

On motion of Mr. Mayhew, **HB 237** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 237**—An Act Appropriating Certain Money to Kent and Sussex County Fair, Incorporated, for Prizes.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus—14.

NAYS: None.

ABSENT: Hoey, Spicer, Mr. President Pro Tem Reilly—3.

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

On motion of Mrs. Manning, **SB 217** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 217**—An Act Making a Supplementary Appropriation to the State Treasurer for the State Employees' Pension Plan, Survivors' Pensions (Spouse) for the Fiscal Year Ending June 30, 1962.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Wilgus—12.

NAYS: Donovan, McCullough—2.

NOT VOTING: Watson—1.

ABSENT: Spicer, Mr. President Pro Tem Reilly—2.

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

On motion of Mr. Watson, **HB 174** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 174**—An Act to Amend Title 31, Delaware Code, with Respect to Support from Relatives of Persons Applying for or Receiving Public Assistance.

Mr. Watson moved that the privilege of the floor be extended to Representative Eskridge to explain **HB 174**. Motion prevailed.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Snowden, Tull, Watson, Wilgus—12,

NAYS: Simpson, Steen—2.

NOT VOTING: McCullough—1.

**ABSENT:** Spicer, Mr. President Pro Tem Reilly—2.

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

On motion of Mr. Tull, the Senate resolved into Executive Session at 5:35 P. M. The Senate resolved into regular session at 5:45. Mr. Steen presiding.

The following bill was introduced, given first reading, and referred to committee:

**SB 243**—An Act to Amend Section 1106, Title 10, Delaware Code, Relating to Salary of Judge of Juvenile Court in Kent and Sussex Counties. (By Mr. Cook, to Judiciary)

Mr. Watson, Chairman of the Elections Committee, reported the following bill from committee: **SB 242**, 2 favorably, 1 on merits, 1 unfavorably.

The Chair presented the following House Concurrent Resolution, which on further motion by Mr. Cook was adopted and ordered returned to the House:

**HCR 28**—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

Mr. Steen, Chairman of the Public Health Committee, reported the following bill from committee: **SB 163**, 2 favorably, 3 on merits.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: **SB 200**, 4 on merits; **SB 223**, 2 favorably, 3 on merits.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: **SB 234**, 5 on merits; **SB 235**, 5 on merits.

Mr. Johnson, Chairman of the Banking and Insurance Committee, reported the following bill from committee: **HB 302**, 3 favorably, 1 on merits.

On motion of Mr. Cook, the Senate adjourned at 5:50 P. M. until Monday, July 17, 1961, at 1:00 P. M.

## 62ND LEGISLATIVE DAY

July 17, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, July 17, 1961. Lieutenant-Governor Lamnot presiding.

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

Members present: Donovan, Johnson, Price, Simpson, Tull, Wilgus—6.

Members absent: Cook, duPont, Hoey, Manning, Mayhew, McCullough, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—11.

In the absence of a quorum, the Senate recessed upon call of the Chair at 1:32 P. M. The Senate met at the expiration of the recess at 5:05 P. M. Lieutenant-Governor Lam-mot presiding.

Messrs. Cook, duPont, Hoey (Mrs.) Manning, Mayhew, McCullough, Snowden and Steen asked to be marked present.

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

The following bill was introduced and given first reading:

SS 1 for SB 195—An Act to Amend Chapter 81, Title 9, Delaware Code, Entitled Limitations Upon Taxing Power by Adding Thereto a New Subchapter Concerning Exemptions from Taxation on Real Property of Citizens and Residents of This State of the Age of 65 or More Years Having an Income Not In Excess of \$5,000 Per Year. (By Mrs. Manning, which on her further motion, was adopted in lieu of the original)

The following bills were introduced, given first reading, and referred to committees:

SB 244—An Act to Amend Chapter 149 of Volume 29, Laws of Delaware, as Amended, Being An Act Entitled "An Act to Reincorporate the Town of Cheswold" by Increasing the Amount to be Raised by Taxation. (By Mr. Cook, to Corporations, Municipal)

SB 245—An Act to Amend Section 9701, Title 10, Delaware Code, Relating to Fees of the Justice of the Peace. (By Mr. Johnson, to Judiciary)

SB 246—An Act Making a Deficiency Appropriation to the Delaware State Development Department for Salaries and Wages of Employees. (By Mr. Cook, to Finance)

On motion of Mr. Mayhew, HB 40 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 40—An Act to Authorize the Levy Court of Kent County to Appropriate Money to the Kent County Volunteer Firemen's Association.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Wilgus—14.

NAYS: None.

ABSENT: Spicer, Watson, Mr. President Pro Tem Reilly

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

On motion of Mr. Johnson, SB 242 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 242**—An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to the Levy Court Commissioners for New Castle County.

Mr. duPont moved that the bill be deferred. Motion prevailed.

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

### GOVERNOR'S MESSAGE

July 17, 1961

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

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

Granville M. Read, 812 Berkeley Road, Westover Hills, Wilmington 6, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years, to expire December 4, 1966.

G. Franklin Waples, Milford, Delaware, re-elected by the Board of Trustees of the University of Delaware to be a member of that Board for a term of six years, to expire December 12, 1966.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

**SR 72**—Relating to Amount Due the Harrington Journal for Printing Incurred by the 121st General Assembly.

Mr. Lamot stepped down from the Chair and Mr. Mayhew stepped up to the Chair to preside.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 322**—An Act to Prohibit the Examination in Courts of the State of Delaware of Any Minister of Religion in Connection with Any Communication Made to Him in His Professional Capacity, Without the Consent of the Party to Such Communication. (To Judiciary)



Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 244**, 3 on merits.

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

**HCR 29**—On the Death of Dr. Clarence J. Prickett.

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: **HB 225**, 4 favorably, 1 on merits.

On motion of Mr. Cook, the Senate adjourned at 5:45 P. M., until Tuesday, July 18, 1961, at 1:00 P. M.

### 63RD LEGISLATIVE DAY

July 18, 1961

The Senate met pursuant to adjournment at 1:32 P. M. on Tuesday, July 18, 1961. Lieutenant-Governor Lamot presiding.

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

Members present: Donovan, duPont, Johnson, Snowden, Tull, Wilgus—6.

Members absent: Cook, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—11.

The Chair declared a recess for lack of a quorum at 1:36 P. M. The Senate met at the expiration of the recess at 5:30 P. M. Lieutenant-Governor Lamot presiding.

Messrs. Steen, McCullough, Hoey, Price, Cook, Simpson, Snowden and Mrs. Manning asked to be marked present.

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

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 284**—An Act to Amend Chapter 15, Title 29, Delaware Code, Relating to the Commission on Uniform State Laws, by Revising the Commission and Its Duties and Changing Its Name to Commission on Modernization of State Laws. (To Revised Statutes)

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

## GOVERNOR'S MESSAGE

July 18, 1961

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

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

Joseph A. Bradshaw, 2312 Monroe Street, Wilmington, Delaware, to be a member and Chairman of the Unemployment Compensation Commission of the State of Delaware, for a term to end on the First day of May, 1967, replacing Albert Stetser;

Frank J. Carello, Jr., 108 Wildel Avenue, Minquadale, New Castle, Delaware, to be a member of the Unemployment Compensation Commission for the State of Delaware, for a term to end on the First day of May, 1967, replacing William Bodenstedt;

Wilbert Rawley, Leipsic, Delaware, to be a member of the Unemployment Compensation Commission for the State of Delaware, for a term to end on the First day of May, 1967, (reappointment);

Tilghman S. Johnson, Roxana, Delaware, to be a member of the Unemployment Compensation Commission for the State of Delaware, for a term to end on the First day of May, 1967, replacing Homer H. Pepper;

Francis A. Dolan, 10 Tamrock Avenue, Elsmere, Wilmington 5, Delaware, to be a member of the Industrial Accident Board of the State of Delaware for a term of six years, to end on July 18, 1967, replacing Samuel Gravenor.

Respectfully submitted,

ELBERT N. CARVEL, Governor

July 18, 1961

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

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

William M. Doughten, Lake Drive, Smyrna, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire July 18, 1965, replacing Franklin T. English;

Harry J. Schmierer, West Cedar and Laurel Avenue, Lewes, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire July 18, 1965, replacing Mrs. Helen Faust.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Cook, SB 244 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 244—An Act to Amend Chapter 149 of Volume 29, Laws of Delaware, as Amended, Being An Act Entitled "An Act to Reincorporate the Town of Cheswold", by Increasing the Amount to be Raised by Taxation.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Snowden, Steen, Tull, Wilgus—12.

NAYS: None.

ABSENT: Manning, Simpson, Spicer, Watson, Mr. President Pro Tem Reilly—5.

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

On motion of Mr. Steen, SB 227 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 227—An Act to Add a New Chapter to Title 3, Delaware Code, to be Called Chapter 67, to Regulate the Distribution of Biological Products Containing Living, Attenuated or Killed Organisms or Viruses for the Treatment or Prevention of Diseases of Poultry.

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

YEAS: Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Snowden, Steen, Tull, Wilgus—11.

NAYS: None.

ABSENT: Cook, Manning, Simpson, Spicer, Watson, Mr. President Pro Tem Reilly—6.

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

On motion of Mr. Hoey, SB 208 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 208—An Act to Amend Section 514, Title 18, Delaware Code, Relating to Countersigning Policies.

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

YEAS: Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Snowden, Steen, Tull, Wilgus—11.

NAYS: None.

ABSENT: Cook, Manning, Simpson, Spicer, Watson, Mr. President Pro Tem Reilly—6.

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

On motion of Mr. Mayhew, SB 223 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 223—An Act to Amend Chapter 11, Section 1172 of Title 10, Delaware Code, by Adding New Subsections Thereto, with Respect to the Powers of the Police, Justices of the Peace, Other Courts and Other Committing Magistrates, in Issuance of Process, Conduct of Preliminary Proceedings and Detention of Children in the Juvenile Court of Kent and Sussex Counties.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Steen, Tull, Wilgus—12.

NAYS: None.

NOT VOTING: Snowden—1.

ABSENT: Manning, Spicer, Watson, Mr. President Pro Tem Reilly—4.

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

On motion of Mr. Donovan, SB 156 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 156—An Act to Amend Chapter 43, Title 11, Delaware Code, Relating to Probation by Permitting Justices of the Peace to Suspend Sentences Temporarily.

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull—9.

NAYS: duPont, Simpson, Snowden, Wilgus—4.

ABSENT: Manning, Spicer, Watson, Mr. President Pro Tem Reilly—4.

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

The following bill was introduced, given first reading, and referred to committee:

SB 247—An Act Appropriating Funds to the State Highway Department to construct and Maintain a Dam Across Garrison's Pond, Kent County, Delaware. (By Mr. Price, to Buildings and Highways)

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bill from committee: **SB 238**, 1 favorably, 3 on merits.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 322**, 3 favorably, 2 on merits.

On motion of Mr. Steen, the Senate adjourned at 6:02 P. M., until Wednesday, July 19, 1961, at 1:00 P. M.

## 64TH LEGISLATIVE DAY

July 19, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, July 19, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Donovan, Johnson, Mayhew, Price, Wilgus—5.

Members absent: Cook, duPont, Hoey, Manning, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—12.

In the absence of a quorum, the Chair declared a recess. The Senate met after the recess at 3:10 P. M. Lieutenant-Governor Lammot presiding.

Members present: Cook, Donovan, duPont, Johnson, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus—12.

Members absent: Hoey, Manning, Simpson, Spicer, Mr. President Pro Tem—5.

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

On motion of Mr. duPont, **SB 163** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 163**—An Act to Amend Chapter 33, Title 24, Delaware Code, Entitled "Veterinarians" Relating to the Powers of the State Board of Veterinary Examiners, Examinations, Applications, Suspension or Revocation of Licenses, Appeals, Violations and Penalties.

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

YEAS: Cook, duPont, Johnson, Mayhew, McCullough, Price, Snowden, Tull, Watson, Wilgus—10.

NAYS: None.

NOT VOTING: Donovan, Steen—2.

ABSENT: Hoey, Manning, Simpson, Spicer, Mr. President Pro Tem Reilly—5.

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

On motion of Mr. Steen, SB 28 which had previously been tabled, was taken up for consideration in order to pass the Senate:

**SB 28**—An Act Making an Appropriation to the State Highway Department for the Construction of a Dam at Portsville Pond in Sussex County.

Mr. Cook moved that the roll call be stricken and a new roll call taken.

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

**YEAS:** Cook, Donovan, duPont, Snowden—4.

**NAYS:** Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Wilgus—8.

**ABSENT:** Hoey, Manning, Simpson, Spicer, Mr. President Pro Tem Reilly—5.

So the question was decided in the negative.

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

**YEAS:** Cook, Donovan, Hoey, Johnson, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

**NAYS:** duPont, Manning—2.

**NOT VOTING:** Mayhew, McCullough, Snowden, Spicer, Wilgus—5.

**ABSENT:** Simpson—1.

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

Mr. Hoey asked to be marked present.

On motion of Mr. Johnson, SB 242 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 242**—An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to the Levy Court Commissioners for New Castle County.

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

**YEAS:** Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson—9.

**NAYS:** duPont, Snowden, Wilgus—3.

**ABSENT:** Cook, Manning, Simpson, Spicer, Mr. President Pro Tem Reilly—5.

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

On motion of Mr. Watson, **HB 199** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 199**—An Act Authorizing the Levy Court of Kent County to Appropriate County Moneys to Certain Fire Companies for the Maintenance of a Rescue Squad.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus—13.

NAYS: None.

ABSENT: Manning, Simpson, Spicer, Mr. President Pro Tem Reilly—3.

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

On motion of Mr. duPont, **SB 225** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 225**—An Act to Amend Section 1118, Title 30, Delaware Code, Relating to Deductions from State Income Tax.

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

YEAS: Cook, duPont, Johnson, McCullough, Price, Snowden, Tull, Wilgus.

NAYS: None.

NOT VOTING: Donovan, Hoey, Mayhew, Steen, Watson.

ABSENT: Manning, Simpson, Spicer, Mr. President Pro Tem Reilly.

On motion of Mr. duPont, the roll call was tabled.

On motion of Mr. Tull, **HB 186** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 186** with **HA 1**—An Act to Amend Part III, Title 6, Delaware Code, Entitled "Weights, Measures, and Standards" by Repealing Most of the Present Provisions and Substituting New Administrative and Substantive Provisions, Defining Certain Crimes and Appropriating Funds.

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

YEAS: Cook, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus—12.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Manning, Simpson, Spicer, Mr. President Pro Tem Reilly—4.

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

The following bill was introduced, given first reading, and referred to committee:

**SB 248**—An Act to Amend Section 923, Title 10, Delaware Code, Relating to the Powers and Duties of the Family Court in New Castle County. (By Mr. Watson, to Judiciary)

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:50 P. M. The Senate met at the expiration of the recess at 4:45 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Tull, the Senate resolved into Executive Session at 4:48 P. M. The Senate resolved into regular session at 5:05 P. M.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 5:07 P. M. The Senate met at the expiration of the recess at 6:15 P. M. Mr. Mayhew presiding.

On motion of Mr. Steen, the Senate adjourned at 6:15 P. M. until Thursday, July 20, 1961.

## 65TH LEGISLATIVE DAY

July 20, 1961

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

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

Members present: Donovan, duPont, Johnson, Price, Snowden, Spicer, Steen, Watson—8.

Members absent: Cook, Hoey, Manning, Mayhew, McCullough, Simpson, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

The Chair declared a recess for lack of a quorum. The Senate met at the expiration of the recess at 6:00 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Cook, Hoey, Mayhew, McCullough, Tull and Wilgus asked to be marked present.

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

On motion of Mr. Steen, rules were suspended in order to consider **HB 348**.

On motion of Mr. Steen, **HB 348** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:



**HB 348**—An Act to Direct the Sussex Levy Court to Appropriate \$750 a Year in the 1961 and 1962 Fiscal Years to the Millville Volunteer Fire Company for Maintenance of Ambulance.

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

**YEAS:** Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson—12.

**NAYS:** None.

**ABSENT:** Cook, Manning, Simpson, Wilgus, Mr. President Pro Tem Reilly—5.

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

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

**HCR 30**—Requesting All State Agencies to Initiate Programs and Policies to Encourage the Hiring of Physically Handicapped Persons.

The following messages were received from the Governor and read to the Senate:

## GOVERNOR'S MESSAGES

July 19, 1961

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

We are thankful for the spirit and foresight of our countrymen in 1776 and again in 1787. The intelligence and determination of our forefathers provided us with a land of freedom and opportunity. To this very day, we are blessed with the benefits of their courageous planning.

Delawareans are especially proud of being citizens of the first state to recognize the importance of ratifying the Constitution. In effect, the Constitution was the basic and master planning structure for the young Nation. Now, 174 years later, the citizens of Delaware must show the same foresight for present and future generations.

Delaware desperately needs a Department of Planning. We have reached a point of no return. Without careful, wise and practical planning, our Diamond State can be easily transformed into a mere semi-precious rock.

In my inaugural address last January, I stated:

"As our State continues to expand industrially and commercially and as our population continues its upward trend, the people through their governmental process must provide the facilities for the logical expansion of the State so that we may enjoy these gains to the fullest.

"In order to develop logical plans for our future expansion and improvements, last November, I appointed a Bi-Partisan Committee of distinguished citizens from all sections of the State to make an inventory of the Unmet Needs of Delaware and to recommend to the Governor, goals to be reached during this decade of the Challenging Sixties."

This Commission, under the chairmanship of the Honorable Daniel L. Herrmann and with the invaluable aid of Mr. Henry B. duPont and his planning committee, has issued a report of great consequence to every present and future citizen of our State. A copy of this report with proposed legislation, prepared in consultation with the Institute of Public Administration, has been furnished to each member of the Legislature.

I respectfully urge your careful consideration of the legislation to create a State planning office, to provide for State planning activities and to encourage the coordinated development of the State.

With your cooperation, we can perpetuate the spirit and foresight of our founding fathers.

Respectfully submitted,

ELBERT N. CARVEL, Governor

Note: This Bill is being introduced in the House of Representatives as House Bill No. 358.

July 20, 1961

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

Here is my official estimate of revenue for the fiscal year ending June 30, 1962. The breakdown of this \$85,217,000 estimate is detailed on the enclosed statement. I further estimate that reversions for the fiscal year ending June 30, 1962, will be \$1,500,000.

In order to enact the routine grants-in-aid measures and approve the several supplemental appropriation acts that have been passed by both Houses of the General Assembly, it will be necessary to raise between one and one-half and two million dollars of additional revenue. It is my strong recommendation that the General Assembly enact a one cent per gallon increase in the motor fuel tax which would provide the necessary funds.

At the present time the motor fuel tax in Maryland is six cents per gallon; in New Jersey, six cents per gallon; in Pennsylvania, seven cents per gallon; and in Delaware, five cents per gallon. This proposed one cent increase would place Delaware on a par with two neighboring states, and one cent lower than the other neighboring state.

In view of the \$70,000,000 highway construction program now underway, it is entirely fair and equitable that the

users of these facilities help to share in the additional cost. Further, it has come to my attention that a number of the motor fuel companies have adjusted their prices to Delaware retailers in such a manner that we are no longer enjoying the degree of price advantage over our surrounding states that our present lower tax should generate.

Respectfully submitted,

ELBERT N. CARVEL, Governor

# GOVERNOR'S ESTIMATE OF REVENUE FOR FISCAL 1962

Source	Actual 1961	Estimate for 1962
Income tax, personal .....	\$29,704,000	\$30,500,000
Franchise tax, Corp. ....	12,123,000	12,000,000
Motor Fuel, Net .....	8,778,000	9,300,000
Corporation Income tax .....	6,741,000	7,000,000
Motor Vehicle Reg. ....	3,944,000	4,100,000
Pari-Mutuel and Admission .....	4,351,000	4,400,000
Alcoholic Beverage .....	1,988,000	2,100,000
Cigarette .....	2,210,000	2,500,000
Inheritance and Estate .....	1,330,000	1,000,000
Insurance taxes .....	1,464,000	1,550,000
Mercantile licenses .....	1,418,000	1,500,000
All Other .....	5,067,000	5,400,000
	<hr/>	<hr/>
	\$79,150,000	\$81,350,000
New Taxes Enacted .....		3,867,000
		<hr/>
Total for Fiscal 1962 .....		\$85,217,000

On motion of Mr. Mayhew, all rules were suspended.

On motion of Mr. Mayhew, **HB 349** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 349**—An Act to Prohibit Hunting Deer with Dogs.

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

**YEAS:** duPont, Hoey, Johnson, Mayhew, Price, Steen, Tull, Watson, Wilgus—9.

**NAYS:** Spicer—1.

**NOT VOTING:** Donovan—1.

**ABSENT:** Cook, Manning, McCullough, Simpson, Snowden, Mr. President Pro Tem Reilly—6.

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

On motion of Mr. Steen, SB 250 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 250**—An Act Making a Supplementary Appropriation to Millsboro School District No. 204 at Millsboro, Delaware, for the Fiscal Year Ending June 30, 1962.

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

**YEAS:** Donovan, duPont, Hoey, Johnson, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus—12.

**NAYS:** None.

**ABSENT:** Cook, Manning, McCullough, Simpson, Mr. President Pro Tem Reilly—5.

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

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

**HB 349**—An Act to Prohibit Hunting Deer with Dogs. (To Fish, Oysters and Game)

**HB 285**—An Act to Amend Sections 1191 and 1192, Title 30, Delaware Code, Relating to Withholding of Income Tax. (To Finance)

**HB 335**—An Act Authorizing the Levy Court of Sussex County to Appropriate County Moneys to Bridgeville Volunteer Fire Company for the Maintenance of a Rescue Squad and Truck. (To Revised Statutes)

**HB 250** with **HA 1**—An Act to Amend Subchapter VI, Chapter 5, Title 7, Delaware Code, Relating to Shooting Preserves by Changing the Territorial Scope of Said Subchapter. (To Fish, Oysters and Game)

**HB 233**—An Act to Amend Title 22, Delaware Code, Relating to Municipalities. (To Corporations, Municipal)

**HB 348**—An Act to Direct the Sussex County Levy Court to Appropriate \$750 a Year in the 1961 and 1962 Fiscal Years to the Millville Volunteer Fire Company for Maintenance of Ambulance. (Not assigned to committee)

**HB 211**—An Act Establishing a School Crossing Guard Unit Under the Jurisdiction of the Levy Court for New Castle County. (To Revised Statutes)

On motion of Mr. Mayhew, **HB 322** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 322**—An Act to Prohibit the Examination in Courts of the State of Delaware of Any Minister of Religion in Connection with Any Communication Made to Him in His Professional Capacity, Without the Consent of the Party to Such Communication.

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

YEAS: Cook, duPont, Hoey, Johnson, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus—12.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Manning, McCullough, Simpson, Mr. President Pro Tem Reilly—4.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 304**, 4 on merits.

Mr. Johnson, Chairman of the Buildings and Highways and Insurance and Banking Committees, reported the following bills from committees: **HB 267**, 1 favorably, 3 on merits; **SB 237**, 1 favorably, 3 on merits; **HB 226**, 2 favorably, 2 on merits.

On motion of Mr. duPont, **SB 225** which had previously been tabled, was taken up for consideration in order to pass the Senate:

**SB 225**—An Act to Amend Section 1118, Title 30, Delaware Code, Relating to Deductions from State Income Tax.

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

YEAS: Cook, duPont, Johnson, McCullough, Price, Snowden, Spicer, Tull, Wilgus—9.

NAYS: None.

NOT VOTING: Donovan, Hoey, Mayhew, Steen, Watson—5.

ABSENT: Manning, Simpson, Mr. President Pro Tem Reilly—3.

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

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

**SCR 29**—An Act Making an Appropriation to Butler's, Inc., for One Model 320 A. B. Dick Serial No. 306617 Off-Set Duplicator.

The following bills were introduced, given first reading, and referred to committees:

**SB 249**—An Act to Amend Chapter 41, Title 16, Delaware Code, Regarding Ice Cream to Include Definitions, Standards,

Regulatory Provisions and Penal Provisions Regarding Frozen Sweetened Products. (By Messrs. Tull and Snowden, to Public Health)

**SB 250**—An Act Making a Supplementary Appropriation to Millsboro School District No. 204 at Millsboro, Delaware, for the Fiscal Year Ending June 30, 1962. (By Mr. Steen, rules suspended)

**SB 251**—An Act to Create a State Board of Cosmetology and Regulate the Practice of Cosmetology. (By Mrs. Manning, to Public Health)

On motion of Mr. Wilgus, **SB 124** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 124**—An Act to Appropriate Money to the State Highway Department for the Purpose of Repairing and Replacing the Boardwalk at Bethany Beach.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus—13.

**NAYS:** None.

**ABSENT:** Manning, McCullough, Simpson, Mr. President Pro Tem Reilly—4.

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

The following bill was introduced, given first reading, and referred to committee:

**SB 252**—An Act to Amend the Delaware Code Pertaining to the State Highway Department by Substituting the Director of Operations for the Chief Engineer of the Department with Respect to the Performance of Certain Duties. (By Mr. Cook, to Buildings and Highways)

On motion of Mr. Steen, the Senate recessed upon call of the President of the Senate at 6:40 P. M.

The Senate met pursuant to recess at 1:15 P. M. on Tuesday, August 8, 1961. Lieutenant-Governor Lamnot presiding.

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

Members present: Donovan, Wilgus—2.

Members absent: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—15.

There being no quorum, the Senate recessed at the call of the Chair. The Senate met at the expiration of the recess at 4:40 P. M. Lieutenant-Governor Lamnot presiding.

Messrs Reilly and Simpson and Mrs. Manning asked to be marked present.

On motion of Mr. Steen, the Senate adjourned at 4:43 P. M. until Tuesday, August 8, 1961, at 4:45 P. M.

### 66TH LEGISLATIVE DAY

August 8, 1961

The Senate met pursuant to adjournment at 4:45 P. M. on Tuesday, August 8, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Cook, Donovan, duPont, Johnson, Manning, Mayhew, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

Members absent: Hoey, McCullough, Price, Tull—4.

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

Communications: From the Town Council of Middletown in favor of municipal aid.

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

### GOVERNOR'S MESSAGE

August 8, 1961

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

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

Mrs. Nellie Jones Loder, Clayton, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years to expire August 5, 1965, to succeed W. Frank Fleming;

Raymond S. Faulkner, Kenton, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years to expire July 21 1965 (new appointment);

LeRoy B. Truitt, 206 Market Street, Bridgeville, Delaware, to be a Member of the Bingo Control Commission for a term to expire September 1, 1964, to succeed Harry S. Zerby (not confirmed by the Senate).

Respectfully submitted,

ELBERT N. CARVEL, Governor

The following bills were introduced, given first reading, and referred to committees:

SB 253—An Act Transferring Title of Real Estate in Sussex County from the State of Delaware to the State Board of Health. (By Messrs. Steen and Spicer, to Public Health)

**SB 254**—An Act Making a Supplementary Appropriation to Frankford School #206 to Pay Expenses Incurred During Fiscal Year Ending June 30, 1961. (By Mr. Steen)

On motion of Mr. Steen, and without objection, rules were suspended on **SB 254**.

