

So the question was decided in the affirmative and the bill: **SB 329**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, **SB 334**—"An Act Making an Appropriation to the Council on the Administration of Justice for the Purpose of Making a Study and Survey of the Judicial System of This State," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Hickman, Lammot, Reilly—4.

So the question was decided in the affirmative and the bill: **SB 334**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, **SB 265**—"An Act to Amend Chapter 67, Title 21, Delaware Code, Relating to Driving a Vehicle Without the Consent of the Owner," was again taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Melson introduced **SA 1**, which was read and on his further motion 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. Behen, Cook, Correll, Harrison, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Hickman, Lammot, Reilly—4.

So the question was decided in the affirmative and the bill: **SB 265** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Upon the request of the Chair by Mr. Cook, and without objections, **SB 336** was restored to the calendar.

On motion of Mr. Cook, the Senate adjourned at 11:20 P. M. until 1:00 P. M., Friday, June 14, 1957.

92ND LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:25 P. M., on Friday, June 14, 1957. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Clifford L. Brain: Almighty and everliving God we come unto Thee, to thank Thee for every token of Thy Divine Grace, which Thou hast bestowed upon us. We thank Thee for Thy Son the Lord Jesus Christ Who loved us and gave Himself for us, that all men who would trust in Him might dwell with Thee eternally. We pray for the wife of Senator Gray, touch her body and raise her up, along with all the sick. We thank Thee for the restoration of those for whom we've prayed, and give us and make us steadfast and sincere of heart as we confront them all. Make us victorious in all the battles of life that we may hear, Thy "well done thou good and faithful servant, thou hast been faithful over a few things I will make you ruler over many," and Thine shall be the Glory and the praise in Jesus' Name. Amen.

Members present — Messrs. Behen, Correll, Harrison, Hickman, Hoey, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—10.

Members absent—Messrs. Cook, Gray, Johnson, Lammot, Melson, Nechay, Reilly—7.

Without objections, the reading of the Journal of the Previous Session was omitted, and the Journal for that day stood approved.

Asked to be marked present: Messrs. Cook and Johnson. On motion of the President Pro Tem, the Senate recessed at 2:35 P. M. until call of the Chair.

Senate met at expiration of recess at 3:10 P. M.

President Pro Tempore presiding.

Mr. Melson asked to be marked present.

On motion of Mr. Pryor, SB 189—"An Act to Amend Chapter 24, Title 9, Delaware Code, by Defining the Term "Garbage Disposal Plant" as Used Therein," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Pryor, Mr. John Cahalan, of the New Castle County Engineer's Office, was granted the privilege of the floor.

On motion of Mr. Pryor, SB 189 was deferred.

The Chief Clerk of the House informed the Senate that the House had concurred in SB 225 and SS 1 for SB 240, and that the House had passed and requested the concurrence of the Senate in the following bills and concurrent resolution: HB 267, HB 287, HB 336, HB 375 and HCR 12.

The Chair presented the following House Bills, which were given reading by title only, and referred to committees as follows:

HB 267—"An Act to Amend Title 14, Delaware Code, Entitled "Education" in Respect to Buildings and Grounds Supervisors," to Education.

HB 336—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Pensions," to Miscellaneous.

HB 278—"An Act to Appropriate to the Board of Public Education in Wilmington \$175,000 for the Purpose of Purchasing Land Upon Which an Elementary School is to be Constructed and to Provide for Return Thereof," to Finance.

HB 375—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County," to Finance.

The Chair presented the following House Concurrent Resolution, which was given first reading and on the prevailing motion by Mr. Hoey, adopted and ordered by the Chair to be returned to the House: **HCR 12**—"Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 119th General Assembly."

BE IT RESOLVED by the House of Representatives of the 119th General Assembly, the Senate concurring therein, that both the House and the Senate adjourn temporarily at the conclusion of business on the 94th Legislative Day, and that both the Senate and the House reconvene on Monday, January 6, 1958, at 1:00 P. M. for whatever purposes they determine, provided, however, that the Senate may be convened at any time upon the call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and further provided that the Senate and House may be reconvened at any time upon the call of the President Pro Tempore and the Speaker of the House.

The following bill was reported by the majority of the Committee on Buildings and Highways as follows: **SB 321**, 3 favorable.

The following bills were introduced, given reading by title only, and referred to committees as follows:

SB 342—"An Act Making an Appropriation to the Department of Civil Defense for Salaries and Wages, Operations and Travel," by Williams; to Finance.

SB 343—"An Act to Amend the Delaware Code by Increasing the Salaries of the Levy Court Commissioners," by Pryor; to Revised Statutes.

SB 344—"An Act to Amend Chapter 27, Title 25, Delaware Code Relating to Mechanics' Liens by Eliminating the Requirement That a Claim Against Two or More Structures Owned by the Same Person be Apportioned Among Each Structure," by Cook; to Revised Statutes.

SB 345—"An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens by Liberalizing the Procedural Requirements Therefor," by Cook; to Revised Statutes.

The following bills were reported by the majority of the Committee on Finance as follows: **HB 71**, 4 on merits, **HB 149**, 3 on merits, **HB 247**, 4 on merits, **HB 229**, 3 on merits, 1 unfavorably, **HB 292**, 4 on merits, **HB 302**, 4 on merits, **HB 316**, 1 favorable, 3 on merits, **HB 360**, 4 on merits, **HB 375**, 3 on merits, **HB 287**, 3 on merits.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 346—"An Act to Amend Title 6, Chapter 61, Delaware Code, by Creating the Office of State Petroleum Trust Commissioner and by Providing That the Trustees of Certain Oil Royalty and Similar Trust Shall be Under the Supervision of the State Petroleum Trust Commissioner Providing for the Payment of Fees to the State Petroleum Trust Commissioner for Examination; and Providing Penalties for Failure to Report and Submit to Examination," by McCullough; to Banking and Insurance.

The following bills were reported by the majority of the respective committees as follows: **SB 192**, 1 favorable, 2 on merits, by Claims; **SB 346**, 3 on merits, by Banking and Insurance.

Upon motion by Mr. Pryor, motion prevailing, Senate Rule 9 was suspended for the rest of this day's session.

On motion of Mr. Pryor, **SB 321**—"An Act to Amend Chapter 6, Title 9, Delaware Code Relating to Suburban Parks and Recreation," 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. Behen, Correll, Harrison, Hickman, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Cook, Gray, Johnson, Lamnot, Melson, Nechay, Reilly—7.

So the question was decided in the affirmative and the bill: **SB 321**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, **HB 325**—"An Act to Amend Chapter 37, Title 12, Delaware Code by Empowering the Court of Chancery to Authorize Charitable Contributions Under Certain Circumstances by Trustees for Mentally Ill Persons," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Gray, Johnson, Lammot, Melson, Nechay, Reilly—6.

So the question was decided in the affirmative and the bill: **HB 325**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 375**—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, McCullough, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

ABSENT — Messrs. Gray, Johnson, Lammot, Melson, Nechay, Pryor, Reilly—7.

So the question was decided in the affirmative and the bill: **HB 375**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **HS 1** for **HB 308** as amended—"An Act to Amend Chapter 39, Title 12, Delaware Code Relating to Guardian and Ward," was taken up for consideration and read a third time by title in order to pass 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Gray, Johnson, Lammot, Melson, Nechay, Reilly—6.

So the question was decided in the affirmative and the bill: **HS 1** for **HB 308** as amended having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 287**—"An Act Appropriating Money to the University of Delaware for Capital Improvements on the University Campus, and at the University's Agricultural Experimental Substation in Sussex County," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Hoey, Dr. Carl J. Rees of the University of Delaware, was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Gray, Lamnot, Melson, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: **HB 287**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **HB 300**—"An Act Appropriating Funds to the Supreme Court of the State of Delaware," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Albert Stiftel, House Attorney, was granted the privilege of the floor.

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

YEAS—Messrs. Cook, Correll, Hickman, Johnson, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—10.

NAYS—Messrs. Behen, Harrison, Hoey—3.

ABSENT—Messrs. Gray, Lamnot, Nechay, Reilly—4.

So the question was decided in the affirmative and the bill: **HB 300**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chair announced the signing of the following: **HB 134**, **HB 161** and **HB 173**.

On motion of Mr. Cook, the Senate recessed at 4:55 P. M. until 8:00 P. M.

Senate met at expiration of recess at 9:40 P. M.

President Pro Tempore presiding.

Mr. Nechay asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 148**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 88**, **HS 1** for **HB 198**, **HS 1** for **HB 211** as amended, **HB 289**, **HB 298**, **HB 397**, **HB 381** and **HB 396**.

The Chair presented the following House Bills, which were given reading by title only, and referred to committees as follows:

HB 88—"An Act to Amend Chapter 5, Title 4, Relating to Delaware Code, Licenses and Taxes, by Providing Additional Grounds for Refusal of Licenses for the Sale of Alcoholic Liquors," to Temperance.

HS 1 for HB 198—"An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" in Regard to Burial, Removal, Cremation or Other Disposition of Dead Bodies," to Public Health.

HS 1 for HB 211 with HA 1—"An Act to Amend the Delaware Code in Respect to the Tax on House Trailers," to Revised Statutes.

HB 289 with HA 1—"An Act to Amend Section 2904, Title 14, Relating to Minimum Insurance Coverage Requirements for School Buses," to Banking and Insurance.

HB 298 with HA 1—"An Act Appropriating Funds to the Kruse School," to Finance.

HB 381—"An Act to appropriate \$2410 to the State Highway Department for the Purpose of Improving the Entrance and Parking Lot at the Sussex County Correctional Institution," to Finance.

HB 396—"An Act to Amend Chapter 14, Title 25, Delaware Code Relating to Timber Trespass," to Agriculture.

HB 397—"An Act Appropriating Funds to the State Library Commission for the State of Delaware for Operations, Repairs and Replacements and Equipment," to Finance.

Upon request of the Chair, and without objections, Mr. McCullough had **SB 338** stricken from the calendar.

Upon the request of the Chair by Mr. Hoey, **SCR 25** previously adopted by voice vote, was withdrawn.

HB 211, called up for roll call by Mr. Harrison, was tabled, it not yet having been reported out by committee.

On motion of Mr. Hoey, **HB 316**—"An Act Making Appropriations for Certain Contingencies, for the Respective Years of the Biennium July 1, 1957 to June 30, 1959, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of Budget Commission in Relation Thereto," was taken up for consideration and read a third 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. Cook, Correll, Harrison, Hickman, Hoey, McCullough, Nechay, Pryor, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT—Messrs. Behen, Gray, Johnson, Lammot, Melson, Reilly, Williams—7.

So the question was decided in the affirmative and the bill: **HB 316**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Hoey presented the following Concurrent Resolution, **SCR 26**—"Providing for the Joint Finance Committee to Study the Needs of the Various State Agencies Relative to the Budget and to Further Study the Bond Situation Relative to

Schools and Highways and to Propose Legislation to the Current General Assembly Pertaining to These Matters," was read and taken up for consideration in order to pass the Senate.

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

YEAS—Messrs. Cook, Correll, Harrison, Hickman, Hoey, McCullough, Nechay, Tull, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Behen, Gray, Johnson, Lammot, Melson, Reilly, Williams—7.

So the question was decided in the affirmation and **SCR 26**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **SB 192**—"An Act Appropriating Certain Money to the State Park Commission to Pay the Bill of Rodney H. Dann for Work at Pea Patch Island," was taken up for consideration and read a third 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. Cook, Correll, Harrison, Hickman, Hoey, McCullough, Nechay, Pryor, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT—Messrs. Behen, Gray, Johnson, Lammot, Melson, Reilly, Williams—7.

So the question was decided in the affirmative and the bill: **SB 192**, 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 at 10:15 P. M. until 1:00 P. M., Monday, June 17, 1957.

93RD LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:40 P. M., on Monday, June 17, 1957. President Pro Tem Steen presiding.

Prayer by the Rev. Charles W. Spry: Our Merciful Father! We pray for all who hold public office and power, in whose hands rests the life, welfare, and virtue of the people. Give our leaders a vision of the possible future of our country. Enlarge the scope of our brotherhood. Give us patience when we are misunderstood and our sincerity is doubted. Endue us with the spirit of humility and service. Hold us true to those principles which mean the largest measure of happiness and security for all people. Sweep, Thou, from all human hearts the gloom of doubt, the blackness of envy, and the poison of hate. Breathe Thy life into people. Purge our cities,

States and Nation of the deep causes of corruption which make sin profitable and uprightness hard. Lord, lead us into the life that every countenance may be like the morning and every life radiant as the sun. May Thy kingdom come and Thy will be done on earth as it is in heaven. Through Jesus Christ, our Lord. Amen.

Members present—Messrs. Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Tull, Mr. President Pro Tem—9.

Members absent — Messrs. Behen, Hickman, Johnson, Lamnot, Nechay, Pryor, Reilly, Williams—8.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was dispensed with, and the Journal for that day stood approved.

Asked to be marked present: Messrs. Johnson and McCullough.

The following bills were introduced, given reading by title only, and referred to committees as follows:

SB 347—"An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Providing for an Additional Deputy for New Castle County," by McCullough; to Judiciary.

SB 348—"An Act to Amend Title 7, Delaware Code Entitled "Conservation" by Providing for a Tax on Oysters Taken from the Waters of the Murderkill River; Daily Catch Limits and Periods That Oysters May be Taken Therefrom; Appropriation for Planting of Seed Oysters Therein," by Gray; to Fish, Oysters and Game.

SB 349—"An Act Restricting Municipalities and Towns from Placing Flourine in Drinking Water Without a Referendum," by Hoey; to Public Health.

SB 350—"An Act to Amend Article II of the Constitution of the State of Delaware by Changing the Boundaries of Senatorial and Representative Districts and the Number and Method of Electing Members of the General Assembly and Providing for a Periodic Census," by Melson, Correll, Johnson and Williams; to Elections.

Upon the request by Mr. Cook, and without objections, SB 339 was stricken from the calendar.

The Chair announced the signing of the following: SB 148, SS 1 for SB 240 and SB 225.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 351—"An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Compensation of the Chief Engineer of the State Highway Department," by McCullough; to Buildings and Highways.

The Chief Clerk of the House informed the Senate that the House had concurred in SB 39, SB 220 and SB 298, and that the House had passed and requested the concurrence of the Senate in the following bills: SB 200 with HA 1, HB 259, HS 1 for HB 283, HB 335, HB 342, HB 385 and HB 399.

The Chair presented the following House Bills, which were given reading by title only and referred to committees as follows:

HB 259—"An Act to Amend Chapter 11, Title 30, Delaware Code Relating to State Taxes," to Banking and Insurance.

HS 1 for HB 283—"An Act to Amend Chapter 65, Title 14, Delaware Code Relating to Scholarships to Delaware State College," to Education.

HB 335—"An Act to Amend Title 14, Delaware Code, Entitled "Education" Relative to School Board Elections; Local School Taxes; Local School Bonds," to Education.

HB 342—"An Act Providing for the Acquisition of Lands in Connection With Certain Ponds and Appropriating Moneys to the State Highway Department for the Construction of Dams and Other Improvements," to Buildings and Highways.

HB 368—"An Act to Appropriate Funds to the Department of Public Welfare for Salaries and Other Administrative Expenses," to Finance.

HB 385—"An Act to Amend Chapter 351, Volume 50, Laws of Delaware in Regard to An Act to Appropriate Funds to the Delaware Commission for the Feeble Minded for the Care of Abnormal Infants Until Space is Available at the Delaware Colony, Stockley," to Finance.

HB 399—"An Act to Amend Chapter 55, Volume 51, Laws of Delaware Known as "An Act to Amend Title 30 Delaware Code by Providing for a State Municipal Street Aid Fund from the Proceeds of the State Motor Fuel Tax; Distribution of Such Fund to Incorporated Cities and Towns for Street Purposes," to Private Corporations.

The following bills were reported by the majority of the respective committees as follows: **SB 297**, 4 favorable, by Fish, Oysters and Game; **HB 221**, 1 favorable, 3 on merits, by Temperance; **SB 310**, 3 favorable, 1 on merits, by Public Health.

On motion of Mr. Hoey, **HB 217**—"An Act to Appropriate Money to the State Tax Department," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hoey, McCullough, Melson, Tull, Mr. President Pro Tem—9.

NAYS—None.

ABSENT—Messrs. Behen, Hickman, Johnson, Lamnot, Nechay, Pryor, Reilly, Williams—8.

So the question was decided in the affirmative and the bill: **HB 217**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 103**—"An Act Authorizing the Levy Court of Kent County to appropriate Certain Sums to the Kent County Volunteer Firemen's Association for the Maintenance of Radio Equipment Used in Connection With Volunteer Fire Fighting Apparatus," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hoey, Johnson, McCullough, Melson, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT—Messrs. Behen, Hickman, Lammot, Nechay, Pryor, Reilly, Williams—7.

So the question was decided in the affirmative and the bill: **HB 103**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Gray, **HB 113** as amended—"An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Employees' Pensions in New Castle County," was taken up for consideration and read a third time by title in order to pass 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. Cook, Correll, Gray, Harrison, Hoey, Johnson, McCullough, Melson, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT—Messrs. Behen, Hickman, Lammot, Nechay, Pryor, Reilly, Williams—7.

So the question was decided in the affirmative and the bill: **HB 113** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

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

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

President Pro Tempore presiding.

The Chair announced the signing of the following: **HS 1** for **HB 308**, **HB 287**, **HB 300**, **HB 316**, **HB 325**, **HB 375** and **HCR 12**.

On motion of Mr. McCullough, **SB 346**—"An Act to Amend Title 6, Chapter 61, Delaware Code, by Creating the Office of State Petroleum Trust Commissioner and by Providing That the Trustees of Certain Oil Royalty and Similar Trust Shall be Under the Supervision of the State Petroleum Trust Commissioner; Providing for the Payment of Fees to the State

Petroleum Trust Commissioner for Examination; and Providing Penalties for Failure to Report and Submit to Examination," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Ernest Wilson, Jr., Attorney, of Wilmington, was granted the privilege of the floor.

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

YEAS—Messrs. Cook, Correll, Gray, Hickman, Johnson, McCullough, Melson, Pryor, Tull, Mr. President Pro Tem—10.

NAYS—Mr. Harrison—1.

NOT VOTING—Mr. Hoey—1.

ABSENT — Messrs. Behen, Lammot, Nechay, Reilly, Williams—5.

So the question was decided in the affirmative and the bill: **SB 346**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **SB 314**—"An Act to Amend Chapter 1, Title 26, Delaware Code Relating to the Powers and Duties of the Public Service Commission," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, **SB 314** was tabled.

The following bills were reported by the majority of the Committee on Finance: **SB 194**, 4 on merits, **HB 385**, 4 on merits.

On motion of Mr. Tull, **SB 318**—"An Act to Amend Chapter 5, Title 18, Delaware Code Relating to the Regulatory Provisions for Insurance Companies," was taken up for consideration and read a second time by title in order to pass the Senate.

On motion of Mr. Tull, Mr. Harry Smith, of the State Banking Commission, was granted the privilege of the floor.

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

YEAS—Messrs. Cook, Correll, Gray, Harrison, Hickman, Johnson, Pryor, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Messrs. Hoey and McCullough—2.

ABSENT — Messrs. Behen, Lammot, Melson, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: **SB 318**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Pryor, **HB 225**—"An Act Directing the State Highway Department to Fill and Resurface Route 441 and a portion of Route 424, Near Odessa, New Castle County, Delaware," was taken up for consideration and read a third 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. Cook, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—11.

NAYS—Mr. Correll—1.

ABSENT — Messrs. Behen, Lammot, Melson, Nechay, Reilly—5.

So the question was decided in the negative and the bill: **HB 225**, not having received the required constitutional majority, was lost.

On motion of Mr. Tull, **SB 319**—"An Act to Amend Chapter 5, Title 18, Delaware Code Relating to Regulatory Provisions, Insurance," was taken up for consideration and read a third 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, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Behen, Cook, Lammot, Melson, Nechay, Reilly—6.

So the question was decided in the affirmative and the bill: **SB 319**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair announced the signing of the following: **SB 39**, **SB 220** and **SB 298**.

On motion of Mr. McCullough, **SB 320**—"An Act to Amend Chapter 13, Title 14, Delaware Code Relating to State Supported Salary Schedules for School Employees," was taken up for consideration and read a third 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, Gray, Hickman, Hoey, Johnson, McCullough, Pryor, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Messrs. Cook and Harrison—2.

ABSENT — Messrs. Behen, Lammot, Melson, Nechay, Reilly—5.

So the question was decided in the affirmative and the bill: **SB 320**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bill was reported by the majority of the Committee on Agriculture as follows: **HB 396**, 2 favorable, 3 on merits.

The following bills were reported by the majority of the respective committees to which they had been referred: **SB 351**, 4 favorable, **SB 343**, 4 on merits, **HB 402**, 2 favorable, 1 on merits, **HB 95**, 2 favorable, 2 on merits, **HB 322**, 3 favorable, 1 on merits.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 83**—"Authorizing Payment of Certain Bills for Expenses Incurred by the Senate."

BE IT RESOLVED by the Senate that the sum of \$906.26 is hereby appropriated to pay for printing in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to Delaware State News, Dover, Delaware the sum of \$906.26 in payment for printing.

On motion of Mr. Cook, **SB 301**—"An Act to Amend Chapter 29, Title 21, Delaware Code Relating to the Director of Safety Responsibility," was taken up for consideration and read a third time by 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Behen, Lamnot, Nechay, Reilly—4.

So the question was decided in the affirmative and the bill: **SB 301**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, the Senate recessed at 6:10 P. M. until 8:30 P. M.

Senate met at expiration of recess at 9:10 P. M.

President Pro Tempore presiding.

Mr. Correll moved that **HB 225** be restored to the calendar. Motion prevailed.

The Chair announced the signing of **HB 113** as amended, **HB 103** and **HB 217**.

Upon the prevailing motion by Mr. McCullough, Senate Rule 9 was suspended for the rest of this day's session.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 352—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees and Making Appropriation," by McCullough; to Education.

On motion of Mr. Harrison, **HB 221**—"An Act to Amend Chapter 1, Title 4, Delaware Code, Relating to the Sale of Alcoholic Liquors by Importers," 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. Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Behen, Gray, Lammot, Reilly, Tull—5.

So the question was decided in the affirmative and the bill: **HB 221**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **SB 194**—"An Act to Amend Chapter 65, Title 11, Delaware Code Entitled, "State Correctional System," Providing for Minimum Salaries for Guards," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and on his further motion 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Lammot, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 194** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, **HB 95**—"An Act Appropriating Certain Monies to the Adjutant General's Department Delaware National Guard, for the Purpose of Constructing an Armory," was taken up for consideration and read a third 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, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Behen, Cook, Lammot, Nechay, Reilly
—5.

So the question was decided in the affirmative and the bill: **HB 95**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Gray, **HB 213** as amended—"An Act to Amend Title 6, Delaware Code Relating to Commerce and Trade," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Gray, Mr. Aaron Finger, Jr., Attorney, of Wilmington, was granted the privilege of the floor.

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, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Behen, Cook, Lammot, Nechay, Reilly
—5.

So the question was decided in the affirmative and the bill: **HB 213** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of the President Pro Tempore, the Senate recessed at 9:40 P. M. until call of the Chair.

Senate met at expiration of recess at 10:00 P. M.

President Pro Tempore presiding.

The following bills were reported by the majority of the Committee on Finance as follows: **HB 178**, 4 on merits, **HB 271**, 4 favorable, **HB 368**, 2 favorable, 2 on merits, **HB 381**, 4 on merits, **HB 397**, 4 on merits, **HB 298**, 4 on merits.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 87** and **SB 233**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 334**, **HB 347**, **HB 365** with **HA 1**, **HB 377** and **HB 392**.

The Chair presented the following House Bills, which were given reading by title only, and referred to committees as follows:

HB 334—"An Act Appropriating Funds to the State Highway Department for a Public Park and Recreational Area at Ingram Pond," to Finance.

HB 347—"An Act to Amend Chapter 39, Title 7, Providing for an Annual Appropriation to the State Soil Conservation Commission for the Use of the Board of Soil District Supervisors of the Soil Conservation District of New Castle County," to Finance.

HB 365—"An Act to Amend Chapter 21, Title 19, Delaware Code Relating to Workmen's Compensation by Providing for an Increase in Salary to the Secretary of the Industrial Accident Board; Appropriations," to Finance.

HB 377—"An Act to Amend Chapter 81, Title 9 of the Delaware Code by Providing for the Valuation and Assessment of House Trailers Under Certain Circumstances," to Revised Statutes.

HB 392—"An Act to Transfer a Certain Tract of Public Land to the Colorado Fuel and Iron Corporation," to Buildings and Highways.

On motion of Mr. Hoey, **HB 255**—"An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Lammot, Reilly—3.

So the question was decided in the affirmative and the bill: **HB 255**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **SB 351**—"An Act to Amend Chapter 1, Title 17, Delaware Code Relating to the Compensation of the Chief Engineer of the State Highway Department," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Lammot, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 351**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bills were reported by the majority of the of the respective committees as follows: **SB 176**, 3 favorable, **SB 344**, 3 on merits, **SB 345**, 3 on merits, by Revised Statutes; **SB 352**, 4 favorable, by Education.

On motion of Mr. Pryor, **SB 189**—"An Act to Amend Chapter 24, Title 9, Delaware Code, by Defining the Term "Garbage Disposal Plant" as Used Therein," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Cook, **SB 189** was deferred.

On motion of Mr. Tull, **HB 396**—"An Act to Amend Chapter 14, Title 25, Delaware Code, Relating to Timber Trespass," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs Lammot and Reilly—2.

So the question was decided in the affirmative and the bill: **HB 396**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Tull, **SB 161**—"An Act to Amend Chapter 3, Title 18, Delaware Code, Relating to the State Insurance Commissioner," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Tull introduced **SA 1**, which was read and on his further motion 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—13.

NAYS—Mr. Nechay—1.

NOT VOTING—Mr. Behen—1.

ABSENT—Messrs Lammot and Reilly—2.

So the question was decided in the affirmative and the bill: **SB 161** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, **SB 337**—"An Act Relating to a Referendum in the 1958 General Election on the Question of Wagering and Betting on Dog Races," was taken up for consideration and read a third 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. Cook, Correll, Gray, Hickman, Hoey, Johnson, Melson, Pryor, Tull—9.

NAYS—Messrs. Harrison, Nechay, Williams—3.

NOT VOTING—Messrs. Behen, McCullough, Mr. President Pro Tem—3.

ABSENT—Messrs Lammot and Reilly—2.

So the question was decided in the affirmative and the bill: **SB 337**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, **SB 336**—"An Act to Amend Title 28, Delaware Code, by Providing for Licensing, Regulation and Control of Dog Racing in the State of Delaware," was taken up for consideration and read a third 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. Cook, Correll, Gray, Hickman, Hoey, Johnson, Melson, Pryor, Tull—9.

NAYS—Messrs. Harrison, McCullough, Nechay, Williams—4.

NOT VOTING—Mr. President Pro Tem—1.

ABSENT—Messrs. Behen, Lammot, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 336**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Upon request of the Chair by Mr. Pryor, and without objections, **SB 335** was stricken from the calendar.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 353—"An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Revocation of Motor Vehicle Operators Licenses," by Pryor; to Buildings and Highways.

On motion of Mr. Hoey, **HB 322**—"An Act to Amend Title 17, Delaware Code, Entitled "Highways", to Authorize the State Highway Department to Perform Work to Prevent and Repair Damage from Beach Erosion, to Confer Upon It Jurisdiction Over Improvements and Structures, to Authorize the Issuance of Bonds to Finance the Cost of Construction and Maintenance of Necessary Facilities, and to Provide Penalties for the Unauthorized Alteration Thereof," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Melson introduced **SA 1**, which was read and on his further motion 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Mr. Gray—1.

ABSENT—Messrs Lammot and Reilly—2.

