection; New Castle County."

YEAS—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. McCullough, Simpson—2.

ABSENT—Messrs. Correll, duPont, Snowden, Steen—4.

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

Mr. Hickman moved that the Senate again consider **SR 74** for passage. On his further motion the Resolution was adopted by the Senate.

The Chair announced that he was signing **HB 108, HB 309, HB 315, HB 289, HB 288, HB 70** as amended, **HCR 14**.

The following communication from the Department of Public Welfare concerning statements by Mr. Cook was read to the Senate:

STATE OF DELAWARE

DEPARTMENT OF PUBLIC WELFARE

June 17, 1959

The Honorable J. Caleb Boggs
The Governor of Delaware
Legislative Hall
Dover, Delaware

Dear Governor Boggs:

Senator Cook was reported in the press as having cited on the Senate floor on June 9 a case of a man with several motor vehicles who was engaged daily in a trucking business and receiving \$150 per month from the Department of Public Welfare. This case is reported to have been used in an example in support of the contention that expenditures by this Department are "breaking Kent County." I have asked Senator Cook to identify the case for me and to give me the information that he seems to have. To date, he has not done this but I have been able to identify a situation which appears to answer the description given by Senator Cook and I believe it to be the same case.

The statements attributed to Senator Cook are basically correct except for the one rather significant fact that the man is **not** receiving assistance in any amount from this Department. This fact would seem to make the case a rather poor example to support Senator Cook's contention regarding welfare costs and county finances.

I think it may of interest to you to know a little more about this case. The family involved consists of 10 people—a man and wife and 8 children. The Department knows the family because it has provided public assistance in the past. In over 10 years since the man first asked for aid, assistance has been given for about 9 months, an average of less than one month's assistance per year. Rather than being an example of trying to take the taxpayers for all he can get, this

case seems to be a rather outstanding example of an individual's efforts to support himself and his very large family independently.

At no time has this family received assistance for more than 3 consecutive months, those periods invariably being in the winter when earning prospects are at their lowest ebb. One period of assistance was as little as two weeks. Since his first application for help there have been periods of as much as six years when this man asked the Department for nothing.

This person's most recent efforts toward self-support have been in the nature of his trying to build up a trucking business. He has acquired a station wagon and 2 Chevrolet trucks, the newest of which is 7 years old. Most of his hauling has been for farmers and he has had some difficulty in the middle of the winter in recent years in making ends meet. In some of these periods of low earnings, assistance has been given and, because of the volume of need in the family of 10 persons, has been as much as \$150 per month when the trucking business was very slow.

A policy adopted by the Board of Welfare permits the supplementation of earnings from self-employment if the supplementation is needed while a person is attempting to establish his business on a self-supporting basis. The policy provides that the supplementation can be provided only for a limited time and either the assistance or the self-employment must be terminated if the enterprise does not become successful. This policy is based on the reasonable theory that if a person can be aided while he is establishing a productive enterprise, he can become independent and not need further assistance. It is, also, based on the reasonable theory that a non-productive enterprise should not be subsidized indefinitely and that if it does not become successful, the person had better seek other means of support.

Under this general policy the Department did aid the person in question for about 2½ months in 1958. However, in December of 1958 an application for assistance was turned down since it was felt that reasonable time had been permitted for the enterprise to become productive and that the Department should not continue to subsidize it if it could not produce enough income to support the family. Early in 1959 a reapplication was accepted and assistance given with the understanding that he would dispose of 2 of his 3 vehicles, the other being needed for transportation of various kinds, and that he would seek other more productive means of support. A reasonable time was allowed for these things to take place. When the man did not follow through on his arrangement, assistance was discontinued. That was last March and he has received no assistance since.

I am not sure that this was the best thing to do. The

record of this man's efforts over the last 10 years to provide for his large family independently is a good one. He has been successful in supporting his family for most of that time. It is not surprising that, given all the circumstances, he might need a little help in the dead of winter, and to insist that he try something else as a condition of receiving any public assistance might not be the wise course.

At any rate, it seems clear that this situation, rather than being an example of "chiseling", is an example of earnest and mostly successful efforts of a man with large family obligations to meet them through his own efforts, calling on public assistance only for brief periods intermittently when the going got too tough. If, as I believe, this is the same case referred to by Senator Cook, I think it is obvious that the facts do not support the argument for which this case was introduced in the first place.

Sincerely yours,
EDGAR HARE, JR.
Director

On motion of Mr. McCullough **SB 134** with title as follows was taken up for consideration and read a second time by title in order to pass, the Senate:

SB 134—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Lotteries, Gambling and Betting."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Messrs. Reilly, Watson—2.

ABSENT—Messrs. duPont, Snowden—2.

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

On motion of Mr. Reilly **HB 342** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 342—"An Act to Amend Title 19, Delaware Code, Entitled 'Labor' Relating to Wage Payments for Railroad Employees Every Two Weeks."

Mr. Hoey introduced **SA 1** to **HB 342** which on further motion by him was adopted.

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

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

ABSENT—Messrs. duPont, Snowden—2.

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

On motion of Mr. McCullough **SB 121** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 121—"An Act to Amend Chapter 87, Title 11, Delaware Code, Relating to the State Detectives by Providing for Their Appointment and Fixing Their Salaries."

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

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

ABSENT—Messrs. duPont, Snowden—2.

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

On motion of Mr. Reilly **HB 254** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 254 with **HA 1**—"An Act to Amend Chapter 15, Title 9, of the Delaware Code by Authorizing the Levy Court of New Castle County to Regulate or Prohibit the Dumping of Garbage, Rubbish, Ashes or Other Waste Material, and Providing Penalties for Violations Thereof."

Mr. Watson introduced **SA 1** to **HB 254** and moved for its adoption.

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

YEAS—Messrs. Correll, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. duPont, Hickman, Snowden—3.

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

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

YEAS—Messrs. Correll, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. duPont, Hickman, Snowden—3.

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

On motion of Mr. McCullough **SB 73** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 73—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees, Pay for Substitute Teachers, and Appropriating Funds."

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

YEAS—Messrs. McCullough, Reilly, Spicer, Tull—4.

NAYS—Messrs. Correll, Hoey, Nechay, Steen, Mr. Pres. Pro Tem Cook—6.

NOT VOTING—Messrs. Hickman, Mayhew, Simpson, Watson—4.

ABSENT—Messrs. duPont, Snowden, Williams—3.

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

On motion of Mr. Reilly **SB 138** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 138—"An Act to Amend Chapter 3, Title 9, Delaware Code, Regarding Term of Levy Court Commissioners in 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—Messrs. Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. Correll, McCullough, Simpson, Steen—4.

ABSENT—Messrs. duPont, Snowden, Williams—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. Nechay **HB 311** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 311—"An Act to Amend Titles 9, 10, and 12, Delaware Code by Increasing the Salary of the Clerk of the Peace,

Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Members of the Board of Assessment, Receiver of Taxes, Prothonotary, Sheriff, Register in Chancery, and Clerk of the Orphans' Court, and Register of Wills, in and for Sussex County."

Mr. Spicer introduced **SA 1** to **HB 311** and moved for its adoption.

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Mr. Pres. Pre Tem Cook—13.

NOT VOTING—Mr. Watson—1.

ABSENT—Messrs. duPont, Snowden, Williams—3.

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

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhey, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—13.

NOT VOTING—Mr. Watson—1.

ABSENT—Messrs. duPont, Snowden, Williams—3.

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

Mr. Hoey requested that **SB 129** have its last reading in order to be brought before the Senate for consideration and passage. However, with the consent of Mr. Hoey **SB 129** was deferred.

At the request of Mr. Steen, Mr. Reilly reported **SB 219** from the Building and Highways Committee with 3 favorably and 1 merits.

Mr. Reilly introduced for Messrs. Cook and Spicer **SB 222** with title as follows which was given first readings and referred to the Finance Committee:

SB 222—"An Act Providing for the Use of the Unexpended Portions of Certain Funds Appropriated to the Delaware State College and Amending Chapter 713, Volume 51."