Messrs. Steen and Reilly, Chairmen of the Public Health and Corporations, Private Committees, reported the following bills from committee: **SB 249**, 2 favorably, 2 on merits; **HB 261**, 2 favorably, 3 on merits.

Mr. Hoey asked to be marked present.

On motion of Mr. Steen, **HB 254** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 254**—An Act Making a Supplementary Appropriation to Frankford School #206 to Pay Expenses Incurred During Fiscal Year Ending June 30, 1961.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Mayhew, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** Manning—1.

**ABSENT:** McCullough, Price, Tull—3.

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

On motion of Mr. Watson, **HB 304** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 304**—An Act to Amend Section 701, Title 29, Delaware Code, Relating to Designation of Meetings of the General Assembly.

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

**YEAS:** Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** McCullough, Price, Tull—3.

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

The following bills were introduced, given first reading, and referred to committees:

**SB 255**—An Act Making a Supplementary Appropriation to the State Board of Boiler Rules. (By Mr. Reilly, to Finance)



**SB 256**—An Act to Amend Chapter 5, Title 24, Delaware Code, Entitled "Chiropractic by Including Podiatry Within Said Chapter. (By Mr. Reilly, to Public Health)

**SB 257**—An Act to Amend Title 15, Delaware Code, Relating to Registration of Voters and Supplying Lists of Registered Voters by the State Election Commissioner, and to Appropriate Funds Therefor. (By Mrs. Manning and Mr. Snowden, to Finance)

Mr. Snowden introduced the following concurrent resolution and moved for its adoption:

**SCR 30**—Relating to the Arrangement of a Conference on State Fiscal Policy.

On motion of Mr. Steen, the Senate recessed for five minutes at 5:05 P. M. The Senate met at the expiration of the recess at 5:25 P. M. Lieutenant-Governor Lamot presiding.

The Chair referred **SCR 30** to the Miscellaneous Committee.

Messrs. Tull and Price asked to be marked present.

On motion of Mr. Reilly, **SB 187** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 187**—An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to the Board of Post-Mortem Examiners.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Manning, Mayhew, Price, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**NOT VOTING:** Simpson, Spicer—2.

**ABSENT:** Hoey, McCullough, Watson—3.

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

On motion of Mr. Reilly, **SB 214** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 214**—An Act Making Supplementary Appropriation to the Supreme Court for the Fiscal Year Ending June 30, 1962.

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

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

**NAYS:** Donovan—1.

**ABSENT:** Hoey, McCullough, Watson—3.

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

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

**SR 73**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through July 11, 1961, for Phones RE 6-1113, RE 6-6111 and RE 6-1295.

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

**SCR 31**—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

Mr. Steen, Chairman of the Public Health Committee, reported the following bills from committee: **SB 253**, 2 favorably, 2 on merits; **SB 256**, 2 favorably, 2 on merits.

Mr. Steen moved to suspend Rule 9 in order to consider **SB 253**.

Mr. McCullough asked to be marked present.

On motion of Mr. Steen, **SB 253** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 253**—An Act Transferring Title of Real Estate in Sussex County from the State of Delaware to the State Board of Health.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**NOT VOTING:** Hoey, Manning, McCullough—3.

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

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bill from committee: **SB 252**, 4 favorably, 1 on merits.

The following bills were introduced, given first reading, and referred to committees:

**SB 258**—An Act to Amend Chapter 53, Title 29, of the Delaware Code Pertaining to Voluntary Pension Trusts for State Employees. (By Mr. duPont, to Revised Statutes)

**SB 259**—An Act Making a Supplementary Appropriation to the Board of Pardons to Pay Expenses Incurred During Fiscal Year Ending June 30, 1961. (By Mr. Cook)

Mr. Cook moved that Rule 9 be suspended in order to consider **SB 259**. Motion prevailed.

On motion of Mr. Cook, **SB 259** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 259**—An Act Making a Supplementary Appropriation to the Board of Pardons to Pay Expenses Incurred During Fiscal Year Ending June 30, 1961.

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

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

**NAYS:** None.

**NOT VOTING:** Manning—1.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following resolution from committee: **HJR 5**, 3 favorably, 1 on merits, 1 unfavorably.

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **HJR 5**. Motion prevailed.

On motion of Mr. Mayhew, **HJR 5** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HJR 5**—Memorializing the Congress of the United States Relative to the Consideration of the Constitutional Amendment Concerning Equal Rights for Women.

Passed by voice vote and ordered returned to the House.

On motion of Mr. Mayhew, **HB 163** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 163**—An Act to Amend Section 555, Chapter 5, Title 28, Delaware Code, Relating to Tax on Pari Mutuel and Totalizator Pools by Increasing the Tax.

Mr. Mayhew introduced **SA 1** to **HB 163** and moved for its adoption.

Mr. McCullough moved that the bill be deferred.

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

**YEAS:** McCullough, Steen, Mr. President Pro Tem Reilly—3.

**NAYS:** Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus—12.

**NOT VOTING:** Johnson—1.

**ABSENT:** Watson—1.

So the question was decided in the negative.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Tull—11.

NAYS: McCullough, Steen, Mr. President Pro Tem Reilly—3.

NOT VOTING: Spicer, Watson, Wilgus—3.

So the question was decided in the affirmative.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Tull, Mr. President Pro Tem Reilly—12.

NAYS: McCullough, Spicer, Steen—3.

NOT VOTING: Watson, Wilgus—2.

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

Mr. McCullough rose to a point of personal privilege, to object to discriminatory charges for campers on State Parks.

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

SR 74—Making an Appropriation to The Harrington Journal to Cover Cost of Senate Calendars Dated July 20, 1961.

On motion of Mr. Steen, SB 153 with SA 1, which had previously been tabled, was taken up for consideration and read a second time by title in order to pass the Senate:

SB 153 with SA 1—An Act to Amend Chapter 29, Title 14, Delaware Code, Relating to Transportation of Pupils.

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

YEAS: McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: None.

NOT VOTING: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Snowden—8.

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

The following bill was introduced, given first reading, and referred to committee:

SB 260—An Act to Amend Section 29, Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville", Relating to the Power to Borrow Money. (By Mr. Hoey, to Corporations, Municipal)

On motion of Mr. Hoey, the Senate adjourned at 6:45 P. M. until Wednesday, August 9, 1961, at 1:00 P. M.

### 67TH LEGISLATIVE DAY

August 9, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, August 9, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Donovan, duPont, Simpson—3.

Members absent: Cook, Hoey, Johnson, Manning, May-hew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

The Chair declared a recess for lack of a quorum.

The Senate met pursuant to recess at 6:00 P. M. Lieu-tenant-Governor Lam-mot presiding.

Members present: Cook, Donovan, duPont, Hoey, Man-ning, Mayhew, Simpson, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Johnson, McCullough, Price, Snowden, Tull, Watson—6.

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

The Chair presented the following House matter, which was given first reading:

**HB 368**—An Act to Authorize the State Board of Trus-tees of the Delaware State Hospital at Farnhurst to Expend \$40,000 for the All Star Rehabilitation Center at Stockley, Delaware, from Funds Previously Appropriated by Chapter 119, Volume 53, Laws of Delaware.

Mr. Reilly moved that rules be suspended for the pur-pose of considering **HB 368** without assignment to commit-tee. Motion prevailed.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 364**—An Act to Amend Chapter 207, Volume 24, Laws of Delaware, Entitled "An Act to Incorporate the Town of Bowers," as Amended. (To Corporations, Municipal)

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: SS 1 for SB 182, 3 favor-ably, 1 on merits.

On motion of Mr. Cook, **SB 252** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 252**—An Act to Amend the Delaware Code, Pertain-ing to the State Highway Department by Substituting the Director of Operations for the Chief Engineer of the Depart-ment with Respect to the Performance of Certain Duties.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Simpson, Steen, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: Spicer—1.

ABSENT: Johnson, McCullough, Price, Snowden, Tull, Watson—6.

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

On motion of the Chair, SS 1 for SB 191, which was amended by the House, was taken up for consideration and read a second time by title in order to pass the Senate:

SS 1 for SB 191—An Act to Amend Chapter 3, Title 11, Delaware Code, Entitled Specific Crimes, by Adding Thereto a New Subchapter Prohibiting Loitering and Providing for Penalties for Violations.

Mr. Spicer moved that the bill be deferred. Motion withdrawn.

Mr. Mayhew moved that the bill be deferred.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Wilgus, Mr. President Pro Tem Reilly—8.

NAYS: Simpson—1.

NOT VOTING: Spicer—1.

ABSENT: Johnson, McCullough, Price, Snowden, Steen, Tull, Watson—7.

So the question was decided in the affirmative.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering SB 182. Motion prevailed.

On motion of Mr. Reilly, SB 182 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 182—An Act Making a Supplementary Appropriation to the New Castle County Law Library for the Fiscal Year Ending June 30, 1961.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Simpson, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Johnson, McCullough, Price, Tull, Watson—5.

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

The following bill was introduced, given first reading, and referred to committee:

**SB 261**—An Act to Amend Chapter 6, Title 14, Delaware Code, Providing for Tuition Charges for Pupils Attending Schools Outside Their Resident District. (By Mr. Cook, by request, to Education)

On motion of Mr. Reilly, **HB 368** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 368**—An Act to Authorize the State Board of Trustees of the Delaware State Hospital at Farnhurst to Expend \$40,000 for the All Star Rehabilitation Center at Stockley, Delaware, from Funds Previously Appropriated by Chapter 119, Volume 53, Laws of Delaware.

On motion of Mr. Reilly, the bill was deferred.

Mr. Johnson asked to be marked present.

At 6:15 P. M., with the consent of Mr. Tull, Mr. Reilly moved for Executive Session. Motion prevailed. The Senate resolved into regular session at 6:35 P. M.

On motion of Mr. Lammot, the Senate recessed upon call of the Chair at 6:40 P. M. The Senate met at the expiration of the recess at 7:00 P. M. Lieutenant-Governor Lammot presiding:

By declaration of the Chair, the Senate stood in recess at 7:00 P. M., until Thursday, August 10, 1961, at 1:00 P. M.

The Senate met at the expiration of the recess at 2:00 P. M., August 10, 1961. Lieutenant-Governor Lammot presiding.

Messrs. Price, Tull, Watson and McCullough asked to be marked present.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering **HB 289**. Motion prevailed.

On motion of Mr. Reilly, **HB 289** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 289**—An Act to Authorize the New Castle Levy Court to Renovate and Refurnish the County Building, by Issuing Bonds.

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

**YEAS:** Donovan, duPont, Hoey, Manning, Mayhew, Price, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** None.

**ABSENT:** Cook, Johnson, McCullough, Simpson, Steen, Watson—6.

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

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

**SR 75**—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected With the Present Session of the Senate of the 121st General Assembly.

Mr. Hoey, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 335**, 3 on merits.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 233**, 1 favorably, 2 on merits.

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

**HB 224**—An Act to Amend Section 2121, Title 21, Delaware Code, Relating to Motor Vehicle License Plates to Require the Insertion of Certain Words Thereon. (To Revised Statutes)

**HB 289**—An Act to Authorize the New Castle Levy Court to Renovate and Refurnish the County Building, by Issuing Bonds. (Not referred)

**HB 104**—An Act to Amend Title 28, Delaware Code, Relating to Horse and Dog Racing in the State of Delaware. (To Miscellaneous)

**HB 307**—An Act to Authorize the State Highway Department to Install Tile on Land Belonging to the State of Delaware for Entrances and Exits to Property of Adjoining Landowners in Kent and Sussex Counties If Adjoining Landowners Purchase the Tile. (To Buildings and Highways)

On motion of Mrs. Manning, **SB 191** as amended by **HA 1** was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 191** with **HA 1**—An Act to Amend Chapter 3, Title 11, Delaware Code, Entitled Specific Crimes by Adding There-to a New Subchapter Prohibiting Loitering and Providing for Penalties for Violations.

The House amendment was read to the Senate.

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

On motion of Mrs. Manning, the roll call was tabled.

On motion of Mr. Reilly, **HB 368** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 368**—An Act to Authorize the State Board of Trustees of the Delaware State Hospital at Farnhurst to Expend \$40,000 for the All Star Rehabilitation Center at Stockley, Delaware, from Funds Previously Appropriated by Chapter 119, Volume 53, Laws of Delaware.



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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, Simpson, Steen—3.

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

On motion of Mr. Reilly, **HB 233** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 233** with **HA 1**—An Act to Amend Title 22, Delaware Code, Relating to Municipalities.

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

YEAS: Cook, Donovan, McCullough, Price, Tull, Watson, Mr. President Pro Tem Reilly.

NAYS: duPont, Hoey, Manning, Mayhew, Simpson, Wilgus.

NOT VOTING: Snowden, Spicer.

ABSENT: Johnson, Steen.

On motion of Mr. Reilly the roll call was tabled

The following bill were introduced by Mr. Mayhew, given first reading, and referred to the Committee on Judiciary:

**SB 262**—An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware Relating to Appeals on Criminal Matters from Inferior Courts.

**SB 263**—An Act to Amend Chapter 55, Title 11, Delaware Code, In Respect to Criminal Procedure in the Court of Common Pleas for Kent County.

**SB 264**—An Act to Amend Chapter 56, Title 11, Delaware Code, in Respect to Criminal Procedure in Court of Common Pleas for Sussex County.

**SB 265**—An Act to Amend Chapter 15, Title 10, Delaware Code, Relating to the Court of Common Pleas for Kent County.

**SB 266**—An Act Proposing an Amendment to Article IV, Section 13, of the Constitution of the State of Delaware, Relating to Designation of Judges of Any Court of Common Pleas to Sit in the Superior Court.

**SB 267**—An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware Relating to Appeals to the Supreme Court.

**SB 268**—An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware Relating to Appeals in Civil Matters from Inferior Courts to Courts Where Jury Trials are Available.

**SB 269**—An Act to Amend Chapter 27, Title 11, Delaware Code, in Respect to the Criminal Jurisdiction of the Court of Common Pleas for Kent County.

**SB 270**—An Act to Amend Chapter 16, Title 10, Delaware Code, Relating to the Court of Common Pleas for Sussex County, in Respect to Expenses of the Court, the Temporary Assignment of a Superior Court Judge to Sit in the Court Providing for a Court Reporter for the Court and an Office Secretary for the Judge; Increasing the Bond of the Clerk Appointment, Qualification and Compensation of Deputy Clerk; Increasing the Civil Jurisdiction of the Court; and Relating to Causes Transferred from the Superior Court; Providing for Appeals in Civil Actions to Superior Court on the Record; Providing for Trial by Jury in Civil and Criminal Cases; and in Other Respects.

**SB 271**—An Act to Amend Chapter 27, Title 11, Delaware Code, in Respect to the Criminal Jurisdiction of the Court of Common Pleas for Sussex County.

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

### GOVERNOR'S MESSAGE

August 9, 1961

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

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

Clarence Rash, 236 Weiner Street, Harrington, Delaware, to be a Member of the Delaware Alcoholic Beverage Commission for a term to expire May 15, 1965, succeeding T. Brinton Holloway, deceased.

Respectfully, submitted,

ELBERT N. CARVEL, Governor

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 364**, 4 on merits.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 284**, 4 on merits, 1 unfavorably.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 43**, 4 on merits.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering **HB 43**. Motion prevailed.

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **HB 284**. Motion prevailed.

On motion of Mr. Watson, **HB 284** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 284**—An Act to Amend Chapter 15, Title 29, Delaware Code, Relating to the Commission on Uniform State Laws, by Revising the Commission and Its Duties and Changing Its Name to Commission on Modernization of State Laws.

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

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

NAYS: Hoey, McCullough—2.

ABSENT: Johnson, Steen—2.

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

On motion of Mr. Tull, the Senate resolved into Executive Session at 4:30 P. M. The Senate resolved into regular session at 4:35 P. M. Lieutenant-Governor Lammot presiding.

Mrs. Manning moved that **SB 191** be lifted from the table. Motion prevailed.

Mr. Simpson changed his vote to yea.

Mrs. Manning moved that the roll call again be tabled. Motion prevailed.

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

**HB 43**—An Act to Amend Chapter 5, Volume 52, Laws of Delaware, Relating to the State Fire Marshal.

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

YEAS: Cook, Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Johnson, Steen—2.

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

On motion of Mr. Cook, the Senate recessed at call of the President or President Pro Tem, at 4:45 P. M.

The Senate met at the expiration of the recess at 6:25 P. M. on Tuesday, August 29, 1961. Lieutenant-Governor Lammot presiding.

On motion of Mr. Steen, the Senate adjourned at 6:26 P. M., until Tuesday, August 29, 1961, at 6:30 P. M.

## 68TH LEGISLATIVE DAY

August 29, 1961

The Senate met pursuant to adjournment at 6:30 P. M. on Tuesday, August 29, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Cook, Donovan, duPont, Hoey, Johnson, Manning, Price, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

Members absent: Mayhew, McCullough, Simpson, Watson—4.

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

Messrs. McCullough, Mayhew and Wilgus asked to be marked present.

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

**SCR 32**—Expressing the Sympathy of the 121st General Assembly on the Death of Dr. William B. Simpson.

WHEREAS, the 121st General Assembly of the State of Delaware has learned with regret of the passing of Dr. William B. Simpson, former Superintendent of the Caesar Rodney Special School District, and

WHEREAS, Dr. Simpson served the State as a vocational agriculture teacher, principal and superintendent at Caesar Rodney High School for 30 years, and

WHEREAS, Dr. Simpson was also president of the Camden-Wyoming Rotary Club and a life member of the Links and the Camden-Wyoming Fire Company, and

WHEREAS, Dr. Simpson was a member of the Delaware State Education Association, the National Education Association, the Kent County Education Association, the National School Boards Associations, the American Association of Schools Administrators, and the Delaware School Board Association, and

WHEREAS, Dr. Simpson was a committeeman for the Boy Scouts, a delegate to the Peninsula Methodist Conference, a director of Wesley Junior College, and a member of

Whatcoat Methodist Church, Mental Health Association of Delaware, the Commission for the Aged, and the Delaware Association for Retarded Children, and

WHEREAS, Dr. Simpson was awarded the Wesley Award Citation for outstanding leadership in the field of education and service to his community and church.

NOW THEREFORE:

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of Dr. William B. Simpson, a prominent figure in his community, and

BE IT FURTHER RESOLVED, that the family of the deceased has full sympathy of the members of the 121st General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family, and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the journal of the proceedings of the Senate and House of Representatives of the 121st General Assembly of the State of Delaware.

Messrs. Snowden and McCullough requested the privilege of the floor and spoke concerning Dr. Simpson.

The following bills were introduced, given first reading, and referred to committees:

SB 272—An Act to Amend Chapter 128, Volume 33, Laws of Delaware, 1923, Entitled An Act to Reincorporate the Town of Middletown, Providing for Municipal Elections. (By Mr. Johnson, to Corporations, Municipal)

SB 273—An Act Making a Supplementary Appropriation to the University of Delaware. (By Mr. Tull, to Finance)

SB 274—An Act to Amend Section 4501, Title 10, Delaware Code, Relating to Compensation of Jury Commission and Travel Expenses. (By Messrs. Mayhew and Hoey, to Judiciary).

SB 275—An Act to Amend Section 522 (a), Title 10, Delaware Code, Increasing the Number of Bailiffs for the Superior Court in New Castle County. (By Messrs. Mayhew and Hoey, to Judiciary)

SB 276—An Act to Amend Section 105, Title 16, Delaware Code, Increasing the Maximum Salary of the Executive Secretary from \$5000 per Annum to \$15,000 Per Annum. (By Mr. Steen, to Finance)

SB 277—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River Bay Channel via Pepper's Creek in Sussex County, and Author-

izing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Improvement. (By Mr. Steen, to Finance)

**SB 278**—An Act Appropriating Money to Sussex Memorial Post No. 7422, V. F. W. at Millsboro, with Which to Operate and Maintain an Ambulance. (By Mr. Steen)

Mr. Steen moved that rules be suspended for the purpose of considering **SB 278**. Motion prevailed.

On motion of Mr. Steen, **SB 278** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 278**—An Act Appropriating Money to Sussex Memorial Post No. 7422, V. F. W. at Millsboro, with Which to Operate and Maintain an Ambulance.

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

**YEAS:** Cook, Donovan, Hoey, Johnson, Manning, Mayhew, McCullough, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** duPont—1.

**ABSENT:** Price, Simpson, Watson—3.

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

On motion of Mrs. Manning, **SB 191** as amended by **HA 1** with title as follows was lifted from the table for consideration:

**SB 191** with **HA 1**—An Act to Amend Chapter 3, Title 11, Delaware Code, Entitled Specific Crimes by Adding There-to a New Subchapter Prohibiting Loitering and Providing for Penalties for Violations.

On the question, "Shall the Bill pass the Senate?" the yeas and nays previously taken, were announced as follows:

**YEAS:** Cook, duPont, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** Donovan, Mayhew—2.

**NOT VOTING:** Hoey—1.

**ABSENT:** Johnson, Watson—2.

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

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

**SCR 33**—Expressing the Gratitude and Appreciation of the General Assembly of the State of Delaware to the State Board for Vocational Education's Rehabilitation Division and to John C. King, Its Director.

WHEREAS, the General Assembly has learned that the rehabilitation of 520 disabled Delaware citizens was completed during the past fiscal year by the State Board for Vocational Education's rehabilitation division, and

WHEREAS, the number aided during the year is a new record for the division and ranks the State of Delaware fourth in the United States on the basis of rehabilitation per population, and

WHEREAS, these 520 Delawareans were earning an average of \$3.18 a week one year ago and are now earning an average of \$45.58 a week, and

WHEREAS, John C. King, the director of the division, is chiefly responsible for this excellent record.

**NOW THEREFORE:**

**BE IT RESOLVED** by the Senate of the State of Delaware, the House of Representatives concurring therein, that the 121st General Assembly does hereby express the gratitude and appreciation of all the people of Delaware to the State Board for Vocational Education's Rehabilitation Division and to John C. King, its Director, for these accomplishments, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to John C. King, and the resolution be spread upon the Journal of the Senate and House of Representatives of the 121st General Assembly.

The following bills were introduced, given first reading, and referred to committees

**SB 279**—An Act Relating to Fort Christina State Park, Renaming It the Fort Christina Monument, Transferring Custody of It to the Public Archives Commission and Making a Transfer of Funds for Its Operation. (By Mr. Cook, to Public Lands)

**SB 280**—An Act Making Supplemental Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962 to Enable the State to Pay the State's Share of Social Security Contribution Due for the Fiscal Years Ending June 30, 1961, and June 30, 1962. (By Mr. Mayhew, to Finance)

**SB 281**—An Act Proposing an Amendment to Article V of the Constitution of the State of Delaware, Relating to the Registration of Voters. (By Mrs. Manning and Mr. Snowden, to Elections)

On motion of Mr. Spicer, the Senate resolved into Executive Session at 7:10 P. M. The Senate resolved into regular session at 7:15 P. M.

On motion of Mr. Steen, the Senate adjourned at 7:15 P. M. until Wednesday, August 30, 1961, at 1:00 P. M.

### 69TH LEGISLATIVE DAY

August 30, 1961

The Senate met pursuant to adjournment at 2:10 P. M., on Wednesday, August 30, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Donovan, duPont, Hoey, Manning, May-hew, Spicer, Watson, Wilgus—8.

Members absent: Cook, Johnson, McCullough, Price, Simpson, Snowden, Steen, Tull, Mr. President Pro Tem Reilly—9.

The Senate recessed in the absence of a quorum.

The Senate met at the expiration of the recess at 10:30 P. M. Lieutenant-Governor Lam-mot presiding.

Messrs. Cook, Snowden, Johnson, Steen, Tull and Reilly asked to be marked present.

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

On motion of Mr. Watson, **HB 210** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 210**—An Act to Amend Title 30, Delaware Code, Chapter 11, Relating to Income Taxes by Exempting Certain Non-Residents from the Application Thereof.

On motion of Mr. Watson, the bill was deferred.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: **SB 267**, 4 favorably, 1 on merits; **SB 268**, 4 favorably, 1 on merits; **SB 269**, 4 favorably, 1 on merits; **SB 270**, 4 favorably, 1 on merits; **SB 271**, 4 favorably, 1 on merits.

On motion of Mr. Reilly, **HB 261** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 261**—An Act to Amend Chapter 81, Title 9, Delaware Code, by Giving Windy Hills Civic Association Tax Exemption Status.



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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: SB 262, 4 favorably, 1 on merits; SB 263, 4 favorably, 1 on merits; SB 264, 4 favorably, 1 on merits; SB 265, 4 favorably, 1 on merits; SB 266, 4 favorably, 1 on merits.

On motion of Mr. Hoey, HB 335 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 335—An Act Authorizing the Levy Court of Sussex County to Appropriate County Moneys to Bridgeville Volunteer Fire Company for the Maintenance of a Rescue Squad and Truck.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Cook, Donovan, McCullough, Price, Simpson—5.

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

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering SB 262, SB 263, SB 264, SB 265, SB 266, SB 267, SB 268, SB 269 and SB 270. Motion prevailed.

On motion of Mr. Mayhew, SB 262 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 262—An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware Relating to Appeals on Criminal Matters from Inferior Courts.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Mayhew, SB 263 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 263—An Act to Amend Chapter 55, Title 11, Delaware Code, in Respect to Criminal Procedure in the Court of Common Pleas for Kent County.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Mayhew, SB 264 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 264—An Act to Amend Chapter 56, Title 11, Delaware Code, in Respect to Criminal Procedure in Court of Common Pleas for Sussex County.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson, Snowden—5.

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

On motion of Mr. Mayhew, SB 265 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 265—An Act to Amend Chapter 15, Title 10, Delaware Code, Relating to the Court of Common Pleas for Kent County.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson, Snowden—5.

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

On motion of Mr. Mayhew, SB 266 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 266—An Act Proposing an Amendment to Article IV, Section 13, of the Constitution of the State of Delaware, Relating to Designation of Judges of Any Court of Common Pleas to Sit in the Superior Court.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Mayhew, SB 267 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 267—An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware Relating to Appeals to the Supreme Court.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Mayhew, SB 268 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 268**—An Act Proposing Amendments to Article IV of the Constitution of the State of Delaware Relating to Appeals in Civil Matters from Inferior Courts to Courts Where Jury Trials are Available.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Mayhew, **SB 269** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 269**—An Act to Amend Chapter 27, Title 11, Delaware Code, in Respect to the Criminal Jurisdiction of the Court of Common Pleas for Kent County.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Donovan, Johnson, McCullough, Price, Simpson—5.