So the question was decided in the affirmative and the bill: **HB 322** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

On motion of Mr. Hoey, **HB 77**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate an Ambulance," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Lamnot, Pryor, Reilly—3.

So the question was decided in the affirmative and the bill: **HB 77**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **SB 352**—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees and Making Appropriation," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Lamnot, Pryor, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 352**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Gray, **SB 297**—"An Act to Amend Title 7, Delaware Code Entitled "Conservation" by Providing for a Tax on Oysters Taken from the Waters of the Mispillion River, Daily Catch Limits and Periods That Oysters May be Taken Therefrom; Appropriation for Planting of Seed Oysters Therein," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Tull, Williams, Mr. President Pro Tem—12.

NAYS—Mr. Nechay—1.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Behen, Lamnot, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 297**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Gray, **SB 348**—"An Act to Amend Title 7, Delaware Code Entitled "Conservation" by Providing for a Tax on Oysters Taken from the Waters of the Murderkill River, Daily Catch Limits and Periods That Oysters May be Taken Therefrom; Appropriation for Planting of Seed Oysters Therein," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—13.

NAYS—Mr. Nechay—1.

ABSENT—Messrs. Behen, Lammot, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 348**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, **HB 292**—"An Act to appropriate Funds to the Delaware Geological Commission for the River Master Program and Salinity Tests," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Pryor, Tull, Williams—13.

NAYS—Mr. President Pro Tem—1.

ABSENT—Messrs. Lammot, Nechay, Reilly—3.

So the question was decided in the affirmative and the bill: **HB 292**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, the Senate adjourned at 11:10 P. M. until 10:00 A. M., Tuesday, June 18, 1957.

94TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 10:30 A. M., on Tuesday, June 18, 1957. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Clifford L. Brain: Our Blessed God and our Heavenly Father, we draw nigh unto Thee in prayer in the Name of the Lord Jesus Christ. How we praise Thee for our many Blessings that Thou hast laid upon us. For food, shelter, clothing, needs of the soul, as well as the body. Now, Lord, give us, we pray, the energy and strength needed this day. Help us not to forget that this is the day the Lord hath made and we should be glad in it. Heal the sick and afflicted and encourage their hearts with the sense of Thy nearness. Be with us all as this legislative

term draws to a close, and watch over us, and bring us together again with a fresh insight of the needs of the people in this great State and give us the determination to meet those needs, intelligently and with understanding. Lord help us to honor Thee with our endeavor, and give us the satisfaction as the sessions close, of knowing that the job has been well done, and we will give You the praise and the glory, for we ask it in Jesus' Name. Amen.

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, Lamnot, Tull, Mr. President Pro Tem—10.

Members absent—Messrs. Hickman, McCullough, Melson, Nechay, Pryor, Reilly, Williams—7.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was dispensed with, and the Journal for that day stood approved.

Asked to be marked present: Messrs. Hickman, McCullough, Melson and Nechay.

The Chair announced the signing of the following bills: SB 82 and SB 233.

The Hon. John N. McDowell, Secretary of State, delivered a message from the Governor, as follows:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, June 18, 1957

To The Senate of The 119th General Assembly of
State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

June 13, 1957—House Substitute No. 1 for House Bill No. 54—An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" by Creating An Air Pollution Authority, Prescribing Its Powers and Duties, Providing Penalties and Appropriating Funds.

June 13, 1957—House Bill No. 293—An Act to Amend Title 14, Delaware Code by Providing for Maternity Leave for Professional Employees of the Public School System.

June 13, 1957—House Bill No. 346—An Act to Amend Title 29, Section 5501, Delaware Code Relating to the Definition of a Covered Employment for the State Employees Pension Plan.

June 17, 1957—Senate Bill No. 197—An Act to Amend Chapter 297, Volume 50, Laws of Delaware Entitled "An Act Providing for a Park Police Pension Fund for Members of the Park Police of the City of Wilmington", by Changing the Pensions Payable Under the Said Act and by Providing Additional Benefits for Widows and Dependents of Pension Members.

June 17, 1957—Senate Bill No. 225—An Act Making a Deficiency Appropriation to the State Department of Welfare.

June 17, 1957—Senate Substitute No. 1 for Senate Bill No. 240—An Act to Amend Chapter 13, Title 14, Delaware Code Relating to State Supported Salary Schedules for School Employees and Making Appropriation.

June 17, 1957—Senate Bill No. 246—An Act to Amend Chapter 184, Volume 43, Laws of Delaware, Entitled "An Act Changing the Name of 'The Town of Seaford' to 'The City of Seaford' and Establishing a Charter Therefor", by Shortening the Hours That the Polls Must be Kept Open at the Annual Municipal Election if There is No Contest.

June 17, 1957—Senate Bill No. 248—An Act to Amend Chapter 237, Volume 46, Laws of Delaware as Amended, Entitled "City of Wilmington Employees' Retirement Act."

June 17, 1957—Senate Bill No. 249—An Act to Amend Title 9, Delaware Code, Entitled "Counties" in Respect to Employees Pensions in New Castle County.

June 17, 1957—Senate Bill No. 278—An Act to Amend Title 18, Delaware Code Relating to the Insurance Commissioner.

June 17, 1957—House Bill No. 173—An Act to Amend Chapter 11, Title 10, Delaware Code, Relative to the Jurisdiction of the Juvenile Court of Kent and Sussex County.

June 17, 1957—House Bill No. 161—An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in New Castle County.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. McCullough, SB 310—"An Act to Appropriate Money to the State Examining Board of Physical Therapists for Operating Expenses in the Next Biennium," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, Lamnot, McCullough, Tull, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Hickman, Melson, Nechay, Pryor, Reilly, Williams—6.

So the question was decided in the affirmative and the bill: SB 310, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **SB 81**—"An Act to Amend Chapter 19, Title 9 Delaware Code Relating to Fire and Police Protection," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Hickman, Pryor, Reilly, Williams—4.

So the question was decided in the affirmative and the bill: **SB 81**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Lammot, **SB 331**—"An Act to Further Amend Chapter 119, Volume 28, Laws of Delaware Entitled "An Act Providing for the Collection of Taxes for the City of Wilmington" as Amended by Chapter 116, Volume 50, Laws of Delaware, by Providing That the Council of the City of Wilmington Shall Have Power to Fix the Salary of the Collector of Taxes and the Salaries of the Clerks in the Office of Said Collector," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Hickman, Pryor, Reilly, Williams—4.

So the question was decided in the affirmative and the bill: **SB 331**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Johnson, **SB 323**—"An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" in Respect to a Constable at Large for Sussex County," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Hickman, Pryor, Reilly, Williams—4.

So the question was decided in the affirmative and the bill: **SB 323**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **HB 107**—"An Act Appropriating Funds for Delaware Participation Under the Southern Regional Education Compact," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lamnot, McCullough, Melson, Nechay, Tull, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Pryor, Reilly, Williams—3.

So the question was decided in the affirmative and the bill: **HB 107**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 210** and **SB 251**, and that the House had passed and requested the concurrence of the Senate in the following bills: **SS 1** for **SB 78** with **HA 1**, **HB 331**, **HB 344**, **HB 386**, **HB 398**.

The Chair presented the following House Bills, which were given reading by title only and referred to committees as follows:

HB 331—"An Act to Amend Title 7, Delaware Code, Entitled "Conservation" in Respect to Funds Received by the Board of Game and Fish Commissioners from Rental of Facilities and Rental or Sale of Certain Commission Publications, Equipment or Products," to Fish, Oysters and Game.

HB 344—"An Act to Amend Chapter 50, Title 15, Delaware Code Relating to the Use of Voting Machines in Elections," to Elections.

HB 386—"An Act to Amend Title 7, Delaware Code, Entitled "Conservation" Relating to Hunting, Trapping and Fishing Licenses for Aliens," to Fish, Oysters and Game.

HB 398—"An Act Making Certain Additional and Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1958 and June 30, 1959," to Finance.

On motion of Mr. Cook, the Senate recessed at 12:10 P. M., until 2:00 P. M.

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

President Pro Tempore presiding.

The Chair announced the signing of the following bills: **HB 210**, **HB 233** and **HB 251**.

The President Pro Tempore at 2:55 P. M., declared the Senate to be in recess until call of the Chair.

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

Upon motion by Mr. Hoey, motion prevailing, Senate Rules 9 and 22 were suspended for the balance of this Legislative Day.

The Sergeant-at-Arms admitted a messenger from the Governor. The Chair directed the message to the Chairman of the Executive Committee.

On motion of Mr. Behen, **SB 13**—"An Act to Amend Chapter 45, Title 29, Delaware Code, Relating to the Custodian," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, Lamnot, Melson, Tull, Mr. President Pro Tem—11.

NAYS—Messrs. Gray and Nechay—2.

ABSENT—Messrs. McCullough, Pryor, Reilly, Williams—4.

So the question was decided in the affirmative and the bill: **SB 13**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Behen, **SB 15**—"An Act to Appropriate Certain Funds to the State Highway Department in Order to Provide a Four Hundred Dollar Increase in the Annual Salaries for State Police," was taken up for consideration and read a third 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. Behen, Gray, Hoey, Nechay, Mr. President Pro Tem—5.

NAYS—Messrs. Cook, Correll, Harrison, Hickman, Johnson, Lamnot, McCullough, Melson, Tull—9.

ABSENT—Messrs. Pryor, Reilly, Williams—3.

So the question was decided in the negative and the bill: **SB 15**, not having received the required constitutional majority, was lost.

The following bills were reported by the majority of the respective committees as follows: **HB 398**, 3 on merits, **SB 83**, 3 favorable, 2 on merits, **HB 26**, 5 on merits, **HB 89**, 4 on merits, **HS 1** for **HB 211**, 4 on merits, by Finance; **SB 340**, 3 favorable, by Banking and Insurance; **HB 370**, 3 on merits, by Education.

The Chair recognized the Hon. Charles Sandman, State Senator of New Jersey, and invited him to be seated on the Rostrum.

On motion of Mr. Hoey, **SB 340**—"An Act to Amend Chapter 15, Title 17 of the Delaware Code Relating to the Ferry Between Lewes and Cape May," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Tull, Williams, Mr. President Pro Tem—14.

NAYS—Mr. Nechay—1.

NOT VOTING—Mr. Pryor—1.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **SB 340**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Williams, **SS 1 for SB 170**—"An Act to Amend Chapter 39, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Benefits and Providing an Appropriation Therefore," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Williams, Mr. Charles Harris was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **SS 1 for SB 170**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, **HB 271**—"An Act to Appropriate Certain Funds to the State Highway Department for the Purpose of Increasing Salaries of State Police Employees," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **HB 271**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 239**—"An Act to Appropriate Funds to the School Boards for the Maintenance and Improvement of Public School Buildings of the State," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough introduced SA 2, which was read and on his further motion adopted, SA 1 to the bill having been previously made and withdrawn.

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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **HB 239** as amended by SA 2, having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

On motion of Mr. Williams, the Senate recessed at 5:15 P. M., until call of the Chair.

Senate met at expiration of recess at 5:45 P. M.

President Pro Tempore presiding.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 354—"An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations," by Johnson; to Private Corporations.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor, which the Chair directed to the Chairman of the Executive Committee:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 18, 1957

To the Senate of the 119th General Assembly:

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

R. James Mariner, Laurel

to be Collector of State Revenue for a term to expire July 1, 1961—appointment to be effective July 1, 1957.

Respectfully submitted,

J. CALEB BOGGS

The following bills and joint resolution were reported by the majority of the respective committees as follows: **HB 115**, 1 favorable, 2 on merits, **HB 116**, 1 favorable, 2 on merits, **HB 266**, 3 favorable, 2 on merits, **HB 376**, 4 favorable, 1 on merits, by Miscellaneous; **HB 176**, 4 on merits, **HB 58**, 4 on merits, **HB 380**, 4 on merits, **HJR 4**, 4 on merits, by Municipal Corporations.

On motion of Mr. Hoey, **HB 398**—"An Act Making Certain Additional and Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1958 and June 30, 1959," was taken up for consideration and read a third 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. Behen, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Cook, Nechay, Reilly—3.

So the question was decided in the affirmative and the bill: **HB 398**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Pryor, **SB 343**—"An Act to Amend the Delaware Code by Increasing the Salaries of the Levy Court Commissioners," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, McCullough, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 343**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 144**, **SB 162**, **SS 1** for **SB 163**, **SB 164**, **SB 167**, **SB 212**, **SB 232**, **SB 247**, **SB 279** and **SB 330**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 256**, **HB 311**, **HB 330**, **HB 345**, **HB 357**, **HB 361**, **HB 367**, **HB 373**, **HB 395**.

The Chair presented the following House Bills, which were given reading by title only and referred to committees as follows:

HB 256—"An Act Appropriating Money to the Woods Haven School for Girls," to Finance.

HB 311—"An Act to Amend Chapter 117, Volume 40, Laws of Delaware, Being Entitled "An Act Establishing a Wilmington Park Trust Fund Commission" by Amending Sections 3, 4 and 6 Thereof," to Municipal Corporations.

HB 330—"An Act to Amend An Act Entitled "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown", Being Chapter 166, Volume 43, Laws of Delaware, as Amended, by Increasing the Authority of Council to Award Contracts Without Competitive Bidding;

Authorizing the Mortgaging of Municipal Property; Changing the Fiscal and Budget Year; Changing the Time of the Annual Audit and the Qualifications of the Auditors; Eliminating the Office of Tax Collector and Transferring His Powers and Duties to the Treasurer and Requiring the Treasurer to Collect Sewer Rentals; Authorizing Suits for Delinquent Taxes in the Court of Common Pleas; Authorizing the Assessment and Collection of Taxes on Telegraph, Telephone and Power Poles and Equipment and Prescribing the Procedure Therefor; Increasing the Limitation Upon the Bonded Indebtedness; Defining the Authority of Town Police Within One Mile of the Town Limits; Adopting the Motor Vehicle Code and Increasing the Authority of the Alderman to Fix Fines, Penalties and Terms of Imprisonment; and, Revising the Procedure for Initiating the Paving, Curbing and Guttering of Streets and Sidewalks," to Municipal Corporations.

HB 345—"An Act Making a Supplementary Appropriation to the State Board of Health for the Two Fiscal Years Ending June 30, 1958 and June 30, 1959," to Finance.

HB 357—"An Act Proposing an Amendment in the Constitution of the State of Delaware by Inserting at the End Thereof an Article Providing for Municipal Home Rule," to Revised Statutes.

HB 361—"An Act to Provide a Survivor's Pension for Helen L. Fenimore, a Widow Whose Husband Died Eleven Months and Fourteen Days Before Becoming Eligible for a State Pension," to Miscellaneous.

HB 367—"An Act to Amend "An Act to Reincorporate the Town of Middletown" and Relating to the Duties and Powers of the Alderman, and the Jail of Said Town," to Municipal Corporations.

HB 373—"An Act Amending Title 9, Delaware Code, Entitled "Counties" Relative to the Indigent Sick of Kent County and Appropriating Funds," to Public Health.

HB 395—"An Act Appropriating Funds to the State Board of Education to Provide Itinerant Homebound and Hospital Instruction," to Finance.

On motion of Mr. Behen, **HJR 4**—"Memorializing the Congress of the United States to Consider Returning to the Operation and Control of the State of Delaware the Branch Canal Located at Delaware City, New Castle County, Delaware," was taken up for consideration and read a third time by title in order to pass the Senate.

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

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lamnot, McCullough, Melson, Nechav. Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the resolution: **HJR 4**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bills and joint resolution were reported by the majority of the respective committees as follows: **SB 342**, 4 favorable, **SB 353**, 4 favorable, by Buildings and Highways; **SJR 2**, 4 on merits, **SB 322**, 4 on merits, **HB 392**, 3 on merits, by Finance; **HB 235**, 3 favorable, 1 on merits, **HB 328**, 3 favorable, 1 on merits, by Miscellaneous.

On motion of Mr. Cook, the Senate recessed at 6:30 P. M., until 8:30 P. M.

Senate met at expiration of recess at 10:05 P. M.

President Pro Tempore presiding.

On motion of Mr. Pryor, **SS 1** for **SB 69**—"An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Pryor, the substitute was adopted in lieu of the original.

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

YEAS—Messrs. Behen, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—15.

NAYS—Mr. Cook—1.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **SS 1** for **SB 69**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Hoey, **SB 322**—"An Act to Appropriation Funds to the Delaware Commission on Interstate Cooperation," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and on his further motion 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **SB 322** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Lammot, **SJR 2**—"Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware," was taken up for consideration and read a third time in full in order to pass the Senate.

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

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Mr. Lammot—1.

ABSENT—Messrs. McCullough and Reilly—2.

So the question was decided in the affirmative and the resolution: **SJR 2**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Williams, **SB 200** as amended by **HA 1**—"An Act Authorizing the State Highway Department to Study and Construct Food Control Measures Along Little Mill Creek in Christiana Hundred and Appropriating Funds Therefore," was taken up for consideration and read a third time by title in order to pass 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, Melson, Tull, Williams, Mr. President Pro Tem—12.

NAYS—Mr. Nechay—1.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Behen, McCullough, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 200** as amended by **HA 1**, having received the required constitutional majority, passed the Senate.

On motion of Mr. Johnson, **SB 332**—"An Act Making a Supplementary Appropriation to the Collector of State Revenue for the Salary of the Collector of State Revenue," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Williams, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Messrs. Hoey and Tull—2.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **SB 332**, having received the required constitutional majority passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **HB 370**—"An Act to Amend Chapter 17, Title 14, Delaware Code Relating to State Appropriations to School Districts Whose Schools are Attended by Pupils Not Residing Within the District," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. Sherman Tribbett of the House was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **HB 370**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HS 1** for **HB 211**—"An Act to Amend the Delaware Code in Respect to the Tax on House Trailers," was taken up for consideration and read a third 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, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Williams—12.

NAYS—Messrs. Cook and Mr. Pryor—2.

NOT VOTING—Mr. Behen—1.

ABSENT—Mr. Reilly and Mr. President Pro Tem—2.

So the question was decided in the affirmative and the bill: **HS 1** for **HB 211**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 176**—"An Act to Amend Chapter 216, Volume 27, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" by Changing the Salary of Certain Officials," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **HB 176**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Tull, **HB 312**—"An Act Appropriating Funds to the State Highway Department for a Picnic Area at Oak Orchard," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Hoey introduced **SA 1** to the Bill, which, on his further motion, was adopted.

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

YEAS—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Pryor and Reilly—2.

So the question was decided in the affirmative and the bill: **HB 312** as amended by **SA 1**, having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

The following bills were reported by the majority of the Committee on Judiciary as follows: **SB 177**, 4 favorable, **SB 178**, 4 favorable.

On motion of Mr. Hoey, **HB 256**—"An Act Appropriating Money to the Woods Haven School for Girls," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Williams—14.

NAYS—None.

ABSENT—Messrs. Pryor and Reilly, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: **HB 256**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Williams, **SB 125** as amended by **SA 1**—"An Act to Amend Chapter 66, Title 16 of the Delaware Code Entitled "State Fire Marshal by Creating a State Fire Prevention Commission and Appropriating Money Therefor," was again taken up for consideration following deferment, and read again by title in order to pass 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Nechay, Pryor, Reilly—3.

So the question was decided in the affirmative and the bill: **SB 125** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Behen, **HB 361**—"An Act to Provide a Survivor's Pension for Helen L. Fenimore, a Widow Whose Husband Died Eleven Months and Fourteen Days Before Becoming Eligible for a State Pension," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Nechay, Pryor, Reilly—3.

So the question was decided in the affirmative and the bill: **HB 361**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 60**, **SB 124** and **SB 328**.

On motion of Mr. Melson, **SB 177**—"An Act to Amend Chapter 6, Title 11 of the Delaware Code Relating to the Crime of Shoplifting," was taken up for consideration and read a third 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. Behen, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Pryor, Tull, Williams—13.

NAYS—Mr. Cook—1.

ABSENT—Messrs. Nechay and Reilly, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: **SB 177**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Melson, **SB 178**—"An Act to Amend Chapter 6, Title 11 of the Delaware Code Relating to the Crime of Larceny of Goods Held for Sale," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams—14.

NAYS—None.

ABSENT—Messrs. Behen and Reilly, Mr. President Pro Tem—3.

So the question was decided in the affirmative and the bill: **SB 178**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The following bills were introduced, given reading by title only, and referred to committees as follows:

SB 355—"An Act to Amend Title 14, Delaware Code, Entitled "Education" in Regard to Exceptional Children and Appropriating Funds," by McCullough; to Education.

SB 356—"An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety", to Authorize the State Board of Trustees of the Delaware State Hospital at Farnhurst to Operate Centers for, the Daytime Case of Severly Retarded Persons and to Appropriate Funds," by McCullough; to Education.

On motion of Mr. Pryor, **SB 353**—"An Act to Amend Chapter 27, Title 21, Delaware Code Relating to Revocation of Motor Vehicle Operators Licenses," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Tull, Williams—13.

NAYS—None.

ABSENT—Messrs. Gray, Lammot, Reilly, Mr. President Pro Tem—4.

So the question was decided in the affirmative and the bill: **SB 353**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of the Chair, the Senate recessed at 11:40 P. M., until call of the Chair.

Senate met at expiration of recess at 12:20 A. M.

President Pro Tempore presiding.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 250**, and that the House had passed and requested the concurrence of the Senate in the following bills: **SB 295** as amended with **HA 1**, and **HB 326**.

The Chair presented the following House Bill, which was given reading by title only and referred to committee as follows:

HB 326—"An Act to Amend Chapter 192, Volume 36, Laws of Delaware Entitled "An Act to Reincorporate the Town of Smyrna", and Relating to the Taxing Powers of the Town of Smyrna," to Private Corporations.

The following bills were reported by the majority of the respective committees as follows: **HB 326**, 4 favorable, by Private Corporations; **HS 1** for **HB 283**, 4 favorable, **SB 355**, 2 favorable, 2 on merits, **SB 356**, 3 favorable, 1 on merits, by Education.

The Chair announced the signing of the following bills: **HB 77**, **HB 95**, **HB 107**, **HB 213**, **HB 221**, **HB 255**, **HB 271**, **HB 292** and **HB 396**.

On motion of Mr. Hoey, **SB 295** as amended—"An Act to Reincorporate the Town of Bridgeville," was taken up for consideration and read a third time by title in order to pass 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Pryor, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Reilly—1.

So the question was decided in the affirmative and the bill: **SB 295** as amended by **SA 1** and **HA 1**, having received the required constitutional majority, passed the Senate.

On motion of Mr. Cook, **HB 326**—"An Act to Amend Chapter 192, Volume 36, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Smyrna", and Relating to the Taxing Powers of the Town of Smyrna," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Nechay, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Pryor and Reilly.

So the question was decided in the affirmative and the bill: **HB 326**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, the Senate recessed at 12:40 A. M., until 11:00 A. M., Monday, June 24, 1957.

Senate met pursuant to recess at 11:55 A. M., on Monday, June 24, 1957. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Clifford L. Brain: Minister unto us again we pray Thee, our Father and God. Help us in all of our activities, that we may please Thee, and give a good account of them before men. Lay Thy healing Hand upon the sick ones of our friends and loved ones, as well as all who are in need of body, soul and spirit. Guide this session with Thy tender Hand and give us all discernment and direction, in dealing with such matters as may come before us. May we be quick to see the folly of time wasted in any walk of life, for all we are sure of is now. The past is gone, the future, being in Thy Hands may not reach us. Thus we must redeem the time for the days are evil. Help us, we pray, to this end in Jesus' Name. Amen.

Members present—Messrs. Cook, Gray, Harrison, McCullough, Mr. President Pro Tem—5.

Members absent—Messrs. Behen, Correll, Hickman, Hoey, Johnson, Lamnot, Melson, Nechay, Pryor, Reilly, Tull, Williams—12.

By direction of the Chair, and without objections, the reading of the Journal of the proceedings of the Senate prior to the recess declared June 19, 1957, was omitted, and that portion of the Journal stood approved.

There being no quorum present, the Chair declared that the Senate be in recess until call of the Chair.

Senate met at expiration of recess at 2:35 P. M.

President Pro Tempore presiding.

The following members asked to be marked present: Messrs. Behen, Hickman, Hoey, Johnson, Lamnot, Melson, Nechay, Pryor, Reilly, Tull and Williams.

The Chair announced the signing of the following bills: SB 60, SB 124 and SB 328.

The Hon. John N. McDowell, Secretary of State, delivered a message from the Governor, as follows:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, June 24, 1957

To The Senate of the 119th General Assembly of
The State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

June 18, 1957—Senate Bill No. 148—An Act to Amend Title 9, Delaware Code Entitled "Counties" by Providing for Payment of Pension Benefits to Certain Employees of Kent County, Providing Regulations and Procedure Therefore, Exemptions from Attachment, Non-Assignability and Other General Provisions.

June 18, 1957—House Bill No. 114—An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, Entitled "City of Wilmington Employees' Retirement Act".

June 18, 1957—House Bill No. 134—An Act to Appropriate Money to the Augustine Beach Fire Co., Inc.

June 19, 1957—Senate Bill No. 39—An Act to Amend Chapter 31 Title 19, Delaware Code, Relating to Unemployment Compensations, by Changing Certain of the Administrative Provisions Thereof.

June 19, 1957—Senate Bill No. 87—An Act to Amend Chapter 11, Title 10, Delaware Code, Relating to the Judge of the Juvenile Court of Kent and Sussex Counties.

June 19, 1957—Senate Bill No. 210—An Act to Appropriate \$7500 to the State Highway Department for the Purpose of Constructing a Concrete Sidewalk Along the East Side of the duPont Highway Opposite the Minquadale School in New Castle County.

June 19, 1957—Senate Bill No. 220—An Act to Amend Title 12, Delaware Code Relating to Decedents' Estates and Fiduciary Relations.

June 19, 1957—Senate Bill No. 233—An Act to Appropriate \$23,500 to the State Highway Department to be Used for the Purpose of Dredging Out the "Old Inlet" of the Broadkilm River.

June 19, 1957—Senate Bill No. 251—An Act to Appropriate Certain Funds to the Milton Consolidated School for the Purpose of Filling, Grading and Seeding 2½ Acres Around the School Property.

June 19, 1957—Senate Bill No. 298—An Act to Appropriate Funds to the Board of Game and Fish Commissioners for the Fiscal Year Ending June 30, 1957.

June 19, 1957—House Bill No. 103—An Act Authorizing the Levy Court of Kent County to Appropriate Certain Sums to the Kent County Volunteer Firemen's Association for the Maintenance of Radio Equipment Used in Connection With Volunteer Fire Fighting Apparatus.

June 19, 1957—House Bill No. 113 with House Amendment No. 1—An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Employees Pensions in New Castle County.

June 19, 1957—House Bill No. 217—An Act to Appropriate Money to the State Tax Department.

June 19, 1957—House Bill No. 287—An Act Appropriating Money to the University of Delaware for Capital Improvements on the University Campus, and at the University's Agricultural Experimental Substation in Sussex County.

June 19, 1957—House Bill No. 300—An Act Appropriating Funds to the Supreme Court of the State of Delaware.

June 19, 1957—House Substitute No. 1 for House Bill No. 308 with House Amendment No. 1—An Act to Amend Chapter 39, Title 12, Delaware Code Relating to Guardian and Ward.

June 19, 1957—House Bill No. 316—An Act Making Appropriations for Certain Contingencies, for the Respective Years of the Biennium July 1, 1957 to June 30, 1959, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of Budget Commission in Relation Thereto.

June 19, 1957—House Bill No. 325—An Act to Amend Chapter 37, Title 12, Delaware Code by Empowering the Court of Chancery to Authorize Charitable Contributions Under Certain Circumstances by Trustees for Mentally Ill Persons.

