

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

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

HJR 6—Designating the First Day of May of Each Year as Loyalty Day. (To Miscellaneous)

HB 206—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the State Board of Trustees of the Delaware State Hospital at Farnhurst and to Issue Bonds and Notes Therefor. (To Finance)

HB 202—An Act Amending, Revising and Consolidating the Charter of the City of Seaford. (To Corporations, Municipal)

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

GOVERNOR'S MESSAGE

April 17, 1961

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

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

Mrs. Hattie E. Sylvia, 410 Market Street, Bridgeville, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 17, 1965, to succeed William P. Short.

Mr. Eldridge Y. Prettyman, 210 South Walnut Street, Milford, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 17, 1965, to succeed Morris Groverman.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Reilly, **SB 12** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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, Mayhew, Snowden, Tull, Mr. President Pro Tem Reilly.

NAYS: Hoey, Price.

NOT VOTING: Donovan, Simpson, Spicer, Steen, Wilgus.

ABSENT: Johnson, McCullough, Watson.

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

On motion of Mrs. Manning, **SB 50** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Johnson, 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. Snowden, **SB 5** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 5—An Act Making a Supplementary Appropriation to the Labor Commission of Delaware for the Fiscal Year Ending June 30, 1961, to Cover Salaries for a Director of the Labor Commission, a Supervisor of Fair Employment Practices, a Secretary, Equipment Supplies and Printing and Salary Increases for the Labor Inspectors.

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, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: Donovan, Hoey, Mayhew, Price—4.

ABSENT: Johnson, 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. Mayhew, **SB 84** as amended by **HA 1** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 84 with **HA 1**—An Act to Amend Chapter 45, Title 7, of the Delaware Code, Relating to Public Lands Lying Beneath the Waters of a Navigable Body of Water.

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

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

NAYS: None.

ABSENT: Hoey, Johnson, Manning, McCullough, Watson—5.

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

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

SB 136—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.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: **SB 60**, 2 favorably, 2 on merits; **SB 75**, 1 favorably, 3 on merits; **SB 131**, 2 favorably, 2 on merits; **SB 132**, 3 favorably, 1 on merits.

On motion of Mr. Tull, the Senate resolved into Executive Session at 5:05 P. M. The Senate resolved into regular session at 5:15 P. M.

On motion of Mr. Steen, the Senate adjourned at 5:15 P. M. until Tuesday, April 18, 1961, at 1:00 P. M.

31ST LEGISLATIVE DAY

April 18, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, April 18, 1961. Lieutenant-Governor Lamnot presiding.

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

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

Members absent: Hoey, Johnson, McCullough, Watson—4.

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

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

SB 137—An Act to Amend Chapter 71, Title 3, Delaware Code, Relating to Animal Health, by Prohibiting the Use of Virulent Live Hog-Cholera Virus in Anti Hog-Cholera Serum and Virus in the State of Delaware.

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

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

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, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Johnson, 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. Price, **SS 2** for **SB 41** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SS 2 for **SB 41**—An Act to Amend the Charter of the Town of Smyrna, Chapter 537, Volume 20, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said Town After a Special Election of the Estate Owners of Their Territory Proposed to be Annexed or in the Alternative by Petition by Owners of Real Property to the Council of the Town of Smyrna.

On 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, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, Johnson, 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. Snowden, **SB 113** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 113—An Act to Amend Section 106, Title 19, Delaware Code, Relating to the Labor Commission 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, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, Hoey, Johnson, McCullough, Watson
—5.

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

On motion of Mr. Reilly, **HB 27** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 27—An Act to Amend Chapter 83, Title 11, Delaware Code, Entitled "State Police", Relating to Expanding the State Police Force, Providing Funds Therefor.

Mr. Reilly introduced SA 1 to **HB 27** 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, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, Hoey, Johnson, McCullough, 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 for concurrence.

On motion, the Senate recessed at call of the Chair at 2:00 P. M. The Senate met at the expiration of the recess at 4:00 P. M. Lieutenant-Governor Lamnot presiding.

Mr. Donovan requested that the following communication be read to the Senate and made a part of the Journal:

STATEMENT BY SENATOR LEON E. DONVAN

April 18, 1961

For over a year the members of the State Highway Department have been exposed to public ridicule and scorn because of certain allegations involving the financial operation of their Department. They have been investigated by the Attorney General and blasted by the minority party in the Assembly. And the prime accusation against this Department as a whole has been one of omission; of not being fully informed of some staff activities.

Now we have an example of a public agency that has clearly violated the laws of our State. But this agency, the Board of Education in Wilmington, has not been investigated by the Attorney General and has not been subjected to public criticism by the press. Is it because these Board members were appointed by a Republican judge rather than a Democratic Assembly?

The public is entitled to know the facts in this case, and the facts are amazingly clear. When the Budget Appropriation Bill for the current fiscal year was prepared Wilmington was entitled to 608 units (in other words there were enough pupils to justify 608 teachers). This figure was supported by data filed with the State Department of Public Instruction at that time. A provision was included in the Budget Act to allow an upward revision if there were an increase in the number of pupil units by September 30, 1960. The reports show that the Wilmington units had actually dropped to 604 on that date.

On February 13, 1961, the Wilmington Board of Education notified the State Department of Public Instruction that it needed and was entitled to an additional appropriation, including \$38,540 for teachers.

Chief Accountant E. H. Davis of the Budget Commission notified the Wilmington Board and the Attorney General on March 22 that the Wilmington Board had been paying the salaries of 625 teachers out of State funds in violation of Section 1705, Title 14, Delaware Code, which states in part:

“ . . . No State funds shall be appropriated to any school district to provide salaries for teachers in excess of one teacher for each unit of pupils in such school district.”

On April 7, 1961, Dr. Ward I. Miller, Superintendent of Wilmington Schools, confirmed in writing the accuracy of the Chief Accountant's charge.

The actual loss to the State of Delaware, had not the Chief Accountant discovered this violation, would have been approximately \$65,000, not just the \$43,753 involved in the amendment to House Bill No. 145. Since the exposure of this violation we have received many excuses from Dr. Miller, including the statement in the press that “the money was added to the bill without our knowledge.” This latter statement is in clear contradiction to the request dated February 13 requesting these funds and filed with the State Department of Public Instruction.

Nor are the hands of the State Board of Education clean. Just this session we have been presented with salary requests for the Budget Act submitted by the State Department of Public Instruction that are in violation of the State Salary Laws. We have been presented with supplementary appropriation bills to pay for salaries that were made in violation of Section 6519, Title 29, Delaware Code.

Delaware parents are entitled to know when the Attorney General is going to start his investigation of the Wilmington Board of Education and the State Board of Education. These Board members are just as responsible for the activities of their staff as the State Highway Department is for its staff.

These Boards spend over \$8 million annually. We have provided clearly documented evidence of illegal spending. We also have good reason to believe that Wilmington has requested an appropriation for next year in excess of the unit allocation for clerical employees, and that both boards have requested funds for certain administrative salaries in excess of the State law. What more does Mr. Bove need before he decides to start an investigation? Or does our Attorney General only investigate Democratic appointed boards?

Mr. Hoey asked to be marked present.

On motion of Mr. Mayhew, **SB 131** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 131—An Act to Amend Chapter 9, Title 10, Delaware Code, Known as the Family Court Act by Clarifying the Power of the Court Relating to the Custodial Care of a Child Pending Final Determination, and in the Matter of Examinations and Treatments.

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

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

NAYS: None.

ABSENT: Johnson, McCullough, Steen, Watson—4.

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

On motion of Mr. Mayhew, **SB 132** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 132—An Act to Amend Chapter 11, Title 10, Delaware Code, Known as the Juvenile Court Act for Kent and Sussex Counties by Clarifying the Power of the Court Relating to the Custodial Care of a Child Pending Final Determination, and in the Matter of Examinations and Treatment.

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

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

NAYS: None.

ABSENT: Johnson, McCullough, Steen, Watson—4.

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

On motion of Mr. Reilly, **HB 29** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 29—An Act to Amend Section 6913, 6914 and 6915, Title 29, Delaware Code, Relating to Wages.

Mr. Reilly introduced SA 1 to **HB 29**, which on further motion by him was adopted.

Mr. Simpson moved that the bill be referred to the Finance Committee.

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

YEAS: Hoey, Mayhew, Price, Simpson, Spicer, Steen, Tull, Wilgus—8.

NAYS: Cook, duPont, Manning, Snowden, Mr. President Pro Tem Reilly—5.

NOT VOTING: Donovan—1.

ABSENT: Johnson, McCullough, Watson—3.

So the question was decided in the affirmative.

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

GOVERNOR'S MESSAGE

April 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:

Earl L. Sheats, Route #1, Middletown, Delaware, to be a Member of the State Board of Agriculture for a term of three years, to expire April 18, 1964, succeeding Victor P. Kohl.

Charles Mills, 44 Maryland Avenue, Rehoboth, Delaware, to be a Member of the State Board of Agriculture for a term of three years, to expire April 18, 1964, succeeding Robert A. Short.

John G. Tarburton, North Little Creek Road, Dover, Delaware, to be a Member of the State Board of Agriculture for a term of three years, to expire April 18, 1964, succeeding C. Fred Fifer.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

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. (To Revised Statutes)

HB 149—An Act to Amend “An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961”, Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Lewes Memorial Commission, by Making Transfers in Certain Appropriation Items Therein. (To Finance)

The following bills were reported from committees: **HB 202**, 1 favorably, 2 on merits; **HB 150**, 1 favorably, 3 on merits; **SB 85**, 4 favorably; **SB 136**, 3 on merits.