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

SB 223—"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. Hoey **SB 130** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 130—"An Act to Amend Title 11, Delaware Code, by Creating and Establishing the Office of Public Defender for New Castle County; Providing for the Assignment by the Court of a Public Defender to Act as Counsel for Persons Unable to Obtain Counsel in Criminal Prosecutions."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

NOT VOTING—Mr. Spicer—1.

ABSENT—Messrs. duPont, Snowden, Williams—3.

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

On motion of Mr. Reilly the Senate adjourned at 5:45 P.M. until Monday, June 22, 1959 at 1 P.M.

70TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 1:55 P.M. on Monday, June 22, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Snowden, Spicer, Tull, Watson—10.

Members absent—Messrs. Hickman, Nechay, Simpson, Steen, Williams, Mr. Pres. Pro Tem Cook—7.

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

Messrs. Reilly and Cook and Simpson asked to be marked present.

The following messages were received from the Governor:

GOVERNOR'S MESSAGE STATE OF DELAWARE EXECUTIVE DEPARTMENT

June 22, 1959

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

On June 16, 1959, I received Senate Bill No. 185, entitled:
**AN ACT TO AMEND CHAPTER 1, TITLE 15,
DELAWARE CODE, RELATING TO THE DE-
PARTMENTS OF ELECTIONS FOR KENT AND
SUSSEX COUNTIES.**

I respectfully return herewith this Bill without my approval.

This Bill must be considered along with Senate Bill No. 184, which I am also returning without my approval.

These two bills, in effect, are further pure political manipulations of our three county Departments of Elections. Senate Bill No. 185 in effect adds five members to the Department of Elections in both Kent and Sussex Counties. Senate Bill No. 184 in effect eliminates five members from the Department of Elections for New Castle County.

The purposes to be accomplished by both of these bills so far as I am able to see are simply a continuation of the pure political maneuvering of these Departments that was started several years ago over my veto of the ripper legislation.

There is at present pending in the House of Representatives House Bill No. 357 which provides that each County Department of Elections shall consist of five members, appointed by the Governor subject to confirmation by the Senate with not more than three members from the same political party.

In vetoing Senate Bill No. 185 and Senate Bill No. 184, I do so respectfully asking the General Assembly to consider House Bill No. 357 as a proper and sound proposal to again put our Department of Elections back on a solid, good-government basis and put an end to the confusion, unrest and pure political manipulation which has involved these three Departments. I make this request in the interest of each and every citizen, regardless of Party, who is entitled to register and vote as a citizen of this State and who expects the Departments of Elections to be operated on a sound, good-government basis.

Senate Bill No. 185 also has a further serious defect in that the legislature names for Kent and Sussex Departments of Elections the additional members provided for. As I have said many times in vetoing ripper legislation, this is contrary to the basic structure of our governmental system. The authority to make appointments should remain in the Executive Branch.

Respectfully submitted,

J. CALEB BOGGS, Governor

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 22, 1959

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

On June 16, 1959, I received Senate Bill No. 184, entitled:
AN ACT TO AMEND SECTION 103, TITLE 15,
DELAWARE CODE, RELATING TO THE NEW

CASTLE COUNTY DEPARTMENT OF ELECTIONS AND REDUCING THE MEMBERSHIP OF THAT DEPARTMENT TO 12 MEMBERS.

I respectfully return herewith this Bill without my approval.

This Bill must be considered along with Senate Bill No. 185 which I am also returning without my approval.

These two Bills, in effect, are further pure political manipulations of our three county Departments of Elections. Senate Bill No. 184 in effect eliminates five members from the Department of Elections for New Castle County. Senate Bill No. 185 in effect adds five members to the Departments of Elections of both Kent and Sussex Counties.

The purpose to be accomplished by both of these bills so far as I am able to see are simply a continuation of the pure political maneuvering with these Departments that was started several years ago over my veto of the ripper legislation.

There is at present pending in the House of Representatives House Bill No. 357 which provides that each County's Department of Elections shall consist of five members, appointed by the Governor subject to confirmation by the Senate with not more than three members from the same political party.

In vetoing Senate Bill No. 184 and Senate Bill No. 185, I do so respectfully asking the General Assembly to consider House Bill No. 357 as a proper and sound proposal to again put our Departments of Elections back on a solid, good-government basis and put an end to the confusion, unrest and pure political manipulation which has involved these three Departments. I make this request in the interest of each and every citizen, regardless of Party, who is entitled to register and vote as a citizen of this State and who expects the Departments of Elections to be operated on a sound, good-government basis.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Cook the Senate recessed at call of the Chair at 2:05 P.M. The Senate met at the expiration of the recess at 4:50 P.M., Lt. Gov. Buckson presiding.

Messrs. Williams and Nechay asked to be marked present.

Mr. Williams introduced the following Bill which was given first reading and referred to the Committee on Miscellaneous:

SB 224—"An Act to Amend Section 3105 (b), Title 20, Delaware Code, Entitled 'Civil Defense Powers of the Governor' and Relating to Civil Defense Police."

Mr. McCullough introduced **SR 75** with title as follows and upon his further motion the Resolution was adopted:

SR 75—"Relating to a Bronze Plaque for the Senate Chamber."

Mr. Price introduced **SS 1** for **SB 95** with the title same as the original which upon his further motion was adopted in lieu of the original.

Messrs. McCullough and Tull reported the following Bills from Committee: **SB 221** from Education, 3 merits; **SB 215** from Banking and Insurance, 1 favorably, 3 merits; **SS 1** for **SB 81** from Agriculture, 2 favorably and 2 merits.

On motion of Mr. Tull **SB 146** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 146—"An Act to Amend Part III, Title 3, Delaware Code, Providing for a New Chapter 32, Entitled 'Distribution; Regulation and Control of Milk Prices'."

Messrs. Steen and Hickman asked to be marked present.

Mr. Tull introduced **SA 1** for **SB 146** which on his further motion was adopted by the Senate.

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

YEAS—Messrs. Correll, duPont, Mayhew, Nechay, Simpson, Spicer, Williams—7.

NAYS—Messrs. McCullough, Reilly, Snowden, Steen, Tull, Watson—6.

NOT VOTING—Messrs. Hickman, Hoey, Price, Mr. Pres. Pro Tem Cook—4.

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

On motion of Mr. Reilly **HB 190** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 190—"An Act to Amend Title 19, Delaware Code, Relating to Workmen's Compensation."

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

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

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

On motion of Mr. McCullough **HB 133** with title as follows

was taken up for consideration and read a second time by title in order to pass the Senate:

HB 133—"An Act to Amend Title 14, Delaware Code, to Provide for Side-Walks Leading to School Sites."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Watson, Williams—14.

NAYS—Messrs. Mayhew, Nechay, Mr. Pres. Pro Tem Cook—3.

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

On motion of Mr. McCullough **HB 345** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 345—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds."

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

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

NOT VOTING—Mr. Hoey—1.

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

On motion of Mr. Spicer **SB 199** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 199—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Purpose of Opening the South End of Deep Hole Creek to the Broadkirk River."

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

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

NAYS—Messrs. Nechay, Steen—2.

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

On motion of Mr. McCullough **SB 119** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 119—"An Act to Amend Title 15, Delaware Code, Relating to the Regulation of Nomination and Election Expenses."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Steen, Tull, Williams—13.

NAYS—Messrs. Mayhew, Reilly—2.

NOT VOTING—Mr. Watson, Mr. Pres. Pro Tem Cook—2.

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

On motion of Mr. McCullough **SB 117** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 117—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Larceny and Embezzlement; Chapter 3, Title 11, Delaware Code, Relating to Obtaining Money Under False Pretences; Chapter 3, Title 11, Delaware Code, Relating to Fruit, Produce and Trees."

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

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

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

On motion of Mr. Reilly **HS 1** for **HB 183** 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 183**—"An Act to Amend Chapter 17, Title 10, Delaware Code, Entitled 'Municipal Court - Wilmington' Relating to Appointment of Assistant to the Chief Judge of the Municipal Court."