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

On motion of Mr. Mayhew, **SB 270** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 270**—An Act to Amend Chapter 16, Title 10, Delaware Code, Relating to the Court of Common Pleas for Sussex County, in Respect to Expenses of the Court, the Temporary Assignment of a Superior Court Judge to Sit in the Court; Providing for a Court Reporter for the Court and an Office Secretary for the Judge; Increasing the Bond of the Clerk Appointment, Qualification and Compensation of Deputy Clerk; Increasing the Civil Jurisdiction of the Court; and Relating to Causes Transferred from the Superior Court; Providing for Appeals in Civil Actions to Superior Court on the Record; Providing for Trial by Jury in Civil and Criminal Cases; and in Other Respects.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Mayhew, SB 271 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 271—An Act to Amend Chapter 27, Title 11, Delaware Code, in Respect to the Criminal Jurisdiction of the Court of Common Pleas for Sussex County.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Snowden, SB 104 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 104—An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Providing for the Appointment of Two Additional Deputy Attorneys General in New Castle County.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Reilly, SB 198 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 198**—An Act to Amend Section 706, Title 21, Delaware Code, Relating to Disposition of Fines and Costs in Court of Common Pleas be Paid to New Castle County.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Donovan, McCullough, Price, Simpson—4.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 285**, 4 on merits.

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **HB 285**. Motion prevailed.

On motion of Mr. Watson (for Mr. Hoey), **HB 285** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 285**—An Act to Amend Sections 1191 and 1192, Title 30, Delaware Code, Relating to Withholding of Income Tax.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Hoey, **SB 220** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 220**—An Act Appropriating Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County.

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

**YEAS:** Cook, duPont, Hoey, Johnson, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**NOT VOTING:** Manning—1.

**ABSENT:** Donovan, McCullough, Price, Simpson—4.

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

On motion of Mr. Johnson, **HB 226** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 226**—An Act to Amend Chapter 9, Title 18, Delaware Code, Relating to Valuation and Nonforfeiture Requirements of Life Insurance Policies.

Mr. Cook moved to defer **HB 226**.

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

YEAS: Cook, Hoey, Mayhew, Steen, Tull, Mr. President Pro Tem Reilly—6.

NAYS: duPont, Johnson, Manning, Snowden, Watson, Wilgus—6.

NOT VOTING: Spicer—1.

ABSENT: Donovan, McCullough, Price, Simpson—4.

So the question was decided in the negative.

On motion of Mr. Johnson, the bill was deferred.

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

**SCR 34**—Making an Appropriation to the Able-Mar Printing Service to Cover Cost of Bill Backers for the Senate of the 121st General Assembly.

The following bills were introduced, given first reading, and referred to committees:

**SB 282**—An Act to Amend Chapter 345, Volume 52, Laws of Delaware, to Provide Additional Funds to the Seaford Special School District for Capital Improvements. (By Mr. Tull, to Finance)

**SB 283**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962" by Deleting and Reducing Certain Appropriations Made Therein. (By Mr. Hoey, to Finance)

On motion of Mrs. Manning, **SS 1** for **SB 195** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1** for **SB 195**—An Act to Amend Chapter 81, Title 9, Delaware Code, Entitled Limitations Upon Taxing Power by Adding Thereto a New Subchapter Concerning Exemptions from Taxation on Real Property of Citizens and Residents of This State of the Age of 65 or More Years Having an Income Not in Excess of \$5,000 per Year.

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

YEAS: duPont, Johnson, Manning, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Cook—1.

NOT VOTING: Hoey, Mayhew, Steen—3.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

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

**HB 363**—An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to the Fraudulent Use of Credit Cards, Codes, False Statements and Devices. (To Judiciary)

**HB 358**—An Act to Create a State Planning Office, to Provide for State Planning Activities, to Encourage the Integrated Development of the State and to Authorize the State Planning Office to Perform State and Interstate Comprehensive Planning and Related Activities Planning for Metropolitan or Regional Areas and Areas of Rapid Organization, Including Interstate Areas and to Provide Planning Assistance to Towns, Cities, Other Municipalities, Counties, Groups of Adjacent Counties, Metropolitan and Regional Areas and Official Governmental Planning Agencies; and to Authorize the Delaware State Development Department and Other Planning Agencies and Localities to Contract for and Accept and Expend Grants for Planning from the Federal Government and Other Sources. (To Revised Statutes)

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **HB 104**, 2 favorably, 2 on merits.

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

**SR 76**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through August 11, 1961 for Phone RE 6-1113, RE 6-6111 and RE 6-1295.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: **SB 248**, 2 favorably, 2 on merits; **SB 275**, 3 favorably, 1 on merits; **SB 274**, 3 favorably, 1 on merits.

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **SB 248**. Motion prevailed.

On motion of Mr. Watson, **SB 248** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:



SB 248—An Act to Amend Section 923, Title 10, Delaware Code, Relating to the Powers and Duties of the Family Court in New Castle County.

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

YEAS: duPont, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: Cook, Hoey—2.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

Mr. Cook introduced the following concurrent resolution, which was read:

SCR 35—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

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

YEAS: Cook, Hoey, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont—1.

ABSENT: Donovan, McCullough, Price, Simpson—4.

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

Mr. Steen moved that Rule 9 be suspended for the purpose of considering HB 358. Motion prevailed.

On motion of Mr. Steen, HB 358 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 358—An Act to Create a State Planning Office, to Provide for State Planning Activities, to Encourage the Integrated Development of the State and to Authorize the State Planning Office to Perform State and Interstate Comprehensive Planning and Related Activities Planning for Metropolitan or Regional Areas and Areas of Rapid Organization, Including Interstate Areas and to Provide Planning Assistance to Towns, Cities, Other Municipalities, Counties, Groups of Adjacent Counties, Metropolitan and Regional Areas and Official Governmental Planning Agencies; and to Authorize the Delaware State Development Department and Other Planning Agencies and Localities to Contract for and Accept and Expend Grants for Planning from the Federal Government and Other Sources.

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

**YEAS:** Cook, duPont, Johnson, Manning, Mayhew, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, McCullough, Price, Simpson—5.

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

On motion of Mr. Steen, the Senate adjourned at 1:15 A. M., until Thursday, August 31, 1961, at 1:00 P. M.

## 70TH LEGISLATIVE DAY

August 31, 1961

The Senate met pursuant to adjournment on Thursday, August 31, 1961. President Pro Tem Reilly presiding.

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

Members present: Donovan, duPont, Johnson, Manning, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Cook, Hoey, Mayhew, McCullough, Price, Simpson—6.

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

The following bill was introduced, given first reading, and referred to committee:

**SB 284**—An Act Making a Supplementary Appropriation to the Mental Hygiene Clinic for the Fiscal Year Ending June 30, 1962. (By Mr. Steen, to Public Health)

Mr. Steen moved that Rule 9 be suspended for the purpose of considering SB 284. Motion prevailed.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 394**—An Act to Amend Chapters 31 and 33, Part III, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing the Name of the "Unemployment Compensation Commission" to "Employment Security Commission." (To Labor)

Mr. McCullough asked to be marked present.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering SB 239. Motion prevailed.

On motion of Mrs. Manning, the Senate recessed upon call of the Chair at 3:45 P. M. The Senate met at the expiration of the recess at 4:15 P. M. President Pro Tem Reilly presiding.

Mr. Snowden moved that all rules be suspended for the purpose of considering SB 239. Motion prevailed.

On motion of Mr. Steen, SB 239 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 239—An Act to Amend Chapter 17, Title 14, Delaware Code, by Providing for the Allocation of Unit Appropriations to the Sussex County Vocational and Technical School and by Making a Supplementary Appropriation for the Fiscal Year Ending June 30, 1962.

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

YEAS: duPont, Manning, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—8.

NAYS: Donovan, Hoey, Johnson, Mayhew, McCullough, Spicer—6.

ABSENT: Cook, Price, Simpson—3.

So the question was decided in the affirmative.

Messrs. Mayhew and Hoey asked to be marked present.

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

YEAS: Cook, duPont, Manning, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Donovan, Hoey, Johnson, Mayhew, McCullough, Spicer—6.

ABSENT: Price, Simpson—2.

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

Mr. Cook asked to be marked present.

On motion of Mr. Steen, SB 284 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 284—An Act Making a Supplementary Appropriation to the Mental Hygiene Clinic for the Fiscal Year Ending June 30, 1962.

Mr. Spicer moved to defer SB 284.

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

YEAS: Donovan, duPont, Johnson, Spicer, Wilgus—5.

NAYS: Cook, Manning, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—7.

ABSENT: Hoey, Mayhew, McCullough, Price, Simpson—5.

So the question was decided in the negative.

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

YEAS: Cook, duPont, Manning, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Donovan, Johnson, Spicer—3.

ABSENT: Hoey, Mayhew, McCullough, Price, Simpson—5.

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

Mr. Donovan moved that Rule 9 be suspended for the purpose of considering **HB 104**. Motion withdrawn.

Mr. Cook introduced the following concurrent resolution:

**SCR 36**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending July 11, 1961, and August 11, 1961.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem—12.

NAYS: McCullough, Spicer—2.

NOT VOTING: Donovan—1.

ABSENT: Price, Simpson—2.

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

On motion of Mr. Mayhew, **HB 97** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 97**—An Act to Amend Chapter 3, Title 28, Delaware Code, Entitled "Horse Racing" and Chapter 5, Title 28, Delaware Code, Relating to Harness Racing by Providing for the Disposition of Outstanding Pari-Mutuel Tickets Not Claimed Within a Period of One Year Following the Meet.

Mr. Mayhew introduced **SA 1** to **HB 97** and moved for its adoption.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Tull, Mr. President Pro Tem Reilly—9.

NAYS: McCullough, Snowden, Spicer, Steen, Wilson, Wilgus—6.

ABSENT: Price, Simpson—2.

So the question was decided in the affirmative.

On the question, "Shall the Bill as Amended by SA 1 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS: Cook, Donovan, Hoey, Johnson, Manning, Mayhew, McCullough, Snowden, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: duPont, Spicer, Steen, Wilgus—4.

ABSENT: Price, Simpson—2.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 363**, 3 favorably, 2 on merits.

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **HB 363**. Motion prevailed.

On motion of Mr. Mayhew, **HB 363** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 363**—An Act to Amend Chapter 3, Title 11, Delaware Code Relating to the Fraudulent Use of Credit Cards, Codes, False Statements and Devices.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Price, Simpson—2.

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

On motion of Mr. Mayhew, **HB 364** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 364**—An Act to Amend Chapter 207, Volume 24, Laws of Delaware, Entitled "An Act to Incorporate the Town of Bowers," as Amended.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Price, Simpson, Snowden—3.

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

Mr. Steen, Chairman of the Public Lands Committee, reported the following bill from committee: SB 279, 3 favorably, 2 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: SB 273, 1 favorably, 3 on merits; SB 282, 4 on merits; SB 283, 3 favorably, 2 on merits; HB 313, 1 favorably, 4 on merits.

Mr. Tull moved that Rule 9 be suspended for the purpose of considering SB 282. Motion prevailed.

On motion of Mr. Tull, SB 282 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 282—An Act to Amend Chapter 345, Volume 52, Laws of Delaware, to Provide Additional Funds to the Seaford Special School District for Capital Improvements.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

NAYS: None.

NOT VOTING: Donovan.

ABSENT: Hoey, Price, Simpson, Steen.

On motion of Mr. Tull, the roll call was tabled.

Mr. Cook moved that Rule 9 be suspended for the purpose of considering SB 279. Motion prevailed.

On motion of Mr. Cook, SB 279 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 279—An Act Relating to Fort Christina State Park, Renaming It the Fort Christina Monument, Transferring Custody of It to the Public Archives Commission and Making a Transfer of Funds for Its Operation.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Hoey, Mayhew, Price, Simpson—4.

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

On motion of Mr. Tull, SB 282, which had been tabled, was taken up for consideration in order to pass the Senate:

SB 282—An Act to Amend Chapter 345, Volume 52, Laws of Delaware, to Provide Additional Funds to the Seaford Special School District for Capital Improvement.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Hoey, Price, Simpson—3.

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

On motion of Mr. McCullough, the Senate recessed upon call of the Chair at 5:15 P. M. The Senate met at the expiration of the recess at 7:15 P. M. President Pro Tem Reilly presiding.

The Chair announced the committee in accordance with SCR 34: Messrs. Snowden, Cook and Steen.

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

SR 77—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

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

SR 78—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected With the Present Session of the Senate of the 121st General Assembly.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 7:30 P. M.

## 71ST LEGISLATIVE DAY

September 13, 1961

The Senate met pursuant to adjournment at 11:20 P. M. on Wednesday, September 13, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Cook, Johnson, Manning, Snowden, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—8.

Members absent: Donovan, duPont, Hoey, Mayhew, McCullough, Price, Simpson, Spicer, Tull—9.

Mr. Steen moved to adjourn the session until 1:00 P. M., September 14, 1961, at 11:30 P. M. Motion prevailed.

## 72ND LEGISLATIVE DAY

September 14, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, September 14, 1961. Lieutenant-Governor Lam-mot presiding.

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

Member present: Spicer—1.

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

The Chair declared a recess in the absence of a quorum.

The Senate met pursuant to recess at 4:00 P. M. on Thursday, September 14, 1961. Lieutenant-Governor Lam-mot presiding.

Members present: Donovan, Hoey, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus—9.

Members absent: Cook, duPont, Johnson, Manning, Mayhew, Simpson, Snowden, Mr. President Pro Tem Reilly—8.

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

The following bills were introduced, given first reading, and referred to committees:

SB 285—An Act to Amend Section 8606, Title 9, Delaware Code, Relating to the Collection of Taxes by Repealing the Requirement That the Receiver of Taxes Sit at Different Places. (By Mr. Steen, to Revised Statutes)

SB 286—An Act Authorizing the Purchase of Obligations Issued or Guaranteed by the International Bank for Reconstruction and Development or by the Intramerican Development Bank. (By Mr. Steen, to Banking and Insurance)

SB 287—An Act to Authorize the Levy Court of Sussex County, to Borrow a Sum Not in Excess of Five Hundred Thousand Dollars (\$500,000.00) and to Issue Bonds Therefor, to be Expended for the Acquisition of Structures on Land Leased by Said Levy Court, and for the Construction and Maintenance of an Addition to the Present Court House, as Well as Alterations to the Said Present Court House, and to Authorize the Said Levy Court to Exercise the Said Levy Court to Exercise the Right of Eminent Domain for Said Purposes. (By Messrs. Steen, Tull, Hoey, Spicer and Wilgus, to Public Lands)



Mrs. Manning, Messrs. Simpson and Snowden asked to be marked present.

Mr. Reilly asked to be marked present.

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

**HB 381**—An Act to Amend An Act Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" Being Chapter 42, Volume 53, Laws of Delaware as Amended. (To Corporations, Municipal)

**HB 382**—An Act to Amend An Act, Entitled "An Act to Reincorporate the Town of Lewes" Being Chapter 170, Volume 43, Laws of Delaware, as Amended, Relative to the Power of the Commissioners to Borrow Money. (To Corporations, Municipal)

**HS 1 for HB 152**—An Act to Increase Certain Fees Charged by the Motor Vehicle Department. (To Finance)

**HB 166**—An Act to Amend Section 5121, Title 30, Delaware Code of 1953, Relating to State Revenue by Increasing the Amount of the Gasoline Tax. (To Miscellaneous)

The following bill was introduced, given first reading, and referred to committee:

**SB 288**—An Act to Amend Chapter 345, Volume 52 as Amended by Chapter 120, Volume 53, Laws of Delaware, to Provide Additional Funds to The Seaford Special School District for Capital Improvements. (By Mr. Tull, to Finance)

Mr. Mayhew asked to be marked present.

Messrs. Reilly and Donovan, Chairmen of the Labor and Miscellaneous Committees, reported the following bills from committees: **HB 166**, 1 favorably, 2 on merits; **HB 394**, 5 favorably.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **SB 154**, 3 on merits; **SB 229**, 3 on merits; **SB 288**, 4 on merits.

Mr. Cook asked to be marked present.

On motion of Mr. Steen, **SB 234** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 234**—An Act to Amend Section 343, Title 8, Delaware Code, to Provide That the Section Has No Application to the Question of Service of Process on a Foreign Corporation.

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

**YEAS:** Cook, Donovan, Hoey, Mayhew, Price, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly.

**NAYS:** Manning, Simpson, Spicer.

**NOT VOTING:** McCullough, Snowden, Watson.

**ABSENT:** duPont, Johnson.

On motion of Mr. Steen, the roll call was tabled.

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

### GOVERNOR'S MESSAGE

September 14, 1961

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

Under date of July 20, 1961, I submitted to you my official estimate of revenue for the fiscal year ending June 30, 1962.

Since that date we have had two months of actual experience on which to consider a revision of this estimate. In accordance with this experience, I hereby submit a revised estimate of revenue in the amount of \$85,415,000 for the fiscal year ending June 30, 1962. The breakdown of this estimate is detailed on the enclosed statement. I reaffirm my previous estimate of reversions.

I further estimate that legislation now pending in the General Assembly will, if enacted, increase this estimate of revenue for the fiscal year ending June 30, 1962, as follows:

H. S. #1 for H. B. #152 .....	\$ 190,000
H. B. #166 .....	1,200,000
H. S. #1 for H. B. #344 .....	1,000,000

Respectfully submitted,

ELBERT N. CARVEL, Governor

### STATE OF DELAWARE—GENERAL FUND

Estimate of Receipts Prepared by Budget Commission Including Revenue Bills Passed by General Assembly to Date  
For the Fiscal Year Ending June 30, 1962

Income Taxes and Penalties .....	\$31,700,000
Franchise Taxes and Penalties .....	13,300,000
Motor Fuel Taxes (Net) .....	9,500,000
Corporation Income Taxes .....	7,000,000
Motor Vehicle Registration Fees .....	4,100,000
Pari-Mutuel Sales and Admissions .....	4,400,000
Alcoholic Beverage Taxes .....	2,235,000
Cigarette Taxes .....	2,600,000
Inheritance and Estate Taxes .....	2,000,000
Insurance Taxes .....	1,550,000
Mercantile Licenses .....	1,630,000
All Other Taxes* .....	5,400,000
Total .....	\$85,415,000

\*Includes Telephone and Telegraph Taxes, Bank Taxes, Automobile Operators Licenses, Corporation Fees, Certified Copy Fees, Bank Examination Fees, Titling Fees, Annual Report

Fees, Titling Fees, Annual Report Fees, Highway Fines, Sales for Board of Students, Patients, or Employees, Earnings on Investments, Interest on Deposits, Refunds and Reimbursements, Motor Fuel Tax Refunds, Transfers of Funds and Various other Fees, Licenses, Sales, Fines, Etc.

On motion of Mr. Steen, SB 235 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 235—An Act to Amend Section 353, Title 8, Delaware Code, Relating to Service of Process on Unqualified Foreign Corporation Doing Business in the State by Defining What Shall Constitute Such Doing of Business for Such Purpose by Any Foreign Corporation Other Than an Insurance Company.

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

YEAS: Cook, Donovan, Manning, Price, Simpson, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly.

NAYS: Spicer.

NOT VOTING: Hoey, McCullough, Watson.

ABSENT: duPont, Johnson, Mayhew.

On motion of Mr. Steen, the roll call was tabled.

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

### GOVERNOR'S MESSAGE

September 12, 1961

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

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

Carl J. Scott, Summit Road, Newark, Delaware, to be a member of the Unemployment Compensation Commission of Delaware for a term of six years, to expire May 1, 1967 (newly created position).

Charles F. Hudson, Selbyville, Delaware, to be reappointed a Member of the Delaware Alcoholic Beverage Control Commission for a term of five years, to expire May 15, 1966.

Respectfully submitted,

ELBERT N. CARVEL, Governor

Mr. Johnson asked to be marked present.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering HB 394. Motion prevailed.

On motion of Mr. Reilly, **HB 394** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 394**—An Act to Amend Chapters 31 and 33, Part III, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing the Name of the "Unemployment Compensation Commission" to "Employment Security Commission."

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

YEAS: Cook, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: Hoey, Simpson, Spicer—3.

NOT VOTING: Donovan, Watson—2.

ABSENT: duPont—1.

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

On motion of Mr. Donovan, **HB 104** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 104**—An Act to Amend Title 28, Delaware Code, Relating to Horse and Dog Racing in the State of Delaware.

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

YEAS: Cook, Donovan, Hoey, Johnson, Steen, Watson, Mr. President Pro Tem Reilly.

NAYS: Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Wilgus.

ABSENT: duPont.

On motion of Mr. Donovan, the roll call was tabled.

On motion of Mr. Hoey, **SB 221** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 221**—An Act Appropriating Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County.

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

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

NAYS: None.

ABSENT: duPont, Manning—2.

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

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering SB 154. Motion prevailed.

On motion of Mr. McCullough, SB 154 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 154**—An Act to Appropriate Money to the Holloway Terrace Fire Company, Inc., for Maintenance and Operation of an Ambulance.

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

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

**NAYS:** None.

**NOT VOTING:** Donovan, Watson—2.

**ABSENT:** duPont—1.

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

On motion of Mr. Hoey, SB 229 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 229**—An Act Making a Supplementary Appropriation to Ellendale School District No. 125 to Pay Expenses Incurred During Fiscal Year Ending June 30, 1961.

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

**YEAS:** Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** Manning—1.

**ABSENT:** duPont, Snowden, Watson—3.

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

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering HB 166. Motion prevailed.

On motion of Mr. Reilly, HB 166 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 166**—An Act to Amend Section 5121, Title 30, Delaware Code of 1953, Relating to State Revenue by Increasing the Amount of the Gasoline Tax.

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

YEAS: Cook, Johnson, Price, Steen, Tull, Mr. President Pro Tem Reilly.

NAYS: Hoey, Manning, Simpson, Snowden, Wilgus.

NOT VOTING: Donovan, Mayhew, McCullough.

ABSENT: duPont, Watson.

On motion of Mr. Reilly, the roll call was tabled.

Mr. Tull moved that Rule 9 be suspended for the purpose of considering SB 288. Motion prevailed.

On motion of Mr. Tull, SB 288 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 288—An Act to Amend Chapter 345, Volume 52, as Amended by Chapter 120, Volume 53, Laws of Delaware, to Provide Additional Funds to the Seaford Special School District for Capital Improvements.

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

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

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: duPont, Watson—2.

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

Messrs. Johnson and Price, Chairmen of the Buildings and Highways and Corporations, Municipal, Committees, reported the following bills from committees: HS 1 for HB 307, 5 favorably; SB 260, 1 favorably, 3 on merits.

The following bills were introduced, given first reading, and referred to committees:

SB 289—An Act Authorizing and Directing the Levy Court of Kent County to Reimburse Cornelia Daniels and Marie H. Daniels for Property Taxes Paid in Error. (By Mr. Price, to Claims)

SB 290—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Fruitland Grange No. 16, P. of H., Incorporated, from Assessment and Taxation. (By Mr. Simpson, to Corporations, Private)

SB 291—An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workman's Compensation. (By Mr. Mayhew, to Labor)

**SB 292**—An Act Making a Supplementary Appropriation to the Juvenile Court of Kent and Sussex Counties and to the Family Court of New Castle County for the Fiscal Year Ending June 30, 1962. (By Mr. Mayhew, to Finance)

On motion of Mr. Steen, the Senate adjourned at 5:10 P. M., until Monday, September 18, 1961, at 1:00 P. M.

### 73RD LEGISLATIVE DAY

September 18, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, September 18, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Cook, Donovan, Price, Spicer, Wilgus, Mr. President Pro Tem Reilly—6.

Members absent: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Tull, Watson—11.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 5:15 P. M. Lieutenant-Governor Lam-mot presiding.

Messrs. duPont, Simpson, Snowden and Mrs. Manning asked to be marked present.

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

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

Mr. Hoey (by Donovan) and Mr. Watson, Chairmen of the Finance and Revised Statutes Committees, reported the following bills from committee: **HS 1** for **HB 152**, 1 favorably, 3 on merits; **HB 211**, 4 on merits.

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **HB 211**. Motion prevailed.

On motion of Mr. Watson, **HB 211** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 211**—An Act Establishing a School Crossing Guard Unit Under the Jurisdiction of the Levy Court for New Castle County.

Mr. Johnson introduced **SA 1** to **HB 211**.

On motion of Mr. Johnson, the bill was deferred.

On motion of Mr. Watson, **HB 187** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 187**—An Act to Amend Chapter 25, Title 12, of the Delaware Code, Relating to Fees and Taxes to be Charged by

the Registers of Wills in New Castle County, Kent County, and Sussex County.

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

YEAS: Cook, Donovan, Johnson, Manning, Mayhew, McCullough, Price, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont, Simpson, Snowden—3.

ABSENT: Hoey, Spicer—2.

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

The Chair presented the following House matters, which were given first reading and referred to the Revised Statutes Committee:

**HB 7**—An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware.

**HB 49**—An Act Appropriating Money to Certain Fire Companies in the State of Delaware.

**HS 1 for HB 344 with HA 2**—An Act to Amend Chapter 53, Title 30, Delaware Code, Relating to Cigar and Cigarette Tax.

**HB 55**—An Act Appropriating Money to the American Legion, Department of Delaware.

**HB 82**—An Act to Appropriate Money to the Belvedere Volunteer Fire Company.

**HB 234 with HA 1**—An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company, Inc.

**HB 59**—An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck.

**HB 81**—An Act Appropriating Money to American Legion, Post Number 14, in Smyrna, With Which to Operate and Maintain an Ambulance.

**HB 58**—An Act Appropriating Money to Sussex Memorial Post No. 7422 V. F. W. at Millsboro, With Which to Operate and Maintain an Ambulance.

**HB 138**—An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

**HB 190**—An Act Appropriating Moneys for Education and Training of Children of Veterans of World War I, World War II, and Korean Conflict Who Died While in the Service of the Army, Navy, Marine Corps, Air Forces or Coast Guard of the United States or Who Died from Disease, Wounds or Disabilities Resulting from Such Service.



**HB 60**—An Act Appropriating Funds to the American Legion and American Legion Auxiliary for Expenses to be Incurred in Connection With the Holding of Boy's State and Girl's State.

**HB 20**—An Act Appropriating Money to the Disabled American Veterans of Delaware for the Fiscal Year Beginning July 1, 1961, and Ending June 30, 1962.

**HB 56**—An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate an Ambulance.

**HB 69**—An Act Appropriating Money to the Mayor and Council of Wilmington for Use of Its Fire Companies.

**HB 57**—An Act Appropriating Money to the Veterans of Foreign Wars, Department of Delaware.

**HB 62**—An Act Appropriating Money to American Legion, Sussex Post Number 8, in Sussex County, With Which to Operate and Maintain an Ambulance.

**HB 132**—An Act to Appropriate \$750 a Year to the Gumboro Volunteer Fire Company for Maintenance of Its Ambulance.

**HB 120**—An Act Appropriating Money to Selbyville American Legion Post No. 39, Inc., With Which to Operate and Maintain an Ambulance.

**HB 146**—An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

**HB 347**—An Act to Appropriate \$750 a Year in the 1961 and 1962 Fiscal Years to the Millville Volunteer Fire Company for Maintenance of Ambulance.