On motion of Mr. Steen, the Senate adjourned at 4:45 P. M. until Wednesday, April 19, 1961, at 1:00 P. M.

32ND LEGISLATIVE DAY

April 19, 1961

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

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

Members present: Donovan, duPont, Hoey, Price, Simpson, Spicer, Tull, Wilgus—8.

Members absent: Cook, Johnson, Manning, Mayhew, McCullough, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—9.

There not being a quorum present the Chair declared a recess. The Senate met at 3:05 P. M. Lieutenant-Governor Lamnot presiding.

Mrs. Manning, Messrs. Cook, Mayhew, Snowden, Steen and Reilly asked to be marked present.

Messrs. McCullough 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.

On the question, “Shall the Motion of Mr. Steen pass the Senate?” the yeas and nays were ordered which being taken were as follows:

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—13.

NAYS: McCullough, Mr. President Pro Tem Reilly—2.

NOT VOTING: Watson—1.

ABSENT: Johnson—1.

So the question was decided in the affirmative.

Mr. Snowden moved that it is the intention of the Senate to refer **HB 29** to the Finance Committee for the purpose of study only and, upon completion of such study, the bill shall be in the control of the chairman of the Labor Committee. Motion prevailed.

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

SB 138—An Act to Amend Chapter 138, Volume 41, Laws of Delaware, 1937, Entitled An Act to Reincorporate the Town of Clayton, Providing for the Establishment of a System of Pensions.

On motion of Mr. Reilly, **HB 188** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 188—An Act to Amend Chapter 207, Volume 17, Laws of Delaware, Entitled "An Act to Revise and Consolidate the Statutes Relating to the City of Wilmington", as Amended, by Further Amending Section 31 Thereof so That the Council Shall Have Power to Provide, by Ordinance or Resolution, for the Sale and Disposition of Abandoned and Surplus Lands and Properties and the Proceeds Therefrom.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Price, **SB 127** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 127—An Act Relating to the Custody and Exchange of Law Books.

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

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

NAYS: Manning, Spicer—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.

On motion of Mr. Mayhew, **SB 38** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

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

NAYS: Spicer—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.

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

HB 143—An Act Pertaining to the State Highway Department and Providing for Its Reorganization, Composition, Membership, Committees, Quorums, Oaths of Members, and Compensation to Members; for Liability Insurance for Department Employees; for Appointment and Powers of Notaries Public; for the Transfer of Funds for Emergency Maintenance; for Ratification of the Acts of the State Highway Department Created by 17 Delaware Code, Section 111; for Amendment in the Manner of Selecting a Chairman of the Department; for Certain Changes in the Department's Powers and Duties; for Abolition of the Offices of Chief Engineer and Secretary; for Creation of the Offices of Director of Operations and Controller; for Amendments with Respect to Determination as to Highway Improvements; Improvement of Roads Leading to Institutions, Competitive Bidding, Preparation of Plans and Specifications, Advertisement for Bids, Opening of Bids, and Awarding Contracts; and for Establishment of a Merit System of Employment as to Certain Employees of the Department. (To Building and Highways)

HB 175—An Act to Amend Section 1502, Title 10, Delaware Code, Relating to the Term and Salary of the Court of Common Pleas of Kent County. (To Judiciary)

HB 184—An Act to Amend Section 8422, Title 9, Delaware Code, Relating to the Collection of School and Park District Taxes. (To Education)

HB 185—An Act to Amend Subchapter IV of Chapter 7, Title 9, Delaware Code, Relating to Taxing Powers of Park Districts. (To Buildings and Highways)

On motion of Mr. Tull, **SB 4** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 4—An Act Authorizing the Disinterment and Reinterment of Bodies in the Cemetery Belonging to and on the Property of the Mt. Olivet Methodist Church in Seaford, Delaware, and Providing That the Property of Mt. Olivet Methodist Church Will be Used for Better Religious Advantage.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

Mr. Steen, Chairman of the Buildings and Highways and Corporations, Municipal, Committees, reported the following bills from committees: **HB 143**, 2 on merits, 2 unfavorably; **SB 138**, 5 on merits.

On motion of Mr. Steen, Rule 9 was suspended.

On motion of Mr. Steen, **HB 143** 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 143—An Act Pertaining to the State Highway Department and Providing for Its Reorganization, Composition, Membership, Committees, Quorums, Oaths of Members, and Compensation to Members; for Liability Insurance for Department Employees; for Appointment and Powers of Notaries Public; for the Transfer of Funds for Emergency Maintenance; for Ratification of the Acts of the State Highway Department Created by 17 Delaware Code, Section 111; for Amendment in the Manner of Selecting a Chairman of the Department; for Certain Changes in the Department's Powers and Duties; for Abolition of the Offices of Chief Engineer and Secretary; for Creation of the Offices of Director of Operations and Controller; for Amendments with Respect to Determination as to Highway Improvements; Improvement of Roads Leading to Institutions, Competitive Bidding, Preparation of Plans and Specifications, Advertisement for Bids, Opening of Bids, and Awarding Contracts; and for Establishment of a Merit System of Employment as to Certain Employees of the Department.

Mr. duPont introduced SA 1 to **HB 143** 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, Simpson, Snowden, Spicer, Wilgus—6.

NAYS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

ABSENT: Johnson—1.

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: Tull, Mr. President Pro Tem Reilly—2.

NAYS: Cook, duPont, Hoey, Manning, Simpson, Snowden, Spicer, Steen, Wilgus—9.

NOT VOTING: Donovan, Mayhew, McCullough, Price, Watson—5.

ABSENT: Johnson—1.

So the question was decided in the negative and the bill was lost.

Mr. Reilly, Chairman of the Public Health Committee, reported the following bill from committee: **SB 37**, 4 favorably.

On motion of Mr. McCullough, **SB 79** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 79—An Act Making a Supplementary Appropriation to the Rose Hill-Minquadale School District, School District No. 47.

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

YEAS: Donovan, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: duPont, Snowden—2.

ABSENT: Cook, Johnson—2.

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

On motion of Mr. Reilly, **SB 75** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 75—An Act to Amend Chapter 9, Title 10, Delaware Code, by Enlarging the Jurisdiction of the Family Court in the Disposition of Certain Children.

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

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

NAYS: None.

ABSENT: Cook, Hoey, 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 to the House for concurrence.

On motion of Mr. Tull, the Senate resolved into Executive Session at 4:20 P. M. The Senate resolved into regular session at 4:45 P. M.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **SB 133**, 4 on merits; **SB 134**, 4 on merits; **SB 135**, 4 on merits.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 128**, 3 favorably, 2 on merits.

On motion of Mr. Steen, the Senate adjourned at 4:45 P. M. until Thursday, April 20, 1961, at 1:00 P. M.

33RD LEGISLATIVE DAY

April 20, 1961

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

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

Members present: Cook, Donovan, duPont, Hoey, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus—11.

Members absent: Johnson, Manning, McCullough, Steen, Watson, Mr. President Pro Tem Reilly—6.

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

On motion of Mr. Hoey, **HB 150** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 150—An Act to Direct the Levy Court of Sussex County to Appropriate \$500 Annually to Selbyville American Legion Post No. 39, Inc., for the Maintenance of an Ambulance.

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

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

NAYS: None.

ABSENT: Johnson, McCullough—2.

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

On motion the Senate recessed at call of the Chair at 1:40 P. M. The Senate met at the expiration of the recess at 2:25 P. M. Lieutenant-Governor Lamot presiding.

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

HJR 6—Designating the First Day of May of Each Year as Loyalty Day.

On motion of Mr. Donovan, the resolution was adopted and ordered returned to the House.

On motion of Mr. Price, **HB 202** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 202—An Act Amending, Revising and Consolidating the Charter of the City of Seaford.

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

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

NAYS: None.

ABSENT: Johnson, McCullough—2.

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

Messrs. Reilly, Steen, Watson and Mrs. Manning asked to be marked present.

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

SB 139—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the State Board of Education by Making Transfers in Certain Appropriation Items Therein and by Repealing Chapter 20, Volume 53, Laws of Delaware, Which Amended Chapter 299, Volume 52, Laws of Delaware.

On motion of Mr. Steen, **HB 161** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 161—An Act Authorizing the State of Delaware to Borrow Money to be Used by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna to be Used to Make Capital Improvements and to Purchase Equipment for the State Welfare Home and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board.

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

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

NAYS: None.

ABSENT: Johnson, McCullough—2.

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

Messrs. Watson and Steen, Chairmen of the Elections and Public Health Committees, reported the following bills from committees: **HB 73**, 2 favorably, 2 on merits; **SB 139**, 4 favorably, 1 on merits.

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

SR 42—A Resolution Directing the Secretary of the Senate to Communicate with Lester H. Washburn, Esquire, of the City of New York, Bond Attorney for the State of Delaware, and Request He Render His Opinion as to the Legal Sufficiency of a Bill Passed by the General Assembly Authorizing the Issuance by the State of Delaware of Bonds to Defray the Cost of Building Highways and Other Purposes as are Within the Power of the State Highway Department If Such Bill is Passed with the Concurrence of Two Senators Who Have Employment with the State Highway Department.