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

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

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

The Chair granted the request of Mr. Tull that **SB 146** be restored to the Calendar.

On motion of Mr. McCullough **SB 125** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 125—"An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Driving a Vehicle Without the Consent of the Owner."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechal, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, William, Mr. Pres. Pro Tem Cook—16.

ABSENT—Mr. Steen—1.

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

On motion of Mr. McCullough **SB 128** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 128—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Deadly Weapons and Firearms by Increasing the Minimum Fine for Carrying a Concealed Deadly Weapon Without a License."

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

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

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

On motion of Mr. McCullough **HB 272** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 272—"An Act to Amend Title 34, Delaware Code, Relating to 'Education' by Changing the Form Required for Appropriations."

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

YEAS—Messrs. Correll, Hickman, Hoey, Mayhey McCullough, Nechal, Price, Reilly, Simpson, Steen, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Messrs. Snowden, Tull—2.

NOT VOTING—Messrs. duPont, Spicer, Watson—3.

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

On motion of Mr. Spicer **SB 173** which had previously been given its last reading was again taken up for consideration and read by title in order to pass the Senate:

Mr. Reilly moved that action of **SB 173** be deferred.

SB 173—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Inter-State Highway Division' and Relating to The Members Thereof."

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Watson, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. Correll, duPont, Hoey, Simpson, Snowden, Spicer, Tull, Williams—8.

So the question was decided in the affirmative.

On motion of Mr. Reilly the Senate adjourned at 6:15 P.M. until Tuesday, June 23, 1959 at 1 P.M.

71ST LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P.M. on Tuesday, June 23, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Hickman, Nechay, Simpson, Steen, Williams—5.

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

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

HB 362—"An Act to Amend Chapter 83, Title 11, Delaware Code by Adding a New Section Thereto Relating to Disability and Death Benefits," to Labor.

HB 269—"An Act to Amend an Act to Incorporate the Town of Fenwick Island, Delaware, and Relating to the Town Council," to Corporations, Municipal.

HB 20—"An Act Appropriating Money to the Veterans of Foreign Wars, Department of Delaware," to Miscellaneous.

HB 18—"An Act Making Appropriations to the American

Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," to Miscellaneous.

HB 120—"An Act to Amend Chapter 16, Title 10, Delaware Code, Entitled 'Court of Common Pleas for Sussex County', Relating to Salaries of Clerk and Other Officers," to Judiciary.

The Chair announced that he had signed **SB 183** and **SR 75**.

On motion of Mr. McCullough and without objection **SB 44** was stricken from the Calendar.

Messrs. Simpson, Spicer, Williams, Correll, Snowden and Reilly and duPont introduced **SJR 10** which was read to the Senate and on their further motion adopted by voice vote.

SJR 10—"Relative to the Eisenhower Presidential Library."

Messrs. Nechay and Simpson asked to be marked present.

The following Bills were reported from Committee: **HB 349**, 5 merits; **SB 211**, 3 favorably, 2 merits; **SB 210**, 3 favorably, 2 merits; **HB 103**, 4 merits; **SB 156**, 1 favorably, 3 merits; **SB 198**, 4 merits.

Mr. Steen asked to be marked present.

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 5:00 P.M., Pres. Pro Tem Cook presiding.

Mr. Mayhew reported **SB 141** from Committee with 1 favorably and 2 merits and 2 unfavorably.

On motion of Mr. Reilly **SB 219** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 219—"Relating to the Transfer of Lands to the Interstate Highway Division of the State Highway Department of the State of Delaware by the State Board of Trustees of the Delaware State Hospital."

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

YEAS—Messrs. Correll, Mayhew, Nechay, Price, Reilly, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. duPont, Simpson—2.

NOT VOTING—Messrs. Hoey, Spicer—2.

ABSENT—Messrs. Hickman, McCullough, Williams—3.

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

On motion of Mr. Reilly **SB 153** with title as follows was

taken up for consideration and read a second time by title in order to pass the Senate:

SB 153—"An Act to Amend Sections 6913, 6914, and 6915, Title 29, Delaware Code Relating to Wages."

Mr. Reilly introduced **SS 1** for **SB 153** and on his further motion the substitute was adopted in lieu of the original.

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

YEAS—Messrs. Hickman, McCullough, Snowden, Steen, Tull, Watson, Williams—7.

NAYS—Messrs. Nechay, Price, Reilly, Simpson—4.

NOT VOTING—Messrs. Correll, duPont, Hoey, Mayhew, Spicer, Mr. Pres. Pro Tem Cook—6.

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

Messrs. Hickman and Williams asked to be marked present.

The following Bills were reported from Committee: **HB 204**, 1 favorably, 2 merits; **SJR 9**, 2 favorably, 2 merits; **SB 222**, 3 merits, 1 unfavorably; **SB 196**, 3 favorably, 1 unfavorably; **SB 120**, 3 merits, 1 unfavorably; **SB 166**, 4 merits; **SB 159**, 4 merits; **SB 144**, 4 merits; **SB 53**, 4 merits; **SB 8**, 4 merits; **HB 17**, 4 merits; **HB 21**, 4 merits; **HB 23**, 4 merits; **HB 153**, 4 merits; **HB 333**, 4 merits; **HB 284**, 4 merits; **HB 11**, 4 merits; **HB 12**, 4 merits; **HB 5**, 4 merits; **HB 3**, 3 merits.

The Chair announced that he had signed **HB 191** as amended.

The Chair granted the request of Mr. Snowden that **SB 169** be stricken from the Calendar.

Mr. Steen moved that Rule 9 be suspended for the purpose of bringing up one Bill.

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

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

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

NOT VOTING—Mr. McCullough—1.

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

Mr. Nechay introduced the following Bill which was

given first reading and referred to the Committee on Revised Statutes:

SB 225—"An Act to Amend Section 2128, Title 21, Delaware Code Relating to the Status of Plates Upon a Transfer of Title to a Motor Vehicle."

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

SB 226—"An Act to Amend Chapter 5, Volume 52, Laws of Delaware, Relating to the State Fire Prevention Commission."

On motion of Mr. Reilly **SB 17** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 17—"An Act to Amend Chapters 1, 3 and 5 of Title 10 of the Delaware Code Relating to the Supreme Court, Court of Chancery and Superior Court."

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

YEAS—Messrs. Correll, Hickman, McCullough, Nechay Price, Reilly, Simpson, Snowden, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Messrs. Hoey, Mayhew—2.

NOT VOTING—Messrs. duPont, Spicer, Watson—3.

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

On motion of Mr. Reilly the Senate adjourned at 6:05 P.M. until Wednesday, June 24, 1959 at 2 P.M.

72ND LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:05 P.M. on Wednesday, June 24, 1959, Pres. Pro Tem Cook presiding.

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

Members present—Messrs. duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—12.

Members absent—Messrs. Correll, Nechay, Simpson, Watson, Williams—5.

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

Communications:

From the Construction Industries Council inviting the Senate and attaches to a dinner on June 30, 1959.

Mr. Reilly moved that **SS 1** for **SB 153** be restored to the Calendar. Motion prevailed.

Mr. Reilly reported the following Bills from Committee: **HB 120**, 2 favorably and 3 merits; **HB 362**, 3 favorably.

Mr. Simpson asked to be marked present.

On motion of Mr. Reilly **HB 349** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 349—"An Act to Amend An Act Entitled 'Housing Authority' Being Chapter 16, Volume 39, Laws of Delaware, by Repealing the Duties of the Resident Judge and by Providing for the Appointment of Commissioners."

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—11.

NOT VOTING—Messrs. duPont, Simpson—2.

ABSENT—Messrs. Correll, Nechay, Watson, Williams—4.

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

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

SJR 9—"An Act Creating a Committee to Study the Poultry Industry of the State of Delaware."

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

YEAS—Messrs. duPont, Hickman, Price, Simpson, Snowden, Spicer, Tull, Mr. Pres. Pro Tem Cook—8.