**HB 86**—An Act Appropriating Money to Layton Home for Aged Colored Persons.

**HB 135**—An Act Appropriating Certain Money to Palmer Home, Incorporated.

**HB 280**—An Act to Amend Chapter 19, Title 10, Delaware Code, Relating to Judicial Reports.

**HB 379**—An Act Making a Supplementary Appropriation to the John M. Clayton School for Operational Expenses.

**HB 380**—An Act Making a Supplementary Appropriation to the Blades School for Supplies and Repairs.

The following bills were introduced, given first reading, and referred to committees:

**SB 293**—An Act Making a Supplementary Appropriation to Smyrna Special School District at Smyrna, Del., June 30, 1962. (By Mr. Price, to Finance)

**SB 294**—An Act to Appropriate Funds to the State Board of Education for the Fiscal Year Beginning July 1, 1961, for the Purpose of Matching Funds Made Available Under the Provisions of Public Law 85-864 Entitled "National Defense Education Act of 1958", Such Funds to be Used for the Im-

provement of Statistical Services of State Educational Agencies as Provided in Section 1009, Title X. (By Mr. Price, upon request, to Finance.

**SB 295**—An Act to Amend An Act Entitled "An Act to Incorporated the Town of Ocean View in Sussex County, Delaware," Being Chapter 649, Volume 18, Laws of Delaware, as Amended, Relating to Amount of Fines Imposed by Alderman, Number of Meetings of Council, Pay of Councilmen and Legal Authority. (By Mr. Wilgus, to Corporations, Municipal)

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 285**, 5 on merits.

On motion of Mr. Steen, **HS 1** for **HB 152** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 152**—An Act to Increase Certain Fees Charged by the Motor Vehicle Department.

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

**YEAS:** Cook, duPont, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**NOT VOTING:** Donovan, McCullough—2.

**ABSENT:** Hoey, Spicer—2.

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

The following message was received and read to the Senate:

Dover, Del., September 18, 1961

To Whom It May Concern:

I, Walter J. Hoey, Senator, do hereby authorize Leon Donovan, Senator, and/or Harry E. Mayhew, Senator, to take any bill from my committee and/or to sign a bill out of my committee.

WALTER J. HOEY, Senator

On motion of Mr. Steen, **SB 285** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 285**—An Act to Amend Section 8606, Title 9, Delaware Code, Relating to the Collection of Taxes by Repealing the Requirements That the Receiver of Taxes Sit at Different Places.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Hoey, McCullough, Spicer—3.

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

Messrs. Price, Cook, and Donovan, for Hoey, Chairmen of the Corporations, Municipal, Claims and Finance Committees, reported the following bills from committees: **SB 295**, 3 on merits; **HB 382**, 3 on merits; **HB 381**, 3 on merits; **SB 289**, 3 favorably, 2 on merits; **SB 277**, 1 favorably, 2 on merits.

On motion of Mr. Steen, **SB 277** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 277**—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River Bay Channel Via Pepper's Creek in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do All Things Necessary to Comply With the Requirements of the United States Government Relative to the State's Contribution to Said Improvement.

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

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

NAYS: None

ABSENT: Donovan, Hoey, Spicer—3.

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

On motion of Mr. Reilly, the previous roll call (which had been tabled) was stricken and **HB 233** with title as follows was again taken up for consideration in order to pass the Senate:

**HB 233**—An Act to Amend Title 22, Delaware Code, Relating to Municipalities.

Mr. Simpson introduced **SA 1** to **HB 233** and moved for its adoption.

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

YEAS: duPont, Johnson, Manning, Price, Simpson, Snowden, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Mayhew—1.

NOT VOTING: Cook, McCullough, Watson—3.

ABSENT: Donovan, Hoey, Spicer, Steen—4.

So the question was decided in the affirmative.

At the request of the minority leader, the bill was deferred.

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

**HCR 32**—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: **HB 379**, 4 favorably, 1 on merits; **HB 380**, 4 favorably, 1 on merits; **HB 57**, 4 favorably, 1 on merits; **HB 58**, 4 favorably, 1 on merits; **HB 120**, 4 favorably, 1 on merits; **HB 62**, 4 favorably, 1 on merits; **HB 86**, 4 favorably, 1 on merits; **HB 132**, 4 favorably, 1 on merits; **HB 138**, 4 favorably, 1 on merits; **HB 146**, 4 favorably, 1 on merits; **HB 135**, 4 favorably, 1 on merits; **HB 347**, 4 favorably, 1 on merits.

Mr. Donovan, for Hoey, Chairman of the Finance Committee, reported the following bill from committee: **SB 280**, 2 favorably, 3 on merits.

Mr. Steen, Chairman of the Public Lands Committee, reported the following bill from committee: **SB 287**, 2 favorably, 2 on merits.

On motion of Mr. Johnson, **HB 211** with **HA 1** was again taken up for consideration and read a second time by title in order to pass the Senate:

**HB 211** with **HA 1**—An Act Establishing a School Crossing Guard Unit Under the Jurisdiction of the Levy Court for New Castle County.

Mr. Johnson introduced **SA 2** to **HB 211** with **HA 1** and moved for its adoption. Motion prevailed.

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

YEAS: Cook, duPont, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Manning—1.

ABSENT: Donovan, Hoey, Spicer—3.

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

On motion of Mr. Steen, SB 234, the roll call on which had previously been tabled, was taken up for consideration in order to pass the Senate:

SB 234—An Act to Amend Section 343, Title 8, Delaware Code, to Provide That the Section Has No Application to the Question of Service of Process on a Foreign Corporation.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: Spicer—1.

NOT VOTING: McCullough—1.

ABSENT: Johnson—1.

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

On motion of Mr. Steen, SB 235 was lifted from the table and taken up for consideration in order to pass the Senate:

SB 235—An Act to Amend Section 353, Title 8, Delaware Code, Relating to Service of Process on Unqualified Foreign Corporation Doing Business in the State by Defining What Shall Constitute Such Doing of Business for Such Purpose by Any Foreign Corporation Other Than An Insurance Company.

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

YEAS: Cook, Donovan, duPont, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: Spicer—1.

NOT VOTING: Hoey, McCullough—2.

ABSENT: Johnson—1.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: HB 69, 5 favorably; HB 234, 4 favorably, 1 on merits; HB 280, 4 favorably, 1 on merits; HB 55, 5 favorably; HB 59, 4 favorably, 1 on merits; HB 82, 5 favorably; HB 190, 4 favorably, 1 on merits; HB 60, 4 favorably, 1 on merits; HB 20, 4 favorably,

1 on merits; **HB 81**, 4 favorably, 1 on merits; **HB 56**, 4 favorably, 1 on merits; **HB 7**, 4 favorably, 1 on merits; **HB 49**, 4 favorably, 1 on merits.

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **SB 280**. Motion prevailed.

On motion of Mr. Mayhew, **SB 280** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 280**—An Act Making Supplemental Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962, to Enable the State to Pay the State's Share of Social Security Contribution Due for the Fiscal Years Ending June 30, 1961, and June 30, 1962.

Mr. Mayhew introduced **SS 1** for **SB 280** and moved for its adoption. Motion prevailed.

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

YEAS: Cook, duPont, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, Hoey, Simpson, Spicer—4.

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

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **HS 1** for **HB 344** with **HA 2**. Motion prevailed.

On motion of Mr. Watson, **HS 1** for **HB 344** with **HA 2** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 344** with **HA 2**—An Act to Amend Chapter 53, Title 30, Delaware Code, Relating to Cigar and Cigarette Tax.

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

YEAS: Cook, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

NAYS: duPont, Manning, Simpson, Snowden, Wilgus.

ABSENT: Donovan, Hoey, Spicer.

On motion of Mr. Watson, the roll call was tabled.

On motion of Mr. Mayhew, **SB 280** was stricken.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 379**. Motion prevailed.

On motion of Mr. Steen, **HB 379** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 379**—An Act Making a Supplementary Appropriation to the John M. Clayton School for Operational Expenses.

On motion of Mr. Steen, the bill was deferred.

On motion of Mr. Watson, the Senate recessed upon call of the Chair at 7:00 P. M. The Senate met at the expiration of the recess at 7:30 P. M. Lieutenant-Governor Lam-mot presiding.

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

**SR 79**—In Reference to Election of Officers.

On motion of Mr. Watson, **HS 1** for **HB 344** with **HA 2** was lifted from the table and taken up for consideration in order to pass the Senate:

**HS 1** for **HB 344** with **HA 2**—An Act to Amend Chapter 53, Title 30, Delaware Code, Relating to Cigar and Cigarette Tax.

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

**YEAS:** Cook, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

**NAYS:** duPont, Manning, Simpson, Snowden, Wilgus—5.

**ABSENT:** Donovan, Hoey, Spicer—3.

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

On motion of Mr. Watson, **HB 280** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 280**—An Act to Amend Chapter 19, Title 10, Delaware Code, Relating to Judicial Reports.

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

**YEAS:** Cook, duPont, Johnson, Manning, Mayhew, McCullough, Price, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, Simpson, Snowden, Spicer—5.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: SB 245, 2 favorably, 2 on merits.

On motion of Mr. Steen, the Senate adjourned at 7:40 P. M. until Tuesday, September 19, 1961, at 1:00 P. M.

## 74TH LEGISLATIVE DAY

September 19, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, September 19, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Donovan, duPont, Manning, Price, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—8.

Members absent: Cook, Hoey, Johnson, Mayhew, McCullough, Simpson, Steen, Watson, Wilgus—9.

In the absence of a quorum, the Senate recessed upon call of the Chair at 1:32 P. M. The Senate met at the expiration of the recess at 3:15 P. M. Lieutenant-Governor Lam-mot presiding.

Messrs. Steen, McCullough, Wilgus and Watson asked to be marked present.

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

Mr. Reilly requested the following letter be read to the Senate:

### OFFICE OF THE ATTORNEY GENERAL

Wilmington, Delaware, September 18, 1961

Maurice A. Hartnett, III, Esquire  
Legislative Reference Bureau  
Dover, Delaware

Dear Mr. Hartnett:

I refer to the following sections of Title 29 of the Delaware Code of 1953:

#### § 707. Supplies and postage

All stationery, supplies and postage for the use of the General Assembly shall be purchased by the Legislative Reference Bureau pursuant to the provisions of section 708 of this title and chapter 67 of this title, and kept in the control of the Legislative Reference Bureau, which shall be the custodian and dispenser of all such stationery, supplies and postage to the members of the General Assembly.



### § 708. Requisition of supplies and postage

Each member of the General Assembly may make requisition upon the State Librarian for any stationery, supplies and postage which the State Librarian shall place at the beginning of each biennial session of the General Assembly to the credit of each member thereof, in the sum of \$25, and at the beginning of each special session thereof, in the sum of \$10, to be drawn upon by such members for such supplies and postage.

I refer also to Article II, Section 15 of the Constitution of the State of Delaware which appears as follows:

### § 15. Compensation, expenses, and allowances of members; payment; cost of stationery and supplies

Section 15. The President of the Senate and the members of the General Assembly shall receive an annual salary of Three Thousand Dollars (\$3,000.00), payable quarterly. The members shall receive no other compensation for services as such members but shall be entitled to the usual expenses of transportation and the stationery allowance as provided by the Constitution and laws of the State.

The compensation of members of the General Assembly and of the Lieutenant-Governor as president of the Senate shall be paid out of the Treasury of the State.

The cost to the State for stationery and other supplies for each member of the General Assembly shall not exceed the sum of twenty-five dollars for any regular session, or the sum of ten dollars for any special session.

I understand that members of the General Assembly have been purchasing their "stationery and other supplies" from a legislative store operated by attaches of the General Assembly. I further understand that members of the General Assembly are shown a catalogue from which they select their purchases. It has come to our attention that, for a period well exceeding ten years, items such as watches, wallets, overnight bags and the like, which cannot be considered "stationery and other supplies," have been purchased by some members of the General Assembly and charged to their "stationery and other supplies" account. The members, it appears, were under the impression that such purchases were permissible.

The terms "stationery and other supplies," as we construe it, means stationery and other supplies used in connection with the members' work as legislators. Watches, wallets and overnight bags can scarcely be classed in this category.

I would suggest that the attaches who operate the store refrain from suggesting to the members what they may pur-

chase on their stationery and supplies account and, if members seek to purchase items not properly identifiable as stationery and supplies, that they be reminded of this opinion.

Yours very truly,

JANUAR D. BOVE, JR.

cc: Honorable Elbert N. Carvel  
Governor of the State of Delaware  
Dover, Delaware  
Honorable Sherman W. Tribbitt  
Speaker, House of Representatives  
Dover, Delaware  
Honorable John E. Reilly, Sr.  
President Pro Tem of the Senate  
Dover, Delaware

Mrs. Manning introduced SA 1 and SA 2 to SB 251, which was placed with the Committee on Public Health.

On motion of Mr. Price, SB 289 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 289**—An Act Authorizing and Directing the Levy Court of Kent County to Reimburse Cornelia Daniels and Marie H. Daniels for Property Taxes Paid in Error.

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

**YEAS:** Donovan, duPont, Manning, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** None.

**ABSENT:** Cook, Hoey, Johnson, Mayhew, McCullough, Simpson—6.

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

On motion of Mr. Wilgus, SB 295 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 295**—An Act to Amend An Act Entitled "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware," Being Chapter 649, Volume 18, Laws of Delaware, as Amended, Relating to Amount of Fines Imposed by Alderman, Number of Meetings of Council, Pay of Councilmen and Legal Authority.

On motion of Mr. Wilgus, the bill was deferred.

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

**HB 113**—An Act to Amend Section 108, Title 15, Delaware Code, Relating to the Compensation of Members of the Department of Elections. (To Elections)

**HB 68**—An Act Appropriating Funds for Payment of Judgments of Coastal Tank Lines, Inc., Against the State of Delaware Arising Out of a Suit in Tort by Alice B. Dorsey and Others Against the State of Delaware and Others, Authorized by the General Assembly by Volume 50, Laws of Delaware, Chapter 622. (To Claims)

Mr. Cook asked to be marked present.

Mr. Watson, Chairman of the Elections Committee, reported the following bill from committee: **HB 113** with **HA 1**, 4 on merits.

On motion of Mr. Tull, **SB 273** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 273**—An Act Making a Supplementary Appropriation to the University of Delaware.

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

**YEAS:** duPont, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Hoey, Johnson, Mayhew, Simpson—6.

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

On motion of Mr. Tull, **SB 249** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 249**—An Act to Amend Chapter 41, Title 16, Delaware Code, Regarding Ice Cream to Include Definitions, Standards, Regulatory Provisions and Penal Provisions Regarding Frozen Sweetened Products.

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

**YEAS:** duPont, Manning, Price, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly.

**NAYS:** None.

**NOT VOTING:** Spicer, Watson.

**ABSENT:** Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Simpson.

On motion of Mr. Tull, the roll call was tabled.

On motion of Mr. Price, SB 42 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

**YEAS:** Cook, duPont, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** Donovan—1.

**NOT VOTING:** Johnson, Mayhew—2.

**ABSENT:** Hoey, Watson—2.

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

On motion of Mr. Wilgus, SB 295 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 295**—An Act to Amend An Act Entitled "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware," Being Chapter 649, Volume 18, Laws of Delaware, as Amended, Relating to Amount of Fines Imposed by Alderman, Number of Meetings of Council, Pay of Councilmen and Legal Authority.

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

**YEAS:** duPont, Manning, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

**NAYS:** None.

**NOT VOTING:** Donovan, McCullough.

**ABSENT:** Cook, Hoey, Johnson, Mayhew, Simpson.

On motion of Mr. Wilgus, the roll call was tabled.

On motion of Mr. Steen, HB 120 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 120**—An Act Appropriating Money to Selbyville American Legion Post No. 39, Inc., With Which to Operate and Maintain an Ambulance.

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

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

**NAYS:** None.

**ABSENT:** Hoey, Johnson, Mayhew, Simpson—4.

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

On motion of Mr. Watson, **HB 49** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 49**—An Act Appropriating Money to Certain Fire Companies in the State of Delaware.

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

YEAS: Cook, Donovan, duPont, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Johnson, Mayhew, Simpson—4.

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

On motion of Mr. Steen, **HB 132** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 132**—An Act to Appropriate \$750 a Year to the Gumboro Volunteer Fire Company for Maintenance of Its Ambulance.

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

YEAS: Cook, Donovan, duPont, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Johnson, Mayhew, Simpson—4.

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

Mr. Johnson asked to be marked present.

On motion of Mr. Watson, **HB 69** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 69**—An Act Appropriating Money to the Mayor and Council of Wilmington for Use of Its Fire Companies.

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

YEAS: Cook, Donovan, duPont, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Johnson, Mayhew, Simpson—4.

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

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

**HB 7**—An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Mayhew, Simpson—3.

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

On motion of Mr. Wilgus, **SB 295** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 295**—An Act to Amend An Act Entitled "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware," Being Chapter 649, Volume 18, Laws of Delaware, as Amended, Relating to Amount of Fines Imposed by Alderman, Number of Meetings of Council, Pay of Councilmen and Legal Authority.

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

YEAS: Cook, duPont, Johnson, Manning, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Donovan, McCullough—2.

ABSENT: Hoey, Mayhew, Simpson—3.

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

Mr. Simpson asked to be marked present.

On motion of Mr. Steen, **HB 82** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 82**—An Act to Appropriate Money to the Belvedere Volunteer Fire Company.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Mayhew, McCullough, Simpson—4.

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

On motion of Mr. Tull, **HB 380** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 380**—An Act Making a Supplementary Appropriation to the Blades School for Supplies and Repairs.

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

YEAS: Cook, Donovan, Johnson, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning—2.

NOT VOTING: Snowden—1.

ABSENT: Hoey, Mayhew, McCullough, Steen—4.

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

On motion of Mr. Johnson, **SB 245** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 245**—An Act to Amend Section 9701, Title 10, Delaware Code, Relating to Fees of the Justice of the Peace.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, Price, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Simpson—1.

ABSENT: Hoey, Mayhew, McCullough, Watson—4.

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

On motion of Mr. Steen, **HB 379** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 379**—An Act Making a Supplementary Appropriation to the John M. Clayton School for Operational Expenses.

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

YEAS: Cook, Donovan, Johnson, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: duPont, Manning—2.

NOT VOTING: McCullough, Snowden—2.

ABSENT: Hoey, Mayhew—2.

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

On motion of Mr. Steen, **HB 20** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 20**—An Act Appropriating Money to the Disabled American Veterans of Delaware for the Fiscal Year Beginning July 1, 1961 and Ending June 30, 1962.

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

YEAS: Cook, Donovan, duPont, Johnson, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Manning, Mayhew—3.

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

On motion of Mr. Steen, **HB 55** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 55**—An Act Appropriating Money to the American Legion, Department of Delaware.

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

YEAS: Cook, Donovan, duPont, Johnson, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Manning, Mayhew—3.

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

On motion of Mr. Steen, **HB 56** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:



**HB 56**—An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate an Ambulance.

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

YEAS: Cook, Donovan, duPont, Johnson, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Manning, Mayhew—3.

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

On motion of Mr. Steen, **HB 57** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 57**—An Act Appropriating Money to the Veterans of Foreign Wars, Department of Delaware.

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

YEAS: Cook, Donovan, duPont, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Johnson, Manning, Mayhew—4.

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

On motion of Mr. Steen, **HB 59** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 59**—An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck.

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

YEAS: Donovan, duPont, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Cook, Hoey, Johnson, Mayhew—4.

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

On motion of Mr. Steen, **HB 60** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 60**—An Act Appropriating Funds to the American Legion and American Legion Auxiliary for Expenses to be Incurred in Connection With the Holding of Boy's State and Girl's State.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Mayhew, Wilgus—3.

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

On motion of Mr. Tull, **SB 249**, the roll call on which was previously tabled, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 249**—An Act to Amend Chapter 41, Title 16, Delaware Code, Regarding Ice Cream to Include Definitions, Standards, Regulatory Provisions and Penal Provisions Regarding Frozen Sweetened Products.

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

YEAS: Cook, duPont, Johnson, Manning, Price, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: None.

NOT VOTING: Spicer, Watson—2.

ABSENT: Donovan, Hoey, Mayhew, McCullough, Simpson—5.

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

On motion of Mr. Steen, **HB 62** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 62**—An Act Appropriating Money to American Legion, Sussex Post Number 8, in Sussex County, With Which to Operate and Maintain an Ambulance.

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

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

NAYS: None.

ABSENT: Hoey, Mayhew—2.

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

The Chair presented the following House matter, which was given first reading:

**HB 350**—An Act to Appropriate \$6,500 to the State Board of Education to Meet Provisions of Certain Employment Contracts With Professional Employees for the Fiscal Year Ended June 30, 1961.

On motion of Mr. McCullough, the rules were suspended in order to consider **SB 350**.

On motion of Mr. McCullough, **HB 350** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 350**—An Act to Appropriate \$6,500 to the State Board of Education to Meet Provisions of Certain Employment Contracts With Professional Employees for the Fiscal Year Ended June 30, 1961.

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

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

NAYS: None.

ABSENT: Hoey, Mayhew—2.

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

On motion of Mr. Donovan, **SB 93** as amended by **HA 1** was taken up for consideration and read by title in order to pass the Senate as amended:

**SB 93**—An Act to Increase the Salaries of Certain County Officers in Kent County by Amending Titles 9, 10, and 12, Delaware Code.

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

YEAS: Cook, Donovan, Johnson, McCullough, Price, Simpson, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning—2.

NOT VOTING: Snowden, Tull—2.

ABSENT: Hoey, Mayhew, Spicer—3.

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

On motion of Mr. Steen, **HB 81** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 81**—An Act Appropriating Money to American Legion, Post Number 14, in Smyrna, With Which to Operate and Maintain an Ambulance.

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

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

NAYS: None.

ABSENT: Hoey, Mayhew—2.

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

On motion of Mr. Steen, **HB 138** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 138**—An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Steen, **HB 135** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 135**—An Act Appropriating Certain Money to Palmer Home, Incorporated.

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

YEAS: Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Steen, **HB 86** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 86**—An Act Appropriating Money to Layton Home for Aged Colored Persons.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Steen, **HB 146** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 146**—An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Steen, **HB 190** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 190**—An Act Appropriating Moneys for Education and Training of Children of Veterans of World War I, World War II, and Korean Conflict Who Died While in the Service of the Army, Navy, Marine Corps, Air Forces or Coast Guard of the United States or Who Died from Disease, Wounds or Disabilities Resulting from Such Service.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Hoey, Mayhew, Snowden—3.

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

On motion of Mr. Steen, **HB 234** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 234**—An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company, Inc.

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

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

**NAYS:** None.

**ABSENT:** Hoey, Mayhew—2.

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

The Chair presented the following House matter, which was given first reading:

**HB 404**—An Act Making a Supplementary Appropriation to the Louis L. Redding Comprehensive School for Operational Expenses.

On motion of Mr. Watson, the rules were suspended to consider **HB 404**. On further motion by Mr. Watson, the bill was deferred.

The Chair presented the following House matter, which was given first reading:

**HB 407**—An Act Making a Supplementary Appropriation to the Middletown School District No. 60 for Operational Expenses.

On motion of Mr. Johnson, rules were suspended in order to consider **HB 407**. On his further motion, the bill was deferred.

On motion of Mr. Steen, **SS 1** for **SB 61** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SS 1** for **SB 61**—An Act Making Supplementary Appropriation to the Board of Game and Fish Commissioners for the Fiscal Year Ending June 30, 1960, for the Purchase of Records' Pond.

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

**YEAS:** Cook, Johnson, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

**NAYS:** duPont, Manning, Simpson.

**NOT VOTING:** Donovan, Snowden, Spicer, Wilgus.

**ABSENT:** Hoey, Mayhew.

On motion of Mr. Steen, the roll call was tabled.

On motion of Mr. Steen, **HB 85** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 85**—An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

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

**YEAS:** Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, Mayhew—3.

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

On motion of Mr. Steen, **HB 409** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 409**—An Act Making a Supplementary Appropriation to the Harrington Special School District for Erection of a Fire Escape.

On motion of Mr. Steen, **HB 409** was deferred.

The Chair presented the following House matters, which were given first reading:

**HB 85**—An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents.

**HB 409**—An Act Making a Supplementary Appropriation to the Harrington Special School District for Erection of a Fire Escape.

**HB 408**—An Act to Amend Chapter 19, Title 14, Delaware Code, Relating to House Trailers Subject to a Trailer Tax.

On motion of Mr. Watson, Rule 9 was suspended in order to consider **HB 85**, **HB 409**, and **HB 408**.

On motion of Mr. Steen, **HB 408** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 408**—An Act to Amend Chapter 19, Title 14, Delaware Code, Relating to House Trailers Subject to a Trailer Tax.

On motion of Mr. Steen, the bill was deferred.

On motion of Mr. Steen, **HB 347** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 347**—An Act to appropriate \$750 a Year in the 1961 and 1962 Fiscal Years to the Millville Volunteer Fire Company for Maintenance of Ambulance.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, Hoey, Mayhew, Watson—4.

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

The Chair presented the following House matter, which was given first reading:

**HB 340**—An Act Authorizing the State Highway Department to Construct and Maintain a Dam Across the Millsboro Pond Adjacent to Indian River; Establishing the Power of the Department to Acquire Said Dam Site and Making an Appropriation Therefor.

On motion of Mr. Steen, Rule 9 was suspended in order to consider **HB 340**.

On motion of Mr. Steen, **SB 287** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 287**—An Act to Authorize the Levy Court of Sussex County, to Borrow a Sum Not in Excess of Five Hundred Thousand Dollars (\$500,000.00) and to Issue Bonds Therefor, to Be Expended for the Acquisition of Structures on Land Leased by Said Levy Court, and for the Construction and Maintenance of An Addition to the Present Court House, as Well as Alterations to the Said Present Court House, and to Authorize the Said Levy Court to Exercise the Right of Eminent Domain for Said Purposes.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Spicer—1.

ABSENT: Donovan, Hoey, Mayhew, Watson—4.

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



The following bill was introduced and given first reading:

**SB 296**—An Act Providing for the Appointment of a Civil War Centennial Commission to Commemorate This Event in the State of Delaware. (By Mr. Cook)

Mr. Cook moved that Rule 9 be suspended for the purpose of considering **SB 296** without referring the same to committee. Motion prevailed.

On motion of Mr. Steen, **HB 340** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 340**—An Act Authorizing the State Highway Department to Construct and Maintain a Dam Across the Millsboro Pond Adjacent to Indian River; Establishing the Power of the Department to Acquire Said Dam Site and Making an Appropriation Therefor.

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

YEAS: McCullough, Steen, Wilgus, Mr. President Pro Tem Reilly.

NAYS: None.

NOT VOTING: Cook, duPont, Johnson, Manning, Price, Simpson, Snowden, Spicer, Tull, Watson.

ABSENT: Donovan, Hoey, Mayhew—3.

On motion of Mr. Steen the roll call was tabled.

The following bill was introduced, given first reading, and referred to committee:

**SB 297**—An Act to Amend Title 17, Delaware Code, Entitled "Highways", Relating to the Cost and Expense of Altering and Relocating Public Owned Utilities. (By Mr. Cook for Mr. Reilly, to Labor)

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 142**, 4 on merits.

On motion of Mr. Cook, **SB 296** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 296**—An Act Providing for the Appointment of a Civil War Centennial Commission to Commemorate This Event in the State of Delaware.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, Hoey, Mayhew, Watson—4.