WHEREAS, efforts have been initiated in the Senate by one of the Republican Members of the Senate to throw doubt on the legal right of two Democratic Members of this Body, employed from time to time by the State Highway Department when the General Assembly is not in Session, to vote on a measure or measures which would authorize the State of Delaware to issue Bonds to defray the cost of building Highways and other purposes as are within the Power of the State Highway Department; and

WHEREAS, it is the sense and finding of Members of the Senate that the Senate and other members of the General Assembly have as the Legislative Branch of this Government the sole power under the Delaware Constitution to determine the right of its members to vote on measures introduced in and presented for consideration of the members of the General Assembly; and

WHEREAS, the present Attorney General, a part of the Executive Branch of the Government, has arrogated to himself the power to attempt to dictate to the General Assembly as to the rights and powers of the General Assembly members to vote on pending legislation; and

WHEREAS, the Senate desires to ascertain for itself the legal sufficiency of a Bill of the General Assembly which would authorize the State of Delaware to issue Bonds to defray the cost of building Highways and for other purposes as are within the power of the State Highway Department if such a bill or bills are passed with the concurrence of said two Democratic Senators; now therefore,

BE IT RESOLVED that the Secretary of the Senate be and he is hereby directed to communicate with Lester H. Washburn, Esquire Bond Counsel of the State, and present to him the facts relating to the problem here presented, and request from him his legal opinion as to the legal sufficiency of a Bill of the General Assembly which might be passed and would authorize the State of Delaware to issue bonds to defray the cost of building Highways and for other purposes as are within the power of the State Highway Department, if it appears that the votes of the two Senators affected by the attack on them are necessary for passage.

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

GOVERNOR'S MESSAGE

Dover, April 17, 1961

The Honorable John Reilly, President Pro Tem, Senate
The Honorable Sherman Tribbitt
Speaker, House of Representatives
Gentlemen:

In the process of preparing legislation it is very easy for the attorneys and others drafting the bills to make technical errors. It is to the credit of the members of the General Assembly that most of these shortcomings are corrected before the measures are passed and delivered to the Governor. This makes my task, and that of the Legislative Reference Bureau much easier.

As a result of a brief study of the legislation currently before the Assembly, it appears to me that there is a questionable pattern in many of the bills to which I should like to call your attention for consideration and advice. The legislation to which I refer, all involves the finances of our State, and falls into two major classifications.

First, there are the supplementary appropriation Acts, which are designed to expand services during the next fiscal year. These are clearly titled as appropriations and specify the sums to be allocated. The difficulty here is not in the construction of the bills, but in their relationship to Section 6337, Title 29, Delaware Code, which states in part:

“. . . But neither House shall consider further or special appropriations, except in case of emergency, which fact shall be clearly stated in the appropri-

ation bill therefore, until the Budget Appropriation Bill shall have been finally acted upon by both Houses."

It would seem that desirable supplementary appropriation legislation can be unnecessarily jeopardized by premature consideration of the Assembly since this limitation is so clearly set forth in the statutes.

Secondly, and more difficult to relate to precise statutory restriction, are the bills which will require additional funds for increased services and salaries during the coming fiscal year, but which are not titled as supplementary appropriations and which do not indicate the source or the amount of the funds required. I should like to advance two objections to such measures. First, since they do not show their "price tag", members of the Assembly and the Governor may be easily misled concerning the real expenditure involved. Second, despite the fact that they are not so labeled, these are still supplementary appropriation bills in effect. It is my opinion that legislation of this nature is equally subject to the application of the above mentioned Section 6337, and, once the Budget Appropriation Bill is passed, to Section 6339 of the same title.

In order that you may be apprised of the gravity of this situation, there is enclosed a list of the measures that seem to be in this classification. You will notice that while in some cases the sums are negligible or no estimate was readily available, others involve substantial sums, even as high as \$2,475,000.00.

I would be happy to meet with you, or our Assembly members as a group, to discuss this situation.

Cordially, yours,

ELBERT N. CARVEL, Governor

cc: The Hon. Norman Eskridge
The Hon. Walter Hoey

LEGISLATION REQUIRING APPROPRIATION FOR NEXT
FISCAL YEAR BUT NOT CARRYING ANY
APPROPRIATION

Bill No.	Estimate
H. B. 6	\$ 80,000
23	200,000 +
24	200,000 +
44	38,000
119	150,000
175	7,500
192	2,000,000
196	2,475,000
197	25,000

S. B.	2	-----	16,500
	11	-----	(?)
	14	-----	(?)
	15	-----	(?)
	30	-----	(?)
	32	-----	34,500
	45	-----	(?)
	50	-----	5,000
	69	-----	7,000 +
	77	-----	(?)
	86	-----	(?)
	94	-----	5,000
	106	-----	137,600

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

HCR 17—Fixing the Time for Temporary Adjournment of the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

Mr. McCullough asked to be marked present.

On motion of Mr. Reilly, **HB 22** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 22—An Act to Increase the Compensation of the Comptroller for New Castle County and the Clerk of the Peace for New Castle County.

Mr. duPont moved for deferment of **HB 22**.

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

YEAS: duPont—1.

NAYS: Cook, Donovan, Manning, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NOT VOTING: Snowden, Spicer, Wilgus—3.

ABSENT: Hoey, Johnson—2.

So the question was decided in the negative.

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

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

NAYS: duPont—1.

ABSENT: Hoey, Johnson—2.

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

On motion of Mr. Steen, Rule 9 was suspended.

On motion of Mrs. Manning, SB 139 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 139—An Act to Amend “An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961”, Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the State Board of Education by Making Transfers in Certain Appropriation Items Therein and by Repealing Chapter 20, Volume 53, Laws of Delaware, Which Amended Chapter 299, Volume 52, Laws of Delaware.

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

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

NAYS: None.

ABSENT: Donovan, Johnson—2.

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

On motion of Mr. Cook, SB 138 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 138—An Act to Amend Chapter 138, Volume 41, Laws of Delaware, 1937, Entitled An Act to Reincorporate the Town of Clayton, Providing for the Establishment of a System of Pensions.

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, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Donovan, Johnson, Manning—3.

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

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

HB 122—An Act Making an Appropriation to the State Fire Prevention Commission for the Training of Volunteer Firemen.

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

HCR 16—Requesting the Governor and State and Federal Agencies to Take Appropriate Steps to Protect the Lums Pond Recreation Area.

On motion of Mr. Mayhew, **HB 128** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 128—An Act to Give Constables 10 Days Instead of Five, in Which to Provide Bond After Appointment.

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, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Donovan, Johnson, Manning, 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.

Mr. Steen, Chairman of the Buildings and Highways Committee, reported the following bills from committee: **HB 184**, 3 favorably, 1 on merits; **HB 185**, 3 favorably, 1 on merits.

On motion of Mr. McCullough, **HB 184** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 184—An Act to Amend Section 8422, Title 9, Delaware Code, Relating to the Collection of School and Park District Taxes.

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, McCullough, Price, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, Johnson, Mayhew 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.

On motion of Mr. Steen, **HB 185** 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 185—An Act to Amend Subchapter IV of Chapter 7, Title 9, Delaware Code, Relating to Taxing Powers of Park Districts.

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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Donovan, Johnson, 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. Tull, the Senate resolved into Executive Session at 3:40 P. M. The Senate resolved into regular session at 3:45 P. M.

On motion the Senate recessed at call of the Chair at 3:50 P. M. The Senate met at the expiration of the recess at 7:00 P. M. Lieutenant-Governor Lamnot presiding.

On motion of Mr. McCullough, SB 117 and SB 118 were stricken.

The Chair announced the appointment of Messrs. Reilly, Mayhew and Spicer to the committee concerning a Building in accordance with SCR 17.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: SB 102, 1 favorably, 3 on merits; SB 42, 3 favorably, 2 on merits; SB 130, 1 favorably, 3 on merits; HB 122, 1 favorably, 3 on merits; HB 118, 3 on merits.

The following message was received from the Governor:

GOVERNOR'S MESSAGE

April 20, 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 E. Donovan, Ellendale, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 20, 1965 (new appointment).

Clarence E. Dyer, Harrington, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years, to expire April 20, 1965 (new appointment).

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, the Senate resolved into Executive Session at 7:05 P. M. The Senate resolved into regular session at 7:10 P. M.

On motion of Mr. Steen, the Senate adjourned at 7:12 P. M. until Monday, April 24, 1961, at 1:00 P. M.

34TH LEGISLATIVE DAY

April 24, 1961

The Senate met pursuant to adjournment at 5:45 P. M. on Monday, April 24, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Kirwan.

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

Members absent: Johnson, McCullough, Spicer, Steen, Watson—5.

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

Mr. Steen asked to be marked present.

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

GOVERNOR'S MESSAGE

April 24, 1961

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

Last week, you approved my appointments of the following people to the State Board of Agriculture for a period of three years, from April 18, 1961:

Earl L. Sheats—Middletown, Delaware;

John G. Tarburton—Dover, Delaware;

Charles Mills—Rehoboth, Delaware.