NAYS—Messrs. Hoey, McCullough, Reilly, Steen—4.

NOT VOTING—Mr. Mayhew—1.

ABSENT—Messrs. Correll, Nechay, Watson, Williams—4.

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

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

HB 381—"An Act Making a Supplementary Appropriation to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Beginning July 1, 1959, and Ending June 30, 1960," to Finance.

HB 247—"An Act to Create an Act Entitled 'A Boat Registration and Safety Act' Providing for the Registration of Motor Boats; Classification and Required Equipment; Exemptions; Boat Liveries; Collisions, Accidents and Casualties; Transmittal of Information; Skis and Aqua-Planes; Regattas, Races, Marine Parades, Tournaments or Exhibitions; Local Regulations; Owner's Civil Liability; Enforcement and Penalties," to Miscellaneous.

HB 305—"An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware," to Finance.

HB 249—"An Act to Authorize the Levy Court of Kent County to Appropriate Money to the Kent County Volunteer Firemen's Association," to Finance.

HB 212—"An Act to Make Water Rents and Sewer Service Charges Liens in Newark," to Revised Statutes.

HB 341—"An Act to Amend Title 10, Delaware Code Relating to the Jurisdiction of and the Procedure Upon Arrest of a Child for Criminal Violations in the Family Court in and for New Castle County and the Jurisdiction of the Juvenile Court for Kent and Sussex Counties in Motor Vehicle Violations by Children," to Judiciary.

HB 109—"An Act Amending Title 17, Delaware Code, Entitled 'Highways' Relating to Increasing the Penalty for Disposing Trash Within a Certain Distance of the Highway," to Buildings and Highways.

HS 1 for HB 181—"An Act Relating to State and County Employees' Pensions by Prohibiting Persons Receiving State or County Pensions from Holding a Non-Elective State or County Public Office or Being Employed by the State or County; Exceptions Thereto," to Labor.

The Chair introduced the following Concurrent Resolution which was read to the Senate and adopted and returned to the House:

HCR 18—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Joint Revenue Committee of the 120th General Assembly."

Messrs. Watson and Williams asked to be marked present.

Mr. Steen moved that **SJR 9** be restored to the Calendar. Motion prevailed.

On motion of Mr. Reilly **SB 196** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 196—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Mental Hygiene Clinic, by Chapter 147, Volume 51, 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—Messrs. Hickman, Mayhew, McCullough, Reilly, Snowden, Steen, Tull, Watson, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. duPont, Hoey, Price, Williams—4.

NOT VOTING—Messrs. Simpson, Spicer—2.

ABSENT—Messrs. Correll, Nechay—2.

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

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

SB 227—"An Act Appropriating Money to the New Castle County Law Library."

The following Bill was reported from Committee as follows: **HB 318**, 2 favorably, 2 merits.

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

HB 327—"An Act to Amend Chapter 81, Title 9, Delaware Code by Giving the Sussex Chapter of Delaware Humane Association Tax Exemption Status," to Miscellaneous.

HB 354—"An Act to Amend Title 21, Delaware Code Entitled 'Motor Vehicles' Relating to the Length of Motor Vehicles," to Buildings and Highways.

At the request of Mr. Steen the privilege of the floor was granted to a Mr. O'Donnell to explain **SB 223**.

The messenger from the Governor, upon being admitted delivered the following message from the Governor:

GOVERNOR'S MESSAGE

EXECUTIVE DEPARTMENT

STATE OF DELAWARE

June 24, 1959

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

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

Preston G. Townsend, Selbyville, to be a member of the Board of Trustees of the University of Delaware for a term to expire June 20, 1965.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Tull **HB 257** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 257—"An Act to Amend Chapter 35, Title 12, Delaware Code, Relating to Trusts."

Messrs. Correll and Nechay 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—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. McCullough, Steen—2.

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

On motion of Mr. Hoey **HB 333** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 333—"An Act to Authorize and Direct the State Treasurer to Make a Certain Tax Refund to Dale E. Wolf and Clarice E. Wolf."

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

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

ABSENT—Messrs. McCullough, Steen—2.

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

On motion of Mr. Hoey **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 Appropriating Money to the American Legion, Department of Delaware."

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

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

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

Messrs. McCullough and Steen introduced the following

Bill which was given first reading and referred to the Committee on Finance.

SB 228—"An Act Making a Supplementary Appropriation to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Beginning July 1, 1959, and Ending June 30, 1960."

On motion of Mr. Hoey **HB 23** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

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

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

On motion of Mr. Hoey **HB 153** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 153—"An Act Appropriating Money to Wilmington Manor Fire Company With Which to Operate and Maintain an Ambulance."

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

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

ABSENT—Mr. Spicer—1.

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

On motion of Mr. Hoey **HB 11** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Snowden,

Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—17.

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

The following Bills were introduced, given first reading, and referred to Committees:

SB 229—"An Act to Amend Chapter 5 and Chapter 7, Title 7, Delaware Code, Relating to Aliens," by Mr. Mayhew by request, to Fish, Oyster and Game.

SB 230—"An Act to Amend an Act Entitled 'An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River Bay Channel via Pepper's Creek in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do all Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Improvement', Being Chapter 21, Volume 51, Laws of Delaware, Approved March 25, 1957, by Extending and Continuing the Availability of the Appropriation of \$30,000 Made Under Said Act to June 30, 1961," by Messrs. Steen and Hickman, to Finance.

SB 231—"An Act to Amend an Act Entitled 'An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of White's Creek Between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do all Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Government,' Being Chapter 22, Volume 51, Laws of Delaware, Approved March 25, 1957, by Extending and Continuing the Availability of the Appropriation of \$30,000 Made Under Said Act to June 30, 1961," by Messrs. Steen and Hickman, to Finance.

On motion of Mr. Hoey **HB 5** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 5—"An Act Appropriating Funds to the American Legion and American Legion Auxiliary for Expenses to be Incurred in Connection with the Holding of Boys' State and Girls' State."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer,

Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—15.

ABSENT—Messrs. Snowden, Watson—2.

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

The following Bills were reported from Committees: **HB 354**, 3 favorably, 2 merits; **SB 223**, 1 favorably, 3 merits; **SB 224**, 1 favorably 1 unfavorably, 3 merits.

The Chair announced that he had signed the following Bills: **HB 254** as amended, **HB 342** as amended, **HB 133**, **HS 1** for **HB 183**, **HB 190**, **HB 272**, **HB 345**.

Mr. Reilly moved that Rule 9 be suspended in order to bring up **HB 120** for consideration. Motion prevailed.

On motion of Mr. Reilly **HB 120** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 120—"An Act to Amend Chapter 16, Title 10, Delaware Code, Entitled 'Court of Common Pleas for Sussex County', Relating to Salaries of Clerk and Other Officers."

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

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

ABSENT—Mr. Watson—1.

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

On motion of Mr. Price **SS 1** for **SB 95** 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 95**—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' by Enacting a New Chapter Providing for Tuition Charges for Pupils Attending Schools Outside Their Resident Districts."

Mr. Cook moved to defer **SS 1** for **SB 95**.

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

YEAS—Messrs. Nechay, Spicer, Williams, Mr. Pres. Pro Tem Cook—4.

NAYS—Messrs. Correll, duPont, Hoey, Mayhew, McCullough, Price, Simpson, Snowden—8.

NOT VOTING—Messrs. Hickman, Reilly—2.

ABSENT—Messrs. Steen, Tull, Watson—3.

So the question was decided in the negative and the Mo-

tion not having received the required constitutional majority 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—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Steen, Williams—12.

NAYS—Mr. Pres. Pro Tem Cook—1.

NOT VOTING—Messrs. Reilly, Spicer, Watson—3.

ABSENT—Mr. Tull—1.

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

Mr. Hoey introduced the following Bill which was given first reading and referred to the Committee on Miscellaneous:

SB 232—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Minimum Wages of School Lunch Cooks and School Lunch General Workers."