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

On motion of Mr. Steen, **HS 1** for **HB 307** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 307**—An Act to Authorize the State Highway Department to Install Tile on Land Belonging to the State of Delaware for Entrances and Exits to Property and Adjoining Landowners in Kent and Sussex Counties If Adjoining Landowners Purchase the Tile.

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

**YEAS:** Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, Mayhew—3.

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

On motion of Mr. Reilly, **HB 233** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 233**—An Act to Amend Title 22, Delaware Code, Relating to Municipalities.

Mr. Spicer moved to defer **HB 233**. Motion prevailed.

On motion of Mr. Steen, **HB 58** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 58**—An Act Appropriating Money to Sussex Memorial Post No. 7422 V. F. W. at Millsboro, With Which to Operate and Maintain an Ambulance.

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

**YEAS:** Cook, duPont, Johnson, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, Mayhew, McCullough, Watson.

On motion of Mr. Steen, the roll call was tabled.

On motion of Mr. Steen, the Senate recessed at 7:15 P. M. until call of the President Pro Tem.

The Senate met at the expiration of the recess at 1:30 P. M., November 27, 1961. Lieutenant-Governor Lammot presiding.

The Senate recessed after the prayer by the Chaplain, Rev. Ray W. Kirwan in the absence of a quorum.

The Senate met at the expiration of the recess at 5:30 P. M., November 27, 1961. Lieutenant-Governor Lammot presiding.

On motion of Mr. Steen, the Senate adjourned at 5:30 P. M., November 27, 1961, until 5:30 P. M., November 27, 1961, at 5:30 P. M.

## 75TH LEGISLATIVE DAY

November 27, 1961

The Senate met pursuant to adjournment at 5:30 P. M., on Monday, November 27, 1961. Lieutenant-Governor Lammot presiding.

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

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

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

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

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

**SR 80**—Authorizing Payment of Amount Due Middletown Transcript and Western Union for Expenses of the 121st General Assembly.

The following bills were introduced, given first reading, and referred to committees:

**SB 298**—An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Increasing the Rates for the Pilotage of Certain Vessels. (By Messrs. Steen and Spicer, to Rules)

**SB 299**—An Act to Amend Chapter 161, Volume 52, Laws of Delaware, Entitled "An Act to Revise and Consolidate the Statutes Relating to Curbstone Markets in the City of Wilmington" by Providing for a Building to be Known as the Farmers' and Truckers' Market Building Situate Between and Bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle, State of Delaware and Establishing and Consolidating Statutes Relating to Curbstone Markets in the City of Wilmington, County of New Castle, State of Delaware. (By Mr. Reilly, to Corporations, Municipal)

**SB 300**—An Act Providing for a Supplementary Appropriation to the State Board of Education for the Homebound and Deaf Programs for the Fiscal Year Ending June 30, 1962. (By Mrs. Manning and Mr. McCullough, to Finance)

Mr. Cook, Chairman of the Rules Committee, reported the following bill from committee: **SB 298**, 3 favorably, 2 on merits.

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

**SR 81**—Authorizing Payment to Lieutenant-Governor Eugene Lamot for Expenses Incurred for State Business.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 321** with **HA 1**—An Act to Amend Title 7, Section 504, Delaware Code, by Raising the License Fees for Hunting, Trapping and Fishing. (To Fish, Oysters and Game)

The following message was received by the Senate from the Governor and read; referred to the Executive Committee:

### GOVERNOR'S MESSAGE

November 27, 1961

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

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

George J. Schulz, Hartly, Delaware, to be a member of the Delaware Alcoholic Beverage Control Commission for a term to expire May 15, 1963. (Reappointment)

Respectfully submitted,

ELBERT N. CARVEL, Governor

The following bills were introduced, given first reading, and referred to committees:

**SB 301**—An Act to Amend Section 706, Title 21, Delaware Code, Relating to Disposition of Fines and Costs for Motor Vehicle Violations, by Providing That Fines and Costs in Court of Common Pleas be Paid to New Castle County. (By Mr. Reilly, to Judiciary)

**SB 302**—An Act to Amend Chapter 1, Title 10, Delaware Code, by Providing for a Limitation on Appeals from Interlocutory Judgments of the Superior Court. (By Mr. Mayhew, to Judiciary)

**SB 303**—An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Appointment and Duties of Masters in the Family Court. (By Mr. Mayhew, to Judiciary)

On motion of Mr. Steen, the Senate adjourned at 5:42 P. M., until Tuesday, November 28, 1961, at 1:00 P. M.

**76TH LEGISLATIVE DAY**

November 28, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, November 28, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Mayhew, Price, Simpson, Spicer, Steen, Tull—6.

Members absent: Cook, Donovan, duPont, Hoey, Johnson, Manning, McCullough, Snowden, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

The Chair declared a recess at 1:32 P. M. in the absence of a quorum.

The Senate met at the expiration of the recess at 4:50 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Cook, duPont, Johnson, Watson, Wilgus and Reilly asked to be marked present.

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

**GOVERNOR'S MESSAGE**

Dover, Delaware, November 28, 1961

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

Several weeks ago I submitted a number of questions to the Supreme Court of the State of Delaware concerning the interpretation of the Constitution of the State of Delaware on certain legislative and executive actions.

The Supreme Court has answered several of these questions in two separate opinions, and I am enclosing a copy of each of these opinions for your information.

Copies will be available for each member in the near future.

Respectfully submitted,

ELBERT N. CARVEL, Governor

THE SUPREME COURT OF THE STATE OF DELAWARE

Opinion of the Justices of the Supreme Court  
in Response to Questions Propounded by  
the Governor of Delaware.

To His Excellency Elbert N. Carvel,  
Governor of Delaware:

Reference is made to your letter of September 19, 1961, addressed to the Chief Justice, requesting the opinion of the members of the Supreme Court upon certain questions involving the construction of the provisions of two articles of the Constitution of the State of Delaware. On November 17, 1961, we answered the question involving the construction

of Article III, Section 18, of the Constitution. This opinion constitutes our answer to the remaining two questions contained in your letter of September 19, 1961.

The questions remaining for answer concern the construction of Article II, Section 4, which, as amended on April 10, 1959, reads as follows:

"Section 4. The General Assembly shall meet on the first Tuesday of January, nineteen hundred and sixty-one, and on the same day in every second year thereafter, and on the first Tuesday in February, nineteen hundred and sixty-two, and on the same day in every second year thereafter, and at no other time, unless convened by the Governor. When the General Assembly shall be convened by the Governor, the session shall not continue longer than thirty days.

"The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety legislative days in odd years and thirty legislative days in even years. In any of said thirty legislative day sessions in even years, the General Assembly shall consider no bills other than (1) bills having to do with budgetary, revenue and financial matters, (2) legislation dealing with an acute emergency, and (3) legislation in the general public welfare."

You have asked us the following questions involving the proper meaning of this particular constitutional provision:

1. "Do the words 'final adjournment' as appearing in Article 3, Section 18 mean final adjournment of each of the annual meetings of the General Assembly now provided for by Article 2, Section 4, or is the phrase limited to the adjournment at the end of the meeting which commences in even number years?"

2. "Are bills introduced during the meeting of the General Assembly which commenced on the first Tuesday in January of 1961 automatically carried over to the meeting which will commence on the first Tuesday in February of 1962, or will it be necessary for the General Assembly to reintroduce bills and resolutions in February of 1962 which were not passed prior to that date?"

We will give answers to the quoted questions in the order in which they are set forth:

#### **Question No. 1**

By Article II, Section 1, the Constitution of this State provides that the legislative power shall be vested "in a General Assembly" consisting of a Senate and a House of Representatives. By Article II, Section 2, it is provided that the House shall be composed of thirty-five members chosen

for terms of two years, and that the Senate shall be composed of seventeen members chosen for terms of four years. By reason of Section 3 of the schedule appended to the Constitution, seven Senators are elected for four year terms in the years of presidential elections, and ten Senators are elected for four year terms in the years of non-presidential elections. The members of the House are elected for two year terms at each biennial election. By reason of Section 4 of the Constitutional schedule the terms of both Senators and members of the House begin "on the day next after their election".

It is thus apparent that by reason of Article II, Sections 1 and 2, one General Assembly is created with a life of two years, and that every two years a new General Assembly is created which in turn has a life of two years.

The original Constitution of 1897, by Article II, Section 4, required each General Assembly to meet biennially on the first Tuesday in January in regular session, and in such special sessions to which it shall be convened by the Governor.

By the amendment of 1959 (quoted heretofore) Article II, Section 4, now requires the General Assembly to meet in two regular annual sessions, one in each year of its existence. This requirement of Article II, Section 4, is the same in principle as the Twentieth Amendment to the Federal Constitution, Section 2, which requires the Congress, which also has a life span of two years, to assemble on the 3rd of January of each year. Despite the requirement of annual sessions, however, there is but one Congress existing for the space of two years. The **Pocket Veto Case**, 279 U. S. 655, 49 S.Ct. 463. We think the same follows with respect to the General Assembly. The effect of the amended Article II, Section 4, of the Delaware Constitution is merely to require the General Assembly, which in terms exists for two years, to hold regular sessions in each year.

What, then, is the effect of this upon the proper construction of the provision of Article III, Section 18, that "No bill shall become a law after final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment."

In our answer to the different but related question upon which you desired our opinion (see—A.2d—), we pointed out that Article III, Section 18, clearly distinguishes between "adjournment" and "final adjournment", and we stated that the first use was broader in meaning than the second, and in fact encompassed a temporary or interim adjournment of the house originating a bill, which act prevented its return to the originating house by the Governor with his objections. This, of course, applies to the provisions of Article III, Section 18, granting a power of veto over legislation providing

the bill is returned by the Governor within ten days to the originating house with his objections to the bill. This provision is, however, distinct and separate from the provision of Section 18 providing that after "final adjournment" no passed bill shall become law unless approved by the Governor within thirty days.

"Final adjournment of the General Assembly" must necessarily mean something beyond the temporary ceasing of legislative sessions. The adjective "final" is defined as "not to be altered or undone; conclusive" (Webster's 3rd Int. Dictionary), which necessarily, when describing an adjournment of "the General Assembly" can relate only to that adjournment following which the General Assembly will not be reconvened, either by operation of law or by its own act. It thus follows, since two regular sessions are now required by Article II, Section 4, that "final adjournment" of the General Assembly means the adjournment *sine die* of the second regular session, or, in the absence of such adjournment, the extinguishment of the particular General Assembly by reason of expiration of the terms of office of the members, whichever is earlier in point of time.

The 1959 amendment creates a condition which would have been impossible under the original Constitution. Prior to the 1959 amendment to Article II, Section 4, the Constitution provided for only one biennial regular session of any General Assembly. Thus, it was that prior to 1959 the final adjournment of the General Assembly was the adjournment *sine die* of the regular biennial session which, absent a call by the Governor into special session, was the only occasion that particular General Assembly would meet. Prior to 1959, therefore, the meaning of the phrase "final adjournment" was clear to a certainty.

When Article II, Section 4, was amended no corresponding change was made in Article III, Section 18, though changes were made in other sections, apparently to make them conform to the new requirement of annual sessions of the General Assembly (see Amendments to Article II, Sections 7 and 24). The result was, therefore, to leave unchanged Article III, Section 18, which provides that no bill shall become law without the approval of the Governor within thirty days of that adjournment of the General Assembly, after which it would never again be in regular session. Under the present constitutional provisions, that can only be the final adjournment of the second regular session.

We recognize the result that may follow from this conclusion. For example, with respect to the several bills occasioning the first question we have already answered, it is apparent that Your Excellency may, by your approval within thirty days of the adjournment *sine die* of the second regular



session, or expiration in office of the present General Assembly, enact these bills into law. That this is a possible result, however, does not change the clear meaning of the Constitution.

Furthermore, if the phrase "final adjournment" were confined to the end of the prescribed regular session it would necessarily follow that each regular session, of itself, constituted a General Assembly. What, then, would result, we ask, following the adjournment *sine die* of the first regular session an appreciable time before the second regular session is to convene? There would be a hiatus during which there would be no General Assembly in legal existence. Yet, Article II, Section 1, of the Constitution clearly contemplates for a two-year period the continuous existence of a General Assembly.

Article III, Section 18, referring as it does to the final adjournment "of the General Assembly" must be taken to mean what it so clearly says, i. e., the final adjournment of the General Assembly of the last regular session, after which it will not again be in session except by reason of the call by the Governor into special session.

The answer to Question No. 1, therefore, is that "final adjournment" as used in Article III, Section 18, means the final adjournment at the end of the regular session of the General Assembly convening in even numbered years.

### Question No. 2

We have pointed out that the 1959 amendment to Article II, Section 4, has directed that the General Assembly of Delaware shall meet in annual regular session throughout its life of two years. We think the General Assembly, itself, has recognized this fact by the enactment of 29 Del. C., § 702, providing for a method of designating its sessions. The situation is, therefore, exactly comparable to that of the Congress of the United States, which has a life of two years, and is required to convene at least once in each of those years.

The precise question is whether bills and resolutions introduced in the first regular session and not passed at that session are automatically continued on the calendar of the second regular session, or whether they die with the expiration of the first session and must be reintroduced at the second regular session. We think that, as in the Congress of the United States, bills and resolutions introduced in the first regular session of the General Assembly, at the expiration of that session remain on the calendar which thereupon becomes the calendar of the second regular session. It follows, therefore, that all bills and resolutions pending before the first regular session are likewise pending before the second regular session when it convenes.

This, however, does not mean that merely because a bill or resolution is pending before the first regular session that it may, by means of that fact, be called up and passed at the second regular session. This is so because of the limitation of Article II, Section 4, upon the subject matter which may legally be acted upon at a second regular session. That limitation is that a second regular session the "General Assembly shall consider no bills other than (1) bills having to do with budgetary, revenue and financial matters, (2) legislation dealing with an acute emergency, and (3) legislation in the general public welfare."

It will be noted that this limitation on the power of the General Assembly at its second regular session is absolute. Accordingly, at its second regular session the General Assembly may consider only bills, whether carried over from the first session or newly introduced, which fall within the three permissible categories. If the subject matter of an enacted bill does not fall within one or more of these categories, we have no doubt but that it would be illegally enacted if passed at the second regular session.

In closing, we take the liberty of referring to a further provision of the Constitution concerning which you have not asked our opinion. We have pointed out that the Constitution provides for a General Assembly with a life of two years, with the requirement that it meet in annual session. Prior to the amendment requiring annual sessions, Article II, Section 7, provided for the biennial organization of the Senate and House. At the same time, however, as Article II, Section 4, was amended to require annual sessions, Article II, Section 7, was amended to require the Senate and House to organize at each annual session. We are of the opinion, therefore, that upon convening in the second annual session, each House of the General Assembly must again organize in accordance with Article II, Section 7.

Respectfully submitted,

/s/ C. A. SOUTHERLAND, Chief Justice

/s/ DANIEL F. WOLCOTT, Associate Justice

/s/ WM. DUFFY, Judge

November 18, 1961.

Opinion of the Justices of the Supreme Court  
in Response to a Question Propounded  
by the Governor of Delaware.

To His Excellency Elbert N. Carvel,  
Governor of Delaware:

The Justices of the Supreme Court refer to your letter dated September 19, 1961, addressed to the Chief Justice, propounding a question upon which the opinions of the Justices are requested, pursuant to the provisions of 29 Del.C. § 2102.

The facts giving rise to the question are set forth in your letter as follows:

"A bill was introduced in the House of Representatives, passed by the House of Representatives, passed by the Senate, returned to the House of Representatives by the Senate, delivered to the Governor by the Chairman of the Passed Bills Committee of the House and then recalled from the Governor by a House Resolution on the 10th day after which the bill was delivered to the Governor. I returned the bill to the Chairman of the Passed Bills Committee of the House pursuant to the request of the Resolution."

The question to be answered is:

"Can this bill be legally recalled from the Governor by the unilateral action of the House of Representatives, or did it automatically become law since not vetoed by the Governor?"

Our constitution has no provision dealing specifically with the right of the General Assembly, or of one house thereof, to recall from the Executive a bill which has passed both houses and has been delivered to the Governor in accordance with the provisions of Section 18 of Article III.

Nevertheless the answer to your question is implicit in the provisions for the passage of legislation. Any bill or joint resolution requires for passage the concurrence of a majority of all the members elected to each House. Article II, Section 10. The delivery of the bill to the Governor is based upon the joint action of the two houses. If any subsequent legislative action can lawfully be taken to affect the status of the bill in the Governor's hands (a question not presented to us), it must likewise be joint action. In our opinion one house has no such power of recall, even with the Governor's consent.

Such legal precedent as we have found supports this view.

In *People v. Devlin*, 33 NY 269, the facts were similar to those set forth by you. A bill had passed both houses of the legislature and was duly delivered to the Governor. On the next day the assembly (the lower house) requested its return. The Governor complied, stating in his message that it was returned at the request of the assembly. Further proceedings then ensued. The house attempted to strike out a certain section of the bill, and the Senate refused to agree. After adjournment without further action, the bill was sent to the Governor by the Clerk in its original form, and he signed it.

The validity of the act was questioned on the ground that it had never finally passed both houses of the legislature.

To this two answers were made: (1) that the enrolled bill could not be impeached by examination of the legislative journals, and (2) that even if the court had the power to go back of the enrolled bill and examine the journals, it must be determined that the bill had not been effectively recalled. The court agreed with both contentions. As to the latter it said:

"The law had its origin in the assembly. The bill was introduced and was considered in all its stages, and passed and sent to the senate for concurrence. It met the approval of the senate, and was passed by that house without amendment, and after such passage, was returned to the assembly, was signed by the presiding officers and sent to the governor. This was according to well-established parliamentary usage and law. The legislature had declared its will. No further separate action was required or allowed. The streams issuing from senate and assembly fountains had flowed together and were now united in one. The united action of both houses would be necessary to recall the bill."

The court also said:

"This bill had passed both houses and been sent to the governor for his approval. The recall by the assembly was an infringement of parliamentary law. It was an attempt to do alone what, if it could be done at all, required the joint action of both senate and assembly."

To the same effect is *State ex rel. Portland Cement Co. v. Hale* (Fla.), 176 So. 577. A bill passed by both Senate and House was delivered to the Governor and thereafter, at the request of the House, returned by the Governor to it. Thereafter the legislature adjourned *sine die* without acting on the bill, and the Speaker transmitted the bill to the Secretary of State for enrollment. The court said:

"We hold that neither the House of Representatives nor the Senate of the Legislature of Florida could by its independent resolution recall from the hands of the Governor a bill which had been duly passed by the Legislature, had been authenticated and transmitted to the Governor for his consideration, and that the action of the Governor in transmitting the bill to the House of Representatives in the instant case was a matter of courtesy and had no effect upon the validity of the act which had been duly and constitutionally passed and transmitted to him for his consideration."

We think that these cases embody a sound rule of law. One house of the legislature may not lawfully recall from the Executive a bill duly enacted by both houses.

Since the return of the bill by you in this case was ineffectual, it must follow that it became law under the provisions of Article III, Section 18 of the Constitution. That section provides that after a bill has been presented to the Governor, it is his duty to sign it if he approves it, or, if he shall not approve, to return it with his objections to the house in which it originated, and that thereafter the bill shall be reconsidered by both houses. Failure of the Governor to comply with this procedure brings into play the subsequent provisions of Section 18, as follows:

"If any bill shall not be returned by the Governor within 10 days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor."

Similar provisions in the Virginia Constitution were held applicable to a case in which the legislature had recalled a bill by joint resolution. See *Wolfe v. M'Caull*, 76 Va. 876. The Supreme Court of Appeals of Virginia held that even if the joint action of both houses was insufficient to recall a bill once it had been delivered to the Governor. The Governor's return of the bill upon request was held, as in the *Devlin* case, to be an act of courtesy only, and to confer no power upon the legislature to act upon it. Hence, there had been no lawful return of the bill in the manner specified or within the time required by the Constitution. It therefore became a law by reason of the Governor's failure to return it. 76 Va. 891.

It is unnecessary for us to express any opinion upon the main holding in this case; it is cited to support our opinion that if there is no effective return of the bill by the Governor it becomes law under Section 18 of Article III.

The answer to your question is that in our opinion the bill referred to in your letter automatically became law.

The foregoing represents the opinion of all the members of the Court.

Respectfully submitted,

/s/ C. A. SOUTHERLAND, Chief Justice  
 /s/ DANIEL F. WOLCOTT, Associate Justice  
 /s/ WM. DUFFY, Judge

October 23, 1961

Mr. Price, Chairman of the Corporations, Municipal Committee, reported the following bill from committee: SB 299, 2 favorably, 2 on merits.

On motion of Mr. Steen, SB 298 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 298**—An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Increasing the Rates for the Pilotage of Certain Vessels.

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

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

**NAYS:** None.

**ABSENT:** Donovan, McCullough, Snowden—3.

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

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

The following bills were introduced, given first reading, and referred to committees:

**SB 304**—An Act to Amend Chapter 14 of Title 16 of the Delaware Code in Relation to the Establishment of Water and/or Sewer Authorities. (By Mr. Simpson, to Revised Statutes)

**SB 305**—An Act Authorizing and Directing the Levy Court of Kent County to Reimburse Gleen A. Richter and Margaret C. Richter Property Taxes Paid in Error. (By Mr. Price, to Claims)

**SB 306**—An Act Providing for a Supplementary Appropriation to the State Board of Education for the Fiscal Year Ending June 30, 1962. (By Mr. Price, to Finance)

**SB 307**—An Act Making Supplementary Appropriations to the State Board of Examiners of Barbers for the Fiscal Year Ending June 30, 1962, and Making a Transfer of the Funds Appropriated to the Board of Examiners. (By Mr. Reilly, to Finance)

**SB 308**—An Act to Amend Chapter 83, Title 16, Delaware Code, Entitled Building Code for Rural New Castle County, by Including Industry and Industrial Buildings Within the Building Code. (By Mr. Reilly, to Revised Statutes)

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

**SR 82**—In Reference to Election of Officers.

**SR 83**—In Reference to Election of Officers

On motion of Mr. Steen, **HB 166** with title as follows was lifted from the table:

**HB 166**—An Act to Amend Section 5121, Title 30, Delaware Code of 1953, Relating to State Revenue by Increasing the Amount of the Gasoline Tax.

Mr. duPont requested that his vote be changed to nay.

Mr. Steen moved that the roll call again be tabled. Motion prevailed.

On motion of Mr. Price, **SB 200** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 200**—An Act to Amend Chapter 11, Title 10, Delaware Code, Relating to the Appointment and Salaries of Clerks and Probation Officers of the Juvenile Court of Kent and Sussex Counties.

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

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

NAYS: None.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Mayhew, **HB 382** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 282**—An Act to Enable the State to Obtain Federal Financial Participation in Aid to Dependent Children of Unemployed Parents; Appropriating Funds.

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

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

NAYS: None.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Cook, and without objection, rules were suspended in order to consider **SB 309**.

On motion of Mr. Cook, **SB 309** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 309**—An Act to Increase the Fee Charged by a Motor Vehicle Dealer for Temporary License Plate.

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

YEAS: Cook, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, McCullough, Snowden, Watson—4.

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

On motion of Mr. Hoey, SB 274 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 274—An Act to Amend Section 4501, Title 10, Delaware Code, Relating to Compensation of Jury Commission and Travel Expenses.

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

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

NAYS: None.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Reilly, SB 211 was stricken.

The following bills were introduced, given first reading, and referred to committees:

SB 309—An Act to Increase the Fee Charged by a Motor Vehicle Dealer for Temporary License Plate. (By Mr. Cook)

SB 310—An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Suspension or Revocation of Motor Vehicle License. (By Mr. Mayhew, to Buildings and Highways)

SB 311—An Act to Amend Chapter 56, Title 29, Delaware Code, Relating to State Judiciary Pensions by Providing Pension Benefits for Surviving Widows. (By Mr. Mayhew, to Judiciary)

On motion of the Chair, the Senate recessed upon call of the Chair at 5:25 P. M. The Senate met at the expiration of the recess at 6:45 P. M. Lieutenant-Governor Lammot presiding.

Mr. Cook introduced the following joint resolution, which was referred to the Buildings and Highways Committee:

SJR 9—Authorizing a Report and Study by the Automotive Safety Foundation and Providing for a Legislative Joint Fact-Finding Committee.

On motion of Mr. Steen, the Senate adjourned at 6:54 P. M., until November 29, 1961, at 1:00 P. M.



## 77TH LEGISLATIVE DAY

November 29, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, November 29, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Johnson, Price, Spicer—3.

Members absent: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

The Senate recessed in the absence of a quorum.

The Senate met at the expiration of the recess at 4:15 P. M., December 4, 1961. Lieutenant-Governor Lammot presiding.

Messrs. Cook, duPont, Hoey, (Mrs.) Manning, Mayhew, McCullough, Snowden, Steen, Tull, Watson, Wilgus and Mr. President Pro Tem Reilly asked to be marked present.

The Senate recessed at call of the Chair. The Senate met at the expiration of the recess at 6:00 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Price, the Senate recessed until Monday, December 4, 1961, at 6:01 P. M.

The Senate met at the expiration of the recess at 4:13 P. M., December 4, 1961. Lieutenant-Governor Lammot presiding.

On motion of Mr. Steen, the Senate adjourned at 4:14 P. M., until December 4, 1961, at 4:15 P. M.

## 78TH LEGISLATIVE DAY

December 4, 1961

The Senate met pursuant to adjournment at 4:15 P. M. on December 4, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Cook, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

Members absent: Donovan, Simpson—2.

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

The privilege of the floor was extended to Mayor Otis Smith of Lewes, who introduced Miss Beatrice Temple, and Reginald Greenwood from Lewes, Sussex, England. The Chair welcomed the visitors and invited them to the rostrum.

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

**SR 84**—Expressing the Sympathy of the Senate of the Illness of Senator Leon E. Donovan.

WHEREAS, the members of the 121st General Assembly of the State of Delaware have learned that Senator Leon E. Donovan is ill, and

WHEREAS, the members of the Senate desire to express and extend their regret and sympathy to Senator Leon E. Donovan.

NOW THEREFORE:

BE IT RESOLVED, that the members of the Senate of the 121st General Assembly of the State of Delaware do hereby express their sincere wishes for a complete and speedy recovery, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the Senate of the 121st General Assembly of the State of Delaware and a copy be forwarded to Senator Leon E. Donovan.

Messrs. Steen and Spicer introduced the following resolution, which on further motion by Mr. Steen, was adopted:

**SR 85**—Expressing the Gratitude of the Senate.

WHEREAS, The Town of Lewes, Delaware, recently dedicated its new Town Hall with appropriate ceremony, and

WHEREAS, Miss Beatrice Temple and Mr. Reginald C. Greenwood, Councillors from the borough of Lewes, Sussex, England, were guests of honor for the occasion, and

WHEREAS, these honored guests were invited to represent their English village in its namesake Delaware town, and

WHEREAS, the Senate of the 121st General Assembly wishes to extend a warm welcome and express its gratitude to the distinguished visitors from England for their visit to our State.