This was erroneous, as two of these men are substitutions for persons serving existing terms. I therefore request that you reconsider your action of confirming Earl L. Sheats, John G. Tarburton and Charles Mills, and confirm the same persons for the following vacancies:

Earl L. Sheats, replacing Victor P. Kohl, for a term ending March 1, 1962;

John G. Tarburton, replacing C. Fred Fifer, for a term ending March 1, 1963;

Charles Mills, for a term of three years, ending March 1, 1964.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Cook, HB 143 was restored to the calendar.

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

HB 178—An Act to Permit the State Tax Department to Void Certain Unclaimed Checks.

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, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Johnson, McCullough, Spicer, Watson—4.

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

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

SR 43—Relating to Amount Due The Harrington Journal for Printing Incurred by the 121st General Assembly.

The Chair presented the following House bills which were given first reading and referred to the Committee on Public Health:

HB 129—An Act to Amend Title 31, Section 901 of the Delaware Code of 1953 Relating to Work Requirements as to Employable Relief Recipients.

HB 130—An Act to Amend Title 31, Section 902 of the Delaware Code of 1953 Relating to Application for Assignment of Relief Recipients.

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

SR 44—Relating to Amount Due the Middletown Transcript for Printing Incurred by the 121st General Assembly.

Mr. Cook (by request) introduced the following bill which was given first reading and referred to the Committee on Corporations, Municipal:

SB 140—An Act to Amend Chapter 66, Title 16, Delaware Code, Relating to the State Fire Marshal and State Fire Prevention Commission.

On motion of Mr. Steen, the Senate adjourned at 6:00 P. M. until Tuesday, April 25, 1961, at 1:00 P. M.

35TH LEGISLATIVE DAY

April 25, 1961

The Senate met pursuant to adjournment at 5:50 P. M. on Tuesday, April 25, 1961. President Pro Tem Reilly presiding.

Prayer by Senator Price.

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

Members absent: Cook, Hoey, Johnson, Mayhew, McCullough, Spicer—6.

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

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

SR 45—In Reference to Election of Officers.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following resolution from committee: **HJR 3**, 4 favorably, 1 on merits.

On motion of Mr. Steen, the Senate adjourned at 5:55 P. M. until Wednesday, April 26, 1961, at 1:00 P. M.

36TH LEGISLATIVE DAY

April 26, 1961

The Senate met pursuant to adjournment at 1:55 P. M. on Wednesday, April 26, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Donovan, duPont, Hoey, Price, Snowden, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

Members absent: Cook, Johnson, Manning, Mayhew, McCullough, Simpson, Spicer, Steen—8.

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

On motion the Senate recessed at call of the Chair at 2:00 P. M. The Senate met at the expiration of the recess at 3:20 P. M. President Pro Tem Reilly presiding.

Mr. Snowden (co-sponsored by Mr. Reilly) introduced the following resolution which on his further motion was adopted by the Senate.

SR 46—Expressing the Sympathy of the Senate of the Illness of Senator Harvey B. Spicer.

WHEREAS, the members of the 121st General Assembly of the State of Delaware have learned that Senator Harvey B. Spicer is ill, and

WHEREAS, the members of the Senate desire to express and extend their regret, and sympathy to Senator Harvey B. Spicer,

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 Harvey B. Spicer.

Mrs. Manning, Messrs. Cook, Mayhew, McCullough, Simpson and Steen asked to be marked present.

On motion of Mr. Steen, **HB 143** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 143—An Act Pertaining to the State Highway Department and Providing for Its Reorganization, Composition, Membership, Committees, Quorums, Oaths of Members, and Compensation to Members; for Liability Insurance for Department Employees; for Appointment and Powers of Notaries Public; for the Transfer of Funds for Emergency Maintenance; for Ratification of the Acts of the State Highway Department Created by 17 Delaware Code, Section 111; for Amendment in the Manner of Selecting a Chairman of the Department; for Certain Changes in the Department's Powers and Duties; for Abolition of the Offices of Chief Engineer and Secretary; for Creation of the Offices of Director of Operations and Controller; for Amendments with Respect to Determination as to Highway Improvements, Improvement of Roads Leading to Institutions, Competitive Bidding, Preparation of Plans and Specifications, Advertisement for Bids, Opening of Bids, and Awarding Contracts; and for Establishment of a Merit System of Employment as to Certain Employees of the Department.

Mr. Steen introduced SA 2 to **HB 143** as amended and moved for its adoption. Motion prevailed.

Mr. Mayhew introduced SA 3 to **HB 143** as amended and moved for its adoption. Motion prevailed.

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

On motion of Mr. Tull, the Senate resolved into Executive Session at 3:40 P. M. The Senate resolved into regular session at 3:50 P. M.

On motion the Senate recessed at call of the Chair at 3:50 P. M. The Senate met at the expiration of the recess at 4:05 P. M. President Pro Tem Reilly presiding.

On motion of Mr. Steen, **HB 143** was taken up for consideration in order to pass the Senate:

HB 143—An Act Pertaining to the State Highway Department and Providing for Its Reorganization, Composition, Membership, Committees, Quorums, Oaths of Members, and Compensation to Members; for Liability Insurance for Department Employees; for Appointment and Powers of Notar-

ies Public; for the Transfer of Funds for Emergency Maintenance; for Ratification of the Acts of the State Highway Department Created by 17 Delaware Code, Section 111; for Amendment in the Manner of Selecting a Chairman of the Department; for Certain Changes in the Department's Powers and Duties; for Abolition of the Offices of Chief Engineer and Secretary; for Creation of the Offices of Director of Operations and Controller; for Amendments with Respect to Determination as to Highway Improvements, Improvement of Roads Leading to Institutions, Competitive Bidding, Preparation of Plans and Specifications, Advertisement for Bids, Opening of Bids, and Awarding Contracts; and for Establishment of a Merit System of Employment as to Certain Employees of the Department.

Mr. Hoey introduced SA 4 to HB 143 as amended and moved for its adoption.

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

YEAS: Cook, Donovan, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: duPont, Snowden—2.

ABSENT: Johnson, Spicer—2.

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, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Johnson, Spicer—2.

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

On motion of Mr. Steen, the Senate recessed at call of the Chair at 4:15 P. M. The Senate met at the expiration of the recess at 5:25 P. M. President Pro Tem Reilly presiding.

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

SCR 18—Expressing the Sympathy of the 121st General Assembly on the Death of Lillian L. Smith.

WHEREAS, Almighty God, in His infinite wisdom, did see fit to call Lillian L. Smith, mother of Harry S. Smith, Insurance Commissioner of the State of Delaware, from this life on the Twenty-fourth day of April, A. D., 1961; and

WHEREAS, it is with the deepest sorrow and regret that the members of the 121st General Assembly mourn the passing of one so near and dear to Harry S. Smith, Insurance Commissioner of the State of Delaware,

NOW THEREFORE:

BE IT RESOLVED by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that 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 Mr. Harry S. Smith and his 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.

On motion of Mr. Watson, **HJR 3** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate, and on further motion by Mr. Watson was adopted and ordered returned to the House:

HJR 3—Requesting the President of the United States to Take the Necessary Action to Assure the Citizens of the State of Delaware of Adequate Radio Reception.

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

SB 141—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Purchase and Planting of Seed Oysters. (By Mr. Mayhew, to Fish, Oyster and Game)

SB 142—An Act Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making an Appropriation Therefore. (By Mr. McCullough and Mrs. Manning, to Corporations, Municipal)

SB 143—An Act to Amend Chapter 11, Title 14, Delaware Laws, Relating to Boundaries, Consolidation and Change in Status of School Districts and Special School Districts. (By Mr. McCullough, to Education)

SB 144—An Act to Amend Title 9, Delaware Code by Increasing the Salary of the Coroner of New Castle County and Setting the Salary of the Chief Deputy Coroner of New Castle County. (By Mr. McCullough, to Corporations, Municipal)

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

Mr. McCullough, Chairman of the Education Committee, reported the following bills from committee: **HB 160**, 2 favorably, 2 on merits; **HB 221**, 4 favorably.

On motion of Mr. Steen, **HB 221** 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 221—An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department's Capital Improvements Program and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department.

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

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

NAYS: None.

ABSENT: Johnson, 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.

On motion of Mr. Steen, the Senate adjourned at 5:45 P. M. until Thursday, April 27, 1961, at 1:00 P. M.

37TH LEGISLATIVE DAY

April 27, 1961

The Senate met pursuant to adjournment at 1:45 P. M. on Thursday, April 27, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Cook, Donovan, duPont, Manning, Price, Simpson, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Hoey, Johnson, Mayhew, McCullough, Spicer, 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 concurrent resolution which on further motion by him was adopted and ordered returned to the House:

HCR 18—Making an Appropriation to West Publishing Company for Payment of 1960 Pocket Part Supplements to the Delaware Code.

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

HB 189—An Act to Direct the Levy Court of Sussex County to Appropriate \$500 Annually to Gumboro Volunteer Fire Company for the Maintenance of an Ambulance. (To Claims)

HB 217—An Act to Allow the New Castle County Levy Court to Sell Unneeded Land to the Highest Bidder. (To Municipal Corporations)

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. (To Revised Statutes)

HB 222—An Act to Authorize the State Military Board to Sell Certain Armories. (To Corporations, Private)

On motion of Mr. Reilly, **SB 60** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 60—An Act to Amend Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure" in Respect to Authorizing the Board of Parole to Forfeit All Part of Good Time Upon the Violation of a Parole.