On motion of Mr. Hoey **HB 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Reilly, Watson—3.

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

The following Bills were reported from Committee: **HB 199**, 1 favorably, 4 merits; **HB 322**, 4 merits.

On motion of Mr. Nechay **HB 104** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 104—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Brookside Community, Inc., from Assessment and Taxation."

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

YEAS—Messrs. Correll, Hoey, Mayhew, McCullough,

Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—Mr. Nechay—1.

NOT VOTING—Messrs. duPont, Hickman, Simpson—3.

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

On motion of Mr. Nechay **HB 274** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 274—"An Act to Amend Chapter 81, Title 9, Delaware Code, by Giving the Women's Civic Club of Richardson Park Tax Exemption Status."

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

YEAS—Messrs. Correll, Mayhey, McCullough, Price, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—Mr. Nechay—1.

NOT VOTING—Messrs. duPont, Hickman, Hoey, Simpson—4.

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

On motion of Mr. Steen **SB 28** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 28 with **SA 1**—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50 Laws of Delaware."

Mr. Simpson moved that **SB 28** with **SA 1** be deferred.

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

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

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

NOT VOTING—Mr. Hoey—1.

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

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

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

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

So the question was decided in the negative and the Bill not having received the required three-fourth constitutional majority was lost.

On motion of Mr. Reilly the Senate adjourned until Thursday, June 25, 1959 at 2 P. M. at 5:15 P.M.

73RD LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:20 P.M. on Thursday, June 25, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, McCullough, Price, Reilly, Simpson, Spicer, Williams, Mr. Pres. Pro Tem Cook—9.

Members absent—Messrs. Hickman, Hoey, Mayhew, Nechay, Snowden, Steen, Tull, Watson—8.

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

Mr. Hoey asked to be marked present.

Messrs. Tull, Snowden, Steen asked to be marked present.

On motion of Mr. Reilly **HB 362** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 362—"An Act to Amend Chapter 83, Title 11, Delaware Code by Adding a New Section Thereto Relating to Disability and Death Benefits."

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

YEAS—Messrs. Hoey, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

NOT VOTING—Messrs. Correll, duPont—2.

ABSENT—Messrs. Hickman, Mayhey, Nechay, Watson—4.

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

On motion of Mr. Tull **SB 221** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 221—"An Act Making an Appropriation to the Seaford Special School District for the Purpose of Restoring

to its State Appropriation Certain Cash Collections Which Were Deposited in the General Fund of the State of Delaware."

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

YEAS—Messrs. Correll, duPont, Hoey, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Hickman, Mayhew, Nechay, Watson—4.

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

On motion of Mr. Steen **HB 318** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 318—"An Act to Amend Title 17, Delaware Code, Entitled Highways Relating to Locomotive Engines Sounding Whistles at Public Highway Crossings."

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

YEAS—Messrs. Correll, duPont, Hoey, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. Hickman, Nechay, Mayhew, Watson—4.

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

On motion of Mr. Reilly **HB 245** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 245 with **HA 1** and **HA 2**—"An Act to Completely Revise, Recodify and Amend Title 11, Delaware Code in Relation to Sentencing, Probation, Parole and Pardon of Adult Offenders; Creating a State Probation and Parole Commission, A State Department of Probation and Parole Services and a Probation and Parole Advisory Board; Procedures With Respect to Executive Clemency; Appropriating Funds and Repealing Contrary Provisions."

Mr. Mayhew asked to be marked present.

Mr. Cook stepped down from the rostrum and Mr. Reilly stepped up to the rostrum and presided.

Mr. Cook moved to defer **HB 245**.

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

YEAS—Messrs. duPont, Hoey, Mayhew, Price, Reilly, Simpson, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, McCullough, Snowden—3.

ABSENT—Messrs. Hickman, Nechay, Watson—3.

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

Mr. Reilly stepped down from the rostrum and Mr. Cook returned to the rostrum and presided.

Mr. Hoey introduced the following bill which was given first reading and referred to the committee on Miscellaneous:

SB 233—"An Act Relating to the Purchase of the Railroad Station of the Delaware Railroad Company at Dover, Delaware."

On motion of Mr. Reilly **SB 97** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 97—"An Act to Amend Section 101, Title 13, Delaware Code, Relating to Void and Voidable Marriages."

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

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

NAYS—None.

NOT VOTING—None.

ABSENT—Hickman, McCullough, Nechay, Spicer, Watson—5.

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

On motion the Senate recessed at call of the chair at 3:28 P. M. The Senate met at the expiration of the recess at 6:30 P. M., Pres. Pro Tem Cook presiding.

The chair announced that he had signed **SS 1** for **SB 180**.

On motion of Mr. Spicer **SB 222** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 222—"An Act Providing for the Use of the Unexpended Portions of Certain Funds Appropriated to the Delaware State College and Amending Chapter 713, Volume 51."

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

YEAS—Messrs. Correll, duPont, Hoey, Mayhew, Nechay,

Price, Reilly, Simpson, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—13.

NAYS—None.

NOT VOTING—None.

ABSENT—Messrs. Hickman, McCullough, Snowden, Watson—4.

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

Mr. Nechay asked to be marked present.

The following bills were reported from committees: **HB 381**, 4 merits; **HB 6**, 1 favorable, 3 merits.

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

SB 234—"An Act Making an Appropriation to the Delaware State Development Department for Advertising to Induce Industry to Locate in Delaware."

On motion of Mr. Steen **HB 354** with title as follows taken up for consideration and read a second time by title in order to pass the Senate:

HB 354 with **HA 1** and **SA 1**—"An Act to Amend Title 21, Delaware Code Entitled 'Motor Vehicles' Relating to the Length of Motor Vehicles."

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

YEAS—Messrs. Correll, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—12.

NAYS—None.

NOT VOTING—Mr. Snowden—1.

ABSENT—Messrs. duPont, Hickman, McCullough, Watson—4.

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

On motion of Mr. Reilly the Senate adjourned at 6:35 P. M. until Monday, June 29, 1959 at 1 P. M.

74TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 2:10 P. M. on Monday, June 29, 1959, Lt. Gov. Buckson presiding.

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

Members present—Messrs. Correll, duPont, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Tull, Watson—11.

Members absent—Messrs. Hickman, Hoey, Reilly, Steen, Williams, Mr. Pres. Pro Tem Cook—6.

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

Communications:

Three against **SB 81** from out-of-state fishermen.

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 6:40 P.M., Pres. Pro Tem Cook presiding.

Messrs. Steen, Hoey, Cook, Reilly, Hickman asked to be marked present.

Mr. Hoey reported **SB 228** from Committee with 4 merits.

Communications:

Telegram in favor of **HB 389** from the President of the Delaware Association for Retarded Children.

Mr. Hoey introduced the following Bills which were given first readings and referred to the Committee:

SB 235—"An Act Making a Supplementary Appropriation to the State Board of Education for Completion of the Athletic Field of the Bridgeville Consolidated School District No. 90," to Finance.

SB 236—"An Act to Amend Section 6506, Chapter 65, Title 29, Delaware Code, Concerning Limitations of Expenditures of Appropriations," to Miscellaneous.

Mr. McCullough moved that Rule 9 be suspended in order to act on **SB 228**. Motion prevailed.

On motion of Mr. McCullough **SB 228** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 228—"An Act Making a Supplementary Appropriation to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Beginning July 1, 1959, and Ending June 30, 1960."

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

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

ABSENT—Messrs. Correll, duPont, Simpson, Snowden, Spicer, Watson, Williams—7.

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

Mr. Steen introduced the following Bill which was given

first reading and referred to the Committee on Finance:

SB 237—"An Act Appropriating Moneys to the State Highway Department for Construction of a Dam at Portsville Pond."

Messrs. Steen and Hickman introduced the following Bill which was given first reading and referred to the Committee on Buildings and Highways:

SB 238—"An Act Appropriating Moneys to the State Highway Department for Construction of a Dam on Vines Creek in the Vicinity of Omar."