June 19, 1957—House Bill No. 375—An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Nechay, **HCR 10**—"Memorializing the President of the United States and the Congress of the United States to Consider the Repeal or Modification of the Status of Forces Treaty Now in Existence Between This Country and Certain Foreign Countries," was taken up for consideration and read a third time by title in order to pass the Senate.

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

YEAS—Messrs. Behen, Cook, Gray, Harrison, Hickman, Nechay, Reilly, Williams—8.

NAYS—Messrs. Melson, Pryor, Mr. President Pro Tem—3.

NOT VOTING—Mr. Tull—1.

ABSENT — Messrs. Correll, Hoey, Johnson, Lammot, McCullough—5.

So the question was decided in the negative and the concurrent resolution: **HCR 10**, not having received the required constitutional majority, was lost.

The following bills were introduced, given reading by title only, and referred to committees as follows:

SB 357—"An Act Making a Supplementary Appropriation to the Ferris School for Boys for Salaries and Wages of Employees; by Williams and Reilly; to Finance.

SB 358—"An Act to Amend Chapter 61, Title 9, Delaware Code by Authorizing the Levy Court of Sussex County to Make an Annual Appropriation to Sussex Memorial Post No. 7422, V. F. W., at Millsboro for Ambulance Service," by Cook and Steen; to Finance.

SB 359—"An Act to Appropriate Funds to the State Highway Department for a Picnic Area at Portsville Pond in Sussex County," by Cook and Steen; to Finance.

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

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 24, 1957

To the Senate of the 119th 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:

Clarence Pritchett, Delmar

to be a Justice of the Peace in and for Sussex County for a term to expire July 11, 1961.

Franklin T. English, Clayton

to be a Justice of the Peace in and for Kent County for a term to expire June 24, 1961.

Harvey B. Davidson, Milford

to be a Justice of the Peace in and for Kent County for a term to expire June 24, 1961.

Elwood F. Melson, Wilmington

to be a Judge of the Family Court for New Castle County for a term to expire July 2, 1969.

William O. Covey, Seaford

to be a member of the State Highway Department for a term to expire May 1, 1962.

Respectfully submitted,

J. CALEB BOGGS

The following bills were reported by the majority of the respective committees as follows: **HB 311**, 3 favorable, **HB 330**, 3 favorable, by Municipal Corporations; **HB 336**, 3 on merits, by Miscellaneous; **HB 386**, 3 favorable, by Fish, Oysters and Game; **SB 358**, 3 on merits, **SB 359**, 4 on merits, by Finance.

Mr. Johnson introduced the following resolution, which on further motion by him was adopted: **SR 84**—"In Reference to the Election of an Officer of the Senate."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that the following named person be and he is hereby elected to the respective office appearing opposite his name to serve during the pleasure of the Senate (effective January 1, 1957):

Minority Leader's Clerk—Francis Holliday.

The President Pro Tempore administered the Oath of Office to Francis Holliday, Senate Attache, as follows:

OATH OF OFFICE

The State of Delaware, County of Kent, ss.

I, Francis Holliday, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Minority Leader's Clerk for the Senate in the General Assembly of the State, according to the best of my ability.

FRANCIS E. HOLLIDAY

Sworn and subscribed to this 24th day of June, A. D. 1957.

CURTIS W. STEEN

President Pro Tempore

On motion of Mr. Cook, the Senate recessed at 2:55 P. M., until call of the Chair.

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

Mr. Cook presiding.

On motion of Mr. Steen, SB 358—"An Act to Amend Chapter 61, Title 9, Delaware Code by Authorizing the Levy Court of Sussex County to Make an Annual Appropriation to Sussex Memorial Post No. 7422, V. F. D., at Millsboro for Ambulance Service," was taken up for consideration and read a third 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. Cook, Gray, Harrison, Hickman, Hoey, Melson, Nechay, Pryor, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Behen, Correll, Johnson, Lammot, McCullough, Tull—6.

So the question was decided in the affirmative and the bill: SB 358, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Steen, SB 359—"An Act to Appropriate Funds to the State Highway Department for a Picnic Area at Portsville Pond in Sussex County," was taken up for consideration and read a third 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. Behen, Cook, Gray, Harrison, Hickman, Hoey, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Correll, Johnson, Lammot—3.

So the question was decided in the affirmative and the bill: **SB 359**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Williams, **SB 231**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan by Providing for an Increase in the Monthly Benefits and by Appropriating Funds Therefor," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Williams, Mr. Charles Harris was granted the privilege of the floor.

On motion of Mr. Hickman, **SB 231** was tabled.

On motion of Mr. Pryor, **SS 1** for **SB 78** as amended by **HA 1**—"An Act to Amend Chapter 41, Title 15, of the Delaware Code Relating to Division of Election Districts," was taken up for consideration and read a third time by title in order to pass 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. Behen, Gray, Harrison, Hickman, Hoey, Johnson, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Cook, Correll, Lammot, McCullough, Williams—5.

So the question was decided in the affirmative and the bill: **SS 1** for **SB 78** as amended by **HA 1**, having received the required constitutional majority, passed the Senate.

On motion of Mr. Cook, the Senate recessed at 4:00 P. M., until call of the Chair.

Senate met at expiration of recess at 4:50 P. M.

President Pro Tempore presiding.

On motion of Mr. McCullough, **SB 355**—"An Act to Amend Title 14, Delaware Code, Entitled "Education" in Regard to Exceptional Children and Appropriating Funds," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. James Williams was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Gray, Harrison, Johnson, McCullough, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Correll, Hickman, Lammot, Pryor—4.

So the question was decided in the affirmative and the bill: **SB 355**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **SB 356**—"An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" to Authorize the State Board of Trustees of the Delaware State Hospital at Farnhurst to Operate Centers for the Daytime Care of Severely Retarded Persons and to Appropriate Funds," was taken up for consideration and read a third 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. Behen, Cook, Gray, Harrison, Johnson, McCullough, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Correll, Hickman, Lamnot, Pryor—4.

So the question was decided in the affirmative and the bill: **SB 356**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 58**, **SB 102**, **SB 157**, **SB 213**, **SB 214** and **SB 324**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 57**, **HB 84** and **HB 411**.

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

HB 57—"An Act to Amend Chapter 119, Volume 28, Laws of Delaware, as Amended, Providing for the Collection of Taxes for the City of Wilmington by Increasing the Penalty for Late Payment of Such Taxes, and Accelerating the Date of Delinquency Thereof," to Finance.

HB 84—"An Act to Further Amend the Charter of the City of New Castle, as Amended, by Increasing the Compensation of the City Clerk," to Municipal Corporations.

HB 411—"An Act Appropriating the Sum of Two Hundred Sixty-Four Thousand Seven Hundred Eighty-Nine Dollars and Eighty-Seven Cents (\$264,789.87) to the State Police Pension Board for the Purpose of Carrying Out the Provisions of Law Relating to State Police Pensions," to Finance.

The following bills were introduced, given reading by title only, and referred to committees as follows:

SB 360—"An Act Making a Supplementary Appropriation to the State Park Commission," by Williams; to Finance.

SB 361—"An Act Making a Supplementary Appropriation to the Delaware Commission on Children and Youth," by Williams; to Finance.

SB 362—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," by Hoey; to Finance.

On motion of Mr. Behen, **HB 376**—"An Act Providing for the Acquisition of Public Documents by the Public Archives Commission," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Behen, Mr. Leon deValinger, State Archivist, was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Harrison, Hoey, Johhson, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

ABSENT—Messrs. Cook, Correll, Gray, Hickman, Lamnot, McCullough, Pryor—7.

So the question was decided in the affirmative and the bill: **HB 376**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 266**—"An Act to Amend Title 29, Delaware Code Entitled "State Government" in Respect to Estimates of Expenses by State Agencies," was taken up for consideration and read a third 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. Behen, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Cook, Correll, Gray, Lamnot—4.

So the question was decided in the affirmative and the bill: **HB 266**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 102**—"An Act Appropriating Money to Sussex Memorial Post No. 7422, V. F. W. at Millsboro, With Which to Operate and Maintain an Ambulance," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot, McCullough—4.

So the question was decided in the affirmative and the bill: **HB 102**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 208** as amended—"An Act to Amend Chapter 16, Title 10, Delaware Code Relating to the Court of Common Pleas for Sussex County," was taken up for consideration and read a third time by title in order to pass 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot—3.

So the question was decided in the affirmative and the bill: **HB 208** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **SB 231**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan by Providing for an Increase in the Monthly Benefits and by Appropriating Funds Therefore," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Johnson, McCullough, Reilly, Williams—8.

NAYS—Mr. President Pro Tem—1.

NOT VOTING—Messrs. Hoey, Pryor, Tull—3.

ABSENT—Messrs. Correll, Gray, Lammot, Melson, Nechay—5.

So the question was decided in the negative and the bill: **SB 231**, not having received the required constitutional majority, was lost.

On motion of Mr. Hoey, **HB 196** as amended—"An Act to Authorize the Dover Special School District to Make Certain Tax Refunds," was taken up for consideration and read a third time by title in order to pass 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, Reilly, Tull, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Correll, Gray, Lammot, McCullough, Melson, Nechay, Williams—7.

So the question was decided in the affirmative and the bill: **HB 196** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chair announced the signing of the following bills: **SB 102, SB 157, SB 213 and SB 324.**

On motion of Mr. Hoey, **HB 178**—"An Act Appropriating Certain Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hoey, Johnson, McCullough, Reilly, Tull, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT — Messrs. Correll, Gray, Hickman, Lammot, Melson, Nechay, Williams—7.

So the question was decided in the affirmative and the bill: **HB 178**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bills were reported by the majority of the respective committees as follows: **SB 111**, 5 favorable, by Labor; **HB 296**, 4 favorable, by Education.

On motion of Mr. Behen, **HB 115**—"An Act to Amend Chapter 65, Title 11, Delaware Code, Entitled "Prisons and Prisoners" in Respect to Payments Received for Keeping Federal Prisoners," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Nechay, Williams—6.

So the question was decided in the affirmative and the bill: **HB 115**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 235**—"An Act Appropriating Certain Moneys to Harvey C. Fenimore in Payment of a Claim of the Said Harvey C. Fenimore Against the State of Delaware, was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Reilly, Tull—9.

NAYS—Mr. President Pro Tem—1.

NOT VOTING—Mr. Pryor—1.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Nechay, Williams—6.

So the question was decided in the affirmative and the bill: **HB 235**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 395**—"An Act Appropriating Funds to the State Board of Education to Provide Itinerant Homebound and Hospital Instruction," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hoey, Johnson, McCullough, Pryor, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Hickman, Lammot, Melson, Nechay, Williams—7.

So the question was decided in the affirmative and the bill: **HB 395**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chair announced the signing of the following bills: **HB 176**, **HS 1** for **HB 211**, **HB 256**, **HB 326**, **HB 361**, **HB 370**, and **HJR 4**.

On motion of Mr. Cook, the Senate recessed at 6:05 P. M., until 8:00 P. M.

Senate met at expiration of recess at 9:55 P. M.

President Pro Tempore presiding.

The Chair announced the signing of **SS 1** for **SB 78**.

The following bills were reported by the majority of the respective committees as follows: **HB 357**, 3 favorable, by Revised Statutes; **HB 264**, 3 on merits, **HB 267**, 3 favorable, **HB 335**, 3 on merits, by Education.

On motion of Mr. McCullough, **HB 267**—"An Act to Amend Title 14, Delaware-Code, Entitled "Education" in Respect to Buildings and Ground Supervisors," was taken up for consideration and read a third 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. Behen, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Mr. President Pro Tem—10.

NAYS—None.

ABSENT—Messrs. Cook, Correll, Gray, Lammot, Melson, Tull, Williams—7.

So the question was decided in the affirmative and the bill: **HB 267**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Upon request of the Chair by Mr. McCullough, and without objections, **SB 231** was restored to the calendar.

On motion of Mr. McCullough, **HB 264**—"An Act to Amend Title 14, Delaware Code Entitled "Education" in Respect to State Appropriations for Public Education," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 264**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 89**—"An Act to Amend Chapter 96, Title 9, Delaware Code, Entitled "Recorders" in Regard to the Fees of the Recorder in New Castle County," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Johnson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Messrs. Hoey and McCullough—2.

ABSENT—Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 89**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 116**—"An Act to Amend Chapter 65, Title 11, Delaware Code, Entitled "Prisoners and Prisons" in Respect to Forfeiture of Granted Time," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Behen, Mr. Elwood Wilson, Supervisor of the New Castle County Workhouse, was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Harrison, Hickman, Hoey, Johnson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot, McCullough, Melson, Williams—6.

So the question was decided in the affirmative and the bill: **HB 116**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 328**—"An Act to Amend Chapter 550, Volume 50, Laws of Delaware, Relative to State Pensions of Members of the General Assembly; and Appropriating Funds," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Behen, Mrs. Vera Davis, State Treasurer, was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot, Melson, Tull, Williams—6.

So the question was decided in the affirmative and the bill: **HB 328**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **HS 1** for **HB 283**—"An Act to Amend Section 6510, Title 14, Delaware Code Relating to Scholarship at Delaware State College, was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Reilly, Tull, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot, Melson, Pryor, Williams—6.

So the question was decided in the affirmative and the bill: **HS 1** for **HB 283**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 336**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Pensions," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Johnson, McCullough, Nechay, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

NOT VOTING—Messrs. Hoey and Pryor—2.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 336**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 385**—"An Act to Amend Chapter 351, Volume 50, Laws of Delaware in Regard to an Act to Appropriate Funds to the Delaware Commission for the Feeble Minded for the Care of Abnormal Infants Until Space is Available at the Delaware Colony, Stockley," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 385**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 302**—"An Act Making a Supplementary Appropriation to State Board of Trustees of Delaware State Hospital at Farnhurst for the Purpose of Paying Its Share of a Sewage Treatment Plant," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 302**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **HB 315**—"An Act Appropriating Funds to the State Board of Education for Allocation to School Districts When New Units are Opened," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Hickman, Lammot, Melson, Williams—6.

So the question was decided in the affirmative and the bill: **HB 315**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 381**—"An Act to appropriate \$2410 to the State Highway Department for the Purpose of Improving the Entrance and Parking Lot at the Sussex County Correctional Institution," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hoey, Johnson, Nechay, Reilly, Tull, Mr. President Pro Tem—9.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT — Messrs. Correll, Gray, Hickman, Lammot, McCullough, Melson, Williams—7.

So the question was decided in the affirmative and the bill: **HB 381**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. McCullough, **HB 335**—"An Act to Amend Title 14, Delaware Code, Entitled "Education" Relative to School Board Elections; Local School Taxes; Local School Bonds," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. John Parres was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 335**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 239**, **SB 320** and **SB 334**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 401** and **HB 418**.

The Chair presented the following House Bills, which were given first reading by title only and referred to committees as follows:

HB 401—"An Act Amending Title 20, Delaware Code, by Providing for Workmen's Compensation for Civil Defense Workers While in the Service of the State," to Finance.

HB 418—"An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations to Provide for Revolving Funds for School Sites, School Architects' Fees and Appropriating Fees," to Education.

On motion of Mr. McCullough, **HB 144**—"An Act to Amend Chapter 21, Title 14, Delaware Code, Relative to Local School Bond Elections," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, Mr. John Parres was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Lammot, Melson, Williams—5.

So the question was decided in the affirmative and the bill: **HB 144**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The following bill was reported by the majority of the Committee on Finance as follows: **SB 362**, 4 on merits.

On motion of Mr. Hoey, **SB 362**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough introduced **SA 1**, which was read and adopted by roll call as follows: 13 yeas; 0 nays; 0 not voting; 4 members absent.

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. Behen, Cook, Harrison, Hickman, Hoey, McCullough, Nechay, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—Messrs. Johnson and Williams—2.

NOT VOTING—Messrs. Melson and Pryor—2.

ABSENT—Messrs. Correl, Gray, Lammot—3.

So the question was decided in the negative and the bill: SB 362 as amended, not having received the required constitutional majority, was lost.

On motion of Mr. Williams, the Senate recessed at 10:50 P. M., until call of the Chair.

Senate met at expiration of recess at 1:15 A. M.

President Pro Tempore presiding.

The Chair signed the following bills: SB 239, SB 320 and SB 334.

Mr. Behen introduced the following resolution, which on further motion by him was adopted: SR 85—"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 119th General Assembly."

BE IT RESOLVED by the Senate of the State of Delaware, that the following amounts be and they are hereby appropriated out of any money in the General Fund of the State Treasury, as allowances for the compensation of the officers and employees of the Senate, being expenses connected with the present Session of the 119th General Assembly, and the State Treasurer is hereby authorized and directed to pay to the respective persons hereinafter named the respective sums set opposite their respective names; provided, however, that any sum or sums heretofore paid to any officer or employee whose name is hereinafter listed as part of an allowance for compensation for services rendered during the 119th Session of the General Assembly shall be deducted from the amount set opposite his or her name so that the total paid to the persons named shall not be in excess of the amounts set forth as below:

Secretary of the Senate, Thomas F. Bayard, III . . .	\$4,090.75
Compiling Journal, Thomas F. Bayard, III . . .	1,200.00
Asst. Secretary of Senate, Mary F. David	3,488.77
Attorney, Robert Thompson, Jr.	8,456.00
Attorney, Samuel R. Russell	5,036.60
Attorney, Robert H. Wahl	3,420.00
Attorney's Secretary, Beatrice V. Hubbard	3,128.15
Attorney's Secretary, Ethel E. Quillen	3,128.15
Attorney's Secretary, Barbara Holton	3,128.15
Attorney's Messenger, Andrew W. Cochran, Jr.	2,647.25
Attorney's Messenger, Mary Candelore	2,647.25

Acc. to Joint Finance Committee, Hubert Kenney.	4,000.00
Bill Clerk, Leon Bacon	3,488.77
Asst. Bill Clerk, Clara Conley	2,772.00
Stenographer, Lula Kempston	3,429.25
Reading Clerk, Mary Ellen Robinson	2,887.00
Asst. Reading Clerk, George F. Schlor	2,887.00
Secretary to President Pro Tem, Ann Peden	3,128.15
Secretary to Majority Leader, Dolores Lawrie	3,128.15
Secretary, Dora M. Furniss	2,956.00
Secretary, Elizabeth Smidt	2,956.00
Secretary to the President, Ruth E. Potter	3,059.37
Document Clerk, Richard A. Bright	2,838.00
Minority Leader's Clerk, Francis Holliday	1,739.00
Multilith Machine Operator, James A. Mullin	3,025.00
Multilith Machine Operator, George L. Everett	3,025.00
Multilith Machine Operator, Thomas Gray	500.00
Clerk, Mary S. Eskridge	2,131.25
Chaplain, Charles W. Spry	793.54
Chaplain, Ray Kirwin	680.19
Chaplain, Clifford Brain	657.52
Mail Room Supervisor, Loretta Clark	2,640.00
Supply Clerk, Vivian Haggerty	2,871.00
Asst. Supply Clerk, Wilhelmina A. McBride	1,733.04
Asst. Supply Clerk, Nora Donovan	1,963.00
Telephone Messenger, Thomas Taylor	680.17
Telephone Messenger, William E. Clark	1,450.98
Telephone Messenger, Frank Webb	2,131.25
Telephone Messenger, Richard Wilson	2,131.25
Telephone Messenger, Richard Norwood	1,031.52
Telephone Messenger, Harry Boole	1,099.72
Sgt. at Arms, Paul Spear	2,131.25
Sgt. at Arms, Matthew Donohue	2,131.25
Sgt. at Arms, J. Wesley Walls, Jr.	2,131.25
Sft. at Arms, Chester Wilson	680.10
Sgt. at Arms, Elbert Lynch	2,131.25
Sgt. at Arms, William Poore	2,131.25
Sgt. at Arms, David H. Robbins	2,131.25
Sgt. at Arms, Edgar Kates	2,131.25
Page, Edgar Pierson	1,473.60
Page, Harold W. Hudson	1,031.52
Page, Rowland Walker	2,131.25
Page, Glancey Jenkins	2,131.25
Page, Elwood Godfrey	1,099.72
Page, Lloyd H. Hickman	1,031.52
Page, James Law	1,099.72
Page, George Exley	657.57
Mail Clerk, Elwood Sirman	2,131.25
Mail Clerk, James N. Carroll	2,131.25
Cloak Room Attendant, Willie Holmes	1,936.00
Cloak Room Attendant, C. Rodney Comegys	1,936.00
Cloak Room Attendant, Wilson Bailey	1,936.00

On motion of Mr. Pryor, **HB 392**—"An Act to Transfer a Certain Tract of Public Land to the Colorado Fuel and Iron Corporation," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Pryor, Mr. Edmund Carpenter, Attorney, of Wilmington, was granted the privilege of the floor.

On motion of Mr. Hoey, action on **HB 392** was deferred.

Upon motion by Mr. Hickman, motion prevailing, the Senate resolved into Executive Session at 2:05 A. M. President Pro Tempore presiding.

Upon the termination of the Executive Session, at 2:40 A. M., the Senate sat again in Regular Session, recessing upon the prevailing motion made by Mr. Cook, at 2:45 A. M.

The Senate met at expiration of recess at 3:05 A. M.

President Pro Tempore presiding.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in following resolution: **HCR 13**.

The Chair presented the following concurrent resolution, which was given first reading by title only and referred to committee as follows:

HCR 13—"Providing for a Joint Committee to Study the Powers, Duties, Regulations and Policies of the State Department of Public Welfare," to Judiciary.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 363—"An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees," by McCullough; to Education.

On motion of Mr. Hoey, **HB 368**—"An Act to Appropriate Funds to the Department of Public Welfare for Salaries and Other Administrative Expenses," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and on his further motion 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. Behen, Harrison, Hoey, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Cook, Correll, Gray, Hickman, Johnson, Lamnot—6.

So the question was decided in the affirmative and the bill: **HB 368** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

The Chair announced the signing of **SB 195** as amended.

On motion of Mr. Hoey, **HB 149**—"An Act Making an Appropriation for the Purchase and Improvement of Real Property on or Near The Green in Dover and Authorizing Use of Funds Previously Appropriated," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and on his further motion 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. Behen, Harrison, Hoey, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Cook, Correll, Gray, Hickman, Johnson, Lammot—6.

So the question was decided in the affirmative and the bill: **HB 149** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

Mr. Melson introduced the following resolution, which on further motion by him was adopted: **SR 86**—"Providing for a Committee With Full Power to Investigate Illegal Gambling and Related Crimes, to Hire Personnel and Making an Appropriation Therefore."

WHEREAS, both the Attorney General and the New Castle County Grand Jury have presented alarming reports concerning wide spread gambling activities in and about the City of Wilmington; and

WHEREAS, organized unlawful gambling presents a serious threat to the moral, economic and political life of the citizens of this State;

NOW, THEREFORE, BE IT RESOLVED:

That the President Pro Tempore of the Senate is authorized and Directed to appoint a special committee to investigate the nature and extent of gambling and related crimes in this State and report its findings and recommendations to the Senate in January, 1958.

The said Committee shall select a chairman and secretary from its membership who shall sign the warrants drawn on the State Treasurer.

That the said special committee shall have all the investigating powers expressed or implied which are possessed by the Senate of the State of Delaware, including the power to subpoena witnesses and administer oaths, and shall remain in being fully vested with such powers until abolished by the One Hundred Nineteenth Session of the General Assembly.

That the sum of Two Thousand Dollars is hereby appropriated to enable the said special committee to hire necessary personnel and secure necessary supplies for the proper performance of its duties.

This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Mr. Nechay introduced the following resolution, which on further motion by him was adopted: **SR 87**—"Authorizing an Appropriation for Telephone Service Charges and Toll Calls in Connection With the Work of the Senate of the 119th General Assembly of the State of Delaware."

BE IT RESOLVED by the Senate that the amount of \$150.00 or so much thereof as may be necessary, be and the same is hereby appropriated out of the General Fund of the State of Delaware to pay for telephone service charges and toll calls in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be, and she is hereby authorized and directed to pay to the Diamond State Telephone Company the sum of \$150.00 for telephone service charges for the period ending June 18, 1957. Any amount of the sum so appropriated not expended for the purposes herein stated shall revert to the General Fund of the State of Delaware.

Mr. Nechay introduced the following resolution, which on further motion by him was adopted: **SR 88**—"Discharging Certain Officers of the Senate, and Suspending Printing of the Senate Calendar."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that at the close of the 94th legislative day of this Session all officers and employees of the Senate except Bill Clerk Leon Bacon and the Secretary of the Senate Thomas F. Bayard, III, are discharged and released from their duties upon the completion thereof, with the sincere thanks of the members of the Senate for their loyal and competent service.

BE IT FURTHER RESOLVED that no further Senate Calendars shall be printed after the calendar for the 94th legislative day.

Mr. Nechal introduced the following concurrent resolution, which on his further motion was adopted, and ordered to the House for concurrence: **SCR 27**—"Appropriating Money to the State Librarian to Cover Cost of Legislative Supplies."

BE IT RESOLVED by the Senate and the House of Representatives concurring therein that the sum of \$3,000.00 is hereby appropriated to the State Librarian to cover cost of legislative supplies.

BE IT FURTHER RESOLVED that any amount of the sum so appropriated not expended by January 4, 1958 for the purposes herein stated shall revert to the General Fund of the State of Delaware.

The Chair ordered SCR 27 to the House for concurrence.

The following bill was reported by the majority of the Committee on Finance as follows: **HB 365**, 2 favorable, 2 on merits.

Mr. Nechay introduced the following resolution, which on further motion by him was adopted: **SR 89**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 119th General Assembly."

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present Session of the 119th General Assembly of the State of Delaware, up to and including the 94th Legislative Day which said expenses are hereby declared to be proper and reasonable expenses actually incurred by the President and by the respective members of the Senate for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and in returning from Dover to their respective homes, in the performance of their duties as President and members of the Senate, during the present Legislative Session thereof, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the President and the respective members of the Senate hereinafter named, the respective amounts set opposite their respective names, viz.:

Clifford Pryor	\$114.00
John Reilly	285.00
Eugene Lammot	285.00
Peter Nechay	85.50
Allen Cook	85.50
William Behen	14.25
Jester A. Gray	68.40
Wilmer Williams	256.50
Jacob Correll	233.70
Thomas L. Johnson	250.80
S. W. Harrison	22.80
Lemuel Hickman	342.00
Curtis W. Steen	285.00
Calvin McCullough	262.20
Ellwood Melson	319.20
Walter J. Hoey	136.80
Earl Tull	256.50
David Buckson	57.00

On motion of Mr. McCullough, **SB 231**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan by Providing for an Increase in the Monthly Benefits and by Appropriating Funds Therefor," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. McCullough introduced **SA 1**, which was read and on his further motion 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. Behen, Cook, Harrison, Hickman, Hoey, McCullough, Melson, Nechay, Pryor, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT — Messrs. Correll, Gray, Johnson, Lamnot, Reilly, Tull—6.

So the question was decided in the affirmative and the bill: **SB 231** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Behen, **HB 341**—"An Act to Amend Chapter 162, Volume 37, Laws of Delaware Entitled "An Act Changing the Name of 'The Town of Milford', to 'The City of Milford' and Establishing a Charter Therefor," Relating to the Powers, Duties and Jurisdiction of the Alderman and Fines, Term of Imprisonment for Violation of Ordinance or Law," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, McCullough, Melson, Nechay, Pryor, Reilly, Tull, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lamnot, Williams—4.

So the question was decided in the affirmative and the bill: **HB 341**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Br. Behen, **HB 311**—"An Act to Amend Chapter 117, Volume 40, Laws of Delaware, Being Entitled "An Act Establishing a Wilmington Park Trust Fund Commission" by Amending Sections 3, 4 and 6 Thereof," was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Hoey, Johnson, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Correll, Gray, Lammot, McCullough
—4.

So the question was decided in the affirmative and the bill: **HB 311**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: **SR 90**—“Authorizing Payment of Certain Bills for Expenses Incurred by the Senate.”