NOW, THEREFORE:

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, that the members extend their warm welcome and hereby express their gratitude to Miss Beatrice Temple and Mr. Reginald C. Greenwood, Councillors from the borough of Lewes, Sussex, England, for their visit to the State of Delaware, and

BE IT FURTHER RESOLVED that this gratitude for the presence of these honored visitors be extended by sending a copy of this resolution to the borough of Lewes, England, and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the journal of the proceedings of the Senate of the 121st General Assembly of the State of Delaware.

Messrs. Hoey and Johnson, Chairmen of the Finance, Printing, and Buildings and Highways Committees, reported the following bills from committee: **HB 281**, 1 favorably, 3 on merits; **HB 305**, 1 favorably, 3 on merits; **SB 310**, 3 favorably, 2 on merits; **SJR 9**, 5 favorably.

Mr. Hoey moved that Rule 9 be suspended for the balance of the day. Motion prevailed.

On motion of Mr. Steen, **HB 166** was again lifted from the table.

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

YEAS: Cook, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Hoey, Manning, Simpson, Snowden, Spicer, Wilgus—7.

NOT VOTING: Donovan—1.

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

On motion of Mr. Hoey, **HB 281** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 281**—An Act Authorizing the Levy Court of New Castle County to Appropriate County Moneys to Brandywine Hundred Fire Co. No. 1, Mill Creek Fire Co. No. 1 and Minquadales Fire Co., Inc., for the Maintenance of a Rescue Squad.

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

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

NAYS: None.

ABSENT: Donovan—1.

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

On motion of Mr. McCullough, **HB 225** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 225**—An Act to Amend Chapter 55, Title 14, Delaware Code, Relative to Appropriating Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware.

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

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

NAYS: None.

ABSENT: Donovan—1.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 304**, 2 favorably, 2 on merits.

On motion of Mr. Simpson, **SB 304** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 304**—An Act to Amend Chapter 14 of Title 16 of the Delaware Code in Relation to the Establishment of Water and/or Sewer Authorities.

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

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

NAYS: None.

ABSENT: Donovan, Hoey—2.

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

Mr. Reilly, Chairman of the Corporations, Private, Committee, reported the following bill from committee: **SB 290**, 1 favorably, 3 on merits, 1 unfavorably.

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

**SJR 9**—Authorizing a Report and Study by the Automotive Safety Foundation and Providing for a Legislative Joint Fact-Finding Committee.

Mr. duPont moved to defer **SJR 9**.

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

YEAS: Cook, duPont, Johnson, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: Hoey, Manning, Mayhew, Price, Watson—5.

ABSENT: Donovan—1.

So the question was decided in the affirmative and **SJR 9** was deferred.

On motion of Mr. Steen, **SB 286** was stricken.

The following bills were introduced, given first reading, and referred to committees:

**SB 312**—An Act Making an Appropriation to Murray M. Schwartz, Esq., for Services Rendered to the State of Delaware in the Case of Longoria v. State of Delaware. (By Mr. Snowden, to Finance)

**SB 313**—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees. (By Mr. McCullough, to Education)

**SB 314**—An Act Making a Supplementary Appropriation to the State Board of Education for the Fiscal Year Ending June 30, 1962, for Salaries of Employees. (By Mr. McCullough, to Finance)

**SB 315**—An Act to Amend Chapter 51, Title 29, Delaware Code, by Authorizing the State Treasurer to Make Certain Pay Roll Deductions. (By Mr. McCullough, to Revised Statutes)

On motion of Mr. Reilly, **HB 233** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 233** as amended—An Act to Amend Title 22, Delaware Code, Relating to Municipalities.

Mr. Reilly introduced **SA 2** to **HB 233** and moved for its adoption.

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

**YEAS:** duPont, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** Johnson—1.

**ABSENT:** Cook, Donovan, Hoey, Mayhew, Watson—5.

So the question was decided in the affirmative.

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

**YEAS:** Cook, duPont, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly.

**NAYS:** Hoey, Johnson, McCullough.

**ABSENT:** Donovan, Mayhew, Watson.

On motion of Mr. Reilly, the roll call was tabled.

On motion of Mr. Simpson, **SB 290** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 290**—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by

Exempting Lands and Improvements of the Fruitland Grange No. 16, P. of H., Incorporated, from Assessment and Taxation.

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

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

NAYS: None.

ABSENT: Donovan, Watson—2.

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

The Chair presented the following House matter, which was given first reading:

**HB 426**—An Act to Amend Chapter 277, Volume 51, Laws of Delaware Entitled "An Act to Amend Chapter 196, Volume 22, Laws of Delaware, by Extending to the Board of Public Works 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" by Providing for an Assessment to Retire the Bonds in Accordance With Their Terms.

On motion of Mr. Steen, the rules were suspended in order to consider **HB 426** without assignment to committee.

On motion of Mr. Tull, the Senate resolved into Executive Session at 6:00 P. M.

The Senate resolved into regular session at 6:20 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Steen, **HB 426** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 426**—An Act to Amend Chapter 277, Volume 51, Laws of Delaware Entitled "An Act to Amend Chapter 196, Volume 22, Laws of Delaware, by Extending to the Board of Public Works 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" by Providing for an Assessment to Retire the Bonds in Accordance With Their Terms.

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

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

NAYS: None.

ABSENT: Donovan, Johnson, Watson—3.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: SB 302, 3 favorably, 2 on merits; SB 303, 4 favorably, 1 on merits; SB 311, 1 favorably, 3 on merits; SB 292, 4 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: SB 300, 3 favorably, 1 on merits.

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

SR 86—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

On his further motion, the resolution was reconsidered.

On motion of Mr. Cook, the resolution was withdrawn.

Mr. Cook introduced the following resolution:

SR 87—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected With the Present Session of the Senate of the 121st General Assembly.

On his further motion, the resolution was withdrawn.

On motion of Mr. Steen, the Senate adjourned at 6:45 P. M. until December 5, 1961, at 1:00 P. M.

## 79TH LEGISLATIVE DAY

December 5, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, December 5, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Hoey, Price, Spicer, Steen, Wilgus—5.

Members absent: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Tull, Watson, Mr. President Pro Tem Reilly—12.

The Chair recessed the Senate at 1:35 P. M. in the absence of a quorum.

The Senate met at the expiration of the recess at 3:15 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Cook, Johnson, (Mrs.) Manning, Tull, Watson and Reilly asked to be marked present.

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

On motion of Mr. Steen, the roll call on **HB 340** was lifted from the table.

On motion of Mr. Steen, **HB 340** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**HB 340**—An Act Authorizing the State Highway Department to Construct and Maintain a Dam Across the Millsboro Pond Adjacent to Indian River: Establishing the Power of the Department to Acquire Said Dam Site and Making an Appropriation Therefor.

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

YEAS: Cook, Johnson, Manning, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

NOT VOTING: duPont, Simpson, Snowden—3.

ABSENT: Donovan, Hoey, Mayhew—3.

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

On motion of Mr. Reilly, **SB 256** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 256**—An Act to Amend Chapter 5, Title 24, Delaware Code, Entitled Chiropractic by Including Podiatry Within Said Chapter.

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

YEAS: Cook, Manning, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: None.

ABSENT: Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Simpson, Snowden—8.

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

Messrs. McCullough and duPont asked to be marked present.

On motion of Mr. Watson, **HB 376** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 376**—An Act to Amend Section 9308, Title 9, Delaware Code, Relating to Employees of the Comptroller of New Castle County.



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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, Hoey, Mayhew, Simpson, Snowden—5.

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

On motion of Mr. Steen, **SB 177** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

**SB 177**—An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, Hoey, Mayhew, Simpson, Snowden—5.

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

On motion of Mrs. Manning **HB 97** as further amended by the House, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 97**—An Act to Amend Chapter 3, Title 28, Delaware Code, Entitled "Horse Racing" and Chapter 5, Title 28, Delaware Code, Relating to Harness Racing by Providing for the Disposition of Outstanding Pari-Mutuel Tickets Not Claimed Within a Period of One Year Following the Meet.

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

YEAS: duPont, Johnson, Manning, McCullough, Price, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Steen—1.

ABSENT: Cook, Donovan, Hoey, Mayhew, Simpson, Snowden, Watson—7.

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

On motion of Mr. McCullough, SB 300 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 300**—An Act Providing for a Supplementary Appropriation to the State Board of Education for the Homebound and Deaf Programs for the Fiscal Year Ending June 30, 1962.

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

**YEAS:** Cook, duPont, Johnson, Manning, McCullough, Price, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, Mayhew, Simpson, Snowden, Watson—6.

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

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

**HB 376**—An Act to Amend Section 9308, Title 9, Delaware Code, Relating to Employees of the Comptroller of New Castle County. (To Revised Statutes)

**HB 425**—An Act Appropriating Money to Minquadale Fire Company, Inc., and Holloway Terrace Volunteer Fire Company, No. 1, Inc., to Maintain and Operate an Ambulance. (To Finance)

**HB 334**—An Act to Amend Chapter 428, Title 50, Delaware Laws, Increasing the Amount of Taxes Collectible by the Town of Elsmere. (To Corporations, Municipal)

**HB 238 with HA 1**—An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission and to the Requirement for a Certificate of Public Convenience and Necessity, and the Issuance of Such Certificate on the Basis of Grandfather Rights. (To Judiciary)

On motion of Mr. Price, SB 305 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 305**—An Act Authorizing and Directing the Levy Court of Kent County to Reimburse Gleen A. Richter and Margaret C. Richter Property Taxes Paid in Error.

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

**YEAS:** Cook, duPont, Johnson, Manning, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Donovan, Hoey, Mayhew, Simpson, Snowden—5.

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

On motion of Mr. McCullough, SB 142 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 142**—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore.

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

**YEAS:** Cook, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

**NAYS:** duPont, Spicer.

**NOT VOTING:** Johnson, Manning, Wilgus.

**ABSENT:** Donovan, Hoey, Mayhew, Simpson, Snowden.

On motion of Mr. McCullough, the roll call was tabled.

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

**SCR 37**—An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through September 11, 1961.

**SCR 38**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending October 11, 1961, and November 11, 1961.

**SCR 39**—Authorizing Payment of Amount Due Various Companies for Supplies Furnished the 121st General Assembly.

**SCR 40**—An Act Making an Appropriation to the Cedar Press Printers for Directories Furnished to the 121st General Assembly.

On motion of Mr. Reilly, the roll call on **HB 233** was lifted from the table.

On motion of Mr. Reilly, **HB 233** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 233**—An Act to Amend Title 22, Delaware Code, Relating to Municipalities.

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

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

**NAYS:** Hoey, Johnson—2.

**ABSENT:** Donovan, Mayhew—2.

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

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 334**, 3 favorably, 1 on merits.

On motion of Mr. McCullough, **SB 142** was lifted from the table and the roll call rescinded.

On motion of Mr. McCullough, **SB 142** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 142**—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore.

Mr. McCullough introduced **SA 1** to **SB 142** and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, McCullough, Price, Steen, Watson, Mr. President Pro Tem Reilly.

**NAYS:** Johnson, Manning, Mayhew, Simpson, Spicer, Wilgus.

**NOT VOTING:** Tull.

**ABSENT:** Donovan, duPont, Hoey, Snowden.

On motion of Mr. Steen, the roll call was tabled.

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

**HB 373**—An Act to Amend Chapter 11, Title 10, Delaware Code, of 1953, Entitled Juvenile Court of Kent and Sussex Counties, by Changing the Name of the Juvenile Court of Kent and Sussex Counties to the Family Court of Kent and Sussex Counties. (To Judiciary)

**HB 431**—An Act to Amend Section 7706, Title 11, Delaware Code, to Deny Parole to Persons Sentenced to Life Imprisonment. (To Judiciary.)

**HB 391**—An Act Revising, Arranging, Consolidating and Codifying the Charter and All Public Laws and Statutes Applicable to the Mayor and Council of Wilmington, a Municipal Corporation, Into and Adopting the Same as a Revised Charter for Said Municipal Corporation. (To Corporations, Municipal)

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

**SR 88**—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

**SR 89**—Relating to the Labor Dispute Between Hayes Aircraft and Local Union 123 UAW, at Dover Air Force Base.

**SR 90**—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate Being Expenses Connected with the Present Session of the Senate of the 121st General Assembly.

**SR 91**—Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through September 11, 1961, for Phones RE 6-1113, RE 6-6111, and RE 6-1295.

**SR 92**—Relating to Amount Due the Harrington Journal for Printing Incurred by the 121st General Assembly.

**SR 93**—Relating to Amount Due the Harrington Journal for Printing Incurred by the 121st General Assembly.

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

**SCR 41**—An Act Making an Appropriation to Treadway Inn for Luncheon Expenses of Joint Fiscal Committee.

On motion of Mr. Steen, the Senate adjourned at 4:25 P. M. until Wednesday, December 6, 1961, at 1:00 P. M.

## 80TH LEGISLATIVE DAY

December 6, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, December 6, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Cook, Manning, Price, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—8.

Members absent: Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Simpson, Snowden, Watson—9.

The Chair declared a recess at 1:32 P. M. The Senate met at the expiration of the recess at 3:28 P. M. Lieutenant-Governor Lam-mot presiding.

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

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

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

### GOVERNOR'S MESSAGE

December 5, 1961

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

Under the date of September 14, 1961, I submitted to you my amended official estimate of revenue in the amount of \$85,415,000 for the fiscal year ending June 30, 1962, and my estimate of the additional revenue that would be available if H. S. #1 for H. B. #152, H. B. #166 and H. S. #1 for H. B. #344 were enacted.

As a result of the passage of the three above-listed measures, I hereby submit a revised estimate of revenue in the amount of \$87,505,000. This increase is based upon the following specific estimates of revenue increases:

H. S. #1 for H. B. #152 .....	\$ 190,000
H. B. #166 .....	900,000
H. S. #1 for H. B. #344 .....	1,000,000.

A review of the automatic appropriations and appropriation bills passed to date indicates a commitment of \$88,090,679. When anticipated reversions of \$1,500,000 are deducted, the total commitment of the State to date is \$86,590,679, leaving a balance of \$914,321 not appropriated.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Spicer, SB 192 as amended was taken up for consideration and read by title in order to pass the Senate as amended by the House:

SB 192—An Act to Amend Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure" by Restoring Capital Punishment.

Mr. duPont moved that a public hearing be held on SB 192 and SB 215.

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

YEAS: duPont, Manning, Simpson—3.

NAYS: Cook, Hoey, Johnson, Mayhew, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

ABSENT: Donovan, McCullough, Snowden—3.

So the question was decided in the negative and the motion was lost.

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

YEAS: Cook, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont, Manning—2.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Price, **HB 334** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 334**—An Act to Amend Chapter 428, Title 50, Delaware Laws, Increasing the Amount of Taxes Collectible by the Town of Elsmere.

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

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

NAYS: None.

ABSENT: Donovan, McCullough, Snowden—3.

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

Mr. Watson reported **HB 224** from the Revised Statutes Committee with 1 favorably and 2 on merits.

Mr. Mayhew reported **HB 431** from the Judiciary Committee with 1 favorably and 2 unfavorably.

On motion of Mr. Hoey, **SB 260** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 260**—An Act to Amend Section 29, Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Power to Borrow Money.

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

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

NAYS: None.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Johnson, **HB 226** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 226**—An Act to Amend Chapter 9, Title 18, Delaware Code, Relating to Valuation and Nonforfeiture Requirements of Life Insurance Policies.

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

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

NAYS: None.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Mayhew, Rule 9 was suspended in order to consider **HB 431**.

On motion of Mr. Mayhew, **HB 431** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 431**—An Act to Amend Section 7706, Title 11, Delaware Code, to Deny Parole to Persons Sentenced to Life Imprisonment.

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

YEAS: Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: Cook, duPont—2.

ABSENT: Donovan, Manning, McCullough, Snowden—4.

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

On motion of Mr. Mayhew, **SB 292** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 292**—An Act Making a Supplementary Appropriation to the Juvenile Court of Kent and Sussex Counties and to the Family Court of New Castle County for the Fiscal Year Ending June 30, 1962.

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

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

NAYS: None.



ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Reilly, **HB 224** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 224** with **HA 1**—An Act to Amend Section 2121, Title 21, Delaware Code, Relating to Motor Vehicle License Plates to Require the Insertion of Certain Words Thereon.

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

YEAS: Manning, Price, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

NAYS: Cook, duPont, Johnson, Mayhew, Simpson, Spicer.

ABSENT: Donovan, Hoey, McCullough, Snowden.

On motion of Mr. Reilly, the roll call was tabled.

Mr. Cook introduced **SCR 42** with title as follows, and moved for its adoption:

**SCR 42**—A Resolution Making an Appropriation to Stewart Lynch, Esq., to Cover Cost as Attorney for the General Assembly in the Recent Public Hearings Proposed by the Honorable J. Caleb Boggs.

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

YEAS: Cook, Hoey, Johnson, Mayhew, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Manning, Simpson, Spicer, Wilgus—5.

ABSENT: Donovan, McCullough, Snowden—3.

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

On motion of Mr. Watson, **SB 151** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 151**—An Act to Amend Sections 811, and 781, Title 11, Delaware Code, Relating to the Crimes of Robbery and Rape.

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, Price, Steen, Tull, Watson—9.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus, Mr. President Pro Tem Reilly—7.

ABSENT: McCullough—1.

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

On motion of Mr. Steen, the Senate adjourned at 4:59 P. M. until Thursday, December 7, 1961, at 1:00 P. M.

## 81ST LEGISLATIVE DAY

December 7, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, December 7, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Hoey, Mayhew, Price, Spicer, Steen, Tull, Mr. President Pro Tem Reilly—7.

Members absent: Cook, Donovan, duPont, Johnson, Man-ning, McCullough, Simpson, Snowden, Watson, Wilgus—10.

The Senate recessed at 1:32 P. M. on motion of Mr. Steen.

The Senate met at the expiration of the recess at 3:40 P. M. Lieutenant-Governor Lam-mot presiding.

Messrs. Cook, Johnson, (Mrs.) Manning, McCullough, Simpson, Watson and Wilgus asked to be marked present.

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

Mr. Watson moved that Rule 9 be suspended for the bal-ance of the day. Motion prevailed.

On motion of Mr. Reilly, SB 299 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 299—An Act to Amend Chapter 161, Volume 52, Laws of Delaware, Entitled "An Act to Revise and Consoli-date the Statutes Relating to Curbstone Markets in the City of Wilmington" by Providing for a Building to be Known as the Farmers' and Truckers' Market Building Situate Be-tween and Bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle, State of Delaware, and Establishing and Con-solidating Statutes Relating to Curbstone Markets in the City of Wilmington, County of New Castle, State of Delaware.

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

YEAS: Price, Mr. President Pro Tem Reilly.

NAYS: Cook, Johnson, Manning, Simpson, Spicer.

NOT VOTING: Hoey, Mayhew, McCullough, Tull, Watson, Wilgus.

ABSENT: Donovan, duPont, Snowden, Steen.

On motion of Mr. Reilly, the roll call was tabled.

On motion of Mr. McCullough, SB 142 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 142**—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore.

Mr. McCullough introduced SA 1 to SB 142, which on his further motion, was adopted.

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

On motion of Mr. McCullough, the roll call was tabled.

On motion of Mr. Watson, **HB 92** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 92**—An Act to Amend Chapter 27, Title 18, Delaware Code, Relating to the Rate of Special Tax on Gross Premiums of Fire Insurance Companies for the Purpose of Assisting in Maintaining Fire Companies.

On motion of Mr. Hoey, the bill was deferred.

On motion of Mr. Steen, **HB 448** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 448**—An Act to Amend Chapter 148, Volume 48, Delaware Laws, Known as the School Building Program Act of 1951, to Authorize Bethel School District No. 99, a Part of the Laurel Special School District as of November 5, 1960, to Expend Certain Funds Raised Pursuant to Said Act.

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

**YEAS:** Cook, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Donovan, duPont, Snowden—3.

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

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bills from committee: **HB 391**, 1 favorably, 3 on merits; **SB 233**, 2 favorably, 2 on merits.

On motion of Mr. Mayhew, **SB 233** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 233**—An Act Making an Appropriation to Houston School District No. 125, Kent County, for the Purpose of Making Repairs to the School Building in the District.

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

YEAS: Cook, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Donovan, duPont, Manning, Snowden—4.

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

On motion of Mr. Steen, **HB 409** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 409**—An Act Making a Supplementary Appropriation to the Harrington Special School District for Erection of a Fire Escape.

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

YEAS: Cook, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Donovan, duPont, Snowden—3.

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

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

**HB 92**—An Act to Amend Chapter 27, Title 18, Delaware Code Relating to the Rate of Special Tax on Gross Premiums of Fire Insurance Companies for the Purpose of Assisting in Maintaining Fire Companies. (Rules were suspended)

**HB 448**—An Act to Amend Chapter 148, Volume 48, Delaware Laws, Known as the School Building Program Act of 1951 to Authorize Bethel School District No. 99, a Part of the Laurel Special School District as of November 5, 1960, to Expend Certain Funds Raised Pursuant to Said Act. (Rules were suspended)

**HB 243**—An Act Appropriating Moneys to the State Soil Conservation Commission for the Construction and Improvement of Tax Ditches and Other Ditches in New Castle County. (Rules were suspended)

**HB 432**—An Act to Amend Chapter 529, Volume 50, Delaware Laws, Known as the School Building Program Act of 1955, to Authorize New Castle Special School District to Expend Certain Funds Raised Pursuant to Said Act. (To Education)

On motion of Mr. Hoey, **HB 243** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 243**—An Act Appropriating Moneys to the State Soil Conservation Commission for the Construction and Improvement of Tax Ditches and Other Ditches in New Castle County.

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

**YEAS:** Cook, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Donovan, duPont, Manning, Snowden—4.

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

On motion of Mr. Steen, **HB 430** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 430**—An Act to Amend Title 10, Section 2704, Delaware Code, to Provide an Additional Constable for Sussex County.

On motion of Mr. Tull, the bill was deferred.

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

**HB 430**—An Act to Amend Title 10, Section 2704, Delaware Code, to Provide an Additional Constable for Sussex County. (Rules suspended)

**HB 398**—An Act to Amend Chapter 345, Volume 52, and Chapter 182, Volume 53, Laws of Delaware, to Provide Additional Funds to the Seaford Special School District for Capital Improvements. (To Education)

**HB 423**—An Act to Reincorporate the Town of Bowers. (To Revised Statutes)

**HB 440**—An Act to Amend Chapter 117, Volume 53, Laws of Delaware, by Making a Transfer from the Appropriation to State Board of Health to the Appropriation to the Water Pollution Commission. (To Public Health)

**HB 447**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962", Being

Chapter 117, Volume 53, Laws of Delaware, by Transferring Monies from Salaries in Division I to Division II; Other Costs in John M. Clayton No. 97. (Rules suspended)

On motion of Mr. Steen, **HB 420** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 420**—An Act to Create a State Human Relations Commission, Define Its Powers and Duties and Appropriating Funds Thereto.

On motion of Mr. Steen, the bill was deferred.

On motion of Mr. Steen, **HB 447** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 447**—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962", Being Chapter 117, Volume 53, Laws of Delaware, by Transferring Monies from Salaries in Division I to Division II; Other Costs in John M. Clayton No. 97.

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

YEAS: Hoey, Manning, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Cook, Donovan, duPont, Johnson, Snowden, Spicer—6.

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

On motion of Mr. Steen, **HB 450** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 450**—An Act Making a Supplementary Appropriation to Millsboro School District No. 23, for the Purpose of Purchasing and Installing a Hot Water Heater.

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

YEAS: Cook, Hoey, Mayhew, McCullough, Price, Simpson, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: None.

ABSENT: Donovan, duPont, Johnson, Manning, Snowden, Spicer, Tull—7.

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

On motion of Mr. Watson, **HB 113** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 113** with **HA 1**—An Act to Amend Section 108, Title 15, Delaware Code, Relating to the Compensation of Members of the Department of Elections.

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

**YEAS:** McCullough, Price, Watson, Mr. President Pro Tem Reilly.

**NAYS:** Manning, Simpson, Steen, Wilgus.

**NOT VOTING:** Cook.

**ABSENT:** Donovan, duPont, Hoey, Johnson, Mayhew, Snowden, Spicer, Tull.

On motion of Mr. Watson, the roll call was tabled.

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

**HCR 33**—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

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

**HB 420**—An Act to Create a State Human Relations Commission, Define Its Powers and Duties and Appropriating Funds Thereto. (Rules suspended)

**HB 450**—An Act Making a Supplementary Appropriation to Millsboro School District No. 23, for the Purpose of Purchasing and Installing a Hot Water Heater. (Rules suspended)

**HJR 9**—Relative to Setting Up a Legislative Committee to Study Treatment of Criminal Offenders. (To Judiciary)

On motion of Mr. Steen, the Senate adjourned at 5:35 P. M. until December 11, 1961, at 1:00 P. M.

## 82ND LEGISLATIVE DAY

December 11, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, December 11, 1961. Lieutenant-Governor Lamot presiding.

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

Members present: Manning, Price, Snowden, Spicer—4.

Members absent: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

The Senate recessed in the absence of a quorum at 1:32 P. M. The Senate met at the expiration of the recess at 3:05 P. M. Lieutenant-Governor Lammot presiding.

Messrs. duPont, Hoey, Mayhew, McCullough, Steen, Tull, Watson and Reilly asked to be marked present.

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

On motion of Mr. Reilly, **HB 224** with **HA 1**, which had previously been tabled, with title as follows was taken up for consideration and read by title in order to pass the Senate:

**HB 224** with **HA 1**—An Act to Amend Section 2121, Title 21, Delaware Code, Relating to Motor Vehicle License Plates to Require the Insertion of Certain Words Thereon.

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

YEAS: Manning, Price, Snowden, Spicer, Steel, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Cook, duPont, Johnson, Mayhew, Simpson—5.

ABSENT: Donovan, Hoey, McCullough—3.

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

The following bills were introduced, given first reading, and referred to committees:

**SB 316**—An Act to Amend Chapter 90, Volume 53, Laws of Delaware, Entitled "An Act to Amend Chapter 25, Title 24, Delaware Code, Concerning Drugs, Pharmacies and Pharmacists, Relating to the Sale of Drugs." (By Mr. Price, to Public Health)

**SB 317**—An Act to Amend 2527, Title 24, Delaware Code, Relating to Pharmacy by Providing for Suspension of Licenses. (By Mr. Price, to Public Health)

**SB 318**—An Act Making an Appropriation to Henry C. Conrad High School District 131, New Castle County, Delaware, for the Purpose of Making Repairs to the School Building. (By Mrs. Manning)

**SB 319**—An Act Making an Appropriation to Townsend Consolidated School No. 81, Townsend, Delaware, for the Purpose of Making Repairs to the School Building. (My Mr. Watson)

Mrs. Manning moved that Rule 9 be suspended for the purpose of considering **SB 318**. Motion prevailed.

Mr. Watson moved that Rule 9 be suspended for the purpose of considering **SB 319**. Motion prevailed.

On motion of Mrs. Manning, **SB 318** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:



**SB 318**—An Act Making an Appropriation to Henry C. Conrad High School District 131, New Castle County, Delaware, for the Purpose of Making Repairs to the School Building.

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

**YEAS:** duPont, Hoey, Manning, Mayhew, Price, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, McCullough, Simpson, Wilgus—6.