The following Bill was reported from Committee as follows: **HB 247**, 1 favorably, 1 unfavorably, 3 merits.

On motion the Senate recessed at call of the Chair at 6:50 P.M.

The Senate met at the expiration of the recess at 8:50 P.M., Pres. Pro Tem Cook presiding.

Mr. Williams asked to be marked present.

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

SB 239—"An Act to Appropriate Money to the Belvedere Volunteer Fire Company."

On motion of Mr. Simpson **SS 1** for **SB 81** 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 81**—"An Act to Amend Title 7, Delaware Code, Entitled 'Conservation' for a Water Resources Commission, Define its Powers and Duties, Provide for Hearings and Appeals, Provide Penalties and Appropriate Funds."

Mr. Simpson introduced **SA 1** to **SS 1** for **SB 81** and moved for its adoption.

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. Snowden—1.

ABSENT—Messrs. Steen, Watson—2.

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

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

YEAS—Messrs. Correll, duPont, Mayhew, McCullough, Nechay, Price, Reilly, Simpson, Spicer, Tull, Williams, Mr.

Pres. Pro Tem Cook—12.

NAYS—Messrs. Hoey, Snowden—2.

NOT VOTING—Mr. Hickman—1.

ABSENT—Messrs. Steen, Watson—2.

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

On motion of Mr. Spicer **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 173—"An Act to Amend Section 403, Title 17, Delaware Code, Entitled 'Inter-State Highway Division' and Relating to The Members Thereof."

Mr. Reilly moved to defer **SB 173**.

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

YEAS—Messrs. Hickman, Mayhew, McCullough, Reilly, Steen, Tull, Mr. Pres. Pro Tem Cook—7.

NAYS—Messrs. Correll, duPont, Hoey, Nechay, Price, Simpson, Snowden, Spicer, Williams—9.

NOT VOTING—Mr. Watson—1.

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

On the question "Shall the Amendment to **SB 173** which had previously been introduced pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Messrs. Reilly, Steen—2.

NOT VOTING—Mr. Watson—1.

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

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

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

NAYS—Messrs. Messrs. Hickman, Mayhew, McCullough, Nechay, Price, Reilly, Spicer, Steen, Mr. Pres. Pro Tem Cook—9.

NOT VOTING—Messrs. Hoey, Tull, Watson—3.

So the question was decided in the negative and the Bill

not having received the required constitutional majority was lost.

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

SB 240—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50, Laws of Delaware."

Mr. Hoey introduced the following Bill which was given first reading and referred to the Committee on Finance.

SB 241—"An Act Making a Supplementary Appropriation to the State Highway Department for Certain Expenses Thereof for the Fiscal Year Ending June 30, 1960."

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

SB 242—"An Act to Amend Sections 2301 and 2307, Title 19, Delaware Code Relating to Workmen's Compensation."

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

HB 242 with HA 1—"An Act Requiring the Doing of All Work and the Furnishing of All Materials and Supplies to the Mayor and Council of Wilmington or to Any Board Commission, Department or Agency Thereof to the Lowest and Best Bidder and Providing the Procedure Relating Thereto," to Finance.

HB 379—"An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen," to Finance.

HB 19—"An Act Appropriating Money to the Disabled American Veterans of Delaware," to Finance.

HB 383—"An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permit for Excessive Size and Weight," to Buildings and Highways.

HB 26—"An Act to Amend Title 29 of the Delaware Code by Adding Increases in the Federal Social Security Benefits to the Retirement Benefits of State Employees," to Miscellaneous.

HB 223—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County, to Finance.

HB 384—"An Act to Amend Section 2151, Title 21, Delaware Code, Relating to Fee Schedule: Time of Payment," to Revised Statutes.

HB 356—An Act Directing the State Highway Department of the State of Delaware to Repair the Dykes Along the Delaware River Within the Town Limits of Delaware City, in New Castle County County; Appropriations Therefor," to Finance.

HB 372—"An Act to Amend Title 10, Delaware Code, Entitled 'Court and Judicial Procedure' Relating to Procedure in the Court of Common Pleas for New Castle County," to Judiciary.

HB 359—"An Act to Amend Title 9, Delaware Code by Providing for a New Chapter 44, Entitled 'Building Permits' for Kent County," to Revised Statutes.

HB 213—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in New Castle County, to Finance.

On motion of Mr. Hoey **HS 1** for **HB 27** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate over the Governor's veto. The veto message was read to the Senate again:

HS 1 for **HB 27**—"An Act to Amend Chapter 3, Title 28, Delaware Code, Entitled 'Horse Racing' and Chapter 5, Title 28, Delaware Code, Relating to Harness Racing by Providing for the Disposition of Outstanding Pari-Mutuel Tickets Not Claimed Within 60 Days."

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

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

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

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

Mr. McCullough introduced **SS 1** for **SB 109** which on further motion by him was adopted in lieu of the original:

SS 1 for **SB 109**—"An Act to Amend Chapter 47, Title 29, Delaware Code, Entitled 'Board of Post-Mortem Examiners'."

The following Bills and Resolutions were reported from Committee as follows: **HB 384**, 3 favorably; **HCR 12**, 4 favorably; **HB 359**, 3 favorably; **SB 235**, 5 merits; **HB 249**, 2 favorably, 3 merits; **HB 305**, 3 favorably, 2 merits; **HB 269**, 3 favorably, 1 merits; **HB 383**, 4 favorably, 1 merits.

On motion of Mr. Williams **SB 171** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 171—"An Act to Amend Chapter 51, Title 29, Delaware Code by Authorizing the State Treasurer to Make Certain Payroll Deductions and Providing Compensation to the State Therefor."

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

YEAS—Messrs. Correll, duPont, Hickman, McCullough, Nechay, Reilly, Simpson, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—12.

NOT VOTING—Messrs. Hoey, Mayhew, Price, Spicer—4.

ABSENT—Mr. Snowden—1.

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

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

SB 243—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' in Respect to Salary Schedules for School Custodians."

On motion of Mr. Hoey **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 Appropriating Money to Certain Fire Companies in the State of Delaware."

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

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

NAYS—Messrs. Correll, duPont—2.

NOT VOTING—Messrs. Snowden, Spicer—2.

ABSENT—Mr. Watson—1.

So the question was decided in the negative and the Bill not having received the required three-fourths constitutional majority was lost.

On motion of Mr. Williams **SB 77** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 77—"An Act to Amend Chapter 31, Title 20 Delaware Code, Relating to Civil Defense."

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

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

ABSENT—Mr. Watson—1.

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

On motion of Mr. Tull **SB 215** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 215—"An Act to Amend Title 18, Delaware Code by Adding a New Chapter Relating to Credit Insurance."

Mr. duPont moved to defer **SB 215**.

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

YEAS—Messrs. Correll, duPont, Simpson, Spicer—4.

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

ABSENT—Mr. Snowden—1.

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

Mr. Tull introduced **SA 1** to **SB 215** and moved for its adoption.

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

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

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer—5.

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

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Nechay, Price, Reilly, Steen, Tull, Williams, Mr. Pres. Pro Tem Cook—11.

NAYS—Messrs. Correll, duPont, Simpson, Snowden, Spicer—5.

ABSENT—Mr. Watson—1.

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

On motion of Mr. Hoey **HB 12** with title as follows was

taken up for consideration and read a second time by title in order to pass the Senate:

HB 12—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware which Maintain and Operate an Ambulance."

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

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

ABSENT—Mr. Watson—1.

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

On motion of Mr. Williams **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 to Amend Title 30, Delaware Code, Entitled 'State Taxes' Relative to the Salaries of Appointees of the Tax Commissioner."

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

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

NAYS—Messrs. Hoey, Mayhew, Steen, Watson—4.

NOT VOTING—Mr. Hickman—1.

ABSENT—Mr. McCullough—1.

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

On motion of Mr. Snowden **SB 211** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 211—"An Act Making a Supplementary Appropriation to the Youth Services Commission of Delaware for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

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

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

ABSENT—Mr. Steen—1.