BE IT RESOLVED by the Senate that the sum of \$578.14 is hereby appropriated to pay for printing in connection with the work of the Senate of the 119th Session of the General Assembly of the State of Delaware, and that the State Treasurer be and she is hereby authorized and directed to pay to Delaware State News, Dover, Delaware, the sum of \$578.14 in payment for printing.

On motion of Mr. Hoey, **HB 330**—“An Act to Amend An Act Entitled “An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown”, Being Chapter 166, Volume 43, Laws of Delaware, as Amended, by Increasing the Authority of Council to Award Contracts Without Competitive Bidding; Authorizing the Mortgaging of Municipal Property; Changing the Fiscal and Budget Year; Changing the Time of the Annual Audit and the Qualifications of the Auditors; Eliminating the Office of Tax Collector and Transferring His Powers and Duties to the Treasurer and Requiring the Treasurer to Collect Sewer Rentals; Authorizing Suits for Delinquent Taxes in the Court of Common Pleas; Authorizing the Assessment and Collection of Taxes on Telegraph, Telephone and Power Poles and Equipment and Prescribing the Procedure Therefor; Increasing the Limitation Upon the Bonded Indebtedness; Defining the Authority of Town Police Within One Mile of the Town Limits; Adopting the Motor Vehicle Code and Increasing the Authority of the Alderman to Fix Fines, Penalties and Terms of Imprisonment; and, Revising the Procedure for Initiating the Paving, Curbing and Guttering of Streets and Sidewalks,” was taken up for consideration and read a third 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. Behen, Cook, Harrison, Hickman, Johnson, Melson, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Correll, Gray, Lammot, McCullough
—4.

So the question was decided in the affirmative and the bill: **HB 330**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. President Pro Tempore, the Senate recessed at 4:05 A. M., until call of the Chair.

Senate met at expiration of recess at 5:20 A. M.

President Pro Tempore presiding.

The Chair announced the signing of the following bills: **HB 89, HB 102, HB 115, HB 116, HB 144, HB 196, HB 178, HB 208** as amended, **HB 235, HB 264, HB 266, HB 267, HS 1** for **HB 283, HB 302, HB 312, HB 315, HB 335, HB 336, HB 328, HB 376, HB 381, and HB 385.**

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 364—"An Act Authorizing and Directing the Smyrna Special School District to Repay to Frank P. and Helen Johnson Certain School Tax Overpayments," by Cook; to Finance.

The following bills were reported by the majority of the Committee on Finance: **SB 342**, 2 favorable, **SB 357**, 3 on merits, **SB 364**, 3 favorable.

On motion of Mr. Pryor, **HB 365** as amended—"An Act to Amend Chapter 21, Title 19, Delaware Code Relating to Workmen's Compensation by Providing for an Increase in Salary to the Secretary of the Industrial Accident Board; Appropriations," was taken up for consideration and read a third time by title in order to pass 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. Cook, Harrison, Hickman, Hoey, Johnson, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

ABSENT — Messrs. Behen, Correll, Gray, Lammot, McCullough, Nechay, Reilly—7.

So the question was decided in the affirmative and the bill: **HB 365** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, **SB 364**—"An Act Authorizing and Directing the Smyrna Special School District to Repay to Frank P. and Helen Johnson Certain School Tax Overpayments," was taken up for consideration and read a third 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. Cook, Harrison, Hickman, Hoey, Johnson, Melson, Pryor, Tull, Williams, Mr. President Pro Tem—10.

NAYS—None.

ABSENT — Messrs. Behen, Correll, Gray, Lammot, McCullough, Nechay, Reilly—7.

So the question was decided in the affirmative and the bill: **SB 364**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Pursuant to the provisions of **SR 86**, presented and adopted this day, the President Pro Tempore appointed the following members to serve on the committee established by the said resolution: Messrs. Melson, Hoey, Correll, Hickman and Nechay.

On motion of Mr. Cook, the Senate recessed at 5:55 A. M., until call of the Chair.

Senate met at expiration of recess at 6:35 A. M.

President Pro Tempore presiding.

Upon motion by Mr. Hoey, motion prevailing, the Senate adjourned temporarily, according to the provisions of **HCR 12**, adopted by the Senate June 14, 1957, at 6:40 A. M., Tuesday, June 25, 1957.

95TH LEGISLATIVE DAY

Senate met pursuant to temporary adjournment at 6:05 P. M., on Friday, July 19, 1957. President Pro Tem Steen presiding.

Prayer by Mr. Harrison.

Members present—Messrs. Cook, Correll, Gray, Harrison, Hoey, Johnson, Lamot, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

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

By direction of the Chair, and without objection, the reading of the Journal of the previous Session was omitted, and the same stood approved.

Asked to be marked present: Messrs. Behen and Hickman.

On motion of Mr. Cook, the Senate recessed at 6:10 P. M., until call of the Chair.

Senate met at expiration of recess at 9:50 P. M.

President Pro Tempore presiding.

Upon the prevailing motion by Mr. Reilly, Senate Rules 9 and 22 were suspended for the rest of this legislative day.

Upon privilege of the floor, Mr. Pryor remarked on the difficulty of accomplishing State's business in night sessions, and announced to the members that he would leave the Chamber at midnight in order to return home. Mr. Melson then requested privilege of the floor and stated his concurrence with the remarks that Mr. Pryor had just delivered.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 365—"An Act to Amend Chapter 113, Volume 51, Laws of Delaware, Relative to a State Law Library in Kent County," by Cook; to Private Corporations.

The following bill was reported by the majority of the Committee on Private Corporations as follows: **HB 399**, 4 favorable.

The Governor delivered the following message to the Senate:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 19, 1957

To the Senate of the 119th General Assembly of
The State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

June 20, 1957—House Bill No. 323 with Senate Amendment No. 2—An Act to Amend Title 14, Delaware Code, Entitled "Education" in Respect to Use of Tax Revenues.

June 28, 1957—Senate Bill No. 102—An Act to Appropriate Money to the Supreme Court of the State of Delaware for the Purpose of Printing and Indexing the Transcripts of Debates and Proceedings of the Constitutional Convention of 1897.

June 28, 1957—Senate Bill No. 124—An Act Making an Appropriation to Delaware State College to Provide for the Erection of or Improvements to Certain Buildings and for the Equipping and Furnishing Thereof.

June 28, 1957—Senate Bill No. 144—An Act to Appropriate Funds to the State Board of Health for the Purpose of Carrying Out the Provisions of Chapter 79, Title 16 of the Delaware Code Entitled "Basic Plumbing Principles" in Kent County.

June 28, 1957—Senate Bill No. 162—An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds" by Providing for an Increase in Fines and Penalties for the Violations of a Town Ordinance and by Increasing the Jurisdiction of the Town Alderman in That Respect.

June 28, 1957—Senate Substitute No. 1 for Senate Bill No. 163—An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds," by Providing for an Increase in Fines and Penalties for the Violations of a Town Ordinance.

June 28, 1957—Senate Bill No. 164—An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds", as Amended by Providing for an Increase in the Amount to be Raised by Taxation.

June 28, 1957—Senate Bill No. 167—An Act to Amend Chapter 196, Volume 22, Laws of Delaware, 1901, Entitled “An Act to Authorize the Commissioners of Lewes to Appoint a Board of Public Works for the Town of Lewes, Which Shall Establish, Control and Regulate an Electric Light Plant, Water Works and a Sewer System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors”, by Granting to Qualified Leaseholders the right to vote in the Election of Members of the Said Board of Public Works.

June 28, 1957—Senate Bill No. 200 with House Amendment No. 1—An Act Authorizing the State Highway Department to Study and Construct Flood Control Measures Along Little Mill Creek in Christiana Hundred and Appropriating Funds Therefor.

June 28, 1957—Senate Bill No. 212—An Act to appropriate Money to the State Highway Department for the Purpose of Repairing and Replacing the Boardwalk at Rehoboth Beach.

June 28, 1957—Senate Bill No. 213—An Act to Amend the Charter of the City of Rehoboth Beach as Established by Chapter 161, Volume 41, Laws of Delaware, as Amended, by Increasing the Amount of Taxes That May be Raised for Municipal Purposes.

June 28, 1957—Senate Bill No. 232—An Act Authorizing the State Board of Health to Provide Poliomyelitis Immunization and Making an Appropriation Therefor.

June 28, 1957—Senate Bill No. 239—An Act to Amend Title 21, Delaware Code Relating to Fees Paid by the Department of Motor Vehicles for the Return of Number Plates.

June 28, 1957—Senate Bill No. 247—An Act to Amend Chapter 184, Volume 43, Laws of Delaware, Entitled “An Act Changing the Name of ‘The Town of Seaford’ to ‘The City of Seaford’ and Establishing a Charter Therefor” by Changing the Months of the Fiscal Years.

June 28, 1957—Senate Bill No. 250—An Act to Amend Chapter 9, Title 2, Delaware Code Relating to Airports of Political Subdivisions.

June 28, 1957—Senate Bill No. 279—An Act to Amend the Charter of the Town of Delmar, Chapter 182, Volume 45, Laws of Delaware, Relative to Sewer Rentals.

June 28, 1957—Senate Bill No. 330—An Act to Amend Chapter 196, Volume 22, Laws of Delaware, by Extending to the Board of Public Works of Lewes the Authority to Construct, Operate, and Regulate a Sewage Disposal Plant and an Improved Sewerage System and Authorizing the Commissioners of Lewes to Issue Bonds to Finance the Project.

June 28, 1957—Senate Bill No. 334—An Act Making an Appropriation to the Council on the Administration of Justice for the Purpose of Making a Study and Survey of the Judicial System of This State.

June 28, 1957—House Bill No. 77—An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate an Ambulance.

June 28, 1957—House Bill No. 89—An Act to Amend Chapter 96, Title 9, Delaware Code, Entitled "Recorders" in Regard to the Fees of the Recorder in New Castle County.

June 28, 1957—House Bill No. 95—An Act Appropriating Certain Monies to the Adjutant General's Department Delaware National Guard, for the Purpose of Constructing an Armory.

June 28, 1957—House Bill No. 102—An Act Appropriating Money to Sussex Memorial Post No. 7422, V. F. W. at Millsboro, With Which to Operate and Maintain an Ambulance.

June 28, 1957—House Bill No. 107—An Act Appropriating Funds for Delaware Participation Under the Southern Regional Education Compacc.

June 28, 1957—House Bill No. 115—An Act to Amend Chapter 65, Title 11, Delaware Code, Entitled "Prisons and Prisoners" in Respect to Payments Received for Keeping Federal Prisoners.

June 28, 1957—House Bill No. 116—An Act to Amend Chapter 65, Title 11, Delaware Code, Entitled "Prisons and Prisoners" in Respect to Forfeiture of Granted Time.

June 28, 1957—House Bill No. 178—An Act Appropriating Certain Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County.

June 28, 1957—House Bill No. 196 with House Amendment No. 1—An Act to Authorize the Dover Special School District to Make Certain Tax Refunds.

June 28, 1957—House Bill No. 208 with House Amendment No. 1—An Act to Amend Chapter 16, Title 10, Delaware Code Relating to the Court of Common Pleas for Sussex County.

June 28, 1957—House Substitute No. 1 for House Bill No. 211—An Act to Amend the Delaware Code in Respect to the Tax on House Trailers.

June 28, 1957—House Bill No. 255—An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

June 28, 1957—House Bill No. 256—An Act Appropriating Money to the Woods Haven School for Girls.

June 28, 1957—House Bill No. 264—An Act to Amend Title 14, Delaware Code Entitled "Education" in Respect to State Appropriations for Public Education.

June 28, 1957—House Bill No. 266—An Act to Amend Title 29, Delaware Code Entitled "State Government" in Respect to Estimates of Expenses by State Agencies.

June 28, 1957—House Bill No. 267—An Act to Amend Title 14, Delaware Code, Entitled "Education" in Respect to Buildings and Grounds Supervisors.

June 28, 1957—House Substitute No. 1 for House Bill No. 283—An Act to Amend Section 6510, Title 14, Delaware Code Relating to Scholarships at Delaware State College.

June 28, 1957—House Bill No. 292—An Act to Appropriate Funds to the Delaware Geological Commission for the River Master Program and Salinity Tests.

June 28, 1957—House Bill No. 302—An Act Making a Supplementary Appropriation to State Board of Trustees of Delaware State Hospital at Farnhurst for the Purpose of Paying Its Share of Sewage Treatment Plant.

June 28, 1957—House Bill No. 315—An Act Appropriating Funds to the State Board of Education for Allocation to School Districts When New Units are Opened.

June 28, 1957—House Bill No. 328—An Act to Amend Chapter 550, Volume 50, Laws of Delaware, Relative to State Pensions of Members of the General Assembly, and Appropriating Funds.

June 28, 1957—House Bill No. 336—An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Pensions.

June 28, 1957—House Bill No. 361—An Act to Provide a Survivor's Pension for Helen L. Fenimore, a Widow Whose Husband Died Eleven Months and Fourteen Days Before Becoming Eligible for a State Pension.

June 28, 1957—House Bill No. 376—An Act Providing for the Acquisition of Public Documents by the Public Archives Commission.

June 28, 1957—House Bill No. 381—An Act to Appropriate \$2410 to the State Highway Department for the Purpose of Improving the Entrance and Parking Lot at the Sussex County Correctional Institution.

June 28, 1957—House Bill No. 385—An Act to Amend Chapter 351, Volume 50, Laws of Delaware in Regard to An Act to Appropriate Funds to the Delaware Commission for the Feeble Minded for the Care of Abnormal Infants Until Space is Available at the Delaware Colony, Stockley.

June 28, 1957—House Bill No. 395—An Act Appropriating Funds to the State Board of Education to Provide Itinerant Homebound and Hospital Instruction.

June 28, 1957—House Bill No. 398—An Act Making Certain Additional and Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1958 and June 30, 1959.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 159**, **SB 352**, **SB 355**, **SB 356**, **SB 358** and **SB 287**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 234**, **HB 410** and **HB 413**.

The Chair presented the following House Bills, which were given reading by title only and referred to committees as follows:

HB 234—"An Act to Amend Chapter 13, Title 10, Delaware Code Relating to the Court of Common Pleas for New Castle County," to Judiciary.

HB 410—"An Act Making a Supplementary Appropriation to the Ferris School for Boys for Salaries and Wages of Employees," to Finance.

HB 413—"An Act to Amend Chapter 23, Title 10, Delaware Code, Relating to the Compensation of the Prothonotary in New Castle County," to Judiciary.

On motion of Mr. Hoey, **HB 360**—"An Act Making an Appropriation to the State Board of Education for the Payment of Pensions to Retired and Disabled Teachers Over and Above the Present Appropriation Available to the State Board of Education for This Purpose," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Nechay—1.

So the question was decided in the affirmative and the bill: **HB 360**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Behen, **HB 359**—"An Act to Amend the Charter of the Town of Magnolia, Chapter 568, Volume 17, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said Town to Include Certain Territories After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Messrs. Gray and Pryor—2.

ABSENT—Mr. Nechay—1.

So the question was decided in the affirmative and the bill: **HB 359**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Hoey, **HB 342**—"An Act Providing for the Acquisition of Lands in Connection With Certain Ponds and Appropriating Monies to the State Highway Department for the Construction of Dams and Other Improvements," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and upon which no further action was taken. The Chair, without objections by the members, declared the bill tabled.

The following bills were reported by the majority of the Committee on Judiciary as follows: **HB 234**, 5 favorable, **HB 413**, 3 favorable, 2 on merits.

The Chair announced the signing of the following bills: **HB 311**, **HB 322**, **HB 330**, **HB 341** and **HB 365**.

Mr. Correll introduced the following resolution, which on further motion by him was adopted: **SR 91**—"Expressing the Sympathy of the Senate on the Death of Former Senator W. Maily Davis."

WHEREAS, The Almighty, in His infinite wisdom on July 11, 1957, called former Senator W. Maily Davis of Odessa, Delaware to his reward, and

WHEREAS, during his lifetime he served the people of his State and Community in many public capacities, serving both in elected and appointed capacities in every phase of community life, and

WHEREAS, he gave unstintingly of his time and effort, always pleasant, sincere and cooperative, loved and respected by all, and

WHEREAS, he has served faithfully and well as a member of The Senate of the 108th and 109th General Assembly of The State of Delaware, and

WHEREAS, it is with deepest sorrow and regret that the Members of the Senate mourn the passage of former Senator Davis, NOW, THEREFORE

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware, as follows:

That the heartfelt sympathy of the Senate of the 119th General Assembly of the State of Delaware and of each member thereof, is hereby expressed and extended unto the widow and the family of the late W. Maily Davis for the great loss which they have suffered by reason of his death on the 11th day of July, 1957, and further

That we do humbly and reverently pray to God Almighty that He comfort and be with the bereaved widow and the family of the late Mr. Davis in this hour of their bereavement and further,

That a copy of this Resolution be spread upon the respective Journal of the Senate of the 119th General Assembly of the State of Delaware and a copy be forwarded to his widow Mrs. Louise W. Davis, Odessa, Delaware, and further copy be delivered to the press.

The following bill was reported by the majority of the Committee on Private Corporations as follows: **SB 365**, 3 favorable, 1 on merits.

Mr. McCullough introduced the following concurrent resolution, which on his further motion was adopted and ordered by the Chair to the House for concurrence: **SCR 28**—"Creating a Special Temporary and Interim Committee of the Members of the House and the Senate of the 119th General Assembly to Study the School Construction Program in the State of Delaware and Appropriating Funds Therefor."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that a special temporary and interim committee be appointed to study the school construction program in the State of Delaware, its problems and financing and report in writing on January 15, 1958 to the General Assembly its recommendations, if any, on the advisability of changing the existing policies of the biennium school construction program. Said Committee to consist of six members and be representatives of both political parties, three of whom shall be appointed by the Speaker of the House of Representatives, one member to come from each of the three counties in the State and three of whom shall be appointed by the President Pro Tem of the Senate, one member to come from each of the three counties in the State.

BE IT FURTHER RESOLVED that the sum of \$3,000 is appropriated to cover expenses and operational activities of the Committee. Any unexpended funds shall revert to the General Fund as of June 30, 1958.

BE IT FURTHER RESOLVED that this Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 366—"An Act Making a Supplementary Appropriation to the State Board of Education for Secretarial and Health Services for Certain Schools," by Steen, Hoey and Hickman; to Finance.

On motion of Mr. Behen, **HB 58**—"An Act Amending the Charter of the City of New Castle by Placing the Appointment and Operation of Police Constables Under the Jurisdiction of the City Council, by Requiring the Mayor to be a Bona Fide Owner of Property Within the City Limits and to Give the

Mayor Authority to Prescribe the Same Punishment for Criminal Violations as May be Prescribed by Justices of the Peace," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—Mr. Pryor—1.

ABSENT—Mr. Nechay—1.

So the question was decided in the affirmative and the bill: **HB 58**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 234**—"An Act to Amend Chapter 13, Title 10, Delaware Code Relating to the Court of Common Pleas for New Castle County," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams—12.

NAYS—Mr. President Pro Tem—1.

NOT VOTING—Messrs. Gray and Hoey—2.

ABSENT—Messrs. Nechay and Pryor—2.

So the question was decided in the affirmative and the bill: **HB 234**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 413**—"An Act to Amend Chapter 23, Title 10, Delaware Code, Relating to the Compensation of the Prothonotary in New Castle County," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Messrs. Gray and Hoey—2.

ABSENT—Messrs. Nechay and Pryor—2.

So the question was decided in the affirmative and the bill: **HB 413**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

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

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, Del., July 9, 1957

To the Senate of the 119th General Assembly of
The State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

July 2, 1957—Senate Bill No. 157—An Act Appropriating Money to the Mayor and Council of Wilmington for Use in Maintenance of Fire Apparatus and Equipment in Wilmington.

July 2, 1957—Senate Bill No. 324—An Act to Amend Section 40, of the Charter of the City of Wilmington, Being Section 40, Chapter 20, Volume 17, Laws of Delaware, as Heretofore Amended (and referred to as part of Article 6, 52, Sec. 52, of the Revised Code of Wilmington 1942, as Published by the Authority of the Council of the Mayor and Council of Wilmington, at a Meeting of the Council Held October 19, 1939) and Relating to the Position of City Solicitor.

July 2, 1957—Senate Bill No. 328—An Act to Amend Title 9, Delaware Code by Providing for a New Chapter 63, Entitled "Building Permits for Sussex County."

July 2, 1957—House Bill No. 144—An Act to Amend Chapter 21, Title 14, Delaware Code, Relative to Local School Bond Elections.

July 2, 1957—House Bill No. 176—An Act to Amend Chapter 216, Volume 27, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" by Changing the Salary of Certain Officials.

July 2, 1957—House Bill No. 271—An Act to appropriate Certain Funds to the State Highway Department for the Purpose of Increasing Salaries of State Police Employees.

July 3, 1957—Senate Bill No. 60—An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Equipment and Construction of Vehicles.

July 3, 1957—Senate Substitute No. 1 for Senate Bill No. 78 with House Amendment No. 1—An Act to Amend Chapter 41, Title 15, of the Delaware Code Relating to Division of Election Districts.

July 3, 1957—Senate Bill No. 295 with Senate Amendment No. 1 and House Amendment No. 1—An Act to Reincorporate the Town of Bridgeville.

July 3, 1957—House Bill No. 213 with House Amendment No. 1—An Act to Amend Title 6, Delaware Code Relating to Commerce and Trade.

July 3, 1957—House Bill No. 221—An Act to Amend Chapter 1, Title 4, Delaware Code, Relating to the Sale of Alcoholic Liquors by Importers.

July 3, 1957—House Bill No. 326—An Act to Amend Chapter 192, Volume 36, Laws of Delaware Entitled "An Act to Reincorporate the Town of Smyrna", Relating to the Taxing Powers of the Town of Smyrna.

July 3, 1957—House Bill No. 335—An Act to Amend Title 14, Delaware Code Entitled "Education" Relative to School Board Elections; Local School Taxes; Local School Bonds.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bills were reported by the majority of the respective committees as follows: **SB 366**, 5 on merits, by Finance; **HB 418**, 3 favorable, by Education.

On motion of Mr. Hoey, **HB 298** as amended—"An Act Appropriating Funds to the Kruse School," was taken up for consideration and read a third time by title in order to pass 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Behen and Nechay—2.

So the question was decided in the affirmative and the bill: **HB 298** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, **HB 399** as amended—"An Act to Amend Chapter 55, Volume 51, Laws of Delaware Known as "An Act to Amend Title 30, Delaware Code by Providing for a State Municipal Street Aid Fund from the Proceeds of the State Motor Fuel Tax; Distribution of Such Fund to Incorporated Cities and Towns for Street Purposes," was taken up for consideration and read a third time by title in order to pass 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Mr. Nechay—1.

So the question was decided in the affirmative and the bill: **HB 399** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The President Pro Tempore left the Chair and returned to the floor. The President of the Senate then took the Chair.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 366—"An Act Making a Supplementary Appropriation to the State Board of Education for Secretarial and Health Services for Certain Schools," by Steen, Hoey and Hickman; to Finance.

On motion of Mr. Steen, **SB 366**—"An Act Making a Supplementary Appropriation to the State Board of Education for Secretarial and Health Services for Certain Schools," was taken up for consideration and read a third 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. Behen, Cook, Gray, Harrison, Hickman, Hoey, Lammot, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—Messrs. Correll, Johnson, Melson, Williams—4.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Nechay and Pryor—2.

So the question was decided in the affirmative and the bill: **SB 366**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. McCullough, **HB 418**—"An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations to Provide for Revolving Funds for School Sites, School Architects' Fees and Appropriating Funds," was taken up for consideration and read a third 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Nechay and Pryor—2.

So the question was decided in the affirmative and the bill: **HB 418**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Upon the request of the Chair by Mr. Melson, **SB 362** as amended, was restored to the calendar.

On motion of Mr. Melson, **SB 362** as amended by **SA 1**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such

Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Melson introduced SA 2, which was read, and by order of the Chair, roll call taken thereon, as follows:

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

YEAS—Messrs. Correll, Gray, Harrison, Johnson, Lam-mot, Melson, Reilly, Williams—8.

NAYS—Mr. Cook—1.

NOT VOTING — Messrs. Hickman, Hoey, McCullough, Tull, Mr. President Pro Tem—5.

ABSENT—Messrs. Behen, Nechay, Pryor—3.

So the question was decided in the negative and the amend-ment to the bill not having received the required constitutional majority, was lost.

On motion of Mr. Williams, the Senate recessed at 12:30 A. M., until the call of the Chair.

Senate met at expiration of recess at 2:05 A. M.

President of the Senate presiding.

The Chair announced to the members the signing of the following bills: SB 159, SB 287, SB 352, SB 355, SB 356, SB 358; HB 58, HB 149 as amended, HB 234, HB 359, HB 360, and HB 413.

On motion of Mr. Melson, SB 362 as amended by SA 1— "An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was again taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Williams introduced SA 3, which was read and by order of the Chair, roll call taken thereon as follows:

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

YEAS—Messrs. Cook, Correll, Gray, Harrison, Johnson, Lammot, McCullough, Melson, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—Messrs. Hoey and Tull—2.

ABSENT—Messrs. Behen, Hickman, Nechay, Pryor—4.

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

On motion by Mr. McCullough, motion prevailing, the bill was deferred.

The Chair announced the signing of **HB 298** as amended.

On motion of Mr. McCullough, **HB 296** as amended—"An Act to Provide for the Enlargement and Improvement of the System of Free Public School of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Steen introduced **SA 1**, which was read and by order of the Chair, roll call taken thereon, as follows:

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

YEAS—Messrs. Hickman, Johnson, Melson, Tull, Williams, Mr. President Pro Tem—6.

NAYS—Messrs. Cook, Correll, Gray, Harrison—4.

NOT VOTING — Messrs. Hoey, Lammot, McCullough, Reilly—4.

ABSENT—Messrs. Behen, Nechay, Pryor—3.

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

On motion of Mr. Williams, **HB 296** as amended by **HA 1**, **HA 2**, **HA 3** and **HA 4**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts

and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was again taken up for consideration in order to pass 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lamnot, McCullough, Melson, Reilly, Williams, Mr. President Pro Tem—12.

NAYS—Messrs. Hoey and Tull—2.

ABSENT—Messrs. Behen, Nechay, Pryor—3.

Prior to the announcement of the vote by the Secretary, the Chair ordered the roll call tabled, and the vote on **HB 296** as amended, was not announced.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 367—"An Act Amending Title 29, Delaware Code, Relating to Disposition of Driving Records," by Steen and Cook; to Private Corporations.

On motion of Mr. Cook, **SB 365**—"An Act Amending Chapter 133, Volume 51, Laws of Delaware, Relative to a State Law Library in Kent County, was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Cook introduced **SA 1**, which was read and on his further motion 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. Cook, Correll, Gray, Harrison, Hickman, Hoey, Lamnot, McCullough, Melson, Reilly, Tull, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Behen, Johnson, Nechay, Pryor, Williams—5.

So the question was decided in the affirmative and the bill: **SB 365** as amended, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chair announced the signing of **HB 418**.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 368—"An Act to Amend Section 5715, Chapter 57, Title 11, Delaware Code Concerning the Municipal Court for the City of Wilmington and Relating to Fees, Costs, and Charges in Said Court," by Lamnot; to Judiciary.

The Governor delivered the following message to the Senate, which the Chair ordered the Reading Clerk to read, and which follows:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 19, 1957

To the Senate of the State of Delaware:

As members of the General Assembly of Delaware, I know you share my grave concern over the gradual but persistent erosion of the rights and responsibilities of our sovereign states. Every thoughtful citizen will agree that this presents a dangerous threat to the preservation of individual freedom—our most cherished possession.

Government is most effective, and it is most responsive to the will of the people, when it is carried out at the level closest to the people. The wise patriots who wrote our Federal Constitution were well aware of this fundamental truth. They endeavored to bind it into our fabric of Government by reserving to the states and communities all powers not specifically bestowed upon the Federal system.