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

YEAS: Cook, duPont, Price, Snowden, Mr. President Pro Tem Reilly—5.

NAYS: Donovan, Manning, Simpson, Steen, Tull, Wilgus—6.

ABSENT: Hoey, Johnson, Mayhew, McCullough, Spicer, Watson—6.

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

On motion the Senate recessed at call of the Chair at 2:10 P. M. The Senate met at the expiration of the recess at 3:40 P. M. President Pro Tem Reilly presiding.

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

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

HCR 19—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 121st General Assembly of the State of Delaware.

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

HB 42—An Act to Amend Chapter 134, Volume 52, Laws of Delaware Also Known as Chapter 6, Title 14, Delaware Code, Relating to Tuition Charges and Providing an Exception Thereof. (To Revised Statutes)

On motion of Mrs. Manning, **SB 49** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. Snowden introduced **SA 1** to **SB 49** 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: duPont, Manning, Simpson, Snowden, Tull, Mr. President Pro Tem Reilly.

NAYS: Cook, Donovan, Hoey, McCullough, Price, Steen, Watson.

ABSENT: Johnson, Mayhew, Spicer, Wilgus.

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

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

SR 47—An Act Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through April 11, 1961, for Phones RE 6-113, 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 17—Authorizing the Payment of Amount Due Diamond State Telephone Company for Services Rendered for the Months of February and March Through April 11, 1961.

On motion of Mr. Cook, **HB 118** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 118—An Act to Authorize the Transfer of Certain Encumbered Funds to the Salaries and Wages Account of the Maintenance Division of the State Highway Department Appropriations.

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, McCullough, Price, Simpson, Snowden, Steen, Tull, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Johnson, Mayhew, Spicer, Watson, Wilgus—5.

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

On motion of Mr. McCullough, **SB 35** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

The chairmen of the Corporations, Municipal, Education and Claims Committees, reported the following bills from committees: **SB 144**, 1 favorably, 3 on merits; **HB 102**, 4 favorably; **HB 189**, 2 favorably, 1 on merits.

Mr. Steen moved that Rule 9 be suspended for the purpose of considering **HB 189**. Motion prevailed.

On motion of Mr. Steen, **HB 189** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 189—An Act to Direct the Levy Court of Sussex County to Appropriate \$500 Annually to Gumboro Volunteer Fire Company for the Maintenance of an Ambulance.

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

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **HB 102**. Motion prevailed.

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

HB 102—An Act to Amend Title 14, Sections 311 and 1904, Delaware Code, Relating to Notices of School Elections.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Johnson, Mayhew, Spicer, Wilgus—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 189** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 189—An Act to Direct the Levy Court of Sussex County to Appropriate \$500 Annually to Gumboro Volunteer Fire Company for the Maintenance 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, Donovan, duPont, Hoey, Manning, McCullough, Price, Simpson, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Johnson, Mayhew, Spicer, Wilgus—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.

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

SB 145—An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to the Levy Court Commissioners for New Castle County.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 86**, 5 on merits.

On motion of Mr. Watson, **HB 73** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 73—An Act to Amend Title 14, Delaware Code, Relating to School Board Elections and Appointments.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 114**, 5 on merits.

On motion of Mr. Steen, the Senate adjourned at 5:00 P. M. until Wednesday, May 2, 1961, at 1:00 P. M.

38TH LEGISLATIVE DAY

May 2, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, May 2, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

Members absent: Johnson, Steen—2.

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

Mr. Steen asked to be marked present.

On motion of Mr. Reilly, the privilege of the floor was extended to Sidney Balick to say a few words in connection with Law Day.

A message was received from the Governor and read to the Senate.

On motion of Mr. Mayhew, **SB 135** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 135—An Act to Provide for the Return of Certain Funds to the Unemployment Compensation Fund.

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

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

NAYS: None.

ABSENT: Johnson, Steen, Watson—3.

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

On motion of Mr. Mayhew, SB 134 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 134—An Act to Provide for the Return of Certain Funds to the Unemployment Compensation Fund.

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

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

NAYS: None.

ABSENT: Johnson, 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. Price, SB 133 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 133—An Act Authorizing the State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Howard H. Dickerson to the General Fund of the State of Delaware.

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

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

NAYS: None.

ABSENT: Johnson, Watson—2.

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

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

SR 48—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensa-

tion of the Officers and Employees of the Senate, Being Expenses Connected With the Present Session of the Senate of the 121st General Assembly.

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

HB 33—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Imperial Drive Civic Association from Assessment and Taxation. (To Miscellaneous)

HB 22—An Act to Increase the Compensation of the Comptroller for New Castle County and Clerk of the Peace for New Castle County. (To Corporations, Municipal)

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

SB 146—An Act to Appropriate Funds to the State Highway Department.

On motion of Mr. Hoey, **HB 122** 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 122 with **HA 1**—An Act Making an Appropriation to the State Fire Prevention Commission for the Training of Volunteer Firemen.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont, Manning, Snowden—3.

ABSENT: Johnson, 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 returned to the House.

On motion the Senate recessed at call of the Chair. The Senate met at the expiration of the recess at 5:15 P. M. Lieutenant-Governor Lamnot presiding.

Mr. Johnson asked to be marked present.

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

SR 49—Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 121st General Assembly.

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

SB 147—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961," Being Chapter 299, Volume

52, Laws of Delaware, in Respect to Appropriations for the Youth Services Commission by Making Transfers in Certain Appropriation Items Therein.

Mr. Price, Chairman of the Municipal Corporations Committee, reported the following bill from committee: **HB 217**, 4 on merits.

Mr. Mayhew, Chairman of the Fish, Oysters and Game and the Judiciary Committees, reported the following bills from committees: **SB 141**, 5 on merits; **HB 175**, 1 favorably, 4 on merits.

On motion of Mr. Mayhew, Rule 9 was suspended in order to consider **SB 141**.

On motion of Mr. Mayhew, **SB 141** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 141—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Purchase and Planting of Seed Oysters.

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

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

NAYS: None.

ABSENT: Cook, Spicer, Watson—3.

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

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

SB 148—An Act to Amend the Charter of the Town of Frankford, Chapter 144, Volume 41, Laws of Delaware, by Extending the Limits and Boundaries of the Town of Frankford.

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

SB 149—An Act Authorizing the State of Delaware to Borrow One Million Five Hundred Thousand Dollars (\$1,500,000.00) and Issue Bonds and Notes Therefore for Use by the State Soil Conservation Commission to Participate in the Construction and Maintenance of Structural Measures in Watersheds Which are Now or May be Established in the State of Delaware Pursuant to the Provisions of the Act of Congress of the United States Known as the "Watershed Protection and Flood Prevention Act".

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

HB 217—An Act to Allow the New Castle County Levy Court to Sell Unneeded Land to the Highest Bidder.

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, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Cook, Simpson, Spicer, Watson—4.

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

On motion of Mr. McCullough, **HB 160** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 160—An Act to Amend Chapter 345, Volume 52, Laws of Delaware, Relating to the Enlargement and Improvement of the System of Free Public Schools of Delaware and the Financing of the Same by the Issuance of Bonds of the State and of Certain Districts, by Providing That Certain School Districts be Included and Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds.

Mr. Tull introduced SA 1 and moved for its adoption.

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

Messrs. Hoey and Price, Chairmen of the Finance and Corporations, Municipal, Committees, reported the following bills from committees: **HB 176** 4 favorably; **HB 5**, 1 favorably, 3 on merits; **SB 148**, 3 favorably.

On motion of Mr. Steen, **SB 148** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 148—An Act to Amend the Charter of the Town of Frankford, Chapter 144, Volume 41, Laws of Delaware, by Extending the Limits and Boundaries of the Town of Frankford.

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, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Cook, duPont, Spicer, Watson—4.

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

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

SB 150—An Act to Amend Section 907, Title 10, Delaware Code, Relating to Appointment and Qualifications of Judges of the Family Court in New Castle County.

On motion of Mr. Reilly, **SB 54** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 54—An Act Making an Emergency Supplementary Appropriation to the State Board of Accountancy 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: Donovan, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Cook, duPont, Johnson, Spicer, Watson—5.

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

On motion of Mr. Reilly, **SB 37** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

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

NAYS: None.

NOT VOTING: Cook—1.

ABSENT: duPont, Johnson—2.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: **HB 210**, 4 on merits, 1 unfavorably; **HB 187**, 5 on merits.

On motion of Mr. Watson, **HB 73** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 73—An Act to Amend Title 14, Delaware Code, Relating to School Board Elections and Appointments.

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

YEAS: Donovan, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: Cook, Hoey, Mayhew, McCullough—4.

ABSENT: duPont, Johnson—2.

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

Messrs. Watson, Hoey, Cook and Donovan introduced the following bill which was given first reading and referred to the Committee on Public Health:

SB 151—An Act to Amend Sections 811 and 781, Title 11, Delaware Code, Relating to the Crimes of Robbery and Rape.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 147**, 1 favorably, 4 on merits.

On motion of Mr. Reilly, **SB 30** was stricken.

On motion of Mr. Cook, the Senate adjourned at 6:15 P. M. until Thursday, May 4, 1961 at 1:00 P. M.