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

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

SJR 9—"An Act Creating a Committee to Study the Poultry Industry of the State of Delaware."

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

YEAS—Messrs. Correll, duPont, Hickman, Nechay, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—10.

NAYS—Mr. Steen—1.

NOT VOTING—Messrs. Hoey, Mayhew, McCullough, Price, Reilly, Watson—6.

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

The following Bills were reported from Committees: **HB 224**, 3 favorably, 2 merits; **SB 240**, 2 favorably, 2 merits.

Communication: From Young Democrats of Blackbird and Appoquinimink Hundreds in favor of SB 57.

Mr. Reilly moved that the Senate adjourn until Tuesday, June 30, 1959 at 1 P.M. at 10:55 P.M.

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

YEAS—Messrs. Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Steen, Tull, Mr. Pres. Pro Tem Cook—9.

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

ABSENT—Messrs. Nechay, Watson—2.

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

75TH LEGISLATIVE DAY

The Senate met pursuant to adjournment at 4:40 p.m., on Tuesday, June 30, 1959, Pres. Pro Tem Cook, presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

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

Members absent—Mr. Watson—1.

Without objection the chair dispensed with the reading of the journal of the previous day's session.

Mr. duPont moved that **HB 6** be restored to the calendar. Motion prevailed.

On motion of Mr. Reilly **HB 239** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 239—"An Act Abolishing the Sinking Fund Commissioners of the City of Wilmington; Repealing Certain Acts Relating to the Sinking Fund Commissioners of the City of Wilmington and Transferring the Powers and Duties Heretofore Exercised by the Sinking Fund Commissioners of the City of Wilmington to the City Treasurer.

The Senate recessed at call of the chair for five minutes, at the request of Mr. Snowden. The Senate met at the expiration of the recess at 4:50 p. m., Pres Pro Tem Cook, presiding.

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

NAYS—0.

NOT VOTING—0.

ABSENT—0.

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

The following bills were reported from committees as follows: **HB 19**, 2 Favorable, 3 Merits; **HB 379**, 2 Favorable, 3 Merits; **HB 223**, 2 Favorable, 3 Merits; **HB 213**, 2 Favorable, 3 Merits; **HB 324**, 4 Favorable.

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

HB 389—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst by Chapter 288, Volume 51, Laws of Delaware", to Public Health.

HB 363—"An Act Making a Supplementary Appropriation to the State Board of Registration for Professional Engineers and Land Surveyors for the Fiscal Year Ending June 30, 1960", to Finance.

HB 374—"An Act to Amend Chapter 177, Volume 43, Laws of Delaware, Entitled "An Act Changing the Name of 'The Town of Rehoboth' to 'City of Rehoboth Beach', Establishing a Charter Therefor, and Repealing Chapter 247 of Volume 27, Laws of Delaware, Being Entitled 'An Act Creat-

ing a Board of Public Works for the Town of Rehoboth, Which Shall Establish, Control and Regulate a Water Works System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors", to Corporations Municipal.

HB 336—"An Act to Increase Certain Fees Charged by the Motor Vehicle Department", to Revised Statutes.

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

HB 343—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' By Providing for a State Department of Finance, Transferring Certain Functions Thereto, Defining Its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds," to Finance.

HB 339—"An Act Making Appropriations for the Expenses of the University of Delaware for the Fiscal Year Ending June 30, 1960," to Finance.

On motion of Mr. Reilly **HB 242** 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 242 with **HA 1**—"An Act Requiring the Doing of All Work and the Furnishing of All Materials and Supplies to the Mayor and Council of Wilmington or to Any Board, Commission, Department or Agency Thereof to the Lowest and Best Bidder and Providing the Procedure Relating Thereto."

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

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

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

On motion of Mr. Watson **SB 184** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate over the Governor's veto. The Governor's veto message was read in full again as follows:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover

June 22, 1959

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

On June 16, 1959, I received Senate Bill No. 184, entitled:
AN ACT TO AMEND SECTION 103, TITLE 15,

DELAWARE CODE, RELATING TO THE NEW
CASTLE COUNTY DEPARTMENT OF ELEC-
TIONS AND REDUCING THE MEMBERSHIP OF
THAT DEPARTMENT TO 12 MEMBERS.

I respectfully return herewith this Bill without my approval.

This Bill must be considered along with Senate Bill No. 185 which I am also returning without my approval.

These two bills, in effect, are further pure political manipulations of our three county Departments of Elections. Senate Bill No. 184 in effect eliminates five members from the Department of Elections for New Castle County. Senate Bill No. 185 in effect adds five members to the Departments of Elections of both Kent and Sussex Counties.

The purposes to be accomplished by both of these bills so far as I am able to see are simply a continuation of the pure political maneuvering with these Departments that was started several years ago over my veto of the ripper legislation.

There is at present pending in the House of Representatives House Bill No. 357 which provides that each County's Department of Elections shall consist of five members, appointed by the Governor subject to confirmation by the Senate with not more than three members from the same political party.

In vetoing Senate Bill No. 184 and Senate Bill No. 185, I do so respectfully asking the General Assembly to consider House Bill No. 357 as a proper and sound proposal to again put our Departments of Elections back on a solid, good-government basis and put an end to the confusion, unrest and pure political manipulation which has involved these three Departments. I make this request in the interest of each and every citizen, regardless of Party, who is entitled to register and vote as a citizen of this State and who expects the Departments of Elections to be operated on a sound, good-government basis.

Respectfully submitted,

J. CALEB BOGGS, Governor

SB 184—"An Act to Amend Section 103, Title 15, Delaware Code, Relating to the New Castle County Department of Elections and Reducing the Membership of That Department to 12 Members."

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

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

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

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

Mr. Steen moved that Rule 9 be suspended for the balance of the Legislative Day. Motion prevailed.

On motion of Mr. Steen **HB 324** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 324—"An Act to Amend Chapter 135, Volume 29, Laws of Delaware, Entitled 'An Act to Revise and Consolidate the Statutes Relating to Curbstone Markets in the City of Wilmington, by Providing for a Building to be Known as the 'Farmers' and Trucker's Market'."

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

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

NOT VOTING—Mr. Spicer—1.

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

On motion of Mr. Steen **HB 269** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 269—"An Act to Amend an Act to Incorporate the Town of Fenwick Island, Delaware, and Relating to the Town Council."

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

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

NAYS—Messrs. Steen, Williams—2.

NOT VOTING—Messrs. duPont, Nechay, Simpson, Snowden, Spicer—5.

So the question was decided in the negative and the Bill not having received the required two-thirds constitutional majority was lost.

Mr. Steen moved that **HB 269** be restored to the Calendar. Motion prevailed.

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

SB 244—"An Act Making a Supplementary Appropriation to the State Highway Department for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

The following Bills were reported from Committee: **HB 341**, 4 favorably; **HB 310**, 1 favorably, 3 merits; **SB 234**, 1 favorably, 3 merits; **HB 339**, 3 favorably, 2 merits; **SB 242**, 1 favorably, 3 merits; **SB 226**, 1 favorably, 3 merits.

On motion of Mr. Nechay **HB 328** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 328—"An Act to Increase the Fees of the Recorder in Kent County."

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

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

ABSENT—Messrs. McCullough, Spicer, Steen, Tull, Watson—5.

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

On motion of Mr. Mayhew **HB 247** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 247—"An Act to Create an Act Entitled 'A Boat Registration and Safety Act' Providing for the Registration of Motor Boats; Classification and Required Equipment; Exemptions; Boat Liveries; Collisions, Accidents and Casualties; Transmittal of Information; Skis and Aqua-Planes; Regattas, Races, Marine Parades, Tournaments or Exhibitions; Local Regulations; Owner's Civil Liability; Enforcement and Penalties."

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

YEAS—Messrs. Correll, duPont, Hickman, Mayhew, Nechay, Reilly, Snowden, Spicer, Steen, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—13.

NOT VOTING—Messrs. Hoey, Price—2.