Our generation has witnessed an accelerating surrender of these powers to the central government. It serves no purpose to debate whether the transfer was by gift or by seizure. The question before us is whether—and how—this trend can be reversed before it is too late. I firmly believe the people of Delaware want to make their own decisions on their own problems, rather than have this done in Washington.

We now have an opportunity to make a start in this direction. At the Conference of Governors which I attended as the representative of Delaware last month in Williamsburg, Virginia, the President of the United States took the initiative in proposing a cooperative effort to restore to the states those responsibilities which the states are willing to reassume.

The result has been the appointment of a bi-partisan committee of nine Governors to work with representatives of the President as a task force with three responsibilities which he outlined as follows:

“One—to designate functions which the States are ready and willing to assume and finance that are now performed or financed wholly or in part by the Federal Government;

“Two—to recommend the Federal and State revenue adjustments required to enable the States to assume such functions; and

“Three—to identify functions and responsibilities likely to require State or Federal attention in the future and to recommend the level of State effort, or Federal effort, or both, that will be needed to assure effective action.”

The importance of this undertaking to the people of Delaware can scarcely be over-emphasized. Certainly no one would deny that the municipal authorities in our cities and towns, and the General Assembly for our State, are in a better position than the Congress to decide what should be done about carrying on functions of a state or local character.

Nor can we afford to overlook the financial question presented. Our state and municipal treasuries are sorely pressed to meet rising expenditures in fulfilling the needs of our expanding population. We are reluctant to ask for new or increased revenues at the state and local level because we know how heavily our citizens are burdened by Federal taxation. Yet the latest figures available tell us that in 1955, the Federal Government collected \$779,010,000 from the citizens and industries of Delaware. In return, our state and local Governments received only \$8,100,000 in Federal grants-in-aid, while Federal payments to individuals and institutions in our state amounted to only, \$2,600,000.

As President Eisenhower told us at Williamsburg, and I quote again from his speech: "This effort presupposes that Federal taxes would be cut more than State taxes would be raised to support the transferred functions. The elimination of Federal overhead—stopping, in other words, the 'freight charges' on money being hauled from the States to Washington and back (a bill, I remind you, that is always collected in full)—would save the American taxpayer a tidy sum."

So the purpose of this message today is to recommend that the General Assembly of the First State be the first in the nation to offer its support and cooperation for this movement to restore to the States those rights and responsibilities which are properly theirs. I am confident that an appropriate resolution of support would not only meet with the approval of our citizens, but would also lend encouragement to those who are actively engaged in this effort.

May I offer my congratulations to members of the General Assembly for returning in session today for the transaction of such legislative business as may be deemed necessary and desirable at this time for the proper operation of our State government in the best interests and welfare of the citizens of Delaware.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bills were reported by the majority of the respective committees as follows: **SB 368**, 4 favorable, 1 on merits, by Judiciary; **HB 411**, 3 on merits, by Finance.

On motion of Mr. Hoey, **HB 411**—"An Act Appropriating the Sum of Two Hundred Sixty-Four Thousand Seven Hundred Eighty-Nine Dollars and Eighty-Seven Cents (\$264,789.87) to the State Police Pension Board for the Purpose of Carrying

Out the Provisions of Law Relating to State Police Pensions," was taken up for consideration and read a third 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. Cook, Correll, Harrison, Hickman, Hoey, Johnson, Lamnot, Melson, Reilly—9.

NAYS—None.

ABSENT — Messrs. Behen, Gray, McCullough, Néchay, Pryor, Tull, Williams, Mr. President Pro Tem—8.

So the question was decided in the affirmative and the bill: **HB 411**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of the President, the Senate recessed at 2:50 A. M., until call of the Chair.

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

President Pro Tempore presiding.

Mr. Reilly introduced the following concurrent resolution, which on his further motion was adopted and ordered to the House for concurrence: **SCR 29**—"Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly, the House of Representative concurring therein, that both the Senate and the House adjourn temporarily at the conclusion of business on the 95th legislative day, and that the Senate and the House reconvene on Monday, January 6, 1958, at 1:00 P. M. for whatever purposes they determine, provided however, that the Senate may be convened at any time upon the call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and further provided that the Senate and House may be reconvened at any time upon the call of the President Pro Tempore and the Speaker of the House.

The Chair announced the signing of **HB 399** and **HB 411**.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 27**, **SCR 28**, **SB 81**, **SB 194** with **SA 1**; defeated **SA 1** to **HB 368** (returning the same to the Senate), and that House had passed and requested the concurrence of the Senate in the following: **HJR 6**.

The Chair presented the following joint resolution, which was given reading by title only and referred to committee as follows:

HJR 6—"Endorsing the Cooperative Program of the Federal Government and the Conference of Governors to Define and Restore to the States Their Respective Rights and Responsibilities," to Miscellaneous.

On motion of President Pro Tempore, the Senate recessed at 4:30 A. M., until call of the Chair.

Senate met at expiration of recess at 4:35 A. M.

President Pro Tempore presiding.

The Chair announced the signing of **SB 81**.

On motion of Mr. McCullough, **HB 296** as amended—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was taken up for resumption of roll call thereon in order to pass 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. Behen, Cook, Correll, Gray, Harrison, Hickman, Johnson, Lamnot, McCullough, Melson, Reilly, Williams, Mr. President Pro Tem—13.

NAYS—Messrs. Hoey and Tull—2.

ABSENT—Messrs. Nechay and Pryor—2.

So the question was decided in the affirmative and the bill: **HB 296** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Lamnot introduced the following resolution, which the Chair referred to the Committee on Finance: **SR 92**—"Authorizing Payment to an Employee of the Senate."

BE IT RESOLVED by the Senate of the 119th General Assembly that the State Treasurer be and she is hereby authorized and directed to pay to George F. Schlor the sum of \$50 for services rendered to the Senate as Reading Clerk on the 95th legislative day.

On motion of Mr. Lamnot, **SB 368**—"An Act to Amend Section 5715, Chapter 57, Title 11, Delaware Code Concerning the Municipal Court for the City of Wilmington and Relating to Fees, Costs, and Charges in Said Court," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lamnot, McCullough, Melson, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Gray, Nechay, Pryor—3.

So the question was decided in the affirmative and the bill: **SB 368**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Cook, **HB 368**—"An Act to Appropriate Funds to the Department of Public Welfare for Salaries and Other Administrative Expenses," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Johnson, Lamnot, Melson, Reilly, Williams—9.

NAYS—Mr. Hoey and Mr. President Pro Tem—2.

NOT VOTING—Messrs. Hickman, McCullough, Tull—3.

ABSENT—Messrs. Gray, Nechay, Pryor—3.

So the question was decided in the affirmative and the bill: **HB 368**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 231** as amended, and that the House had passed and requested the concurrence of the Senate in the following: **HCR 14**.

The Chair presented the following House Concurrent Resolution, which was given reading by title only and referred to committee as follows:

HCR 14—"Creating a Special Temporary and Interim Committee of the Members of the House and the Senate of the 119th General Assembly to Study Statutory Salaries and Wages of Elective and Appointive Officials," to Miscellaneous.

The Chair announced the signing of **HB 296** as amended.

On motion of Mr. Cook, the Senate recessed at 5:20 A. M., until call of the Chair.

Senate met at expiration of recess at 7:55 A. M.

President Pro Tempore presiding.

The Chair announced the signing of the following: **HB 239** as amended, **HB 368**, **HJR 6** and **SB 231** as amended.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 316**, **SB 331**, **SB 366**, **SB 348**, **SS 1** for **SB 14**, and that the House had passed and requested the concurrence of the Senate in the following: **HB 419** with **HA 1**, **HB 338** with **HA 1** and **HA 2**.

The Chair presented the following House Bills, which were given reading by title only and referred to committees as follows:

HB 338 with **HA 1**—"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 Therefor and Appropriating Said Funds," to Buildings and Highways.

HB 419 with **HA 1** and **HA 2**—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor," to Buildings and Highways.

The Chair announced the signing of the following bills: **SS 1** for **SB 14**, **SB 316**, **SB 331**, **SB 348** and **SB 366**.

Pursuant to the provisions of **SCR 28**, the President Pro Tempore Appointed the following members to the Committee provided for therein: Messrs. Johnson, Nechay and McCullough.

The following bills were reported by the majority of the respective committees as follows: **HB 338**, 4 favorable, **HB 419**, 4 favorable, by Buildings and Highways; **SB 171**, 4 favorable, by Temperance; **SB 327**, 4 favorable, by Buildings and Highways.

On motion of Mr. Pryor, **HB 342**—"An Act Providing for the Acquisition of Lands in Connection With Certain Ponds and Appropriating Moneys to the State Highway Department for the Construction of Dams and Other Improvements," was again taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Pryor introduced **SA 2**, which was read and on his further motion 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. Cook, Correll, Harrison, Hickman, Johnson, Lamnot, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—11.

NAYS—Mr. Behen—1.

ABSENT — Messrs. Gray, Hoey, McCullough, Melson, Nechay—5.

So the question was decided in the affirmative and the bill: **HB 342** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House for concurrence.

On motion of Mr. Reilly, **SB 171**—"An Act to Amend Chapter 3, Title 4 of the Delaware Code Relating to the Powers and Duties of the Delaware Alcoholic Beverage Control Commission," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lamnot, Pryor, Reilly, Tull, Williams—11.

NAYS—Mr. President Pro Tem—1.

ABSENT — Messrs. Gray, Hoey, McCullough, Melson, Nechay—5.

So the question was decided in the affirmative and the bill: **SB 171**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Pryor, **HB 338** as amended—"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 Right-of-Way, Constructing and Reconstructing Highways, Bridges, by Providing Buildings and Improvements Incidental Thereto and to Issue Bonds and Notes Therefor and Appropriating Said Funds," was taken up for consideration and read a third time by title in order to pass 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lammot, McCullough, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Gray, Hoey, Melson, Nechay—4.

So the question was decided in the affirmative and the bill: **HB 338** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, **SB 327**—"An Act to Amend Paragraph (8), Subsection (C), Section 132, Title 17, Delaware Code, Pertaining to the Power of the State Highway Department to Grant Franchises and Licenses to Use the State Highways," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lammot, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—None.

ABSENT — Messrs. Gray, Hoey, McCullough, Melson, Nechay—5.

So the question was decided in the affirmative and the bill: **SB 327**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

On motion of Mr. Pryor, **HB 419** as amended—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures

in the Nature of Capital Investments and to Issue Bonds and Notes Therefor," was taken up for consideration and read a third time by title in order to pass 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. Cook, Correll, Hickman, Johnson, Reilly, Tull, Williams, Mr. President Pro Tem—8.

NAYS—None.

NOT VOTING—Messrs. McCullough and Pryor—2.

ABSENT—Messrs. Behen, Gray, Harrison, Hoey, Lam-mot, Melson, Nechay—7.

Before the announcement of the vote, Mr. Pryor moved that the roll call on the bill be tabled. Motion prevailed.

On motion of Mr. Cook, the Senate recessed at 8:10 A. M., until call of the Chair.

Senate met at expiration of recess at 10:30 A. M.

President Pro Tempore presiding.

Mr. Nechay asked to be marked present.

On motion of Mr. Pryor, **HB 419** as amended—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor," was taken up for resumption of roll call in order to pass 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lam-mot, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Messrs. McCullough and Pryor—2.

ABSENT—Messrs. Gray and Hoey—2.

So the question was decided in the affirmative and the bill: **HB 419** as amended, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Mr. Nechay introduced the following concurrent resolution, which on his further motion was adopted and ordered to the House for concurrence: **SCR 30**—"In Reference to Payment of Acco Binders for Digests for the Members of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the amount of \$66.10 be paid to Butler's Inc., Wilmington, Delaware, for 75 Acco Binders to be used for the digests for the members of the 119th General Assembly.

On motion of Mr. Behen, **HCR 14**—"Creating a Special and Temporary and Interim Committee of the Members of the House and Senate of the 119th General Assembly to Study Statutory Salaries of Elective and Appointive Officials," was brought up for consideration. Mr. Behen moved that he concurrent resolution be adopted. Motion prevailed, and **HCR 14** was ordered returned to the House.

On motion of Mr. Cook, the Senate recessed at 11:05 A. M., until call of the Chair.

Senate met at expiration of recess at 11:45 A. M.

President Pro Tempore presiding.

The Chair announced the signing of the following bills: **SB 113, SB 161, SB 254, SB 259, SB 297, SB 307, SB 322, SB 343, SB 365, SCR 29, and HB 338, HB 342 as amended, HB 419 and HCR 14.**

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 113, SB 161, SB 343, SB 297, SB 365, SB 322 with SA 1, SB 307, SB 259, SB 224, SB 259, SJR 2, SCR 29,** and that the House had passed and requested the concurrence of the Senate in the following: **HB 138, HB 203 and HB 262.**

The Chair presented the following House Bills, which were given reading by title only and referred to committees as follows:

HB 138—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Increasing the Compensation of the Custodian, and Appropriating Funds," to Miscellaneous.

HB 203—"An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" to Permit the Governor to Appoint a Constable for Kent County," to Judiciary.

HB 262—"An Act to Amend Chapter 13, Title 26, Delaware Code Relating to Gas, Water and Oil Corporations," to Judiciary.

The following bills were reported by the majority of the respective committees as follows: **HB 138,** favorably, by Miscellaneous; **HB 262,** 3 favorable, by Judiciary.

On motion of Mr. Behen, **HB 138**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Increasing the Compensation of the Custodian, and Appropriating Funds," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Lamot, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT — Messrs. Gray, Hoey, Johnson, McCullough, Nechay, Williams—6.

So the question was decided in the affirmative and the bill: **HB 138**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Cook, **HB 26**—"An Act Appropriating Funds for the Construction of a Building for the Use of the State Board of Health to Include Offices, a Bacteriological Laboratory, and Clinical Facilities on Grounds Now Owned by the State in Dover, and for the Furnishing and Equipping of Such Building and Incidental Expenses," was taken up for consideration and read a third time by title in order to pass the Senate.

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Lamnot, Melson, Pryor, Reilly, Tull, Mr. President Pro Tem—10.

NAYS—None.

ABSENT — Messrs. Gray, Hoey, Johnson, McCullough, Nechay, Williams—6.

So the question was decided in the affirmative and the bill: **HB 26**, having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of President Pro Tempore, the Senate recessed at 12:20 P. M., until call of the Chair.

Senate met at expiration of recess at 2:05 P. M.

The Chair announced the signing of **HB 26** and **HB 138**.

Upon motion by Mr. Reilly, motion prevailing, the Senate temporarily adjourned, pursuant to the provisions of **HCR 12**, at 2:15 P. M.

96TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 6:15 P. M., on Wednesday, August 14, 1957. President Pro Tem Steen presiding.

Prayer by Mr. Harrison.

Members present—Messrs. Behen, Correll, Gray, Harrison, Hickman, Hoey, Lamnot, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

Members absent—Messrs. Cook, Johnson, McCullough, Melson—4.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was omitted, and the Journal for that day stood approved.

Asked to be marked present: Messrs. Cook and Johnson.

The following two messages, addressed to the Senate by the Governor, were delivered by the Hon. John N. McDowell, Secretary of State:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 24, 1957

To the Senate of the 119th General Assembly of
The State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

July 16, 1957—Senate Bill No. 320—An Act to Amend Chapter 13, Title 14, Delaware Code Relating to State Supported Salary Schedules for School Employees.

July 20, 1957—House Bill No. 399—An Act to Amend Chapter 55, Volume 51, Laws of Delaware Known as "An Act to Amend Title 30, Delaware Code by Providing for a State Municipal Street Aid Fund from the Proceeds of the State Motor Fuel Tax; Distribution of Such Fund to Incorporated Cities and Towns for Street Purposes."

July 20, 1957—House Bill No. 413—An Act to Amend Chapter 23, Title 10, Delaware Code, Relating to the Compensation of the Prothonotary in New Castle County.

July 22, 1957—S. S. #1 for Senate Bill No. 14—An Act to Amend Chapter 1, Title 5, Delaware Code, Relating to the State Bank Commisisoner.

July 22, 1957—Senate Bill No. 81—An Act to Amend Chapter 19, Title 9, Delaware Code, Relating to Fire and Police Protection.

July 22, 1957—Senate Bill No. 113—An Act to Amend Chapter 9, Title 7, Delaware Code, Entitled "Fishing in Delaware River and Delaware Bay."

July 22, 1957—Senate Bill No. 159—An Act Amending Title 24 of the Delaware Code Creating a State Board of Electrical Examiners, and to Prescribe Regulations for Reduction of Fire Hazards and for Protection of Life and Property.

July 22, 1957—Senate Bill No. 194 with S. A. #1—An Act to Amend Chapter 65, Title 11, Delaware Code Entitled, "State Correctional System," Providing for Minimum Salaries for Guards.

July 22, 1957—Senate Bill No. 224—An Act to Amend Chapter 62, Title 9, Delaware Code Relating to "Sussex County Indigent Sick Fund".

July 22, 1957—Senate Bill No. 231 with S. A. #1—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan by Providing for an Increase in the Monthly Benefits and by Appropriating Funds Therefore.

July 22, 1957—Senate Bill No. 287—An Act to Amend Title 12 of the Delaware Code Relating to Decedents' Estates and Fiduciary Relations.

July 22, 1957—Senate Bill No. 297—An Act to Amend Title 7, Delaware Code Entitled "Conservation" by Providing for a Tax on Oysters Taken from the Waters of the Mispillion River, Daily Catch Limits and Periods That Oysters May be Taken Therefrom; Appropriation for Planting of Seed Oysters Therein.

July 22, 1957—Senate Bill No. 307—An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Increasing the Salaries of the Deputies of Sussex County.

July 22, 1957—Senate Bill No. 316—An Act to Amend Title 31, Delaware Code, to Provide for the Consolidation of Ferris School for Boys, Kruse School and the Detention Home for Juvenile Delinquents and Method for Voluntary Further Consolidation as to Woods Haven School for Girls; Change Laws Relating to Such Institutions and Appropriate Funds.

July 22, 1957—Senate Bill No. 322 with S. A. #1—An Act to Appropriate Funds to the Delaware Commission on Interstate Cooperation.

July 22, 1957—Senate Bill No. 331—An Act to Further Amend Chapter 119, Volume 28, Laws of Delaware Entitled "An Act Providing for the Collection of Taxes for the City of Wilmington" as Amended by Chapter 116, Volume 50, Laws of Delaware by Providing That the Council of the City of Wilmington Shall Have Power to Fix the Salary of the Collector of Taxes and the Salaries of the Clerks in the Office of Said Collector.

July 22, 1957—Senate Bill No. 343—An Act to Amend the Delaware Code by Increasing the Salaries of the Levy Court Commissioners.

July 22, 1957—Senate Bill No. 348—An Act to Amend Title 7, Delaware Code Entitled "Conservation" by Providing for a Tax on Oysters Taken from the Waters of the Murderkill River, Daily Catch Limits and Periods That Oysters May be Taken Therefrom; Appropriation for Planting of Seed Oysters Therein.

July 22, 1957—Senate Bill No. 352—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees and Making Appropriation.

July 22, 1957—Senate Bill No. 358—An Act to Amend Chapter 61, Title 9, Delaware Code by Authorizing the Levy Court of Sussex County to Make an Annual Appropriation to Sussex Memorial Post No. 7422, V. F. W. at Millsboro for Ambulance Service.

July 22, 1957—Senate Bill No. 365 with S. A. #1—An Act Amending Chapter 133, Volume 51, Laws of Delaware, Relative to a State Law Library in Kent County.

July 22, 1957—Senate Bill No. 366—An Act Making a Supplementary Appropriation to the State Board of Education for Secretarial and Health Services for Certain Schools.

July 22, 1957—Senate Joint Resolution No. 2—Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware.

July 22, 1957—House Bill No. 26—An Act Appropriating Funds for the Construction of a Building for the Use of the State Board of Health to Include Offices, a Bacteriological Laboratory, and Clinical Facilities on Grounds Now Owned by the State in Dover, and for the Furnishing and Equipping of Such Building and Incidental Expenses.

July 22, 1957—House Bill No. 58—An Act Amending the Charter of the City of New Castle by Placing the Appointment and Operation of Police Constables Under the Jurisdiction of the City Council, by Requiring the Mayor to be a Bona Fide Owner of Property Within the City Limits and to Give the Mayor Authority to Prescribe the Same Punishment for Criminal Violations as May be Prescribed by Justices of the Peace.

July 22, 1957—House Bill No. 138—An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Increasing the Compensation of the Custodian, and Appropriating Funds.

July 22, 1957—House Bill No. 149 with S. A. #1—An Act Making an Appropriation for the Purchase and Improvement of Real Property on or Near the Green in Dover and Authorizing Use of Funds Previously Appropriated.

July 22, 1957—House Bill No. 234—An Act to Amend Chapter 13, Title 10, Delaware City Relating to the Court of Common Pleas for New Castle County.

July 22, 1957—House Bill No. 239 with S. A. #1 and #2—An Act to Appropriate Funds to the School Boards for the Maintenance and Improvement of Public School Buildings of the State.

July 22, 1957—House Bill No. 296 with H. A. #1, 2, 3 and 4—An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Finan-

cing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commisissions.

July 22, 1957—House Bill No. 298 with H. A. #1—An Act Appropriating Funds to the Kruse School.

July 22, 1957—House Bill No. 311—An Act to Amend Chapter 117, Volume 40, Laws of Delaware, Being Entitled "An Act Establishing a Wilmington Park Trust Fund Commission" by Amending Sections 3, 4 and 6 Thereof.

July 22, 1957—House Bill No. 322 with S. A. #1—An Act to Amend Title 17, Delaware Code, Entitled "Highways" to Authorize the State Highway Department to Perform Work to Prevent and Repair Damage from Beach Erosion, to Confer Upon It Jurisdiction Over Improvements and Structures, to Authorize the Issuance of Bonds to Finance the Cost of Construction and Maintenance of Necessary Facilities, and to Provide Penalties for the Unauthorized Alteration Thereof.

July 22, 1957—House Bill No. 330—An Act to Amend An Act Entitled "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown", Being Chapter 166, Volume 43, Laws of Delaware, as Amended, by Increasing the Authority of Council to Award Contracts Without Competitive Bidding; Authorizing the Mortgaging of Municipal Property; Changing the Fiscal and Budget Year; Changing the Time of the Annual Audit and the Qualifications of the Auditors; Eliminating the Office of Tax Collector and Transferring His Powers and Duties to the Treasurer and Requiring the Treasurer to Collect Sewer Rentals; Authorizing Suits for Delinquent Taxes in the Court of Common Pleas; Authorizing the Assessment and Collection of Taxes on Telegraph, Telephone and Power Poles and Equipment and Prescribing the Procedure Therefor; increasing the Limitation Upon the Bonded Indebtedness; Defining the Authority of Town Police Within One Mile of the Town Limits; Adopting the Motor Vehicle Code and Increasing the Authority of the Alderman to Fix Fines; Penalties and Terms of Imprisonment; and, Revising the Procedure for Initiating the Paving, Curbing and Guttering of Streets and Sidewalks.

July 22, 1957—House Bill No. 338 with H. A. #1 and #2—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 Therefor and Appropriating Said Funds.

July 22, 1957—House Bill No. 341—An Act to Amend Chapter 162, Volume 37, Laws of Delaware Entitled "An Act Changing the Name of 'The Town of Milford', to the 'The City of Milford' and Establishing a Charter Therefor, Relating to the Powers, Duties and Jurisdiction of the Alderman and Fines, Terms of Imprisonment for Violation of Ordinance or Law".

July 22, 1957—House Bill No. 342 with S. A. #1—An Act Providing for the Acquisition of Lands in Connection With Certain Ponds and Appropriating Moneys to the State Highway Department for the Construction of Dams and Other Improvements.

July 22, 1957—House Bill No. 359—An Act to Amend the Charter of the Town of Magnolia, Chapter 568, Volume 17, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said Town to Include Certain Territories After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed.

July 22, 1957—House Bill No. 360—An Act Making an Appropriation to the State Board of Education for the Payment of Pensions to Retired and Disable Teachers Over and Above the Present Appropriation Available to the State Board of Education for This Purpose.

July 22, 1957—House Bill No. 365 with H. A. #1—An Act to Amend Chapter 21, Title 19, Delaware Code Relating to Workman's Compensation by Providing for an Increase in Salary to the Secretary of the Industrial Accident Board; Appropriations.

July 22, 1957—House Bill No. 368—An Act to appropriate Funds to the Department of Public Welfare for Salaries and Other Administrative Expenses.

July 22, 1957—House Bill No. 396—An Act to Amend Chapter 14, Title 25, Delaware Code, Relating to Timber Trespass.

July 22, 1957—House Bill No. 411—An Act Appropriating the Sum of Two Hundred Sixty-Four Thousand Seven Hundred Eighty-Nine Dollars and Eighty Seven Cents (\$264,789.87) to the State Police Pension Board for the Purpose of Carrying the Provisions of Law Relating to State Police Pensions.

July 22, 1957—House Bill No. 419 with H. A. #1—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor.

July 22, 1957—House Bill No. 418—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations to Provide for Revolving Funds for School Sites, School Architects' Fees and Appropriating Funds.

July 22, 1957—House Joint Resolution No. 6—Endorsing the Cooperative Program of the Federal Government and the Conference of Governors to Define and Restore to the States Their Respective Rights and Responsibilities.

Respectfully submitted,

J. CALEB BOGGS, Governor

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, August 6, 1957

To the Senate of the 119th General Assembly of
The State of Delaware:

This will advise that on July 24, 1957, I approved the following legislation:

Senate Bill No. 355—An Act to Amend Title 14, Delaware Code, Entitled "Education" in Regard to Exceptional Children and Appropriating Funds.

Senate Bill No. 356—An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" to Authorize the State Board of Trustees of the Delaware State Hospital at Farnhurst to Operate Centers for the Daytime Care of Severely Retarded Persons and to Appropriate Funds.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 369—"An Act Further Providing for the Issuance of Bonds of the State of Delaware Authorized by Chapters 449 and 529 of Volume 50, Laws of Delaware, and Relating to the Interest Rate," by Reilly; to Private Corporations.

Upon motion by Mr. Reilly, motion prevailing, Senate Rule 9 was suspended for the rest of this Legislative Day.

The Chair directed the Secretary to read the following letter, addressed by the Governor to the President of the Senate:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, Del., August 14, 1957

The Honorable David P. Buckson
Lieutenant Governor of the State of Delaware
President of the Senate, 119th General Assembly
Legislative Hall, Dover, Delaware

Dear Governor Buckson:

Pursuant to the authority vested in me by Section 3, Article IV of the Constitution of the State of Delaware, as amended, I herewith address to you this public letter informing you that I intend to submit to the Senate for confirmation the name of Honorable James B. Carey, resident in Georgetown, Delaware, as Associate Judge of the Superior Court and the Orphans' Court of the State of Delaware, in and for Sussex County, for a term of twelve years and to succeed himself to that office. Judge Carey's term expired on August 13, 1957.

For the purpose of confirming this appointment and the transaction of such other executive business as may come before it, I shall convene the Senate of the 119th General Assembly of the State of Delaware, on Wednesday the 28th day of August, 1957, at 4:00 P. M., Eastern Daylight Saving Time, at Legislative Hall, Dover, Delaware.

Sincerely yours,

J. CALEB BOGGS

Mr. Reilly introduced the following concurrent resolution, which on his further motion was adopted, and ordered by the Chair to the House for concurrence: **SCR 31**—"Fixing the Time for Temporary Adjournment by the Senate and the House of Representatives of the 119th General Assembly."

BE IT RESOLVED by the Senate of the 119th General Assembly, the House of Representatives concurring therein, that both the Senate and the House adjourn temporarily at the conclusion of business on the 96th Legislative Day, and that the Senate and the House reconvene on Monday, January 6, 1958, at 1:00 P. M., for whatever purposes they determine, provided however, that the Senate may be convened at any time upon the call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and further provided that the Senate and House may be reconvened at any time upon the call of the President Pro Tempore and the Speaker of the House.