39TH LEGISLATIVE DAY

May 4, 1961

The Senate met pursuant to adjournment at 2:42 P. M. on Thursday, May 4, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Donovan, Hoey, Manning, Mayhew, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

Members absent: Cook, duPont, Johnson, McCullough, Price, 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 bill which was given first reading and referred to the Committee on Miscellaneous:

HB 216—An Act to Amend Title 11, Delaware Code, Relating to the Appointment of a Director for the State Board of Corrections.

The Chair presented the following concurrent resolutions which on further motion by him were adopted and ordered returned to the House:

HCR 20—Relative to a Joint Session of the 121st General Assembly.

HCR 21—Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate, of the 121st General Assembly.

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **HB 216**, 3 favorably.

On motion of Mr. Donovan, Rule 9 was suspended in order to consider **HB 216**.

On motion of Mr. Donovan, **HB 216** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 216—An Act to Amend Title 11, Delaware Code, Relating to the Appointment of a Director for the State Board of Corrections.

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

YEAS: Donovan, Hoey, Manning, Mayhew, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem—10.

NAYS: Steen—1.

ABSENT: Cook, duPont, Johnson, McCullough, Price, 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, the Senate recessed at call of the Chair at 1:55 P. M. The Senate met at the expiration of the recess at 2:15 P. M. President Pro Tem Reilly presiding.

The Sergeant-at-Arms announced the Speaker and Members of the House of Representatives. They were admitted and seated. Lieutenant-Governor Lamnot invited the Speaker of the House to a seat on the rostrum.

JOINT SESSION

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

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

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

Mr. Steen introduced Mr. Norman M. Lank, who introduced Colonel Stefler to explain the Interstate Delaware River Basin Compact. The Governor also entered the chamber and spoke in behalf of the Compact.

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

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

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

On motion the Senate recessed at call of the Chair at 4:00 P. M. The Senate met at the expiration of the recess at 4:30 P. M. President Pro Tem Reilly presiding.

Messrs. Watson and duPont asked to be marked present.

Messrs. Watson and Donovan, Chairmen of the Revised Statutes and Miscellaneous Committees, reported the following bills from committee: **HB 38**, 1 favorably, 4 on merits; **SB 93**, 2 favorably, 1 on merits.

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

HB 147—An Act to Amend An Act Entitled “An Act Changing the Name of the ‘Town of Newark’ to the ‘City of Newark’ and Establishing a Charter Therefor” by Increasing and Redefining the Election Districts, and by Eliminating the Freeholder Qualifications for Councilmen.

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

SB 152—An Act to Amend Title 16, Delaware Code, Relating to Mental Health.

Mr. Steen, Chairman of the Public Health Committee, reported the following bill from committee: **SB 151**, 3 favorably, 1 unfavorably.

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

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

On motion of Mr. McCullough, **HB 160** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 160—An Act to Amend Chapter 345, Volume 52, Laws of Delaware, Relating to the Enlargement and Improvement of the System of Free Public Schools of Delaware and the Financing of the Same by the Issuance of Bonds of the State and of Certain Districts, by Providing That Certain School Districts be Included and Permitted to Finance Capital Improvements Thereunder and Appropriating the Necessary Funds.

On motion of Mr. Tull, SA 1 was stricken.

Mr. Tull introduced SA 2 and moved for its adoption. Motion prevailed.

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

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

NAYS: None.

ABSENT: Johnson, Price, 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 for concurrence.

Mrs. Manning moved that the Secretary of the Senate write to the State Board of Education to ask if they intended to submit an Omnibus Bond Bill?

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, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—13.

NAYS: McCullough—1.

ABSENT: Johnson, Price, Wilgus—3.

So the question was decided in the affirmative.

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

GOVERNOR'S MESSAGE

May 4, 1961

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

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

William J. Gordy, Hearn's Cross Roads, Laurel, Delaware, to be a Member of the Industrial Accident Board for a term of six years, to expire May 4, 1967, replacing Ford M. Warrington.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Tull, SB 147 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 147—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume

52, Laws of Delaware, in Respect to Appropriations for the Youth Services Commission by Making Transfers in Certain Appropriation Items Therein.

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

YEAS: Cook, Donovan, duPont, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Johnson, Price, Steen, Wilgus—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, **HB 175** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 175—An Act to Amend Section 1502, Title 10, Delaware Code, Relating to the Term and Salary of the Court of Common Pleas of 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, duPont, Hoey, Manning, Mayhew, McCullough, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Johnson, Price, 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, the Senate resolved into Executive Session at 4:55 P. M. The Senate resolved into regular session at 5:05 P. M.

On Motion of Mr. Steen, the Senate adjourned at 5:10 P. M. until Monday, May 15, 1961, at 1:00 P. M.

40TH LEGISLATIVE DAY

May 15, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, May 15, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

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

Members absent: Hoey, Johnson, Tull, 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. Tull and Johnson asked to be marked present.

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

HB 205—An Act to Create a Regional Agency by Inter-governmental Compact for the Planning, Conservation, Utilization, Development, Management and Control of the Water and Related Natural Resources of the Delaware River Basin, for the Improvement of Navigation, Reduction of Flood Damage, Regulation of Water Quality, Control of Pollution, Development of Water Supply, Hydro-electric Energy, Fish and Wildlife Habitat and Public Recreational Facilities and Other Purposes, and Defining the Functions, Powers and Duties of Such Agency. (To Revised Statutes)

HB 218—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware in Respect to Appropriations to the Board of Examiners and Registration of Architects, by Making Certain Appropriation Items Therein. (To Finance)

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

On motion of Mrs. Manning, **SB 85** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 85—An Act to Waive the Sovereign Immunity of the State of Delaware and Permit a Suit in Tort Against the State of Delaware by James F. Long and Ray E. Parsons, Arising Out of Water Damage Sustained on August 31, 1960, from a Drain Maintained by the State Highway Department.

On 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, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Donovan, Hoey, Mayhew, Simpson, Watson—5.

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

On motion of Mr. Reilly, **HB 30** as amended with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 30—An Act to Amend Title 19, Delaware Code, by Prohibiting Any Person, Firm or Corporation, Not Directly

Involved in a Labor Strike or Lockout from Recruiting, Securing or Offering to Secure Employment for Persons to Take the Places of Employees Where a Labor Strike or Lockout Exist: and Providing for Legally Established Employment Service.

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, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, Hoey, Mayhew, Simpson, 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.

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

SB 154—An Act to Appropriate Money to the Holloway Terrace Fire Company, Inc., for Maintenance and Operation of an Ambulance. (By Mr. McCullough, to Finance)

SB 155—An Act to Amend "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Reference to Appropriations to the Delaware State Development Department by Making Transfers in Certain Appropriation Items Therein. (By Mr. Cook, to Finance)

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. (By Mr. Donovan, to Judiciary)

SB 157—An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Speed of Vehicles. (By Mr. Donovan, to Buildings and Highways)

On motion of Mrs. Manning, SS 1 for SB 94 as amended by HA 1 was taken up for consideration and read a second time by title in order to pass the Senate:

SS 1 for SB 94—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Pensions of State Employees.

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

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

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Hoey, Watson—2.

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

Mr. Watson asked to be marked present.

Messrs. Reilly, Price and Steen, Chairmen of the Corporations, Private; Corporations, Municipal; Revised Statutes, and Public Health Committees, reported the following bills from committees: HB 222, 4 favorably; HB 220, 1 favorably, 2 on merits; SB 145, 1 favorably, 3 on merits; SB 125, 2 favorably, 2 on merits, 1 unfavorably.

On motion of Mr. Steen, the Senate recessed at call of the Chair at 3:30 P. M. The Senate met at the expiration of the recess at 4:30 P. M. Lieutenant-Governor Lamnot presiding.

The following communication was read to the Senate:

REED, HOYT, WASHBURN & McCARTHY
ATTORNEYS AND COUNSELORS AT LAW
52 Wall Street, New York 3

May 5, 1961

Joshua M. Twilley, Esq., Secretary of the Senate of the State of Delaware, Dover, Delaware

Dear Mr. Twilley:

You have transmitted to me a copy of Senate Resolution No. 42 which requests my opinion

“as to the legal sufficiency of a Bill of the General Assembly which might be passed and would authorize the State of Delaware to issue Bonds to defray the cost of building Highways and for other purposes as are within the power of the State Highway Department”

if two Senators who are “employed from time to time by the State Highway Department when the General Assembly is not in Session” vote for the Bill and their votes are necessary for the passage of the Bill.

If the Bill is passed and (1) the Journals of the Senate show that the final vote thereon was taken by “Yeas” and “Nays” as required by Section 10 of Article 2 of the Delaware Constitution and (2) the Journals show that not less than three-fourths of all the members of the Senate voted for the Bill as required by Section 3 of Article 8 of the Delaware Constitution and (3) the Bill as passed is authenticated in the manner provided by the Delaware Code and is filed with the Secretary of State, I am of the opinion that the validity of the Bill cannot be successfully questioned. In reaching this conclusion I am relying upon the decision of the Delaware Courts reported in *Rash v. Allen*, Del. 444; 76 Atl. 360.

The fact that the Journals show that the right of the two Senators to vote on the measure was questioned on the ground that they had a "personal or private interest" in the Bill which, under the provisions of Section 20 Article 2 of the Delaware Constitution, disqualified them from voting on the Bill would, I think, raise no question with respect to the sufficiency and validity of the Bill, provided, the Senate permitted the two Senators to vote on the measure. While Section 20 of Article 2 does not so provide, it is my opinion that the decision whether a Senator is disqualified from voting by reason of his having a "personal or private interest" in the measure voted on, is a question which is to be finally determined by the Senate itself.