ABSENT—Messrs. 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 returned to the House.

On motion of Mr. Snowden **SB 210** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 210—"An Act Making a Supplementary Appropria-

tion to the Family Court of New Castle County for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

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

YEAS—Messrs. Correll, duPont, McCullough, Reilly, Simpson, Snowden, Spicer, Tull, Williams, Mr. Pres. Pro Tem Cook—10.

NAYS—Messrs. Nechay, Price, Steen—3.

NOT VOTING—Messrs. Hickman, Hoey, Mayhew, 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. Williams **SB 226** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 226—"An Act to Amend Chapter 5, Volume 52, Laws of Delaware, Relating to the State Fire Prevention Commission."

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

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

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

On motion of Mr. Steen **SB 185** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate over the Governor's veto. The veto message was read to the Senate as follows:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover

June 22, 1959

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

On June 16, 1959, I received Senate Bill No. 185, entitled:
**AN ACT TO AMEND CHAPTER 1, TITLE 15,
DELAWARE CODE, RELATING TO THE DE-
PARTMENTS OF ELECTIONS FOR KENT AND
SUSSEX COUNTIES.**

I respectfully return herewith this Bill without my approval.

This Bill must be considered along with Senate Bill No. 184 which I am also returning without my approval.

These two bills, in effect, are further pure political manipulations of our three county Departments of Elections. Senate Bill No. 185 in effect adds five members to the Department of Elections in both Kent and Sussex Counties. Senate Bill No. 184 in effect eliminates five members from the Department of Elections for New Castle County.

The purposes to be accomplished by both of these bills so far as I am able to see are simply a continuation of the pure political maneuvering of these Departments that was started several years ago over my veto of the ripper legislation.

There is at present pending in the House of Representatives House Bill No. 357 which provides that each County Department of Elections shall consist of five members, appointed by the Governor subject to confirmation by the Senate with not more than three members from the same political party.

In vetoing Senate Bill No. 185 and Senate Bill No. 184, I do so respectfully asking the General Assembly to consider House Bill No. 357 as a proper and sound proposal to again put our Departments of Elections back on a solid, good-government basis and put an end to the confusion, unrest and pure political manipulation which has involved these three Departments. I make this request in the interest of each and every citizen, regardless of Party, who is entitled to register and vote as a citizen of this State and who expects the Departments of Elections to be operated on a sound, good-government basis.

Senate Bill No. 185 also has a further serious defect in that the legislature names for Kent and Sussex Departments of Elections the additional members provided for. As I have said many times in vetoing ripper legislation, this is contrary to the basic structure of our governmental system. The authority to make appointments should remain in the Executive Branch.

Respectfully submitted,

J. CALEB BOGGS, Governor

SB 185—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Departments of Elections for Kent and Sussex Counties."

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

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

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

So the question was decided in the affirmative and the Bill having received the required constitutional majority passed the Senate over the Governor's veto 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:

SB 245—"An Act Appropriating Money to the Millsboro School District No. 23."

Mr. Hoey introduced **SCR 27** with title as follows and upon his further motion the Concurrent Resolution was adopted by the Senate and ordered to the House for concurrence.

SCR 27—"Providing for the Rescinding of Senate Concurrent Resolution No. 25 and Relating Further to the Anticipated Revenue of the State of Delaware in the Fiscal Year Beginning July 1, 1959."

Mr. Snowden introduced **SB 246** which was given first reading and referred to the Committee on Revised Statutes:

SB 246—"An Act to Amend Chapter 25, Title 29, Delaware Code, Entitled 'Attorney General' and Relating to Consumer Protection."

On motion of Mr. Reilly **SB 137** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 137—"An Act to Amend Chapter 3, Title 9, Delaware Code, Regarding Salaries of Levy Court Commissioners in 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—Messrs. Correll, duPont, Nechay, Reilly, Simpson, Snowden, Spicer, Williams, Mr. Pres. Pro Tem Cook—9.

NAYS—Messrs. McCullough, Steen—2.

NOT VOTING—Messrs. Hickman, Hoey, Mayhew, Price, Tull—5.

ABSENT—Mr. Watson—1.

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

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

SCR 28—"Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 120th General Assembly of the State of Delaware."

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

HB 311 as amended by **HA 1**—"An Act to Amend Titles 9, 10, and 12, Delaware Code by Increasing the Salary of the Clerk of the Peace, Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Members of the Board of Assessment, Receiver of Taxes, Prothonotary, Sheriff, Register in Chancery, and Clerk of the Orphans' Court, and Register of Wills, in and for Sussex County."

On motion of Mr. Nechay **HB 281** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 281—"An Act to Repeal Section 8303, Title 9, Delaware Code Relating to New General Assessments Every Four Years in Kent County."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Snowden, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Spicer, Steen—2.

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

On motion of Mr. Nechay **HB 280** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 280—"An Act to Amend Section 2521, Title 12, Delaware Code, Entitled 'Decedents' Estates' and Relating to Kent County."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Simpson, Snowden, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Reilly, Steen—2.

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

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

HB 359—"An Act to Amend Title 9, Delaware Code by

Providing for a New Chapter 44, Entitled 'Building Permits for Kent County'."

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

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

NAYS—Mr. McCullough—1.

ABSENT—Mr. Steen—1.

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

On motion of Mr. Hoey **HB 305** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 305—"An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware."

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

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

ABSENT—Mr. Steen—1.

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

Mr. Hickman introduced the following Resolutions which on further motion by him were adopted by voice vote:

SR 76—"Authorizing Payment of Amount Due the Sussex Countian for Printing Senate Calendar."

SR 77—"An Act Authorizing Payment to the Diamond State Telephone Company for Services Rendered Through June 11, 1959."

SCR 78—"An Act Making Appropriations to Certain Companies for Supplies and Services Rendered the 120th General Assembly."

SCR 79—"An Act Making Appropriations to Certain Companies for Supplies and Services Rendered the 120th General Assembly."

On motion of Mr. Hoey **HB 339** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 339—"An Act Making Appropriations for the Expenses of the University of Delaware for the Fiscal Year Ending June 30, 1960."

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

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

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

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

On motion of Mr. Hoey **HB 10** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Nechay, Price, Reilly, Simpson, Spicer, Tull, Watson, Williams, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. McCullough, Snowden, Steen—3.

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

On motion the Senate recessed at call of the Chair at 8 P.M. The Senate met at the expiration of the recess at 10:30 P.M., Pres. Pro Tem Cook presiding.

On motion of Mr. Reilly the Senate recessed until Wednesday, July 1, 1959 at 1 P.M.

The Senate met at the expiration of the recess at 3:40 P.M. Wednesday, July 1, 1959, Lt. Gov. Buckson presiding.

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

SB 247—"An Act Appropriating Money to the Booker T. Washington School."

The following message was received from the Governor:

June 30, 1959

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

This communication is addressed to you in accordance with pertinent provisions of the Constitution of the State of Delaware.

Since the convening of the 120th General Assembly I have granted commutations of sentences in the following

cases in accordance with specific recommendations of the Board of Pardons of the State of Delaware in each case.

Walter D. Comegys
 Albert Miller
 William G. Hollis
 Michael E. McGinnis
 John Trainer
 John Curtis Roberts
 Roosevelt Fulmore
 William D. Burton
 George Washington Moore
 James Woodrow Littleton
 Morgan Brooks Snyder
 Leon E. Cannon
 Grady Shelley

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Hoey **HB 379** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 379—"An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, McCullough, Price, Reilly, Simpson, Snowden, Spicer, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—14.

ABSENT—Messrs. Nechay, Steen, Williams—3.

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

On motion of Mr. Hoey **HB 223** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 223—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County."

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

YEAS—Messrs. Correll, duPont, Hickman, Hoey, Mayhew, Price, Reilly, Simpson, Snowden, Spicer, Tull, Watson, Mr. Pres. Pro Tem Cook—13.

ABSENT—Messrs. McCullough, Nechay, Steen, Williams—4.

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