The following bill was reported by the majority of the Committee on Private Corporations as follows: **SB 369**, 3 favorable, 1 on merits.

On motion of Mr. Reilly, **SB 369**—"An Act Further Providing for the Issuance of Bonds of the State of Delaware Authorized by Chapters 449 and 529 of Volume 50, Laws of Delaware, and Relating to the Interest Rate," was taken up for consideration and read a third 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. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lammot, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—12.

NAYS—Messrs. Gray, Hoey, Pryor—3.

ABSENT—Messrs. McCullough and Melson.

So the question was decided in the negative and the bill: **SB 369**, not having received the required constitutional majority, was lost.

Prior to the announcement of the roll call by the Secretary, Messrs. Reilly and Johnson requested the Chair that their votes be changed from yea to nay.

On motion by Mr. Reilly, motion prevailing, **SB 369** was restored to the calendar.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 173**.

On motion of Mr. Cook, the Senate recessed at 9:35 P. M., until call of the Chair.

Senate met at expiration of recess at 10:05 P. M.

President Pro Tempore presiding.

Messrs. Melson and McCullough asked to be marked present.

On motion of Mr. Reilly, **SB 369**—"An Act Further Providing for the Issuance of Bonds of the State of Delaware Authorized by Chapters 449 and 529 of Volume 50, Laws of Delaware, and Relating to the Interest Rate," was again taken up for consideration in order to pass the Senate.

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

YEAS—Messrs. Behen, Cook, Correll, Harrison, Hickman, Johnson, Lammot, McCullough, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—Messrs. Gray and Hoey—2.

ABSENT—Mr. Pryor—1.

So the question was decided in the affirmative and the bill: **SB 369**, having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 369** and **SCR 31**.

On motion of Mr. Reilly, the Senate recessed at 10:10 P. M., until call of the Chair.

Senate met at expiration of recess at 10:55 P. M.

President Pro Tempore presiding.

The Chair announced the signing of **SB 369** and **SCR 31**.

The following bill was introduced, given reading by title only, and referred to committee as follows:

SB 370—"An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Increasing the Salaries of the Deputy of Kent County," by Cook; to Judiciary.

The following bill was reported by the majority of the Committee on Judiciary: **SB 370**, 3 favorable.

Upon privilege of the floor, Mr. McCullough questioned the propriety of the consideration of **SB 370** for passage, since, as he pointed out, this day's session was, by general agreement, specifically dedicated to the consideration and passage of the bill concerning the interest rate on bonds issued by the State of Delaware.

On motion of Mr. Reilly, the Senate recessed at 11:00 P. M., until call of the Chair.

Senate met at expiration of recess at 11:10 P. M.

President Pro Tempore presiding.

Upon privilege of the floor, Mr. Melson spoke briefly upon the present financial situation of the State, noting with concern the rising rate of its indebtedness, and expressing his concurrence with Mr. Hoey, Chairman of the Finance Committee, upon this situation. Mr. McCullough, also being granted the privilege of the floor, spoke briefly upon the same matter.

On motion of Mr. Cook, **SB 370**—"An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Increasing the Salaries of the Deputy of Kent County," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. McCullough, **SB 370** was deferred.

On motion of Mr. Cook, the Senate adjourned at 11:20 P. M., pursuant to the provisions of **SCR 31**, introduced and adopted, and concurred in by the House, this legislative day.

SPECIAL SESSION

97TH LEGISLATIVE DAY

Dover, Delaware, December 3, 1957

The Senate met in Special Session, pursuant to the Proclamation of November 25, 1957, of the Governor of the State of Delaware, at 11:15 A. M., Tuesday, December 3, 1957. President Pro Tempore Steen presiding.

Prayer by the Chaplain, Rev. Clifford L. Brain: "Our Father and our God, we again come unto Thy Throne of Grace in the name of our Lord and Saviour Jesus Christ. Help us we pray to realize that 'the Fear of the Lord' is the beginning of Wisdom and the knowledge of the Holy is understanding. And that 'if any man lack wisdom let him ask of God, that giveth liberally to all men and upbraideth not, and it shall be given him.' Bless, we pray, our Governor and his staff, every Senator, every Representative, and all who have a part in the Administration of our beloved State. Give us, we beseech, wisdom, and guide us as we embrace the problem before us."

Members present — Messrs. Correll, Gray, Harrison, Hickman, Lamnot, McCullough, Melson, Nechay, Pryor, Reilly, Mr. President Pro Tem—11.

Members absent—Messrs. Behen, Cook, Hoey, Johnson, Tull, Williams—6.

By direction of the Chair, and without objection, the reading of the Journal of the previous session was omitted.

Messrs. Williams, Behen and Cook asked to be marked present.

The Hon. John N. McDowell, Secretary of State, delivered the following message from the Governor. The Chair referred the message to the Chairman of the Executive Committee.

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, December 3, 1957

To the Senate of the 119th General Assembly of the State of Delaware:

In corformity 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:

Richard C. Hairgrove, Camden, to be a Justice of the Peace in and for Kent County for a term to expire November 4, 1961.

Alexander R. Abrahams, Wilmington, to be State Tax Commissioner for a term to expire November 1, 1961.

Robert N. Downes, Newark, to be State Director of Civil Defense for a term during the pleasure of the Governor.

Carroll F. Poole, Wilmington, to be a member of the State Tax Board for a term to expire November 1, 1961.

Marvin A. Solomon, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire October 21, 1961.

George K. Shockley, Dover, to be a Justice of the Peace in and for Kent County for a term to expire October 1, 1961.

George H. Banks, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire September 21, 1961.

Mrs. Margaret R. Lenhoff, Laurel, to be a Justice of the Peace in and for Sussex County for a term to expire September 17, 1961.

Harry G. Keffala, Wilmington, to be a Regulator of Weights and Measures for a term during the pleasure of the Governor.

William R. Favinger, Seaford, to be State Fire Marshal for a term to expire September 16, 1961.

G. Franklin Waples, Milford, re-elected by the Board of Trustees of the University of Delaware on December 12, 1953, to be a member of the Board of Trustees of the University of Delaware for a term to expire June 5, 1960.

Joseph F. Dayton, Wilmington, to be a Justice of the Peace in and for New Castle County for a term to expire November 18, 1961.

Respectfully submitted,

J. CALEB BOGGS, Governor

By declaration of the Chair, and without objections, the Senate recessed at 11:22 A. M. until call of the Chair.

The Senate met at expiration of recess at 11:30 A. M. President Pro Tem Steen presiding.

Mr. Tull asked to be marked present.

Mr. Reilly introduced the following Concurrent Resolution, which on further motion by him was adopted, and ordered by the Chair to be delivered to the House: SCR 32—"That the Two Houses Meet in Joint Session to Hear the Message of the Governor."

BE IT RESOLVED, by the Senate of the 119th General Assembly, the House of Representatives concurring therein, that the two Houses of the General Assembly meet in Joint Session in the Senate Chambers at 2:00 o'clock P. M. on the 3rd day of December A. D. 1957, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

On privilege of the floor, Mr. Melson stated that it was his belief that this day's session was to be devoted solely to the matters concerning the State's financial problems, and suggested that no other matters be brought up for consideration.

The Chief Clerk of the House informed the Senate that the House had concurred in SCR 32.

On motion of Mr. Reilly, the Senate recessed at 11:40 A. M. until 2:00 P. M.

Senate met at expiration of recess at 2:12 P. M. President Pro Tempore Steen presiding.

Messrs. Johnson and Hoey asked to be marked present.

The Chair directed the Reading Clerk to read the following letter, addressed to the President Pro Tempore by Mr. Leon Bacon, Bill Clerk of the Senate:

Dover, Del., December 3, 1957

Senator Curtis Steen, President Pro Tem

My dear Senator:

As you know, during the time the Legislature has been in adjournment, I have been appointed City Auditor of the City of Wilmington. Therefore, I would like to tender my resignation as Bill Clerk of the Senate, effective at the close of the present Special Session.

I have vacation leave due me from the City, and as I am paid by the City for vacation, the time I serve in the present special session, will be charged to my vacation. Therefore, my services in this special session are on a strictly voluntary basis, and I do not expect, and will not accept any pay from the State.

It is with the deepest personal regret that I sever my connection with the Legislature because I feel that my experience has been valuable in view of the high caliber of the men with whom I have served.

Very truly yours,

LEON S. BACON

Upon privilege of the floor, Mr. Reilly expressed his regret at Mr. Bacon's request of the Senate that he be permitted to resign. Upon Motion by Mr. McCullough, Mr. Bacon's resignation was accepted.

JOINT SESSION

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

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

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

Mr. Reilly moved that the Chair appoint a Committee to escort the Governor to the Senate Chamber and the Rostrum. Motion prevailed. The Chair appointed to the Committee the following members: Messrs. Snowden, Quigley, Johnson and Reilly. The Committee then left the Chamber. The Governor and the Committee were announced by the Sergeant-at-Arms

and admitted to the Chamber. The Governor of the State of Delaware, the Hon. J. Caleb Boggs, then delivered the following address to the Joint Session:

GOVERNOR'S MESSAGE

TO THE SPECIAL SESSION OF THE 119TH GENERAL ASSEMBLY—DECEMBER 3, 1957

Mr. President, Mr. Speaker and Distinguished Members of the 119th General Assembly of the State of Delaware:

I very much appreciate your presence here today in response to my Proclamation of November 25 calling the 119th General Assembly into session for the purpose of considering and acting upon legislation to balance the budget of the State of Delaware, to maintain its necessary and essential public services and preserve the credit of the State.

The present financial situation of the State of Delaware is extremely serious. Appropriate legislative remedial action is necessary at the earliest possible date in order to serve the best interests of the State of Delaware and its more than 400,000 citizens.

In order to meet and satisfy the financial obligations of this State during the past two months it has been necessary for the State's fiscal officers to borrow \$7,000,000 through the sale of short term deficiency notes. The authority and the responsibility for the fiscal officers to sell such deficiency notes in order to meet current financial obligations was imposed upon them through legislation enacted by this General Assembly.

The unexpended balance of the \$7,000,000 already borrowed, when added to anticipated December revenues, will again be insufficient to satisfy December's debt service requirements and other fully authorized and properly incurred expenditures. Consequently some of December's obligations either will not be met or further deficiency borrowing must be made.

The four largest banks in Delaware, recognizing this situation, have offered to purchase as a syndicate another deficiency note in the amount of \$5,000,000. However if this note is sold by the State's fiscal officers it will bear a due date or maturity of January 31, 1958. Because it appears certain that December and January revenues will be wholly inadequate to pay off the proposed \$5,000,000 deficiency note and other bond and note obligations due on or before January 31, and at the same time meet payroll, pension and other obligations, the fiscal officers delayed a decision on the borrowing of the additional \$5,000,000.

This decision with respect to further borrowing was held in abeyance pending an opinion requested from the Attorney General of Delaware on various aspects of our fiscal situation and with special reference to fixed debt service obliga-

tions. Only last evening I was informed by the Attorney General that in so long as funds may continue to be borrowed, General Fund revenues must be used to meet financial obligations as they arise and are presented for payment, without consideration of the category of indebtedness. Consequently the \$5,000,000 will be borrowed and the urgency for your prompt action becomes even greater.

Before issuing a Proclamation convening the General Assembly today all available information on Delaware's financial problem was presented to the Joint Legislative Finance Committee. This committee extended every courtesy to me and carefully reviewed the facts, but a majority thereof voted against any action to reconvene the General Assembly prior to next January.

All available facts were also presented to the legislative leaders with a request that the General Assembly be reconvened in December, such action to be taken under the authority contained in Senate Concurrent Resolution No. 31 of August 14, 1957. These legislative leaders informed me that they had arrived at a conclusion not to exercise the authority contained in the Concurrent Resolution and to wait until January before meeting to consider and bring into balance the State's budget.

My further review of this situation caused me as the Chief Executive to conclude that such further delay was detrimental to the best interest of this State and its people and represented a further endangering of Delaware's present and future credit standing through the very real possibility of default on Delaware's bonds—of which approximately \$130,000,000 are outstanding—or on its short term notes.

This conclusion is substantiated by the fact that estimated funds available for expenditure in December and January total only about \$6,000,000 whereas estimated expenditures total about \$13,600,000. It is important to point out that the latter figure includes the \$4,000,000 borrowed on November 29 and due on January 29, but does not include the \$5,000,000 offered by the Delaware banking syndicate on which the due date would be January 31.

Those figures describe the situation faced for this month and next. Should this situation be permitted to continue, which I am sure you will agree with me is unthinkable, it is estimated on the basis of present circumstances and existing facts that the State would have a \$20,000,000 deficit by the end of this biennium on June 30, 1959—which is less than nineteen months from today.

In view of the foregoing I repeat here today a statement contained in my Proclamation of November 25. That statement was as follows: "Every passing day compounds the State's critical financial situation, makes solutions more costly and more difficult to accomplish, and creates additional problems for our entire economy."

It therefore appears clear that it was necessary and proper for me to convene this General Assembly without further delay and that it is imperative that appropriate remedial legislation action be taken at the earliest date possible.

Many people have asked why Delaware is in this critical fiscal situation. They are certainly entitled to an answer.

Basically, Delaware is in this situation because:

(1) Nearly all levels of government are presently faced with revenues lower than had been anticipated.

(2) Delaware has grown very rapidly in population, in industrial development, and in the public desire and demand for more and better public services.

(3) Delaware has not improved its fiscal organization and operation to provide the controls to cope with today's large fiscal affairs. The Department of Finance which I have repeatedly recommended would have substantially corrected this situation.

(4) Our State should have been operating on an annual budget instead of a biennial one. I am glad to report that a Constitutional amendment to bring this about is awaiting final approval.

(5) Authorized appropriations are greater than revenue being received. The appropriations were more than I recommended and the revenue coming in is less than I estimated. Both the Governor and the Legislature have a responsibility in this regard.

The facts are that the 118th and 119th General Assembly appropriated \$17,981,828 more than I recommended, except that I did recommend \$11,200,000 for authorized capital improvements in the event revenue estimates materialized. My recommendations also included \$3,300,000 for additional educational units due to increased school enrollment. The 119th General Assembly did not appropriate for this but authorized this expenditure in addition to all other appropriations. Thus this makes the total authorized expenditures for this biennium \$137,950,156.83 without any provision for capital improvements in lieu of the sale of bonds. While my estimate of revenue is not materializing, yet if my budget recommendations to both the 118th and 119th General Assemblies had been followed, the State of Delaware at this date would not be in the present fiscal crisis. Furthermore, the 119th General Assembly apparently concurred in my estimates of revenue, otherwise it would have revised the estimates because the statute requires an approved estimate of revenues by the General Assembly. The 118th General Assembly recognized this responsibility and established its own revenue estimates.

Our present critical fiscal situation should provide the impetus which will result in action to prevent a recurrence. I shall renew many of my recommendations and make additional ones dedicated to this objective.

Each member of the General Assembly has at his desk, or has previously been given a copy of the voluminous statistics which have been prepared relative to this situation and the problem at hand. This material has been provided for your study and use because only the Legislature has the power and authority to take the actions required to end this emergency.

Although I realize that my recommendations have been generally disregarded in the past, I am making some suggestions today for your consideration in meeting this crisis. I shall also continue to do everything I can to be of help to the Legislature in meeting its responsibility.

Serious though our problem is, I respectfully direct your attention to a number of matters which in my opinion should be reviewed and recognized before I submit my recommendations.

Always have confidence in America, in Delaware, and in our people and appreciation for our economic system and the freedom we enjoy. There may be a leveling off in business activity, but I feel sure the future is bright and offers great promise.

Always keep Delaware a good place in which to live, work and do business—both today and in the future.

Remember that our population and industrial growth in Delaware have been enormous in recent years and that we may anticipate a continuing growth at a dynamic rate.

Recognize that living and doing business, including farming, successfully today is keyed in many ways to good up-to-date public service. Thus governmental services in the areas of education, health, welfare, highways, agriculture and recreation must be practically planned and expanded with vision rather than downgraded or contracted to fit an out-moded pattern of revenue.

Remember that the combination of local and State Taxes in Delaware is about the lowest in the nation.

Keep in mind the fact that most of us favor a strong State government position as distinguished from a too powerful Federal Government. Yet at the present time nearly 20% of the adjusted gross income of Delaware taxables is paid to the Federal government whereas normal Delaware General Fund revenues represent less than 6% of such gross income. Another example is that at present on the first \$1000 of net personal income only \$10 a year is collected by the State of Delaware compared with \$200 a year by the Federal government.

We must recognize that the great majority of our people want and need good State services and realize that this is impossible without paying for such services. We may well confuse the natural desire of people for the lowest possible taxes with their desire for the lowest possible taxes consistent with adequate State services and facilities.

A final but very important factor to have in mind is that local government over the years, and especially recently, has shifted more and more public services to the State. This necessarily increases State expenses.

Again I respectfully request that you bear all those matters in mind as you evaluate and act in accordance with our present fiscal problem.

If the good name and reputation of the State of Delaware are to be jeopardized as a result of allowing this crisis to continue, the decision to do so will not be mine. The decision for Delaware at this time rests in the General Assembly under our Constitution and statutes.

The General Assembly should have two objectives:

(1) to balance the budget and provide adequate working capital, and

(2) to provide an improved fiscal system to prevent a reoccurrence of the present situation.

In an effort to contribute toward the fulfillment of the first legislative objective I have suggested immediately above, it will be recalled that I have already requested the administrative heads of every State agency to eliminate totally at this time all expenditures not absolutely essential.

In a further effort to be of service to the General Assembly and to the people of Delaware, and in my capacity as Chief Executive of this State, I respectfully submit the following recommendations for your consideration:

A review by the Legislature of all unexpended appropriations which it approved earlier this year to be followed by such action as it considers feasible and appropriate as to any reduction of such appropriations.

A review by the Legislature of the adequacy under existing circumstances of present rates with respect to all taxes and fees. In this connection I suggest an earnest and careful review and study by every member of the General Assembly of the report submitted by McKinsey & Company in November 1954 entitled "Fiscal Affairs in Delaware." A study of that report will provide the Legislature with an analysis of the revenues which may be derived from existing taxes with adjustments in rates and from sources not yet utilized in this State. Taxes and fees discussed and evaluated in this report include: general and selective sales, corporate income, corporate franchise, personal income, inheritance and estate, pari-mutuel and admissions, motor fuel, insurance, as well as automobile registration, liquor and cigarette.

Specific consideration of a moderate adjustment in personal income tax rates and the imposition of a moderate tax upon the net profits of corporations conducting business in Delaware. These possibilities for increased revenue merit your special consideration because, as the McKinsey report

reflects, they are productive of relatively large amounts of revenue without delay and with comparative ease as to collection.

The enactment of legislation to create a long-needed Department of Finance to place better controls on the State's fiscal affairs, including the recommendation for a system of quarterly allotments of appropriations.

Appropriate action to create a commission, or other body, competent and charged with the responsibility to review the entire revenue situation of this State as it now exists by our statutes; to review the program by which our State now finances schools, highway and other capital improvements; and to report and recommend to the 120th General Assembly when it first convenes a complete fiscal program for adoption by the State of Delaware;

Any other appropriate action to balance the budget of the State of Delaware, including consideration of the imposition of taxes not mentioned heretofore.

There may be those who will contemplate the achievement of some partisan political advantage from the recommendations I have made. If there be such—and it already appears that distorted, defensive and guilt-conscious statements are emanating from the majority party—I suggest that this is a time when the people expect political partisanship to give way to the public interest.

The control of both the 118th and 119 General Assemblies has been held by the Democratic Party. The Governor has been Republican. Most of the Governor's fiscal recommendations have been ignored by the Legislature. I recognize that as being a prerogative of the Legislature, but having done so it must accept the responsibility for the results it created.

It is now my urgent recommendation that we join together without partisanship to serve the public interest and the needs of this State and its people. To accomplish that goal I pledge my fullest cooperation.

Following the address by the Governor, the aforementioned committee escorted the Governor from the Senate Chamber.

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

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

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

Following the departure from the Senate Chamber by the Members of the House of Representatives, at 2:55 P. M., the Senate sat in Regular Session. Upon motion by Mr. Hickman, Chairman of the Executive Committee, motion prevailing, the Senate resolved into Executive Session, President

Pro Tempore Steen presiding. The Executive Session of the Senate concluded at 3:10 P. M. Upon the prevailing motion made by Mr. Hickman, the Senate again sat in Regular Session.

Mr. Johnson introduced the following concurrent resolution, which on voice vote ordered by the Chair was adopted, and upon the prevailing motion by Mr. Behen, was tabled: SCR 33—"Creating a Committee to Study the Tax Laws of the State of Delaware and the Mandatory Appropriations of the State of Delaware and Appropriating Funds Therefor."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware, the House of Representatives concurring therein, that a Committee shall be appointed to study the tax laws of the State of Delaware and the mandatory appropriations of the State of Delaware and appropriating funds therefor.

The Committee shall consist of nine members to be representative of both political parties. Three to be appointed by the Governor to be citizens of the State of Delaware, one from each county and representative of both political parties; three to be appointed by the President Pro Tem of the Senate from its membership, one member to come from each county of the State and to be representative of both political parties and three to be appointed by the Speaker of the House of Representatives from its membership, one member to come from each county of the State and to be representative of both political parties. The Committee shall select a Chairman and a Secretary and warrants drawn on the State of Delaware shall be signed by the Chairman and the Secretary of the Committee.

There is hereby appropriated the sum of \$25,000 to cover expenses and any unexpended funds shall revert to the General Fund on January 1, 1959. The Committee shall have the necessary authority to employ a tax consultant, accountant, legal counsel and secretarial assistants and they shall be entitled to mileage expenses from their homes to Committee hearings.

The Committee shall forthwith proceed to hold hearings, make necessary investigations and shall file a written interim report on April 1 and September 15, 1958 to the Governor, the President Pro Tem of the Senate and the Speaker of the House of Representatives. The Committee shall make their final written report and recommendations to the Governor, the President Pro Tem of the Senate and the Speaker of the House of Representatives on December 1, 1958.

The final report shall set forth a complete review of the tax structure of the State of Delaware, the mandatory appropriations necessary by virtue of the laws of the State of Delaware, present sources of income, possible future sources of income; specific recommendations and proposed legislation.

and may contain such other matters as the Committee shall deem to be of benefit to the people of the State of Delaware and the General Assembly.

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

Senate met at expiration of recess at 6:05 P. M. President Pro Tempore Steen presiding.

Mr. Reilly introduced the following concurrent resolution:

tion: **SCR 34**—"Requesting the Governor of the State of Delaware to Submit to the General Assembly Specific Recommendations to Meet the Existing Financial Conditions; Temporary Adjournment of Special Session."

WHEREAS, the 119th General Assembly has been convened in special session by the Governor for the purpose of considering and acting upon legislation to balance the budget of the State of Delaware, to maintain its necessary and essential public services and preserve the credit of the State, and

WHEREAS, the 119th General Assembly convened on December 3, 1957, and heard an address by the Governor, and

WHEREAS, the Governor's address was concerned solely with generalities and contained no reference to specific remedial legislation upon which the General Assembly could act, and

WHEREAS, the Governor as the Chief Executive, and as Chairman of the Permanent Budget Commission has the responsibility for exerting leadership in the field of financial affairs and for the general welfare of the State, and

WHEREAS, the General Assembly stands ready to give full and serious consideration to a specific legislative program to be proposed by the Governor for budgetary cuts or increased revenues or both, **NOW, THEREFORE,**

BE IT RESOLVED, by the Senate of the 119th General Assembly (the House of Representatives concurring therein);

1. That the members of the General Assembly respectfully call upon the Governor of the State of Delaware to exercise his traditional and heretofore unquestioned responsibility for leadership in the field of financial and budgetary matters by laying before the General Assembly specific legislation designed to remedy the financial difficulties which he indicates presently exist, and

2. That any such specific legislative proposals contain the Governor's decisions as to which agencies or departments of the State should have their appropriations reduced and the amounts or percentages of reduction that the Governor recommends, and that any such specific legislative proposals contain the Governor's decision as to the kind of taxation needed and the Governor's estimate of the revenues to be derived therefrom.

3. That both Houses shall temporarily adjourn the special session until Thursday, December 12, 1957 at one o'clock P. M. at which time the General Assembly will convene and be prepared to receive the Governor's specific legislative proposals.

The Chair granted the privilege of the floor to Messrs. Johnson, Lamnot, Reilly and McCullough to make comment on Senate Concurrent Resolution No. 34. At the conclusion of their remarks, the Chair ordered roll call to be taken thereon.

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

YEAS—Messrs. Behen, Cook, Harrison, Hickman, Hoey, Lamnot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—13.

NAYS—Messrs. Correl, Johnson, Melson—3.

ABSENT—Mr. Gray—1.

So the question was decided in the affirmative and SCR 34 having received the required constitutional majority, passed the Senate and was ordered to the House for concurrence.

Mr. Hickman introduced the following resolution, which on further motion by him was adopted: SR 93—"Expressing the Best Wishes of the Senate of the 119th General Assembly to Senator Curtis W. Steen on His Birthday."

WHEREAS, the Members of the Senate of the 119th General Assembly have learned that today is the birthday of Senator Curtis W. Steen and

WHEREAS, the Members of the Senate wish to express their best wishes to Senator Steen,

NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that the best wishes of its Members for the good health and happiness of Senator Steen are hereby extended to Senator Steen on his birthday, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered on the Journal of the Senate, a copy delivered to the press, and a copy be given to Senator Steen.

The Chief Clerk of the House informed the Senate that the House had concurred in SCR 34.

On motion of Mr. Reilly, the Senate at 7:50 P. M., temporarily adjourned, in accordance with the provisions of Senate Concurrent Resolution 34, presented and adopted, and concurred in by the House this day, until 1:00 P. M., Thursday, December 12, 1957.

SPECIAL SESSION
98TH LEGISLATIVE DAY

Dover, Delaware, December 12, 1957

Senate met pursuant to adjournment at 1:40 P. M., on Thursday, December 12, 1957. President Pro Tem Steen presiding.

Prayer by the Chaplain: Rev. Clifford L. Brain: "It is with humble hearts and sober minds we come unto Thee our Father and our God, to ask Thy divine blessing upon our assembling together. We thank Thee for journeying, mercies. For all Thy tender care for our homes and loved ones, and Thy loving kindness toward us all in the Lord Jesus Christ. Undertake for us we pray: in our deliberations this day. Augment our finite minds with Thine infinite wisdom, and stir our minds and hearts to the dedicated task before us, that we may be able without fear or favor, or regard for personal sacrifice, to arrive at a definite solution to our problem, for the good of all, and bring glory unto Thy Holy Name. That we may one day hear those blessed words: 'Well done thou good and faithful servant,' thou hast been faithful over a few things, I will make you ruler over many. For Jesus' sake. Amen."

Members present—Messrs. Cook, Correll, Gray, Harrison, Hickman, Hoey, Johnson, McCullough, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

Members absent — Messrs. Behen, Lammot, Melson, Nechay, Williams—5.

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.

The Sergeant-at-Arms admitted a messenger from the Governor. There being no Reading Clerk present, Mr. Reilly asked the Chair to have the Bill Clerk read the message. The Clerk commenced to read the message. There being an insufficient number of copies of the Governor's message to be distributed among the members in order that they might themselves read the Governor's statements while the Bill Clerk read the message, Mr. Reilly moved that the reading be postponed until the required number of copies of the message were distributed in the chamber. Upon further motion by Mr. Pryor, the motion carried.

There being no objections, the Chair declared the Senate to be in recess. The recess commenced at 1:50 P. M.

The Senate met at the expiration of recess at 1:55 P. M. President Pro Tempore Steen presiding.

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

The Bill Clerk being absent at this time, the Chair requested Mr. Samuel Russell, Jr., Senate Attorney, then present in the chamber, to resume the reading of the Governor's message.