Sincerely yours,

LESTER H. WASHBURN

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: **SB 153**, 2 favorably, 3 on merits.

Mr. Steen, Chairman of the Buildings and Highways Committee, reported the following bill from committee: **SB 123**, 4 favorably, 1 on merits.

On motion of Mr. Watson, **HB 38** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 38—An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to Retired 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, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Cook, McCullough—2.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: **HB 205**, 5 favorably; **HB 147**, 5 favorably.

On motion of Mr. Wilgus, **SB 136** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 136—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: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Cook, McCullough—2.

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

On motion of Mr. Steen, the Senate adjourned at 4:45 P. M. until Tuesday, May 16, 1961, at 1:00 P. M.

41ST LEGISLATIVE DAY

May 16, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, May 16, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Donovan, duPont, Hoey, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

Members absent: Cook, Johnson, Manning, 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.

On motion of Mr. Cook, the Senate recessed at call of the Chair at 1:50 P. M. The Senate met at the expiration of the recess at 2:05 P. M. President Pro Tem Reilly presiding.

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

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: **SB 153**, 2 favorably, 3 on merits.

On motion of Mr. Steen, Rule 23 was suspended for the balance of the day.

On motion of Mr. McCullough, **SB 35** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. McCullough introduced SA 1 to SB 35 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, duPont, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: Donovan, Hoey, Mayhew—3.

ABSENT: Johnson—1.

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

On motion of Mr. Watson, HB 205 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 205—An Act to Create a Regional Agency by Intergovernmental Compact for the Planning, Conservation, Utilization, Development, Management and Control of the Water and Related Natural Resources of the Delaware River Basin, for the Improvement of Navigation, Reduction of Flood Damage, Regulation of Water Quality, Control of Pollution, Development of Water Supply, Hydro-electric Energy, Fish and Wildlife Habitat and Public Recreational Facilities and Other Purposes, and Defining the Functions, Powers and Duties of Such Agency.

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

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

Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Johnson—1.

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

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

HB 220—An Act to Amend the Charter of the Town of Millville.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Watson, **HB 147** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 147—An Act to Amend An Act Entitled “An Act Changing the Name of the ‘Town of Newark’ to the ‘City of Newark’ and Establishing a Charter Therefor” by Increasing and Redefining the Election Districts, and by Eliminating the Freeholder Qualifications for Councilmen.

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

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

NAYS: Donovan—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 returned to the House.

Messrs. Price and Steen, Chairmen of the Corporations, Municipal; Buildings and Highways, and Public Health Committees, reported the following bills from committees: **HB 137**, 5 on merits; **SB 21**, 4 favorably; **SB 152**, 4 favorably, 1 on merits.

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

SB 158—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Pension of Surviving Spouse of State Employee. (By Mrs. Manning and Mr. Mayhew, to Revised Statutes)

SB 159—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, 1960”, Being Chapter 57, Volume 52, Laws of Delaware, and An Act Entitled “An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961”, Being Chapter 299, Volume 52, Laws of Delaware, by Making Certain Transfers Therein. (By Mr. Mayhew, to Finance)

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

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

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

SR 50—In Reference to Election of Officers.

SR 51—In Reference to Election of Officers.

Mr. McCullough, Chairman of the Education Committee, reported the following bills from committee: **SB 59**, 3 favorably, 2 on merits; **SB 120**, 4 favorably, 1 on merits.

On motion of Mr. McCullough, **HB 222** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 222—An Act to Authorize the State Military Board to Sell Certain Armories.

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

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

HB 179 with **HA 1**—An Act to Amend Title 18, Relating to Insurance on State Property to Include School Property. (To Banking and Insurance)

HB 232—An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware, Relating to Elections by Extending Residence Requirements to Allow Certain Voters Recently Moving Within the State or Election Districts Thereof to Vote. (To Elections)

HB 115—An Act Appropriating Additional Funds to the Vocational Rehabilitation Division of the State Board for Vocational Education for Services to Disabled Persons. (To Education)

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

HCR 22—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

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

SB 160—An Act to Amend Section 5504, Title 29, Delaware Code, Relating to Application for Pension: Certified Statement, Decision by State Treasurer.

On motion of Mr. Hoey, **HB 176** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 176—An Act Making a Supplementary Appropriation to the State Tax 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, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: McCullough—1.

ABSENT: Donovan, Johnson—2.

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

On motion of Mr. Steen, the Senate adjourned at 3:15 P. M. until Wednesday, May 17, 1961, at 1:00 P. M.

42ND LEGISLATIVE DAY

May 17, 1961

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

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Cook, Donovan, Hoey, Johnson, Manning, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

Members absent: duPont, Mayhew, McCullough, Simpson, Snowden, Spicer, Wilgus—7.

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

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

HB 90—An Act to Create a State Board of Examiners of Barbers, Regulate Barbering and Appropriate Funds. (To Labor)

HB 241—An Act to Repeal Chapter 5, Title 30, Delaware Code, Relating to Collector of State Revenue and Abolishing That Office. (To Finance)

Messrs. Spicer, duPont and Snowden asked to be marked present.

On motion the Senate recessed at call of the Chair at 1:40 P. M. The Senate met at the expiration of the recess at 2:00 P. M. President Pro Tem Reilly presiding.

The Chair requested Messrs. Steen, Mayhew, Price and Snowden to come to the rostrum to preside at the public hearing on the Whipping Post Bill. Mr. Steen presided.

Speaker—Contra: Peter Stone, Attorney of Wilmington; Pearl Herlihy, President of Welfare Council; Frank Hollis, Attorney of Wilmington; Willmont Jones, a layman; James

LaPenta, State Labor Council; Oliver Haydn, of the Prisoners Aid Society; Robert W. Duke of the Delaware State Council of Churches; Robert Crosswaite of the Prisoners Aid Society; Mrs. Howard Shaffer, a layman politician; Richard Stazinski of the Conference of Methodist Churches; Mrs. Cleaver of the Youth Services Commission; Father Reese of the Catholic Diocese of Wilmington.

Pro: Mr. Thomas Pierce of Wilmington, a layman; John C. Moore of Dover, a businessman; Senator Jesse Watson, Senator Walter J. Hoey.

Contra: Representative Livingston, Representative Best, Senator Snowden, Maurice Breslin, 308 West residence.

Mr. Steen adjourned the public hearing at 3:30 P. M.

On motion the Senate recessed at call of the Chair at 3:30 P. M. The Senate met at the expiration of the recess at 4:30 P. M. President Pro Tem Reilly presiding.

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

SB 161—An Act to Repeal Section 501, Title 27, Delaware Code, Relating to Limitations Upon County Support of Sabbath Schools. (By Mr. Steen to Revised Statutes)

SB 162—An Act to Amend Chapter 227, 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 of Lewes the Authority to Construct, Operate, and Regulate a Sewerage Disposal Plant and an Improved Sewerage System and Authorizing the Commissioners of Lewes to Issue Bonds to Finance the Project" so as to Increase the Amount of Bonds Which May be Issued by the Commissioners of Lewes Pursuant to Said Act. (By Messrs. Spicer and Steen, to Municipal Corporations)

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. (By Messrs. duPont and Tull, to Public Health)

SB 164—An Act to Amend Sections 3902 and 3903, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Pensions. (By Mr. McCullough, Mrs. Manning and Mr. Reilly, to Education)

SB 165—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Industrial Accident Board, by Making Certain Transfers Therein. (By Mr. Hoey, to Finance)

Messrs. McCullough, Simpson and Spicer asked to be marked present.

Mr. McCullough moved that Rule 9 be suspended for the purpose of considering **HB 115**. Motion prevailed.

On motion of Mr. McCullough, **HB 115** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

HB 115—An Act Appropriating Additional Funds to the Vocational Rehabilitation Division of the State Board for Vocational Education for Services to Disabled 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, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

NAYS: None.

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 and referred to committee as follows:

HB 14—An Act Amending Section 1602, Title 10, Delaware Code, Relating to the Salary of the Judge of the Court of Common Pleas for Sussex County. (To Judiciary)

The chairmen of the Public Lands, Education and Revised Statutes Committees, reported the following bills from committees: **SB 13**, 5 favorably; **HB 115**, 3 favorably, 2 on merits; **SB 158**, 5 on merits; **SB 161**, 1 favorably, 4 on merits; **HB 33**, 4 favorably, 1 on merits.

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

HB 6—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Allocation of Funds.

Mr. Mayhew introduced SA 3 to **HB 6** as amended and moved for its adoption.

On motion of Mr. Snowden, the amendment and bill were deferred.

On motion of Mr. Cook, **SB 48** with title as follows was taken up for consideration and read again in order to pass the Senate:

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

ing for the Financing of Such Highways by Revenue Bonds and Providing for a Turnpike Division of the State Highway Department.

Mr. Cook moved that SA 1 to SB 48 be adopted.

On motion of Mr. Simpson, the bill was deferred until tomorrow.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: SB 159, 5 on merits; SB 149, 5 on merits.

On motion of Mr. McCullough, SB 144 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 144—An Act to Amend Title 9, Delaware Code by Increasing the Salary of the Coroner of New Castle County and Setting the Salary of the Chief Deputy Coroner of New Castle County.