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

On motion of Mr. Watson, **SB 319** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 319**—An Act Making an Appropriation to Townsend Consolidated School No. 81, Townsend, Delaware, for the Purpose of Making Repairs to the School Building.

Mr. Wilgus asked to be marked present.

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

**YEAS:** duPont, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Simpson—4.

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

Messrs. Hoey and McCullough, Chairmen of the Finance and Education Committees, reported the following bills from committees: **SB 306**, 2 on merits, 1 unfavorably; **HB 432**, 3 favorably, 2 on merits.

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **HB 432**. Motion prevailed.

The following joint resolution was introduced, given first reading and referred to committee:

**SJR 10**—Providing for a Joint Committee to Investigate the Closed Circuit Education Television Program of the State of South Carolina and Authorizing the Necessary Expenses Therefor. (By Mr. McCullough, to Education)

On motion of Mr. McCullough, **HB 432** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 432**—An Act to Amend Chapter 529, Volume 50, Delaware Laws, Known as the School Building Program Act of 1955, to Authorize New Castle Special School District to Expend Certain Funds Raised Pursuant to Said Act.

Mr. Simpson asked to be marked present.

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

**YEAS:** duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson—3.

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

On motion of Mr. Mayhew, **SB 275** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 275**—An Act to Amend Section 522 (a), Title 10, Delaware Code, Increasing the Number of Bailiffs for the Superior Court in New Castle County.

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

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

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Steen—4.

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

On motion of Mr. Snowden, the Senate recessed upon call of the Chair at 3:35 P. M. The Senate met at the expiration of the recess at 3:40 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Reilly, **HB 391** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 391**—An Act Revising, Arranging, Consolidating and Codifying the Chapter and All Public Laws and Statutes Applicable to the Mayor and Council of Wilmington, a Municipal Corporation, Into and Adopting the Same as a Revised Chapter for Said Municipal Corporation.

Mr. Snowden moved for deferment. Motion deferred.

On motion of Mr. Mayhew, **SB 311** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 311**—An Act to Amend Chapter 56, Title 29, Delaware Code, Relating to State Judiciary Pensions by Providing Pension Benefits for Surviving Widows.

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

**YEAS:** duPont, Hoey, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus—12.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Manning, Mr. President Pro Tem Reilly—5.

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

On motion of Mr. Watson, **HB 92** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 92**—An Act to Amend Chapter 27, Title 18, Delaware Code, Relating to the Rate of Special Tax on Gross Premiums of Fire Insurance Companies for the Purpose of Assisting in Maintaining Fire Companies.

Mr. Hoey introduced **SA 1** to **HB 92** and moved for its adoption.

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

**YEAS:** Hoey, Mayhew, Simpson, Tull, Wilgus—5.

**NAYS:** duPont, Manning, McCullough, Price, Snowden, Spicer, Watson, Mr. President Pro Tem Reilly—8.

**ABSENT:** Cook, Donovan, Johnson, Steen—4.

So the question was decided in the negative.

On the question, "Shall **HB 92** pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

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

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Steen—4.

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

Mr. Simpson requested the privilege of the floor to read a statement in favor of Capital Punishment.

Mr. McCullough, Chairman of the Education Committee, reported the following joint resolution from committee: **SJR 10**, 2 favorably, 3 on merits.

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **SJR 10**. Motion prevailed.

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

**HB 180**—An Act Making a Deficiency Appropriation to Millside School District No. 132 for the Fiscal Year Ending June 30, 1961. (To Finance)

**HB 365**—An Act to Appropriate \$115,000 to Department of Public Welfare for Grants in Aid to Disabled. (To Finance)

**HB 366**—An Act Appropriating Money to the 308 West Residence. (To Finance)

**HB 428**—An Act to Appropriate Funds to the State Board of Education for the Purpose of Paying Salaries to Meet the Provisions of Employment Contracts of Certain Employees of the State Department of Public Instruction for the Fiscal Year Ending June 30, 1961. (To Finance)

**HB 437**—An Act Making a Supplementary Appropriation to Middletown School No. 60 for Operational Expenses. (To Finance)

**HB 427**—An Act to Amend Chapter 277, of Volume 49, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Laurel", as Amended, by Giving Authority to the Mayor and Council to Sell Bonds at Either Public or Private Sale. (To Corporations, Municipal)

On motion of Mr. McCullough, **SJR 10** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SJR 10**—Providing for a Joint Committee to Investigate the Closed Circuit Education Television Program of the State of South Carolina and Authorizing the Necessary Expenses Therefor.

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

**YEAS:** McCullough, Tull, Watson, Mr. President Pro Tem Reilly—4.

**NAYS:** duPont, Manning, Price, Simpson, Spicer, Wilgus—6.

**NOT VOTING:** Hoey, Mayhew, Snowden—3.

**ABSENT:** Cook, Donovan, Johnson, Steen—4.

Mr. Reilly moved that the roll call be tabled.

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

**YEAS:** Watson, Mr. President Pro Tem Reilly—2.

**NAYS:** McCullough, Simpson, Snowden, Spicer, Tull, Wilgus—6.

**NOT VOTING:** duPont, Hoey, Manning, Mayhew, Price—5.

**ABSENT:** Cook, Donovan, Johnson, Steen—4.

So the question was decided in the negative.

Whereupon the Secretary announced the roll call as above set forth.

On motion of Mr. Reilly, the joint resolution was restored.

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

**SR 94**—Relating to an Extension of Time for Hunting Migratory Fowl.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 423**, 3 on merits.

Mr. Price, Chairman of the Public Health and Corporations, Municipal Committees, reported the following from committees: **HB 427**, 4 on merits; **SB 316**, 2 favorably, 2 on merits; **SB 317**, 2 favorably, 2 on merits.

The following bills were introduced, given first reading, and referred to committees:

**SB 320**—An Act to Amend Chapter 47, Title 7, Delaware Code, by Changing the Name of the State Park Commission, Restricting Its Powers and Duties to New Castle County, Providing for Appointments by the Levy Court, and Creating Park Commissions for Kent and Sussex Counties. (By Mr. Hoey, to Revised Statutes)

**SB 321**—An Act to Amend Chapter 87, Section 8708, Title 10, Delaware Code, Relating to Fees of the Register in Chancery. (By Mr. Mayhew, to Judiciary)

**SB 322**—An Act to Amend Section 4301, Title 29, Delaware Code, Relating to Appointment of Notaries Public. (By Mr. Mayhew, to Judiciary)

On motion of Mr. Mayhew, **SB 303** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 303**—An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Appointment and Duties of Masters in the Family Court.

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

**YEAS:** duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Spicer—4.

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

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

**HB 324** with **HA 1**, **HA 2** and **HA 3**—An Act Creating a Department of Labor and Industrial Relations in the State,

Transferring the Unemployment Compensation Commission to Said Department, Establishing a Mediation Service, Transferring the Industrial Accident Board to Said Department, Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to Said Department, and Prescribing the Powers and Duties of Said Department and Its Divisions; Providing for Punishment for Violations and Enforcement. (To Labor)

**HB 446**—An Act to Amend Title 18, Delaware Code, to Prohibit the Charging of Certain Fees in Connection With the Issuance and Cancellation of Insurance Policies and Providing Criminal Penalties Therefor. (To Banking and Insurance)

**HB 415**—An Act to Appropriate Funds to the State Board of Education for the Fiscal Year Ending June 30, 1962, for Purposes of Vocational Training and Vocational Rehabilitation. (To Education)

**HB 402**—An Act Making an Appropriation to the Civil War Centennial Commission Created by the Senate Joint Resolution No. 2, 120th General Assembly, for the Fiscal Year Ending June 30, 1962. (To Finance)

**HB 372 with HA 1**—An Act to Amend Chapter 23, Title 24, Delaware Code, Entitled "Pawnbrokers and Junk Dealers". (To Miscellaneous)

**HS 1 for HB 142**—An Act Making a Supplementary Appropriation to the Lord Baltimore School District No. 28 for the Fiscal Year Ending June 30, 1961. (To Finance)

On motion of Mr. Price, **HB 381** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 381**—An Act to Amend An Act Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" Being Chapter 42, Volume 53, Laws of Delaware, as Amended.

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

**YEAS:** duPont, Hoey, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Cook, Donovan, Johnson, Manning, Snowden—5.

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

On motion of Mr. Steen, **HB 427** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 427**—An Act to Amend Chapter 277, of Volume 49, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Laurel", as Amended, by Giving Authority to the Mayor and Council to Sell Bonds at Either Public or Private Sale.

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

**YEAS:** Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**ABSENT:** Cook, Donovan, duPont, Johnson, Spicer—5.

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

Messrs. Reilly and McCullough, Chairmen of the Labor and Education Committees, reported the following bills from committees: **HB 324**, 3 favorably, 1 on merits; **HB 415**, 2 favorably, 3 on merits.

The following bill was introduced, given first reading, and referred to committee:

**SB 323**—An Act Making a Supplementary Appropriation to the State Fire Prevention Commission for the Fiscal Year Ending June 30, 1962. (By Messrs. Steen, Reilly, (Mrs.) Manning, Simpson, Cook, Spicer, to Finance)

On motion of Mr. McCullough, **HB 415** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 415**—An Act to Appropriate Funds to the State Board of Education for the Fiscal Year Ending June 30, 1962, for Purposes of Vocational Training and Vocational Rehabilitation.

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

**YEAS:** Manning, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

**NAYS:** None.

**NOT VOTING:** Hoey, Mayhew—2.

**ABSENT:** Cook, Donovan, duPont, Johnson, Spicer—5.

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

On motion of Mr. Steen, the Senate adjourned at 5:45 P. M. until Tuesday, December 12, 1961, at 1:00 P. M.

## 83RD LEGISLATIVE DAY

December 12, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, December 12, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Johnson, Manning, Price, Tull, Wilgus—5.

Members absent: Cook, Donovan, duPont Hoey, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—12.

The Chair declared a recess in the absence of a quorum at 1:32 P. M. The Senate met at the expiration of the recess at 2:47 P. M. Lieutenant-Governor Lammot presiding.

Messrs. duPont, McCullough, Simpson, Spicer, Watson and Reilly asked to be marked present.

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

On motion of Mr. Price, SB 316 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 316**—An Act to Amend Chapter 90, Volume 53, Laws of Delaware, Entitled "An Act to Amend Chapter 25, Title 24, Delaware Code, Concerning Drugs, Pharmacies and Pharmacists Relating to the Sale of Drugs".

On motion of Mr. Price, the bill was deferred.

Messrs. Hoey and Watson asked to be marked present.

On motion of Mr. Price, SB 317 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 317**—An Act to Amend 2527, Title 24, Delaware Code, Relating to Pharmacy by Providing for Suspension of Licenses

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

**YEAS:** duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

**NAYS:** None.

**NOT VOTING:** Hoey—1.

**ABSENT:** Cook, Donovan, Mayhew, Snowden—4.

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



On motion of Mr. Reilly, **HB 324** with **HA 1**, **HA 2** and **HA 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 324** with **HA 1**, **HA 2** and **HA 3**—An Act Creating a Department of Labor and Industrial Relations in the State, Transferring the Unemployment Compensation Commission to Said Department, Establishing a Mediation Service, Transferring the Industrial Accident Board to Said Department, Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to Said Department, and Prescribing the Powers and Duties of Said Department and Its Divisions; Providing for Punishment for Violations and Enforcement.

On motion of Mr. Simpson, the Senate recessed upon call of the Chair at 2:56 P. M. The Senate met at the expiration of the recess at 3:05 P. M. Lieutenant-Governor Lam-mot presiding.

Mr. Reilly moved that the privilege of the floor be extended to Mr. J. LaPenta to explain **HB 324** with **HA 1**, **HA 2** and **HA 3**. Motion prevailed.

**HB 324** with **HA 1**, **HA 2** and **HA 3** was again considered.

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

YEAS: duPont, Johnson, Manning, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Cook, Donovan, Hoey, Mayhew, McCullough, Snowden—6.

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

On motion of Mr. Steen, **HB 408** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 408**—An Act to Amend Chapter 19, Title 14, Delaware Code, Relating to House Trailers Subject to a Trailer Tax.

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

YEAS: Johnson, Manning, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: duPont—1.

NOT VOTING: McCullough—1.

ABSENT: Cook, Donovan, Hoey, Mayhew, Snowden, Watson—6.

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

On motion of Mr. Steen, **HB 420** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 420**—An Act to Create a State Human Relations Commission; Define Its Powers and Duties and Appropriating Funds Thereto.

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

YEAS: duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Cook, Donovan, Hoey, Mayhew, Snowden, Watson—6.

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

On motion of Mr. Johnson, **HB 407** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 407**—An Act Making a Supplementary Appropriation to the Middletown School District No. 60 for Operational Expenses.

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

YEAS: duPont, Johnson, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: None.

ABSENT: Cook, Donovan, Hoey, Manning, Mayhew, Snowden, Watson—7.

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

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: **SB 313**, 2 favorably, 1 on merits, 1 unfavorably.

On motion of Mr. Johnson, **HB 404** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 404**—An Act Making a Supplementary Appropriation to the Louis L. Redding Comprehensive School for Operational Expenses.

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

YEAS: Johnson, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: None.

ABSENT: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Snowden, Watson—8.

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

On motion of Mr. Simpson, the Senate recessed upon call of the Chair at 4:00 P. M. The Senate met at the expiration of the recess at 4:25 P. M. President Pro Tem Reilly presiding.

Mr. Reilly, Chairman of the Corporations, Private, Committee, reported the following bill from committee: SB 324, 1 favorably, 3 on merits.

On motion of Mr. Steen, SB 284 with HA 2 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 284 with HA 2—An Act Making a Supplementary Appropriation to the Mental Hygiene Clinic for the Fiscal Year Ending June 30, 1962.

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

YEAS: duPont, Johnson, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Cook, Donovan, Manning, Mayhew, Snowden—5.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: HB 365, 3 on merits; HB 402, 3 on merits.

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering HB 365 and HB 402. Motion prevailed.

On motion of Mr. Hoey, HB 365 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 365—An Act to Appropriate \$15,000 to Department of Public Welfare for Grants in Aid to Disabled.

Mr. Mayhew asked to be marked present.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Cook, Donovan, Snowden—3.

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

On motion of Mr. duPont, **HB 313** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 313**—An Act to Appropriate Funds to the State Board of Education for Improving Fire Protection Facilities in the Building Known as Arden School in Arden School District No. 3 in New Castle County.

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

YEAS: duPont, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Cook, Donovan, Hoey, Snowden—4.

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

On motion of Mr. Mayhew, **SB 38** with **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 38** with **HA 1**—An Act to Amend Title 10, Chapter 11, Delaware Code, Relating to the Juvenile Court of Kent and Sussex Counties by Providing for an Additional Judge for the Court.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus—13.

NAYS: None.

ABSENT: Cook, Donovan, Snowden, Mr. President Pro Tem Reilly—4.

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

On motion of Mr. Hoey, **HB 402** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 402**—An Act Making an Appropriation to the Civil War Centennial Commission Created by Senate Joint Resolution No. 2, 120th General Assembly, for the Fiscal Year Ending June 30, 1962.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Cook, Donovan, Snowden—3.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HS 1** for **HB 142**, 1 favorably, 3 on merits.

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering **HS 1** for **HB 142**. Motion prevailed.

On motion of Mr. Hoey, **HS 1** for **HB 142** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HS 1** for **HB 142**—An Act Making a Supplementary Appropriation to the Lord Baltimore School District No. 28 for the Fiscal Year Ending June 30, 1961.

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

YEAS: duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Cook, Donovan, Snowden—3.

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

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering **SB 324**. Motion prevailed.

On motion of Mr. Reilly, **SB 324** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 324**—An Act to Amend Title 17, Delaware Code, Entitled "Highways" Relating to the Cost and Expense of Alter-

ing and Relocating Public Utilities Owned and/or Operated by a Municipality or by Any Governmental Body or Subdivision of the State of Delaware.

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

YEAS: duPont, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Mayhew—1.

NOT VOTING: Hoey—1.

ABSENT: Cook, Donovan, Johnson, Manning, Snowden, Watson—6.

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

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 401**, 4 on merits.

Messrs. Mayhew and Hoey, Chairmen of the Judiciary and Finance Committees, reported the following bills from committees: **HB 373**, 3 favorably, 1 on merits; **HB 366**, 3 on merits.

The following bill was introduced, given first reading, and referred to committee:

**SB 324**—An Act to Amend Title 17, Delaware Code, Entitled "Highways", Relating to the Cost and Expense of Altering and Relocating Public Utilities Owned and/or Operated by a Municipality or by Any Governmental Body or Subdivision of of The State of Delaware. (By Mr. Reilly, to Corporations, Private)

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

**HB 453**—An Act to Amend Chapter 230, Volume 53, Laws of Delaware, by Adding Word Inadvertently Left Out When Previous Legislation Passed. (To Revised Statutes)

**HB 401** with **HA 1**—An Act Making Supplementary Appropriations to the State Planning Office for Operations for the Fiscal Year Ending June 30, 1962, and for the Undertaking of a Development Plan for the State. (To Corporations, Municipal)

Mr. Hoey moved that Rule 9 be suspended for the purpose of considering **HB 366**. Motion prevailed.

On motion of Mr. Hoey, **HB 366** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 366**—An Act Appropriating Money to the 308 West Residence.

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

YEAS: duPont, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly.

NAYS: Hoey.

ABSENT: Cook, Donovan, Johnson, Mayhew, Snowden, Watson.

On motion of Mr. Reilly, the roll call was tabled.

On motion of Mr. Reilly, the Senate adjourned at 5:13 P. M. until Wednesday, December 13, 1961, at 1:00 P. M.

### 84TH LEGISLATIVE DAY

December 13, 1961

The Senate met pursuant to adjournment at 1:34 P. M. on Wednesday, December 13, 1961. Lieutenant-Governor Lam-mot presiding.

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

Members present: Price, Spicer, Tull, Wilgus—4.

Members absent: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—13.

The Chair declared a recess in the absence of a quorum. The Senate met at the expiration of the recess at 3:20 P. M.

Messrs. duPont, Hoey, Johnson, (Mrs.) Manning, Mayhew, McCullough, Simpson, Steen, Watson and Reilly asked to be marked present.

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

A communication was read in favor of SB 222 from the Associated General Contractors.

On motion of Mr. Price, **HB 401** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 401**—An Act Making Supplementary Appropriations to the State Planning Office for Operations for the Fiscal Year Ending June 30, 1962, and for the Undertaking of a Development Plan for the State.

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

YEAS: duPont, Johnson, Manning, Mayhew, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

NAY: None.

NOT VOTING: McCullough—1.

ABSENT: Cook, Donovan, Hoey, Snowden, Watson—5.

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

On motion of Mr. Reilly, **HB 391** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 391**—An Act Revising, Arranging, Consolidating and Codifying the Chapter and All Public Laws and Statutes Applicable to the Mayor and Council of Wilmington, a Municipal Corporation, Into and Adopting the Same as a Revised Charter for Said Municipal Corporation.

Messrs. duPont and Snowden introduced **SA 1** to **HB 391** and moved for its adoption.

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

**YEAS:** duPont, Manning, Simpson, Spicer, Steen, Wilgus—6.

**NAYS:** Johnson, Mayhew, Price, Tull, Mr. President Pro Tem Reilly—5.

**NOT VOTING:** McCullough, Watson—2.

**ABSENT:** Cook, Donovan, Hoey, Snowden—4.

So the question was decided in the negative and the amendment was lost.

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

**YEAS:** Price, Steen, Tull, Mr. President Pro Tem Reilly.

**NAYS:** duPont, Johnson, Manning, Simpson, Spicer.

**NOT VOTING:** McCullough, Watson, Wilgus.

**ABSENT:** Cook, Donovan, Hoey, Mayhew, Snowden.

On motion of Mr. Reilly, the roll call was tabled.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 4:05 P. M. The Senate met at the expiration of the recess at 5:00 P. M. Lieutenant-Governor Lammot presiding.

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

### GOVERNOR'S MESSAGE

December 7, 1961

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

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



E. Hobson Davis, 2205 Grant Avenue, Wilmington 3, Delaware, to be State Tax Commissioner for a term to end November 1, 1965, to succeed Alexander R. Abrahams.

Respectfully submitted,

ELBERT N. CARVEL, Governor

The following bills were introduced, given first reading, and referred to committees:

**SB 325**—An Act to Amend Charter of the City of Wilmington, as Amended, by Reconstituting "The Council" and By Changing the Number of Councilmen and the Method of Electing Same. (By Mr. Johnson, to Revised Statutes)

**SB 326**—An Act Making a Supplementary Appropriation to the State Board of Education for the Improvement of the Grounds of the Greenwood School District No. 91. (By Mr. Hoey, to Finance)

**SB 327**—An Act Making a Supplementary Appropriation to the State Board of Education for Completion of the Athletic Field of the Bridgeville Consolidated School District #No. 90. (By Mr. Hoey, to Finance)

**SB 328**—An Act to Amend Chapter 27, Title 18, Delaware Code, Relating to the Rate of Special Tax on Gross Premiums of Fire Insurance Companies for the Purpose of Assisting in Maintaining Fire Companies. (By Mr. Hoey, to Banking and Insurance)

Messrs. Cook and Hoey asked to be marked present.

Messrs. Price and Watson, Chairmen of the Corporations, Municipal, and Revised Statutes Committees, reported the following bills from committee: **SB 272**, 5 on merits; **SB 325**, 3 on merits.

On motion of Mr. Mayhew, **SB 310** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 310**—An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Suspension or Revocation of Motor Vehicle License.

Mr. Cook introduced **SA 1** to **SB 310** and moved for its adoption.

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

**YEAS:** Cook, duPont, Hoey, Manning, Mayhew, McCullough, Price, Steen, Tull, Watson, Wilgus—11.

**NAYS:** Simpson—1.

**ABSENT:** Donovan, Johnson, Snowden, Spicer, Mr. President Pro Tem Reilly—5.

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

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

YEAS: Cook, Hoey, Mayhew, McCullough, Watson.

NAYS: duPont, Manning, Price, Simpson, Steen, Tull, Wilgus.

ABSENT—Donovan, Johnson, Snowden, Spicer, Mr. President Pro Tem Reilly.

On motion of Mr. Mayhew, the roll call was tabled.

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

**HB 443**—An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Pension Benefits for Surviving Spouses of Employees of the Levy Court of New Castle County. (To Revised Statutes)

**HB 442**—An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, Relating to Pension Benefits for Surviving Spouses of Employees of the Mayor and Council of Wilmington. (To Revised Statutes)

**HB 399**—An Act Making a Supplementary Appropriation to the Budget Commission for the Undertaking of a Survey of the Auditing Procedures of the State of Delaware. (To Finance)

**HB 424**—An Act Making a Supplementary Appropriation to the Selbyville School District No. 32 for Operational Expenses.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 424**. Motion prevailed.

On motion of Mr. Steen, **HB 424** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 424**—An Act Making a Supplementary Appropriation to the Selbyville School District No. 32 for Operational Expenses.

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

YEAS: Cook, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Steen, Tull, Wilgus—11.

NAYS: None.

ABSENT: Donovan, Johnson, Snowden, Spicer, Watson, Mr. President Pro Tem Reilly—6.

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

On motion of Mr. Steen, the Senate adjourned at 5:55 P. M. until Thursday, December 14, 1961, at 1:00 P. M.

## 85TH LEGISLATIVE DAY

December 14, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, December 14, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Price, Tull—2.

Members absent: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

The Senate recessed in the absence of a quorum. The Senate met at the expiration of the recess at 3:40 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Donovan, duPont, Hoey, Johnson (Mrs.) Manning, Mayhew, McCullough, Simpson, Spicer, Watson, Wilgus and Reilly asked to be marked present.

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

On motion of Mr. Tull, the Senate resolved into Executive Session at 3:45 P. M. The Senate resolved into regular session at 4:00 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Mayhew, **HB 423** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 423**—An Act to Reincorporate the Town of Bowers.

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

**YEAS:** Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Cook, Snowden, Steen—3.

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

On motion of Mr. McCullough, **SB 313** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 313**—An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees.

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

**YEAS:** duPont, Johnson, McCullough, Price, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

NAYS: Donovan—1.

NOT VOTING: Hoey, Manning, Mayhew, Simpson—4.

ABSENT: Cook, Snowden, Steen—3.

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

Messrs. Steen and Cook asked to be marked present.

Mr. Hoey moved that a legislative investigation be made of **HB 366**.

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

YEAS: Donovan, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Tull, Watson, Wilgus—10.

NAYS: duPont, Manning, McCullough, Mr. President Pro Tem Reilly—4.

NOT VOTING: Cook—1.

ABSENT: Snowden, Steen—2.

So the question was decided in the affirmative.

On motion of Mr. Reilly, **HB 366**, which had been tabled, with title as follows was taken up for consideration and read by title in order to pass the Senate:

**HB 366**—An Act Appropriating Money to the 308 West Residence.

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

YEAS: Cook, duPont, Johnson, Manning, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: Hoey—1.

ABSENT: Donovan, Mayhew, Snowden—3.

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

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 444**—An Act to Amend Title 18, Delaware Code, to Provide for the Merger and Consolidation of One or More Mutual Insurance Companies Into a Surviving or New Mutual Insurance Company.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 444**. Motion prevailed.

On motion of Mr. Steen, **HB 444** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 444**—An Act to Amend Title 18, Delaware Code, to Provide for the Merger and Consolidation of One or More

Mutual Insurance Companies Into a Surviving or New Mutual Insurance Company.

On motion of Mr. Steen, the bill was deferred.

Mr. Hoey moved to adjourn until Monday, December 18, 1961. But prior to the vote thereon, he withdrew the motion.

The Governor's veto message, which had been delivered to the Senate along with SB 215, was presented by the Chair and read into the record, as follows:

### GOVERNOR'S MESSAGE

Dover, Delaware, December 14, 1961

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

On December 12, 1961, I received Senate Bill No. 215, entitled:

AN ACT TO AMEND TITLE 11, DELAWARE CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE" RELATIVE TO RECOMMENDATIONS OF MERCY, INFLECTION OF CAPITAL PUNISHMENT AND EXECUTION DAY FOR CAPITAL PUNISHMENT.

I respectfully return herewith this bill without my approval. My reasons for this action are detailed in my message to you returning Senate Bill No. 192, as amended by House Amendment No. 1.

Respectfully submitted,

ELBERT N. CARVEL, Governor

The Governor's veto message, which had been delivered to the Senate along with SB 192, was presented by the Chair and read into the record, as follows:

### GOVERNOR'S MESSAGE

Dover, Delaware, December 14, 1961

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

On December 12, 1961, I received Senate Bill No. 192, as amended by House Amendment No. 1, entitled:

AN ACT TO AMEND TITLE 11, DELAWARE CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE" BY RESTORING CAPITAL PUNISHMENT.

I respectfully return herewith this Bill without my approval.

The news of the recent brutal, deplorable slayings which occurred in the lower part of our State was received by me with deep emotions of revulsion and despair. My sincerest sympathy goes out to the relatives and friends of the victims of these unspeakable crimes.