The Governor's message and the report of the Bi-Partisan Committee concerning the State's financial situation follows herewith:

GOVERNOR'S MESSAGE

December 12, 1957

To the 119th General Assembly of the State of Delaware:

I am enclosing herewith the report to the Governor and the Legislature of a bi-partisan committee selected to study the State's financial situation.

I endorse, and recommend for your fullest consideration, this committee's report as offering a proper course to solve Delaware's present serious fiscal problem.

Bills to implement the recommendations of the study committee and its suggested program of action are being presented today to the House of Representatives for legislative consideration. It is hoped that these bills may be introduced with joint sponsorship in order to continue the bi-partisan approach which has now been established and to serve the best interests of the State of Delaware.

These bills include:

(1) A bill to repeal the revolving school sites and architects fund at a saving of \$233,713.50.

(2) A bill repealing the State's obligation to pay certain registration and election expenses at a saving of \$208,000.

(3) A bill to suspend appropriations and spending authorizations for fiscal 1959 until a further review and re-evaluation of them may be made with a view to an estimated \$4 million reduction.

(4) A bill to suspend indefinitely certain General Fund public works projects not considered urgent at this time at a saving of \$602,120.45.

(5) A bill to revert \$50,000 to the General Fund from the New Castle Historic Buildings Commission, providing a saving in that amount.

(6) A bill to give the State Tax Department ninety days within which to audit tax returns and make refunds, where necessary, before any interest on refunds is to be credited. This should provide a saving of several thousand dollars.

(7) Two bills amending the authority of the Board of Trustees for the Delaware State Hospital and the Hospital for the Mentally Retarded pertaining to its special emergency fund account in order that voluntary savings in this area may be effected to the extent of an estimated \$200,000 or more.

(8) A bill to revise and amend the present personal income tax law to produce an estimated additional amount of \$6 million annually.

(9) A bill providing for a corporate tax at the rate of five per cent on net income derived from doing business in Delaware. This is estimated to yield approximately \$5 million annually.

(10) A bill, or bills, extending the authorized number of days of horse racing and increasing the pari-mutuel tax, estimated to yield an additional \$1,500,000 for this biennium.

I wish to report at this date that various state agencies have made voluntary commitments to the Governor's office totaling approximately \$1,200,000 in reductions of their expenditures for fiscal 1958. It is hoped that this amount may be increased through the cooperation of other state agencies who have volunteered no specific amounts and which will be reflected in substantially increased reversions.

In summary, and on the premise of a predicted \$27 million deficit for the biennium ending June 30, 1959, it is hoped that this deficit may be liquidated by reductions of expenditures for the remainder of fiscal 1958 in the sum of approximately \$2,250,000 and by a review, re-evaluation and reduction in fiscal 1959 appropriations of approximately \$4 million, making a hoped for total reduction of \$6,250,000. This leaves an estimated \$20,750,000 to be provided by additional revenue.

The net corporate income tax, at an estimated yield of \$5 million annually, should provide \$7,500,000 by June 30, 1959. The proposed revision in personal income taxes should provide \$12 million additional revenue by June 30, 1959. The revisions concerning racing and pari-mutuel betting should provide an estimated \$1,500,000 additional revenue by June 30, 1959.

Accordingly, anticipated additional revenues, in combination with expected reductions in expenditures, would thus total \$27,500,000—thus overcoming the State of Delaware's immediate and critical financial situation.

I take this opportunity to express high praise and appreciation to both political parties, their leadership, to the members of the General Assembly and to the distinguished citizens of Delaware who served so ably and conscientiously on the bi-partisan committee. It is my hope and prayer that by working together we will be able to serve the needs and best interests of Delaware and its citizens.

Respectfully submitted,

J. CALEB BOGGS, Governor

Report of the bi-partisan committee to study the State's financial situation to the Governor and the Legislature:

This committee was formed at the invitation of Governor Boggs, and the state chairmen of the two political parties appointed three members as their representatives. Representing the Democratic Party were Garrett E. Lyons, State Chairman, former Governor Elbert N. Carvel and United States Senator J. Allen Frear, Jr. Representing the Republican Party were C. Edward Duffy, State Chairman, C. J. Killoran, former Attorney General and Otis H. Smith, Mayor of Lewes. The committee at all of its meetings worked closely with the Governor and with legislative leaders of both political parties.

The first action of the committee was to employ the accounting firm of Isaacson, Stolper & Company to make an independent estimate of the indicated deficit for the biennium ending June 30, 1959. The accounting firm reported an estimated deficit of 27 million dollars. This figure contemplated no change in the appropriations shown in the Governor's report to the General Assembly on December 3rd, but decreased the amount of the anticipated revenue for the two years of the biennium from 110 million dollars to 103 million dollars. After careful study and consideration the committee accepted the figure of 27 million dollars deficit as the basis for its further deliberations.

The committee proposes that this deficit be liquidated in two ways: (1) By a reduction of expenditures in the amount of approximately six million dollars; and (2) By an increase of revenues aggregating approximately 21 million dollars.

The reduction in expenditures for the fiscal year 1958 is estimated at \$2,250,000. Of this amount \$1,200,000 represents voluntary reductions so far committed to the Governor by various state agencies. Legislation is being recommended for effecting further reductions amounting to approximately one million dollars composed of projects not considered to be urgent at this time. A target figure of four million dollars has been set for reductions in the fiscal year 1959, and legislation permitting a period of study and review for 1959 appropriations is being submitted to the General Assembly.

The committee recommends the enactment of three major tax bills: (1) A tax upon net corporate income at a rate of five per cent—estimated to yield approximately five million dollars per year, or \$7,500,000 by June 30, 1959; (2) An increase in personal income taxes estimated to yield an additional six million dollars per annum, or 12 million dollars in the period ending June 30, 1959; (3) Increases in the State share of proceeds from pari-mutuel betting which will aggregate \$1,500,000 in the period ending June 30, 1959.

These calculations would on the basis of approximate figures balance the State's budget for the biennium but would not leave a cash balance or working balance. The committee

strongly recommends to the Governor and to the General Assembly that serious study be given to additional methods or means by which certain types of mandatory appropriations might be reduced in order to provide both a working balance and a lesser burden on the state's revenue-producing sources.

The committee wishes to emphasize to the people of Delaware and to the Legislature that it is merely recommending what it considers to be a proper course to solve this serious fiscal condition. These recommendations are submitted in the hope that they may be of assistance to the Governor and the members of the Legislature.

STATE OF DELAWARE

STATEMENT OF ESTIMATED DEFICIT AND PROPOSED ADDITIONAL REVENUE AS OF DECEMBER 12, 1957

ESTIMATED DEFICIT

As of June 30, 1959	\$27,000,000.
Less: Cut-backs and reductions in fiscal 1958	\$2,250,000.
Target reductions in fiscal 1959	4,000,000.
	<hr/>
Total Estimated Reductions	6,250,000.

ESTIMATED TOTAL TO BE RAISED BY ADDITIONAL REVENUE	\$20,750,000.
---	---------------

ESTIMATED ADDITIONAL REVENUE

From Revised Personal Income Tax	\$12,000,000.
From Net Corporate Income Tax	7,500,000.
From Revised Pari-Mutuel Tax	1,500,000.

ESTIMATED TOTAL ADDITIONAL REVENUE	\$21,000,000.
---	---------------

Upon the conclusion of the reading of the message, the Chair granted the privilege of the floor to the following members to make comment on the same: Messrs. Reilly and Johnson. Mr. Reilly remarked that neither the majority leader of the Senate nor the majority leader of the House of Representatives had been requested by the Governor to serve on the Joint Committee to formulate revenue proposals for subsequent legislative enactment. Mr. Johnson then observed that the Governor had the right to appoint those persons whom he chose to serve on the committee.

There being no objections, the Chair declared the Senate to be in recess. Recess commenced at 2:07 P. M.

The Senate met at expiration of recess at 5:45 P. M. President Pro Tempore Steen presiding.

Upon privilege of the floor, Mr. Melson commented on an editorial appearing in the Journal-Every Evening newspaper of Wilmington on December 10, 1957, concerning the ignoring by the Grand Jury of Kent County of a bill of indictment brought by the Attorney General of the State of Delaware, the Hon. Joseph D. Craven, against one Charles C. Moore, Delaware State Motor Vehicle Commissioner.

The Senate, upon declaration by the Chair, and without objections, recessed at 5:54 P. M.

The Senate met at expiration of recess at 5:59 P. M. President Pro Tempore Steen presiding.

Messrs. Williams, Johnson, Reilly and Cook introduced the following resolution, which on further motion by Mr. Williams was adopted: **SR 94**—"Relative to the Death of Thomas E. Peeney."

WHEREAS, the Senate of the 119th General Assembly of the State of Delaware has learned with deep regret of the death of Thomas E. Peeney on Wednesday, December 11, 1957; and

WHEREAS, the said Thomas E. Peeney had attained a position of great eminence and affection in his community and was long a colorful and influential personality in political affairs of this State, and

WHEREAS, his long and valuable service as a Senator of the State of Delaware in the 1951 and 1953 General Assemblies, as President and Director of the Department of Public Safety in Wilmington, as Secretary of the Department of Elections of New Castle County, as a leader of the Republican Party for many years and in various other civic and public activities will long be remembered and appreciated by the people of his community and state, and

WHEREAS, it is fitting and proper that the members of the Senate should express their sympathy to the family and friends of a man who by his faithful and diligent and unselfish work in his community and State earned the esteem and respect of his fellow citizens;

NOW THEREFORE,

BE IT RESOLVED, by the Senate of the 119th General Assembly of the State of Delaware that the sincere sympathy of the Senate is hereby extended to the family and friends of Thomas E. Peeney, late resident and well known citizen of Wilmington, New Castle County, Delaware and,

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal, that a copy be sent to the family of the said Thomas E. Peeney, and copies hereof be delivered to the press.

On motion of Mr. Cook, the Senate adjourned at 6:10 P. M., until 1:00 P. M., Monday, December 16, 1957.

SPECIAL SESSION
99TH LEGISLATIVE DAY

Dover, Delaware, December 16, 1957

Senate met pursuant to adjournment at 2:15 P. M., on Monday, December 16, 1957. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Clifford L. Brain: "Our Father and our God we come unto Thee, in the Name of our Lord and Saviour Jesus Christ. We thank and Praise Thee for all you have done for us in the past, but we have so many needs of the present, some spiritual, some material, and some physical. Therefore we come asking Thee to bless our meeting together this afternoon. Give us we pray good success in all our endeavors. May we have keenness of mind, steadfastness of heart, and sympathetic spirits as we labour for the best interests of our beloved State. And for all that shall be accomplished, we shall give You the praise, and the glory for Jesus' sake. Amen."

Members present—Messrs. Cook, Correll, Gray, Harrison, Hickman, Lamot, McCullough, Reilly, Tull, Williams, Mr. President Pro Tem—11.

Members absent—Messrs. Behen, Hoey, Johnson, Melson, Nechay, Pryor—6.

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.

On motion of Mr. Cook, the Senate recessed at 2:19 P. M. until call of the Chair.

Senate met at expiration of recess at 5:45 P. M. President Pro Tempore Steen presiding.

Messrs. Pryor, Nechay and Johnson asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills: **HB 424, HB 425, HB 426, HB 427, HB 428, HB 429 and HB 432.**

The Chair presented the following House Bill, which were given first and second reading by title only and referred to committee as follows:

HB 424—"An Act to Amend Chapter 51, Title 16, Delaware Code, Entitled "Delaware State Hospital" and Relating to Special Emergency Funds of the Delaware State Hospital at Farnhurst," to Judiciary.

HB 425—"An Act to Amend Chapter 55, Title 16, Delaware Code, Entitled "Mentally Retarded" and Relating to the Special Account of the Hospital and the Mentally Retarded at Stockley, Delaware," to Judiciary.

HB 426—"An Act to Amend Chapter 262, Volume 51, Laws of Delaware, Relating to the Appropriations Contained Therein," to Judiciary.

HB 427—"An Act to Amend Title 30, Delaware Code, Relating to the Income Tax and the Payment of Interest on Refunds," to Judiciary.

HB 428—"An Act to Reduce Certain General Fund Appropriations and Authorizations to the State Highway Department for Certain Public Works Projects," to Judiciary.

HB 429—"An Act to Suspend All General Fund Appropriations and Authorizations Applicable to the Fiscal Year 1959," to Judiciary.

HB 432—"An Act Amending Chapter 43, Volume 51, Laws of Delaware, Relating to the New Castle Historic Buildings Commission and Directing the Commission to Transfer a Portion of the Appropriation to the General Fund of the State of Delaware," to Judiciary.

Upon Motion by Mr. Reilly, motion prevailing, Senate Rule 9 was suspended for the rest of this Legislative Day.

The following bills were reported by the majority of the Committee on Judiciary as follows: **HB 424**, 3 favorable; **HB 425**, 3 favorable; **HB 426**, 3 favorable; **HB 427**, 3 favorable; **HB 429**, 3 favorable; **HB 432**, 3 favorable.

On motion of Mr. Reilly, **HB 424**—"An Act to Amend Chapter 51, Title 16, Delaware Code, Entitled "Delaware State Hospital" and Relating to Special Emergency Funds of the Delaware State Hospital at Farnhurst," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lamnot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Hoey, Melson—3.

So the question was decided in the affirmative and the bill: **HB 424** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 425**—"An Act to Amend Chapter 16, Delaware Code, Entitled "Mentally Retarded" and Relating to the Special Account of the Hospital for the Mentally Retarded at Stockley, Delaware," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lamnot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Hoey, Melson—3.

So the question was decided in the affirmative and the bill: **HB 425** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 426**—"An Act to Amend Chapter 262, Volume 51, Laws of Delaware, Relating to the Appropriations Contained Therein," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lammot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Hoey, Melson—3.

So the question was decided in the affirmative and the bill: **HB 426** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 427**—"An Act to Amend Title 30, Delaware Code, Relating to the Income Tax and the payment of Interest on Refunds," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lammot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Hoey, Melson—3.

So the question was decided in the affirmative and the bill: **HB 427** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 429**—"An Act to Suspend All General Fund Appropriations and Authorizations Applicable to the Fiscal Year 1959," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lammot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Hoey, Melson—3.

So the question was decided in the affirmative and the bill: **HB 429** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 432**—"An Act Amending Chapter 43, Volume 51, Laws of Delaware, Relating to the New Castle Historic Building Commission and Directing the

Commission to Transfer a Portion of the Appropriation to the General Fund of the State of Delaware," was taken up for consideration and read a third 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. Cook, Correll, Gray, Harrison, Hickman, Johnson, Lamnot, McCullough, Nechay, Pryor, Reilly, Tull, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Behen, Hoey, Melson—3.

So the question was decided in the affirmative and the bill: **HB 432** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

Upon privilege of the floor, Mr. Cook rose to comment on **HB 428**, previously delivered to the Senate this day and referred by the Chair to the Judiciary Committee, saying that he himself would not consider the bill without further study. Mr McCullough then said that he was not in favor of a bill reducing funds for public works, and that he was not favorably inclined to it.

Upon privilege of the floor, Mr. Pryor made the remark that the foregoing comments by Messrs. Cook and McCullough were superfluous, inasmuch as the bill had not yet been reported out by the Judiciary Committee and was not before the Senate for roll call.

Mr. Williams, on being granted privilege of the floor by the Chair, expressed the hope that funds previously allocated for flood control work in the Little Mill Creek area of New Castle County would not be reduced or rescinded.

On motion of Mr. Cook, the Senate adjourned at 6:20 P. M. until 1:00 P. M., Thursday, December 19, 1957.

SPECIAL SESSION

100TH LEGISLATIVE DAY

Dover, Delaware, December 19, 1957

Senate met pursuant to adjournment at 1:40 P. M., on Thursday, December 19, 1957. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Clifford L. Brain: "Our blessed God and Heavenly Father we again look up to Thee for Thy divine blessing upon us. We know that the steps of a good man are ordered by the Lord; and he delighteth in His way. Therefore, we seek Thy divine guidance this day. Direct us now our Father, as we take up the task of the hour. Grant unto us, we pray, divine insight, as well as foresight, and may our minds and hearts be readied to receive it, thus we may know the course we are to take, that the cause to which we

are here dedicated, may be concluded in this assembly, and in such a way as to find grace in Thy sight and favor among men. Brethren, we commend you to God, and to the word of His grace, which is able to build you up, and to give you an inheritance among them that are sanctified in the Name of our Lord, and Saviour Jesus Christ. Amen."

Members present: Messrs. Behen, Correll, Gray, Harrison, Hickman, Melson, Nechay, Mr. President Pro Tem—8.

Members absent—Messrs. Cook, Hoey, Johnson, Lamnot, McCullough, Pryor, Reilly, Tull, Williams—9.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was dispensed with.

There being no quorum present, on motion of the Chair, and without objections, declared the Senate recessed at 1:45 P. M. until call of the Chair. Prior to the declaration of recess, the President Pro Tem announced that public hearings on several House revenue bills were to commence in the House Chamber at 2:00 P. M.

Senate met at expiration of recess at 5.50 P. M. President Pro Tem Steen presiding.

Messrs. Cook, Hoey, Johnson, Reilly and Williams asked to be marked present.

The Chair announced to the members the signing of the following: **HB 424, HB 425, HB 426, HB 427, HB 429 and HB 432.**

Upon declaration by the Chair, and without objections, the Senate recessed at 5:55 P. M. until 8:00 P. M.

Senate met at expiration of recess at 9:20 P. M. President Pro Tempore presiding.

The following letter from the Governor was delivered to the Senate:

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

Dover, 19 December 1957

To the Senate of the
119th General Assembly of the State of Delaware:

This will advise that on the dates indicated I approved the following legislation:

August 14, 1957—Senate Bill No. 369—An Act Further Providing for the Issuance of Bonds of the State of Delaware Authorized by Chapters 449 and 529 of Volume 50, Laws of Delaware, and Relating to the Interest Rate.

August 19, 1957—Senate Bill No. 173—An Act to Amend Chapter 53, Title 16, Delaware Code, by Changing the Age Limits for Maladjusted Children at Governor Bacon Health Center.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills: **HS 1** for **HB 433**, **HB 436**.

The Chair presented the following House Bills, which were twice read by title only, and referred by the Chair to committee, as follows:

HS 1 for **HB 433**—"An Act to Levy, Assess and Collect a Tax Upon the Net Income of Every Corporation Transacting or Conducting Business Within the State of Delaware," to Revised Statutes.

HB 436 as amended—"An Act Amending Chapter 11, Title 30, Delaware Code, Relating to Rates of Income Tax," to Revised Statutes.

Upon motion by Mr. Reilly, motion prevailing, Senate Rule 9 was suspended for the rest of this Legislative Day.

The following bills were reported by the majority of the respective committees as follows: By Mr. Nechay—Revised Statutes: **HS 1** for **HB 433**, 3 favorable, 1 unfavorable; **HB 436** as amended, 3 favorable, 1 unfavorable.

On motion of Mr. Nechay, **HS 1** for **HB 433**—"An Act to Levy, Assess and Collect a Tax Upon the Net Income of Every Corporation Transacting or Conducting Business Within the State of Delaware," was taken up for consideration and read a third 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. Cook, Correll, Hickman, Johnson, Nechay, Reilly, Williams—7.

NAYS—Messrs. Behen, Hoey, Melson, Mr. President Pro Tem—4.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the negative and the bill: **HS 1** for **HB 433** not having received the required constitutional majority, was lost.

Prior to the announcement of the vote by the Secretary, Mr. Reilly moved that the roll call be tabled. Motion prevailed.

On motion of Mr. Nechay, **HB 436** as amended—"An Act Amending Chapter 11, Title 30, Delaware Code, Relating to Rates of Income Tax," was taken up for consideration and read a third 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. Cook, Correll, Johnson, Nechay, Reilly, Williams—6.

NAYS—Messrs. Behen, Hickman, Hoey, Melson—4.

NOT VOTING—Mr. President Pro Tem—1.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the negative and the bill: **HB 436** as amended not having received the required constitutional majority, was lost.

Prior to the announcement of the vote, Mr. Reilly moved that the roll call on the bill be abated. Motion prevailed.

On motion of the Chair, and without objections, the Senate recessed at 10:56 P. M., until call of the Chair.

Senate met at expiration of recess at 12:10 A. M. President Pro Tempore Steen presiding.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following bills: **HB 438**, **HB 439**, **HB 440**, **HB 441** and **HB 442**.

The Chair presented the following House Bills, which were twice read by title only, and referred by the Chair to committee as follows:

HB 438—"An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing," to Revised Statutes.

HB 439—"An Act to Amend Title 30, Delaware Code, Relating to Refunds on Cigarettes," to Revised Statutes.

HB 440—"An Act to Amend Title 30, Delaware Code, Relating to Cigarette Tax Levy and Rate," to Revised Statutes.

HB 441—"An Act to Amend Title 30, Delaware Code, Relating to Permit for Sale of Cigarettes," to Revised Statutes.

HB 442—"An Act Repealing Section 582, Title 4, Delaware Code, Relating to Tax Exemption of Instrumentalities of the United States Armed Forces," to Revised Statutes.

The following bills were reported by the majority of the respective committee as follows: By Mr. Nechay, Revised Statutes—**HB 438**, 2 on merits, 2 favorable; **HB 439**, 3 on merits, 1 favorable; **HB 440**, 3 on merits, 1 favorable; **HB 441**, 2 favorable, 2 on merits; **HB 442**, 4 on merits. By Mr. Reilly, Judiciary, **HB 428**, 4 favorable.

On motion of Mr. Nechay, **HS 1** for **HB 433**, on which the roll call had been previously tabled, was without objections, again brought up for final consideration and passage.

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

YEAS—Messrs. Behen, Cook, Correll, Hickman, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—10.

NAYS—Mr. Hoey—1.

ABSENT—Messrs. Gray, Harrison, Lamnot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HS 1** for **HB 433** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 436** as amended, on which the roll call had been previously tabled, was on his prevailing motion removed from tabled status and again presented for roll call.

On the question, "Shall **HB 436** as amended pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Cook, Correll, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—9.

NAYS—Messrs. Hickman and Hoey—2.

ABSENT—Messrs. Gray, Harrison, Lamnot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 436** as amended having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 438**—"An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing," was taken up for consideration and read a third time by title in order to pass the Senate.

On motion of Mr. Nechay, Mr. William S. Potter, Attorney, of Wilmington, was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Correll, Hickman, Johnson, Nechay, Reilly, Williams, Mr. President Pro Tem—9.

NAYS—Mr. Melson—1.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Gray, Harrison, Lamnot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 438** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 439**—"An Act to Amend Title 30, Delaware Code, Relating to Refunds on Cigarettes," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Behen was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Cook, Correll, Hickman, Hoey, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Gray, Harrison, Lamnot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 439** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 440**—"An Act to Amend Title 30, Delaware Code, Relating to Cigarette Tax Levy and Rate," was taken up for consideration and read a third 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. Behen, Cook, Correll, Hickman, Hoey, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 440** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 441**—"An Act to Amend Title 30, Delaware Code, Relating to Permit for Sale of Cigarettes," was taken up for consideration and read a third 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. Behen, Cook, Correll, Hickman, Hoey, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 441** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Nechay, **HB 442**—"An Act Repealing Section 582, Title 4, Delaware Code, Relating to Tax Exemption of Instrumentalities of the United States Armed Forces," was taken up for consideration and read a third 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. Behen, Cook, Correll, Hickman, Hoey, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 442** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On motion of Mr. Reilly, **HB 428**—"An Act to Reduce Certain General Fund Appropriations and Authorizations to the State Highway Department for Certain Public Works Projects," was taken up for consideration and read a third time by title in order to pass the Senate.

Mr. Williams introduced **SA 1**, which was read and by order of the Chair roll call taken thereon.

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

YEAS—Messrs. Cook, Correll, Hickman, Johnson, Melson, Williams—6.

NAYS—Messrs. Behen, Nechay, Reilly, Mr. President Pro Tem—4.

NOT VOTING—Mr. Hoey—1.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the negative and SA 1 to **HB 428** not having received the required constitutional majority, was lost.

On motion of Mr. Reilly, **HB 428** was again taken up for consideration in order to pass the Senate.

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

YEAS—Messrs. Behen, Cook, Correll, Hickman, Hoey, Johnson, Melson, Nechay, Reilly, Williams, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Gray, Harrison, Lammot, McCullough, Pryor, Tull—6.

So the question was decided in the affirmative and the bill: **HB 428** having received the required constitutional majority, passed the Senate and was ordered returned to the House.

On declaration by the Chair, and without objections, the Senate recessed at 1:15 A. M. until call of the Chair.

Senate met at expiration of recess at 1:30 A. M. President Pro Tempore Steen presiding.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following resolution: **HCR 15**.

The Chair presented the following House Concurrent Resolution, which was read twice, by title only, and then offered by the Chair for adoption. On the question, "Shall the Senate adopt the Resolution?" it was so done by voice vote without dissent or abstention, and then ordered by the Chair to be returned to the House—**HCR 15**—"Relating to Adjournment of Special Session."

BE IT RESOLVED by the House of Representatives of the 119th General Assembly, the Senate concurring therein, that the special session of the General Assembly called by the Governor to convene on December 3, 1957, is hereby adjourned and the General Assembly shall temporarily adjourn until January 6, 1958, at one p. m. in accordance with the provisions of Senate Concurrent Resolution No. 31.

On motion of Mr. Cook, the Senate recessed at 1:35 A. M. until the call of the Chair.

Senate met at expiration of recess at 1:55 A. M. President Pro Tempore Steen presiding.

The Chair announced to the members the signing of the following: **HB 428, HS 1 for HB 433, HB 436 as amended, HB 438, HB 439, HB 440, HB 441 and HB 442.**

On motion by Mr. Cook, motion prevailing, and in accordance with the provisions of **HCR 15**, the Senate adjourned its sitting in Special Session of the General Assembly, which session was called by Proclamation of the Governor of the State of Delaware on November 25, 1957. On further motion by Mr. Cook, the Senate temporarily adjourned, in accordance with the provisions of **SCR 31**, until 1:00 P. M., Monday, January 6, 1958, said time and date being that of the resumption of regular sessions of the 119th General Assembly.

101ST LEGISLATIVE DAY

Dover, Delaware, January 6, 1958

Senate met pursuant to adjournment at 1:58 P. M., on Monday, January 6, 1958. President Pro Tem Steen presiding.

Prayer by the Rev. Charles W. Spry in the absence of the regular Chaplain.

Members present — Messrs. Behen, Cook, Harrison, Hickman, Hoey, Lamnot, McCullough, Melson, Nechay, Reilly, Tull, Williams, Mr. President Pro Tem—13.

Members absent—Messrs. Correll, Gray, Johnson, Pryor—4.

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

Upon privilege of the floor, Mr. Melson remarked on the adverse comment by the News-Journal daily newspapers of Wilmington concerning the activities of the Senate Gambling Probe Committee, and concerning his statements as a member of the Committee, saying that what the newspapers had printed was libelous to a great degree and that they had made a number of completely unjustified statements.

On motion of Mr. Reilly, the Senate recessed at 2:10 P. M. until call of the Chair.

Senate met at expiration of recess at 3:47 P. M. President Pro Tempore Steen presiding.

Messrs. Gray and Pryor asked to be marked present.

The Senate received the following message from the Governor:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, January 6, 1958

To the Senate of the
119th General Assembly of the State of Delaware:

This will advise that on the date indicated I approved the following legislation:

December 20, 1957—House Bill No. 424—An Act to Amend Chapter 51, Title 16, Delaware Code, Entitled "Delaware State Hospital" and Relating to Special Emergency Funds of the Delaware State Hospital at Farnhurst.

December 20, 1957—House Bill No. 425—An Act to Amend Chapter 55, Title 16, Delaware Code, Entitled "Mentally Retarded" and Relating to the Special Account of the Hospital for the Mentally Retarded at Stockley, Delaware.

December 20, 1957—House Bill No. 426—An Act to Amend Chapter 262, Volume 51, Laws of Delaware, Relating to the Appropriations Contained Therein.

December 20, 1957—House Bill No. 427—An Act to Amend Title 30, Delaware Code, Relating to the Income Tax and the Payment of Interest on Refunds.

December 20, 1957—House Bill No. 428—An Act to Reduce Certain General Fund Appropriations and Authorizations to the State Highway Department for Certain Public Work Projects.

December 20, 1957—House Bill No. 429—An Act to Suspend All General Fund Appropriations and Authorizations Applicable to the Fiscal Year 1959.

December 20, 1957—House Bill No. 432—An Act Amending Chapter 43, Volume 51, Laws of Delaware, Relating to the New Castle Historic Building Commission and Directing the Commission to Transfer a Portion of the Appropriation to the General Fund of the State of Delaware.

December 20, 1957—House Substitute No. 1 for House Bill No. 433—An Act to Levy, Assess and Collect a Tax Upon the Net Income of Every Corporation Transacting or Conducting Business Within the State of Delaware.

December 20, 1957—House Bill No. 436 with H. A. #2—An Act Amending Chapter 11, Title 30, Delaware Code, Relating to Rates of Income Tax.

December 20, 1957—House Bill No. 438—An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to Horse Racing.

December 20, 1957—House Bill No. 439—An Act to Amend Title 30, Delaware Code, Relating to Refunds on Cigarettes.

December 20, 1957—House Bill No. 440—An Act to Amend Title 30, Delaware Code, Relating to Cigarette Tax Levy and Rate.

December 20, 1957—House Bill No. 441—An Act to Amend Title 30, Delaware Code, Relating to Permit for Sale of Cigarettes.

December 20, 1957—House Bill No. 442—An Act Repealing Section 582, Title 4, Delaware Code, Relating to Tax Exemption of Instrumentalities of the United States Armed Forces.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Reilly introduced the following Concurrent Resolution, which on his further motion was adopted by voice vote, and ordered by the Chair to be delivered to the House for concurrence: SCR 35—"That the Two Houses Meet in Joint Session to Hear the Message of the Governor."

BE IT RESOLVED, by the Senate of the 119th General Assembly, the House of Representatives concurring therein, that the two Houses of the General Assembly meet in Joint Session in the Senate Chamber at 2 o'clock P. M. on the 7th day of January 1958, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

On motion of Mr. Reilly, the Senate adjourned at 4:10 P. M. until 1:00 P. M., Tuesday, January 7, 1958.

102ND LEGISLATIVE DAY

Dover, Delaware, January 7, 1958

Senate met pursuant to adjournment at 1:50 P. M., on Tuesday, January 7, 1958. President Pro Tem Steen presiding.

Prayer by the Rev. Thomas C. Mulligan: "Almighty God, Creator of the Universe, but more wonderful, our kind Heavenly Father Who watches over the children of His creation: make us conscious of Thy presence and of Thy concern with our conduct as we live life. May we forget selfish interests and dedicate our opportunities and abilities to the supreme task of serving others. In this day of world tensions may we realize that the greatest power is not in the realm of the scientific but in the realm of the spiritual: "If God be for us, who can be against us?" Bless our beloved State of Delaware and direct this legislative body as it faces not only great problems but greater opportunities. In the Master's Name we make our prayer. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hickman, Nechay, Pryor, Mr. President Pro Tem—9.

Members absent — Messrs. Hoey, Johnson, Lammot, McCullough, Melson, Reilly, Tull, Williams—8.

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.

On declaration by the Chair, and without objections, the Senate recessed at 2:05 P. M. until call of the Chair.

Senate met at expiration of recess at 2:17 P. M. Lieutenant-Governor Buckson presiding.

JOINT SESSION

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

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

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 Senate Rule 22 be suspended during the Joint Session. Motion prevailed.

On motion of Mr. Reilly, motion prevailing, the President of the Senate appointed the following members of the House of Representatives and of the Senate to escort the Governor to the Senate Chambers: Messrs. Snowden and Tribbitt, and Messrs. Correll and Reilly.

The Sergeant-at-Arms admitted the Governor and the escort committee to the Senate Chamber: Mr. Snowden announced the Governor to the President of the Joint Session and the members of the General Assembly.

The Governor then delivered the following address:

MESSAGE OF GOVERNOR J. CALEB BOGGS TO
119TH GENERAL ASSEMBLY OF THE
STATE OF DELAWARE—JANUARY 7, 1958

Mr. President, Mr. Speaker, Members of the
119th General Assembly:

Thank you for permitting me to present this message to you.

It is undoubtedly as serious a message as I have ever delivered to you. And that includes my message to the Special Session last month.

Let no one be deceived. The financial condition of the State of Delaware is still a very serious matter.

Although the Legislature, in Special Session last month, took prompt action to remedy the urgent and immediate need for increased revenues, it did not provide for a balanced budget by the end of the fiscal biennium on June 30, 1959.

Action to balance the budget must now be taken. I hope that this will be done without delay in a cooperative, bipartisan manner.

On the basis of presently accepted revenue estimates, the task at hand is to reduce 1959 appropriations by about \$6 million—or to increase revenues still further by a like sum.

I am recommending reductions in State appropriations as the more desirable method.

I do not anticipate that my recommendations will win your acclaim. I know that they will produce protests from many sources. Reductions in appropriations are painful and distasteful—but at this time they are essential to the fiscal soundness and credit position of Delaware.

Your right to disagree with my recommendations is fully recognized. In that case, however, it is also your responsibility to endorse and enact other methods of reducing expenditures or increasing State revenues, or both.

You will recall that in December the Legislature suspended until May 1, 1958, all appropriations for fiscal year 1959. This was done so that those appropriations could be reviewed and substantially reduced.

Under those circumstances I am submitting today for your consideration a proposed new 1959 appropriation bill. This bill provides reductions in appropriations for highway maintenance and construction and for mosquito control. A special feature of this appropriation bill provides for certain educational costs to be shared by the counties. This method seems justified on the basis that it will not reduce our public education standards and will provide a broader basis for meeting the mounting costs of education. It provides that 75 per cent of school operational costs shall be paid by the State and 25 per cent be shared by the counties based upon each county's unit enrollment. Educational costs have been presented according to the enrollment for September 1957, and in order to designate the amount payable by each county, anticipated enrollments for the fiscal year 1959 are contained in the figures and are eliminated from the contingency fund bill.

I am also presenting a contingency fund bill for fiscal year 1959. This bill conforms generally with the recently suspended contingency fund bill. However, it does provide funds for (1) the Tax Department due to the increased workload in that Department; (2) deficiencies in pension appropriations; (3) agricultural contagious diseases and indemnity claims;

and (4) maintenance of schools in order to replace in part the appropriation for that purpose which I am recommending be repealed.

There are several supplemental appropriation bills which I am recommending be repealed. These bills, for the most part, represent new outlays and additional State expenses which the State cannot afford at this time. They include Department of Election expenses, municipal aid and certain educational expenses.

The new budget bill, the contingency fund bill and the repeal of certain supplemental appropriations for fiscal year 1959, would provide a total reduction of approximately \$6 million in appropriation authorizations for fiscal year 1959.

But even these proposed reductions in expenditures for fiscal year 1959 are not wholly adequate for the solution of our problem. In my opinion, it is also necessary to effect certain additional reductions from unexpended balances of appropriations made for fiscal year 1958. Specifically, in this category, I recommend a bill to reduce in a total sum of \$500,000, the more than ample funds previously provided for highway maintenance and mosquito control. As a result of a survey which will be completed soon, I will probably have another bill recommending reductions in school maintenance appropriations for fiscal year 1958.

As severe as these recommended reductions in appropriations may seem to be, they are barely adequate to balance the budget for this fiscal biennium ending June 30, 1959. Even if all of today's revenue estimates are fully realized, my recommended reductions are only sufficient to provide a cash surplus as of June 30, 1959, of an estimated \$1,500,000. in excess of authorized commitments.

At this time I also renew my recommendation for the enactment of legislation to create a long-needed Department of Finance to place better controls on the State's fiscal affairs.

I think legislative action is highly important and essential to create a competent commission, or other body, charged with the responsibility to review the entire revenue situation of this State as it now exists; to review the program by which our State now finances schools, highways and other capital improvements; and to report and recommend to the 120th General Assembly, when it first convenes, a complete fiscal program designed to avoid recurring deficits and to provide a practical and realistic program for financing State services and long-term capital improvements.

Another continuing problem in the area of budget control is the uneven flow of receipts from various revenue sources. As at least a partial solution to this problem, I have prepared a bill for introduction which provides that personal income tax withholdings by employers shall be paid to the State Tax

Commissioner once each month, instead of quarterly, in a manner comparable to the system long in operation with respect to similar federal withholdings.

Somewhat related to the same problem of delayed payment of revenues is the present personal income tax provision for quarterly payments of tax obligations reported on the tax return forms due on April 30 of each year. Furthermore, this present provision has aspects of being inequitable for the reason that those receiving their total incomes from salaries and wages are not permitted the same opportunity for delayed tax payments. Consequently, I have had another bill prepared for your consideration which provides that effective April 30, 1959, all personal income tax payments due for the preceding calendar year shall be paid in full with the filing of the annual return.

In this message I have thus far dealt only with fiscal matters. In doing so I have not intended to exclude your consideration of such additional matters and measures as may be necessary and desirable in the best interests of the people of the State of Delaware. I must, however, express the hope that such other matters will not deter the Legislature from prompt action on legislation to bring our budget into balance and to strengthen the State's fiscal and credit position.

STATE OF DELAWARE
FINANCIAL STATEMENT OF
GOVERNOR J. CALEB BOGGS TO 119TH GENERAL
ASSEMBLY—JANUARY 7, 1958

STATEMENT OF FINANCIAL CONDITION FOR BIENNIUM
ENDING JUNE 30, 1959

ANTICIPATED RECEIPTS

Short Term Notes	\$ 12,000,000.00
Fiscal 1958 Revenue	49,600,000.00
Fiscal 1959 Revenue	53,475,000.00
New Revenue	21,000,000.00
	<hr/>
	136,075,000.00
Cash Balance July 1, 1957	5,573,784.00
	<hr/>
TOTAL AVAILABLE	\$141,648,784.00

RECOMMENDED COMMITMENTS

Repayment of Notes	\$ 12,000,000.00
Fiscal 1958	68,061,444.86
Fiscal 1959	60,166,790.78
	<hr/>
	140,228,235.64
Surplus—July 1, 1959	1,420,548.36
	<hr/>
TOTAL	\$141,648,784.00

STATE OF DELAWARE
 FISCAL STATEMENTS OF GOVERNOR J. CALEB BOGGS
 TO 119TH GENERAL ASSEMBLY—JANUARY 7, 1958
 STATEMENT OF FISCAL 1958 RECOMMENDED APPROPRIATION
 AUTHORIZATIONS

Total Authorized	\$70,288,378.30
Pension Deficiency Bill	80,000.00
LESS: Reductions	
Public Work (HB 428) \$	602,120.45
New Castle Historical Building (HB 432)	50,000.00
State Highway Department.	500,000.00
Voluntary Reductions	1,154,812.99
	<hr/>
Total Recommended Reductions	2,306,933.44
	<hr/>
TOTAL	\$68,061,444.86
	<hr/>

STATEMENT OF FISCAL 1959 RECOMMENDED APPROPRIATIONS

General Appropriation Bill	\$54,615,265.78
Contingency Fund Bill	1,063,100.00
All Supplementals (Page 3)	2,070,925.00
Automatic Appropriations (Page 4)	2,342,500.00
Department of Finance (HB 434)	75,000.00
	<hr/>
TOTAL	\$60,166,790.78
	<hr/>

STATE OF DELAWARE
 FISCAL STATEMENTS OF GOVERNOR J. CALEB BOGGS
 TO 119TH GENERAL ASSEMBLY—JANUARY 7, 1958
 STATEMENT OF FISCAL 1959 SUPPLEMENTAL APPROPRIATIONS
 RECOMMENDED FOR CONTINUATION AS PROVIDED BY HB 429

Purpose	Amount
Woods Haven School for Girls (HB 256)	\$ 91,300.00
VFW—Operations (HB 7)	1,500.00
Education—Veterans' Children (HB 9)	6,750.00
American Legion—Operations (HB 10)	2,000.00
Disabled Veterans—Operations (HB 11)	500.00
Palmer Home (HB 13)	4,350.00
Hospitals (HB 15)	874,775.00
Layton Home (HB 17)	5,000.00
Fire Companies—Rescue Trucks (HB 18)	15,000.00
Kent-Sussex Fair—Prizes (HB 19)	15,000.00
VFW—Services (HB 21)	4,000.00

Fire Companies—Equipment (HB 75)	98,000.00
Education—Salaries (SS2-43)	680,000.00
	(approximately)
Education—Custodian Salaries (SB 352)	160,000.00
	(approximately)
American Legion Post No. 8—Ambulance (HB 76)	750.00
Fire Companies—Ambulances (HB 77)	17,250.00
VFW Post No. 7422—Ambulance (HB 102)	750.00
Augustine Beach Fire Company (HB 134)	500.00
S. P. C. A. (HB 228)	2,000.00
American Legion—Boys' and Girls' State (HB 237)	1,000.00
Belvedere Fire Company (HB 251)	1,750.00
American Legion—Service (HB 255)	4,000.00
Wilmington Fire Co.—Equipment (SB 157) ...	22,750.00
Soil Conservation—New Castle County Ditches (HB 161)	1,500.00
Soil Conservation—Kent County Ditches (HB 178)	10,000.00
Soil Conservation—Sussex County Ditches (HB 375)	22,500.00
Southeast Regional Educational Compact Act (HB 107)	28,000.00
TOTAL	\$2,070,925.00

STATE OF DELAWARE

FISCAL STATEMENTS OF GOVERNOR J. CALEB BOGGS
TO 119TH GENERAL ASSEMBLY—JANUARY 7, 1958STATEMENT OF PROBABLE EXPENDITURES FROM
STATUTES PROVIDING AUTOMATIC APPROPRIATIONS

General Assembly	\$ 300,000.00
Libraries	10,000.00
Insurance Commissioner	2,000.00
General Relief	500,000.00
Revenue Refunds	1,000,000.00
Agriculture	15,000.00
Education—Flags	500.00
Burial Indigent Veterans	5,000.00
Judicial Pensions	5,000.00
Bond Issuing Expenses	5,000.00
Bond and Note Interest	500,000.00
TOTAL	\$2,342,500.00

STATE OF DELAWARE

FISCAL STATEMENTS OF GOVERNOR J. CALEB BOGGS
TO 119TH GENERAL ASSEMBLY—JANUARY 7, 1958

FISCAL 1958 APPROPRIATIONS RECOMMENDED FOR REDUCTION

Highway—General Appropriation Act (HB 268 aa)

Maintenance

Operations	\$200,000.00
Repairs and Replacements	200,000.00

 400,000.00

Mosquito Control

Operations	100,000.00
------------------	------------

 TOTAL \$500,000.00

SUSPENDED APPROPRIATIONS FOR FISCAL 1959

RECOMMEND FOR REPEAL

Contingency Fund (HB 316)	\$ 535,800.00
Department of Elections Expenses (SB 257) .	100,000.00
	(approximate)
Municipal Aid (HB 157 aa)	1,200,000.00
Education—Building and Grounds	
Supervisors (HB 267)	24,000.00
Education—Capital Outlay New Units	
(HB 315)	70,400.00
Education—Salaries School Lunch	
Employees (SB 240)	228,750.00
Education—Salaries Secretaries and	
Health (SB 366)	61,170.00
Education—School Secretaries (SB 320)	36,000.00
Education—Maintenance (HB 239)	662,635.00
General Appropriation Act (HB 268 aa)	58,388,640.53

 TOTAL \$61,307,395.53

At the conclusion of his address to the members of the General Assembly, the aforementioned committee escorted the Governor from the Senate Chamber.

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

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

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

The members of the House of Representatives then departed from the Senate Chamber. The President of the Senate then presided over the Senate in regular session.

Mr. Reilly introduced the following resolution, which on further motion by him was adopted: **SR 95**—"In Reference to Election of Officers."

BE IT RESOLVED by the Senate of the 119th General Assembly of the State of Delaware that the following named persons be and they are hereby elected to the respective offices appearing opposite their names, to serve during the pleasure of the Senate:

Assistant Secretary of Senate—Mary David
 Secretary to Majority Leader—Edna M. Vadden
 Secretary to Attorney—Louise Eskridge
 Bill Clerk—Joseph W. Rawlins
 Clerk—Alvin Lyons
 Attorneys Messenger—Carl Prettyman
 Sergeant-at-Arms—William Poore
 Sergeant-at-Arms—Elisha Hickman
 Mail Clerk—J. Noble Carroll
 Sergeant-at-Arms—Matthew Donohue
 Secretary to Attorneys—Beatrice V. Hubbard
 Attorney—Samuel R. Russell
 Chaplain—Thomas C. Mulligan

The President of the Senate administered the following oath to the aforementioned persons:

ILLUSTRATION OF OATH OF EMPLOYEES

The State of Delaware, County of Kent, ss.

I, Mary F. David, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Assistant Secretary for the Senate in the General Assembly of the State, according to the best of my ability.

MARY F. DAVID

Sworn and subscribed this 7th day of January, A. D. 1958.

DAVID B. BUCKSON

President of the Senate

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 35**.

On motion of Mr. Cook, the Senate recessed at 2:55 P. M. until call of the Chair.

Senate met at expiration of recess at 3:02 P. M. President Pro Tempore Steen presiding.

On motion of Mr. Cook, the Senate adjourned at 3:05 P. M. until 1:00 P. M., Friday, January 10, 1958.

103RD LEGISLATIVE DAY

Dover, Delaware, January 10, 1958

Senate met pursuant to adjournment at 2:15 P. M., on Friday, January 10th, 1958. President Pro Tem Steen presiding.

Prayer by the Chaplain, Rev. Thomas C. Mulligan: "Our Father, before undertaking the important work of this session we invoke Thy divine blessing. The poet has said, 'The mill will never grind with the water that is past.' Make us to realize this truth in relationship to our lives and our service as we start the new year. Our State of Delaware in past years has made outstanding advances on the road to progress, it likewise has had many set-backs. May the achievements of the past not lull us into a feeling of self satisfaction, nor shall the mistakes of the past not fill us with a sense of frustration. May we know that our chief obligation is to accept the challenge of the present and to quit ourselves as men and be strong. Direct us in this we pray in the Master's Name. Amen."

Members present—Messrs. Behen, Cook, Correll, Gray, Harrison, Hoey, Johnson, Lamnot, Pryor, Reilly, Tull, Mr. President Pro Tem—12.

Members absent—Messrs. Hickman, McCullough, Melson, Nechay, Williams—5.

By direction of the Chair, and without objections, the reading of the Journal of the Previous Session was not made, and the Journal stood approved.

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

SB 371—"An Act to Amend Chapter 41, Title 11, Delaware Code, Relating to Non-Payment of Fines and Costs; Imprisonment and Discharge," by Behen; to Judiciary.

SB 372—"An Act to Amend Chapter 51, Title 30, Delaware Code, Entitled "Motor Fuel Tax" Relative to Shrinkage and Evaporation," by Behen; to Buildings and Highways.

HB 373—"An Act to Amend Chapter 7, Title 7, Delaware Code, Entitled "Game and Fish—Regulations" Relative to Hunting, Fishing or Trapping Without a License or Otherwise Unlawfully; Penalties," by Behen; to Fish, Oysters and Game.

The following bill was reported by the majority of the respective committee as follows: By Mr. Behen, Municipal Corporation—**SB 208**, 2 favorable, 2 on merits.

On motion of Mr. Reilly, the Senate recessed at 2:27 P. M. until call of the Chair.

Senate met at expiration of recess at 3:55 P. M. President Pro Tempore presiding.

Messrs. Melson, Williams, Hickman and McCullough asked to be marked present.

On privilege of the floor, Mr. Melson announced that he had on hand, and would read, the Report of the Senate Investigation Committee, said Committee having been appointed by the Chair pursuant to Senate Resolution 86. Mr. Melson proceeded to read the Report, when Mr. Correll moved that so much be considered the reading of the Report and that the same be approved. Motion prevailed.

After making some commentary on the Report, Mr. Melson made the request that the Report be included in this day's Journal. The Report follows herewith:

SENATE INVESTIGATION COMMITTEE REPORT PURSUANT TO SENATE RESOLUTION 86

Senate Investigation Committee

Senator Walter J. Hoey, President
Senator Elwood F. Melson, Jr., Secretary
Senator Lemuel H. Hickman
Senator Peter Nechay
Senator Jacob A. Correll

FOREWORD

The Committee makes no apologies for the job it has done, incomplete though it may be. Despite the temporarily successful efforts of certain Wilmington officials of both parties to block its proceedings, it has clearly established that the present anti-gambling laws are totally inadequate to prevent widespread, organized, unlawful gambling in those areas where density of population makes such activity highly profitable.

Commencing on September 30, 1957, the Committee has thus far held 12 public hearings, interrogated 30 witnesses, and amassed 532 pages of testimony. (A financial report will be made later.)

Originally the Committee had expected to be granted access to the records of the gambling probe conducted by the 1956 New Castle County Grand Jury. With the wealth of information contained in those records at its disposal, the Committee believed it would be able to conduct informative public hearings without the necessity for hiring a full attorney and a staff of assistants and at the same time without making an excessive demand upon the time and effort of the Committee members. Denial of the records compelled the members to spend many additional hours acquiring background information from other sources.

The Court's decision denying the records to the Committee on the ground of public policy may have been a wise one. Unfortunately, the opinion left one important question unanswered: Why had the records previously been made available to Wilmington's Directors of Public Safety and the State Psychiatrist to assist them in their work?

Since the Committee's hearings were given wide press coverage, the reports concerning gambling and policy bribery are brief. On the other hand, because of the conflicting nature of the testimony concerning both the 1948 investigation into police bribery in Wilmington and the attempt by one or more Wilmington police officials to secure the reinstatement of a suspected gambler to a New Jersey race track, the Committee has set forth in some detail its findings of fact regarding those two incidents together with excerpts of the testimony upon which those findings are based.

The Committee wishes to emphasize that the selected excerpts represent but a very small part of the total testimony. Furthermore, it wishes to point out that in a few instances it has made very minor changes in the statements attributed to the various witnesses. This, however, was done only where clarity and brevity dictated such a procedure. The Committee is satisfied that the selected excerpts accurately reflect the purport of the whole testimony from which they have been lifted.

The Committee expresses its appreciation to the following: the Attorney General for his ready cooperation and for making available the highly valued services of State Detective Walter J. Wassmer; the New Castle County Grand Jury for having published helpful information during the course of the hearings; and the Wilmington's Chief of Police, Arthur B. Wilson for making the services of the efficient and greatly respected Vice Squad available for the service of subpoenaes.

CHRONOLOGY OF COMMITTEE ACTIVITIES

1957

June 24—Adoption of Senate Resolution #86, followed by appointment of Committee members.

July 19—Organizational meeting of Committee at which Senator Walter J. Hoey was elected chairman and Senator Elwood F. Melson, Jr., secretary. The Secretary was directed to make necessary preparation for the hearings.

July 25—Committee request that Attorney General assign State Detective, Walter J. Wassmer, to assist the committee.

July 26—Request granted by the Attorney General.

July 31—Letter to Superior Court Judge Andrew D. Christie requesting information regarding proper procedure to obtain records of 1956 Grand Jury's probe into gambling.

August 9—Letter received from Judge Christie, reading in part:

“I suggest, therefore, that a correct and proper procedure to obtain these records would be a subpoena in the nature of a subpoena duces tecum addressed to the foreman of the Grand Jury as presently constituted.

“Such a procedure would recognize that general control of such special records remains with the Grand Jury even though the records are held by the Prothonotary for safe keeping. Should a disagreement arise as to this matter, the Superior Court might be called upon to decide the issue. The course here suggested would make a way open for a hearing on the issues raised if the necessity for it arises.”

September 9—Issuance of Subpoena Duces Tecum addressed to John Jessup, Foreman of the New Castle County Grand Jury directing him to produce the aforesaid records at the office of the Committee secretary on September 10, 1957. Subpoena cancelled upon request, to afford Mr. Jessup an opportunity to ascertain his powers and responsibilities in the matter.

September 16—Formal Opinion by Attorney General Craven to Mr. Jessup concluding as follows:

“I am of the opinion that, in the present instance, the paramount interest of the public requires that the proceedings of the previous Grand Jury should be turned over to the Senate Investigating Committee. However, this is a decision that must be made by the Superior Court. Neither you nor I have any authority or control over the transcript of the 1956 Grand Jury proceedings. This transcript is part of the Superior Court records and the decision as to whether or not it shall be turned over to the Senate Investigating Committee is solely within the discretion of the Court.”

September 17—Written request to Wilmington Chief of Police, Arthur B. Wilson requesting that Vice Squad be assigned to assist State Detective Wassmer to serve subpoenas on gambler. 16 witnesses subpoenaed to appear on September 30th.

September 25—Issuance of second Subpoena Duces Tecum addressed to John Jessup in order to bring the matter before the Court.

September 26—Committee ordered by Superior Court to appear in court on October 15, 1957, to show cause why the subpoena addressed to John Jessup should not be quashed. Mr. Jessup ordered not to appear before the committee.

September 30—First Public Hearing. Witnesses: J. Donald Craven, Walter J. Wassmer. Gamblers advised of constitutional rights and to seek counsel if they so desired.

- October 7—Second Public Hearing. Witnesses: John D. Rodenhiser, Harvey Leathem, and Harry Towers.
- October 8—Third Public Hearing. Witnesses: Benjamin W. Brown, C. Edward Duffy, Andrew Kavanaugh, and Anthony Vignola.
- October 10—Fourth Public Hearing. Witness: Walter J. Wassmer.
- October 14—Fifth Public Hearing. Witnesses: Benjamin W. Brown, Roland Driscoll, C. Edward Duffy, Robert G. Hackett, Matthew F. Judge, Andrew Kavanaugh, Robert R. Richards, Jr., and Harry Towers.
- October 15—Superior Court Hearing at which the Committee was represented by Assistant Deputy Attorney General, Alexander Greenfeld, decision reserved.
- October 17—Sixth Public Hearing. Witness: Arthur B. Wilson.
- October 21—Seventh Public Hearing. Witnesses: Peter Aprille, Joseph M. Donlon, Van R. Smothers.
- October 22—Transcript of testimony sent AG with request to check for perjury.
- October 24—Eighth Public Hearing. Witnesses: Elwood W. Agnew, Alfred DiMaio, Joseph Paolino, John J. Williams.
- October 25—Ninth Public Hearing. Witnesses: John H. Butler, Columbus W. Jannuzzio, Dominick A. Mancari, Thomas Pepe, George Thompson.
- October 30—Tenth Public Hearing. Witness: Frank Pascarell. Assistant City Solicitor Joseph Kwiakowski appeared to inform Committee that Wilmington Police had been directed to ignore Committee subpoenas and would not appear. (Case on validity of subpoenas set to be heard by Court on December 4, 1957.)
- November 6—Eleventh Public Hearing. Witness: James T. Chandler.
- November 8—Superior Court announced decision denying Grand Jury records to Committee. (Dep. Atty. Gen. Tybout filed motion to dismiss complaint filed by Lynch, October 30—Brief schedule set Superior Court.)
- November 15—Twelfth Public Hearing. Witnesses: Wilfred Dube, John Madala. (Tybout filed brief for Senate, filed motion for Summary Judgment, Superior Court.)
- November 21—Melson made deposition to Lynch.
- December 4—Lynch filed answer brief to Tybout brief of Nover 15.
- December 11—Tybout filed reply brief in answer to Lynch brief of Dec. 4.
- December 20—Argument by Tybout and Lynch Superior Court, Decision Reserved.