In view of the fact that the two men charged with the slayings referred to were products of our prisons, we as Delaware citizens must shamefully share part of the responsibility for our apathy in refusing to improve and modernize our correctional, rehabilitation and parole systems. It was this deplorable condition of our correctional system which led me in June to appoint a Committee, representative of our entire State, to analyze the strengths and weaknesses of our Correctional System and to develop a comprehensive program for improvement. This Committee has employed the National Council on Crime and Delinquency, outstanding experts in the field of criminology and penology, to help in this monumental undertaking.

I cannot reconcile taking any major step to change our correctional set-up, especially the drastic measure before me, until we have the Committee's report. This report will undoubtedly recommend alternative methods of giving protection to the public, including a sound program for rehabilitation. The very fact that the House of Representatives subsequently passed House Joint Resolution No. 9 to study our correctional system indicates to me that many members of the General Assembly doubt the wisdom of Senate Bill No. 192. Will we reproach ourselves in the years to come for not first securing the benefit of this comprehensive report?

Senate Bill No. 192 provides for the death penalty in the case of murder. I repeatedly urged members of the Legislature to hold public hearings on this measure since the public suffers from grave misapprehension and misconceptions regarding the areas of criminology and penology. I believe that had such a public hearing been conducted you would have been convinced, as I am, that the real facts do not support the need for this bill.

The death penalty was abolished in Delaware by 51 Delaware Laws, Chapter 347, effective April 2, 1958. This bill was enacted by the 119th General Assembly, following a similar endeavor in the 118th General Assembly. During that period of time there was a great amount of public discussion concerning the death penalty and the members of the Legislature were given considerable information concerning the history of the use of the death penalty in Delaware and its effectiveness in general. In the 119th General Assembly there was an extensive public hearing on this subject. At this hearing Dr. M. A. Tarumianz, then Director of the Delaware State Hospital and State Psychiatrist and Criminologist; Dr. Thorsten Sellin, Head of the Department of Sociology of the Wharton School of Commerce and Finance, University of Pennsylvania, one of the foremost authorities in the world on the subject of the death penalty; Mr. James A. McCafferty, Criminologist of the United States Bureau of Prisons, another authority in the field; Mr. Trevor Thomas, an authority in

the field; and representatives from Delaware organizations and church groups, appeared in favor of abolition of Capital Punishment.

A substantial brochure was prepared summarizing the evidence on the efficacy of the death penalty and of the many studies that had been made concerning it, with quotations from prominent penologists, wardens, directors of corrections, judges, psychiatrists, and many others who have been concerned with this problem for many years. Each member of the Legislature was given this brochure and the subject was given consideration over a period of months prior to the enactment of the bill. The bill passed and became law on April 2, 1958, upon being approved by Governor J. Caleb Boggs. Delaware has since received national acclaim for this forward looking action.

A comparison of the murders experienced in Delaware, both prior to and following this action, shows that the crime of homicide has, on the average, diminished since 1958. In 1950, the population of Delaware was 318,085. In 1960, the population was 446,292, or an increase of 40.3%. In spite of this, the homicide rate has tended to go down, both in absolute figures and percentage-wise. The killings as supplied by the Division of Criminal Statistics, are:

1956 - 18  
 1957 - 12  
 1958 - 12 (Abolition April 2, 1958)  
 1959 - 7  
 1960 - 14

To December 11, 1961 - 9

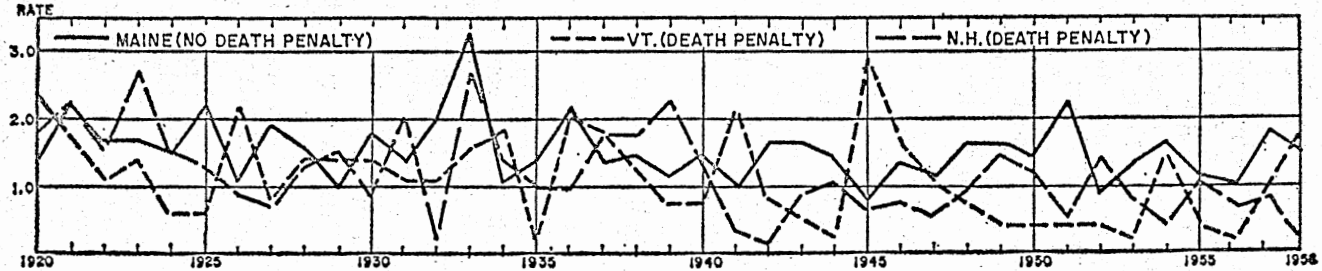
While it is well known that homicide rates will fluctuate from month to month and year to year, it takes a considerable period of time to observe any trends. Please note that there was a considerable drop for the year following abolition and the rate has not reached the figure for 1956 and prior thereto. Delaware's experience in the declining homicide rate is the same as experienced throughout the country.

There can be no question but that there is a strong trend toward abolition of the death penalty throughout the United States and throughout the civilized world. Delaware has not had an execution since 1946, or for a period of fifteen years. The homicide rate declined during the period when the death penalty was on the statute books and when it was not on the statute books. This bears out, and is in accord with, the evidence shown over the world that the presence or absence of the death penalty has no effect upon the homicide rate. In our own country, a comparison of states which have the death penalty with neighboring states which do not have it shows that the rate of homicides fluctuates in a similar fashion in both states. An example of this situation is shown by the following charts:

# DIAGRAM I

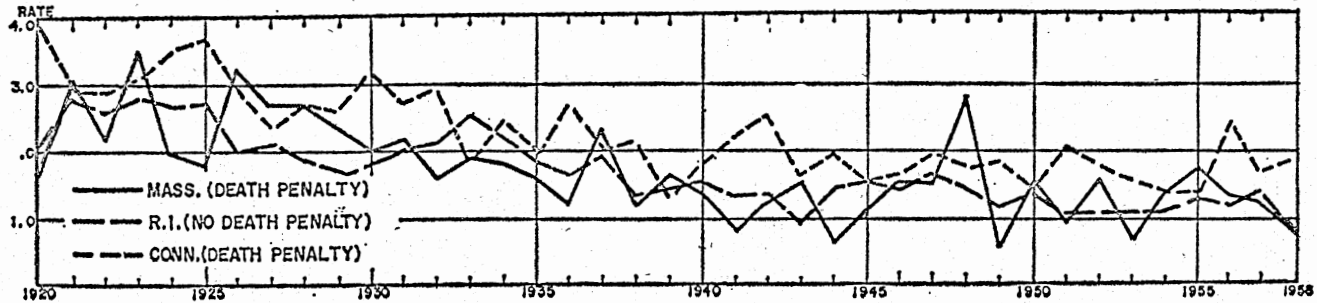
- 3 -

Homicide Death Rates, per 100,000 Population, in Maine, New Hampshire, and Vermont: 1920-1958



# DIAGRAM II

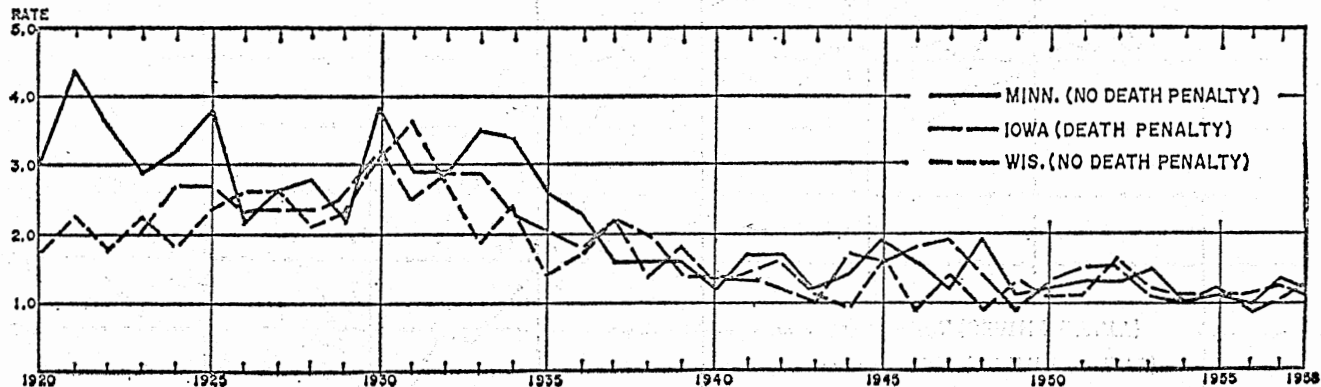
Homicide Death Rates, per 100,000 Population, in Massachusetts, Connecticut, and Rhode Island: 1920-1958





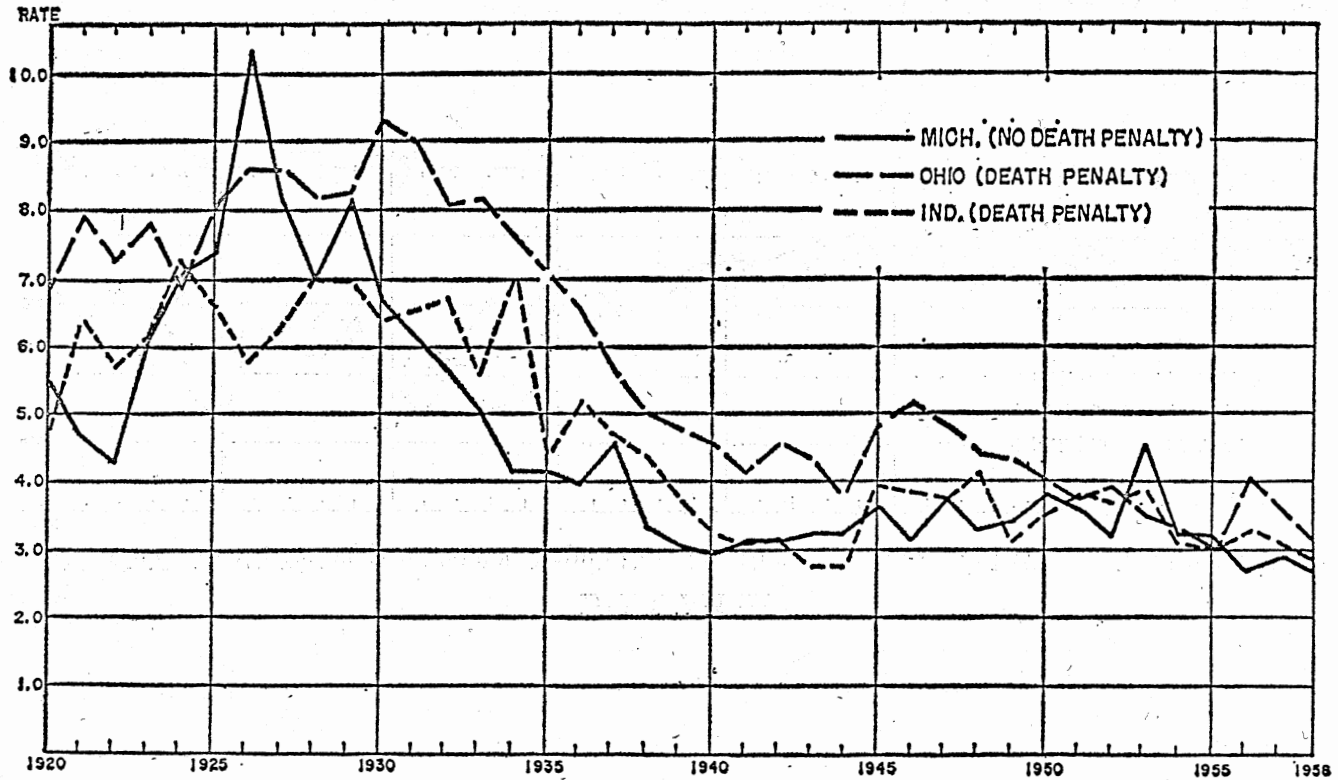
### DIAGRAM III

Homicide Death Rates, per 100,000 Population, in Minnesota, Iowa, and Wisconsin: 1920-1955



# DIAGRAM IV

Homicide Death Rates, per 100,000 Population, in Michigan, Indiana, and Ohio: 1920-1958



There are nine states and two territories of the United States which have abolished the death penalty. New Zealand abolished the death penalty on November 1, 1961. Generally speaking, the death penalty has been abolished in most of Western Europe and Latin America. In the countries in these areas where it is retained, there is a strong movement toward abolition. For example, England greatly limited its use in 1957 and Canada did likewise this year, and in both countries there are strong movements toward complete abolition. This trend toward abolition in these two countries came after exhaustive studies showing the ineffectiveness of the death penalty.

One could discuss at length the fact that the death penalty is no deterrent by considering the nature and make-up of those who commit homicide; that we are dealing with a class of persons who are mentally disturbed, emotionally unbalanced, under the influence of alcohol, involved in highly inter-personal relationships and who in general are motivated by factors that are not influenced by ultimate consequences of what they do.

It is highly significant that of the many careful and thoughtful studies which have been made throughout the world in recent years by official bodies, they have all reached the same conclusion that the presence or absence of the death penalty has no effect on the homicide rate.

This lack of useful purpose of the death penalty has been the basis for the almost universal condemnation of its use by the church bodies in the United States and throughout the world upon the ground that revenge and brutality can have no place in a morally oriented society and that society can be protected by other means than the taking of a human life.

Our Delaware society is deeply rooted in the religious traditions and teachings of our community churches. We may, in the heat of passion, momentarily stray from these teachings—that human life is God given and not for man to take away. But in the cold light of reason, who among us wishes to face our Maker with the blood of our brother on our hands?

Every members of this Assembly, every citizen of this State, knows or has read of the conviction of an innocent person. A person who, months or years later is exonerated of some grave crime. Such exoneration is of small value to the innocent victim of a miscarriage of justice if he has been executed. Who among us will hold this head high and look straight into the eyes of the mother, the widow or the child of such an innocent person whom we have sent to the gallows?

It is important to bear in mind, as I have stated in the beginning, that the persons charged with the tragic slayings committed in May and November of this year in the lower

part of our State were both recent products of our prison system and, clearly, no benefits of parole supervision was given them following their release from the prisons. The citizens of this State are partly at fault as to what occurred, as is society partly at fault with regard to criminality in general. It was because of the inadequacies and defects in our entire correctional system and related areas that I appointed the Committee, referred to above, to make a complete survey of our corrections system, including probation and parole, and to make its report to the next session of the General Assembly.

Because I am so acutely aware of the shortcomings of our present system of parole, and because I realize that it may be many months before the report of the Governor's Committee can be implemented, it is my intention to approve House Bill No. 431 when it reaches my desk. It is my belief that House Bill No. 431, which denies parole to one sentenced to life imprisonment, will afford adequate protection to the community while we are developing a sound program of rehabilitation and supervised parole.

The function of the criminal law is to protect the law-abiding and not to fulfill a lust for revenge. Anything that tends to associate the law with the idea of vengeance impairs its dignity and subtracts from the respect that intelligent people accord it. It is our function to build and to create and not to destroy. Only by moving in that direction do we move ahead and in accordance with a high sense of ethics and morality.

In light of these facts, I respectfully return to you Senate Bill No. 192 without my approval.

Because of your impending adjournment I have promptly returned this bill to you for your further consideration, realizing that your adjournment would result in a veto which you would be unable to reconsider.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 5:00 P. M. The Senate met at the expiration of the recess at 5:50 P. M. President Pro Tem Reilly presiding.

Mr. Steen moved that Rule 9 be suspended for the balance of the legislative day. Motion prevailed.

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

**HB 455**—An Act to Amend Title 26, Delaware Code, Relating to Public Utilities by Changing the Definition of

Public Utility to Include Organizations Engaged in the Transportation of Coal Slurry and Granting Them the Powers Enjoyed by Gas, Water and Oil Corporations. (To Public Lands)

**HB 438**—An Act Making a Supplementary Appropriation to the Board of Examiners and Registration of Architects for the Fiscal Year June 30, 1962. (To Revised Statutes)

**HB 458**—An Act to Amend Chapter 39, Volume 53, Laws of Delaware, Relating to the State Highway Department. (To Buildings and Highways)

**HB 260**—An Act to Appropriate Monies to the Kent County Department of Elections for the Creation of Additional Election Districts. (To Elections)

**HB 107** with **HA 1**—An Act to Appropriate Funds to Hartly School District No. 96 for Finishing and Equipping Kitchen. (To Education)

Messrs. Steen and Watson, Chairmen of the Public Lands and Revised Statutes Committee, reported the following bills from committees: **HB 455**, 1 favorably, 4 on merits; **SB 308**, 3 on merits.

Messrs. McCullough and Johnson, Chairmen of the Education, Banking and Insurance and Claims Committees, reported the following bills from committees: **HB 107**, 2 favorably, 2 on merits; **SB 328**, 1 favorably, 2 on merits, 1 unfavorably; **HB 346**, 2 favorably, 3 on merits; **HB 68**, 1 favorably, 4 on merits.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 346**—An Act to Appropriate the Sum \$33,000 to the Delaware Commission on Interstate Cooperation for the Fiscal Year Ending June 30, 1962, for Membership in the Southern Regional Education Board. (To Education)

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

### GOVERNOR'S MESSAGE

December 14, 1961

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

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

Joseph C. Hutchison, Jr., Townsend, Delaware, to be a member of the Public Service Commission, for a term to expire September 1, 1967, replacing George T. Barnhill, Jr.

George P. Tidwell, 222 S. Race Street, Georgetown, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years to end on December 14, 1965, replacing Francis Short.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Watson, SB 308 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 308**—An Act to Amend Chapter 83, Title 16, Delaware Code, Entitled Building Code for Rural New Castle County, by Including Industry and Industrial Buildings Within the Building Code.

On motion of Mr. Reilly, the bill was deferred.

On motion of Mr. Cook, HB 68 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 68**—An Act Appropriating Funds for Payment of Judgments of Coastal Tank Lines, Inc., Against the State of Delaware Arising Out of a Suit in Tort by Alice B. Dorsey and Others Against the State of Delaware and Others, Authorized by the General Assembly by Volume 50, Laws of Delaware, Chapter 622.

On motion of Mr. Simpson, the bill was deferred.

The following bill was introduced, given first reading, and referred to committee:

**SB 329**—An Act Making a Supplementary Appropriation to the Board of Fish and Game Commissioners for the Salaries and Wages of Employees for the Fiscal Year Ending June 30, 1962. (By Mr. Cook, and on his further motion, the bill was considered without assignment to committee)

On motion of Mr. Cook, SB 329 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 329**—An Act Making a Supplementary Appropriation to the Board of Fish and Game Commissioners for the Salaries and Wages of Employees for the Fiscal Year Ending June 30, 1962.

On motion of Mr. McCullough, the Senate adjourned at 6:45 P. M. until Friday, December 15, 1961, at 1:00 P. M.

## 86TH LEGISLATIVE DAY

December 15, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Friday, December 15, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Johnson, Price, Snowden, Spicer, Steen, Tull, Wilgus—7.

Members absent: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Simpson, Watson, Mr. President Pro Tem Reilly—10.

On motion of Mr. Steen, the Senate recessed at 1:35 P. M. The Senate met at the expiration of the recess at 2:30 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Cook, Donovan, Hoey, Mayhew, McCullough, Simpson and Reilly asked to be marked present.

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

Mr. Watson asked to be marked present.

On motion of Mr. Spicer, SB 192 was taken up for consideration and read by title in order to pass the Senate over the Governor's veto. The veto message was again read to the Senate:

SB 192—An Act to Amend Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure" by Restoring Capital Punishment.

Mr. McCullough requested that the following letters be read to the Senate and inserted in the Journal:

FIBRE, PLASTIC AND MACHINE LOCAL 770  
INTERNATIONAL BROTHERHOOD OF PULP, SULPHITE  
AND PAPER MILL WORKERS

Wilmington, Delaware, December 6, 1961

Senator Calvin McCullough, General Assembly  
Dover, Delaware

Dear Senator McCullough:

This local union of 1,000 members which represents workers in Wilmington, Yorklyn and New Castle strongly urges that you continue your stand against all the restoration of death sentences, whipping post bills, refusal to parole and any other such type of legislation now before the Senate.

You have always represented working people, minority groups and worked for their best interests.

Everyone in the field of crime knows that these vicious legislative proposals do not deter crimes or criminals. We cannot afford to pass a new law every time there is a murder in this State.

Please oppose these bills not only with your vote but with your influence with other members of the Senate.

Very truly yours,

Lawrence L. Hazzard, Jr., Recording Secretary

INTERNATIONAL BROTHERHOOD OF PULP, SULPHITE  
AND PAPER MILL WORKERS

Wilmington, Delaware, December 6, 1961

Dear Cal:

I am unable to get to Dover this week to see you personally. I would like you to know that I sincerely hope you will use your influence to defeat and/or delay this "hanging" legislation now before the Senate.

As you well know, legislation that is conceived in haste or on an emotional basis is generally bad legislation.

It has been amply proved at least to my satisfaction and I hope to yours too that capital punishment is not a deterrent to crime.

We need a positive approach to this matter—decent jails and a modern parole and probation system that will rehabilitate.

I urge you to oppose this legislation your record as a liberal and friend of working people and minority groups.

Sincerely,

Gene Derrickson

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: McCullough—1.

ABSENT: duPont, Manning, Snowden—3.

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

Mr. duPont asked to be marked present.

On motion of Mr. Spicer, SB 215 was taken up for consideration and read by title in order to pass the Senate over the Governor's veto. The veto message was again read:

SB 215—An Act to Amend Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure" Relative to Recommendation of Mercy, Infliction of Capital Punishment and Execution Day for Capital Punishment.

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

YEAS: Cook, Donovan, Hoey, Mayhew, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont, McCullough, Snowden—3.

ABSENT: Johnson, Manning—2.

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

On motion of Mr. McCullough, SB 142 with SA 1 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 142 with SA 1—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore.

On his motion the previous roll call was stricken.



Mr. McCullough introduced SA 2, 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: Cook, Donovan, McCullough, Price, Tull, Watson, Mr. President Pro Tem Reilly.

NAYS: None.

NOT VOTING: Hoey, Mayhew, Simpson, Spicer, Wilgus.

ABSENT: duPont, Johnson, Manning, Snowden, Steen.

On motion of Mr. McCullough the roll call was tabled.

On motion of Mr. McCullough, SB 142 with SA 1 and SA 2 was again again taken up for consideration and read a second time by title in order to pass the Senate:

SB 142 with SA 1 and SA 2—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore.

On motion of Mr. McCullough, SA 2 was rescinded and the prior roll call was rescinded.

Mr. McCullough introduced SA 3 and moved for its adoption. Motion prevailed.

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

YEAS: Cook, Donovan, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly.

NAYS: duPont, Snowden.

NOT VOTING: Mayhew, Simpson, Wilgus.

ABSENT: Hoey, Johnson, Manning, Spicer.

On motion of Mr. McCullough the roll call was tabled.

On motion of Mr. Cook, SB 329 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 329—An Act Making a Supplementary Appropriation to the Board of Fish and Game Commissioners for the Salaries and Wages of Employees for the Fiscal Year Ending June 30, 1962.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Snowden—1.

ABSENT: Manning, Spicer—2.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **HB 428**, 3 favorably; **HB 458**, 2 favorably, 3 on merits.

On motion of Mr. Reilly, **SB 308** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 308**—An Act to Amend Chapter 83, Title 16, Delaware Code, Entitled Building Code for Rural New Castle County, by Including Industry and Industrial Buildings Within the Building Code.

Mr. Reilly introduced **SA 1** and moved for its adoption. Motion prevailed.

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

**YEAS:** Cook, Donovan, duPont, Johnson, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

**NAYS:** None.

**ABSENT:** Hoey, Manning, Spicer—3.

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

On motion of Mr. McCullough, **HB 346** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 346**—An Act to Appropriate the Sum of \$33,000 to the Delaware Commission on Interstate Cooperation for the Fiscal Year Ending June 30, 1962, for Membership in the Southern Regional Education Board.

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

**YEAS:** Cook, duPont, McCullough, Price, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

**NAYS:** Donovan, Johnson, Mayhew, Simpson—4.

**ABSENT:** Hoey, Manning, Spicer—3.

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

The following bills were introduced, given first reading, and referred to committees:

**SB 330**—An Act to Amend Section 2308, Title 31, Delaware Code, Relating to Amount of Assistance to the Blind. (By Messrs. Hoey and Mayhew (by request), to Revised Statutes)

**SB 331**—An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to the Attorney General by Providing for the Appointment of an Assistant Deputy Attorney General in Kent County. (By Mr. Mayhew, to Judiciary)

**SB 332**—An Act Making a Supplementary Appropriation to the Delaware Commission of Shell Fisheries to be Used for the Purchase of New Boat Engines for the Fiscal Year Ending June 30, 1962. (By Mr. Mayhew. On his further motion rules were suspended to act on SB 332)

On motion of Mr. Mayhew, **SB 332** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 332**—An Act Making a Supplementary Appropriation to the Delaware Commission of Shell Fisheries to be Used for the Purchase of New Boat Engines for the Fiscal Year Ending June 30, 1962.

On motion of Mr. Mayhew, the bill was withdrawn.

Mr. Hoey moved for Executive Session. Motion prevailed at 4:15 P. M. The Senate resolved into regular session at 5:30 P. M.

The Chair presented the following House matter, which was given first reading and referred to committee as follows:

**HB 395**—An Act to Increase the Number of Clerks Employed by the New Castle County Register of Wills from Eight to Ten.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering **HB 395**. Motion prevailed.

On motion of Mr. Reilly, **HB 395** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 395**—An Act to Increase the Number of Clerks Employed by the New Castle County Register of Wills from Eight to Ten.

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

**YEAS:** Cook, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

**NAYS:** None.

**NOT VOTING:** Simpson—1.

**ABSENT:** Donovan, duPont, Manning, Snowden, Spicer, Wilgus—6.

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

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **HB 428**. Motion prevailed.

On motion of Mr. McCullough, **HB 428** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 428**—An Act to Appropriate Funds to the State Board of Education for the Purpose of Paying Salaries to Meet

the Provisions of Employment Contracts of Certain Employees of the State Department of Public Instruction for the Fiscal Year Ending June 30, 1961.

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

YEAS: Cook, Johnson, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Donovan, duPont, Manning, Snowden, Spicer, Wilgus—6.

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

On motion of Mr. McCullough, **HB 107** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**HB 107**—An Act to Appropriate Funds to Hartly School District No. 96 for Finishing and Equipping Kitchen.

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

YEAS: Cook, Hoey, Johnson, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Donovan, duPont, Manning, Snowden, Spicer, Wilgus—6.

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

The following bill was introduced, given first reading, and referred to committee:

**SB 333**—An Act Making a Supplementary Appropriation to the Delaware Commission of Shell Fisheries for the Fiscal Year Ending June 30, 1962, to be Used for the Purchase of New Boat Engines. (By Mr. Mayhew)

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **SB 333**. Motion prevailed.

On motion of Mr. Mayhew, **SB 332** was stricken.

On motion of Mr. Mayhew, **SB 333** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

**SB 333**—An Act Making a Supplementary Appropriation to the Delaware Commission of Shell Fisheries for the Fiscal Year Ending June 30, 1962, to be Used for the Purchase of New Boat Engines.