Mr. McCullough introduced SA 1 to SB 144 and moved for its adoption.

Mr. Simpson moved for deferment.

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, Snowden, Spicer, Wilgus—6.

NAYS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

ABSENT: Johnson—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, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Johnson—1.

So the question was decided in the affirmative.

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

On motion of Mr. Steen, SB 161 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 161—An Act to Repeal Section 501, Title 27, Delaware Code, Relating to Limitations Upon County Support of Sabbath Schools.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **HB 90**, 4 favorably, 1 on merits.

On motion of Mr. Hoey, **SB 70** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 70—An Act to Amend the Charter of the City of Milford, Chapter 162, Volume 37, Laws of Delaware, as Amended Concerning the Time for Appointment of Officers by the City Council and Salary Increases Based on Merit.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Hoey, **SB 83** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 83—An Act to Amend Chapter 186, Volume 23, Laws of Delaware, Entitled "An Act to Incorporate the Town of Ellendale", to Provide for Payment of Salaries to All of the Town Commissioners.

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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: duPont, Johnson, Manning—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. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 10 2** favorably, 3 on merits.

On motion of Mr. McCullough, **SB 144** as amended was taken up for consideration and read a second time by title in order to pass the Senate:

SB 144 with SA 1—An Act to Amend Title 9, Delaware Code by Increasing the Salary of the Coroner of New Castle County and Setting the Salary of the Chief Deputy Coroner 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, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

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, the Senate adjourned at 6:30 P. M. until Thursday, May 18, 1961, at 1:00 P. M.

43RD LEGISLATIVE DAY

May 18, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, May 18, 1961. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

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

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

The Chair declared a recess for lack of a quorum at 1:32 P. M. The Senate met at the expiration of the recess at 3:40 P. M. Lieutenant-Governor Lamnot presiding.

Messrs. Simpson, Tull, Wilgus and Reilly asked to be marked present.

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

SB 166—An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations. (By Mr. Price to Corporations, Municipal)

Messrs. Cook, Mayhew, McCullough and Watson asked to be marked present.

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

SB 102—An Act Appropriating Money to the Coroner of Kent County for the Sole Purpose of Performing Autopsies 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, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Hoey, Steen—2.

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

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

SR 52—In Reference to Election of Officers.

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

GOVERNOR'S MESSAGE

May 18, 1961

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

On May 15, 1961, I received Senate Bill No. 135 entitled: AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961," BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS FOR THE DEBT SERVICE OF THE STATE OF DELAWARE, BY MAKING TRANSFERS IN CERTAIN ITEMS THEREIN, AND BY MAKING A TRANSFER FROM DEBT SERVICE TO SALARIES AND WAGES OF THE STATE TREASURER.

I have this day signed House Bill No. 135, but in so doing I have disapproved and deleted the following portions of this Bill:

1. The following words beginning in line 3: "the sum of \$403,192.50 from DEBT SERVICE, Interest-State Bonds to: DEBT SERVICE, Redemptions-State Bonds, Bonds Issued and"

2. The following words beginning in line 7: "and the sum of \$217,807.50 from DEBT SERVICE, redemption-State Bonds, Authorized, Unissued to DEBT SERVICE, Redemptions-State Bonds, Bonds Issued"

The authority for this action is found in Section 18, Article III of the Constitution of the State of Delaware.

The reason for my disapproval of these portions is that the situation suggesting the need for this appropriation has been corrected without legislative action. To make this appro-

priation at this time would make it necessary to have further legislation before the end of the fiscal year to appropriate funds back into the accounts decreased.

Senate Bill No. 135 is available in this office to the Senate of the 121st General Assembly at any time you should require it.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

HB 98—An Act to Amend Section 2707, Title 21, Delaware Code, Relating to Requirements for School Bus Drivers and Public Passenger Carrying Vehicles. (To Revised Statutes)

HS 1 for HB 198—An Act to Amend Section 9103, Title 10, Delaware Code of 1953, Relating to Justices of the Peace in Kent County. (To Judiciary)

HB 148—An Act Amending the Charter of New Castle Providing for the Appointment of Inspectors of Election by the Mayor, Increasing the Pay Election Officers and Replacing the Word "Assessor" with the Words "City Clerk" in Certain Sections. (To Corporations, Municipal)

HB 34—An Act Appropriating Money for the Observance of Memorial Day in Honor of the Grand Army of the Republic. (To Finance)

HB 248—An Act to Amend Chapter 9, Title 4, Delaware Code, to Provide a Penalty for the Possession or Consumption of Alcoholic Liquor by a Minor. (To Temperance)

HB 214—An Act Making a Supplementary Appropriation to the Medical Council of Delaware for Salaries, Association Dues and Office Expenses. (To Finance)

On motion of Mr. Simpson, **SB 13** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 13—An Act to Amend Title 7, Delaware Code, Entitled "Conservation," for a Water Resources Commission, Define Its Powers and Duties, Provide for Hearings and Appeals, Provide Penalties and Appropriate Funds.

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, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Hoey, Steen—2.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **SB 129**, 2 favorably, 3 on merits.

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

SB 167—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961," Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Debt Service by Making Certain Transfers to Pensions and Social Security. (By Mr. Mayhew, to Finance)

SB 168—An Act to Amend Section 8705 and Section 8706, Title 10, Delaware Code, Relating to Fees and Costs of the Prothonotary. (By Mr. Cook, Mrs. Manning, Messrs. Reilly and Steen, to Miscellaneous)

SB 169—An Act to Amend Section 8732, Title 9, Delaware Code, Relating to Fees and Costs to be Charged in New Castle County for Collection of Delinquent Taxes. (By Mr. Cook, Mrs. Manning, Messrs. Reilly and Steen, to Miscellaneous)

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

SCR 20—Providing for Temporary Adjournment of the Senate and the House of Representatives of the 121st General Assembly of the State of Delaware Until Monday, June 5, 1961.

Mr. Hoey asked to be marked present.

On motion of Mrs. Manning, **SB 158** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 158—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Pension of Surviving Spouse of State Employee.

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, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

NAYS: None.

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

On motion of Mr. Cook, SB 48 was again taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. Cook moved the adoption of SA 1 to SB 48. Motion prevailed.

Mr. Reilly introduced SA 2 to SB 48 and moved for its adoption. Motion prevailed.

Mr. McCullough introduced SA 3 to SB 48 and moved for its adoption.

On motion of Mr. McCullough, SA 3 was tabled.

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, Mayhew, McCullough, Price, Tull, Mr. President Pro Tem Reilly.

NAYS: duPont, Manning, Simpson.

NOT VOTING: Hoey, Johnson, Snowden, Spicer, Watson, Wilgus.

ABSENT: Steen.

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

On motion of Mr. Mayhew, SB 159 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 159—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, 1960", Being Chapter 57, Volume 52, Laws of Delaware, and An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, by Making Certain Transfers Therein.

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

YEAS: Cook, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Donovan, duPont, Hoey, Snowden, Steen—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 59 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. McCullough introduced SS 1 for SB 59 and on his further motion the substitute was adopted in lieu of the original.

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

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

NAYS: None.

ABSENT: Donovan, Hoey, Snowden, Steen—4.

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

Mr. Price, Chairman of the Municipal Corporations Committee, reported the following bills from committee: **SB 162**, 1 favorably, 3 on merits; **SB 97**, 1 favorably, 4 on merits; **SB 165**, 5 on merits.

On motion of Mrs. Manning, SB 114 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 114—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Maple Valley Club, Inc., from Assessment and Taxation.

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, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Simpson—1.

ABSENT: Donovan, Hoey, Snowden, Steen—4.

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

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

SB 170—An Act to Repeal Section 8711, Title 10, Delaware Code, Relating to Fees and Costs of the Crier. (By Mr. Cook, Mrs. Manning, Messrs. Reilly and Steen, to Miscellaneous)

SB 171—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, Camden, Delaware, from Assessment and Taxation. (By Mr. Simpson, to Corporations, Municipal)

On Motion of Mr. Cook, the Senate adjourned at 5:25 P. M. until Monday, June 5, 1961, at 1:00 P. M.

44TH LEGISLATIVE DAY

June 5, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, June 5, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Donovan, duPont, Hoey, Johnson, Manning, Price, Snowden, Spicer—8.

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

The Chair declared a recess for lack of a quorum. The Senate met at 4:00 P. M. President Pro Tem Reilly presiding. Upon the call of the roll the following additional members were present: Messrs. Cook, Simpson, Steen, Tull, Watson and President Pro Tem Reilly. There being a quorum, 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 172—An Act to Authorize the Establishment of an Emergency Seat of Government for the State and to Authorize the Exercise of Governmental Powers and Functions Thereat During Periods of Emergency and to Authorize Political Subdivisions of the State to Establish Locations for Their Seat of Government and to Exercise Governmental Powers and Functions Thereat. (By Mr. Price, to Corporations, Municipal)

SB 173—An Act to Provide for Interim Judicial Succession. (By Mr. Price, to Judiciary)

SB 174—An Act to Provide for Emergency Interim Succession for the Members of the General Assembly. (By Mr. Price, to Revised Statutes)

On motion of Mr. Steen, **SB 152** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 152—An Act to Amend Title 16, Delaware Code, Relating to Mental Health.

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, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Donovan, Hoey, Johnson, Mayhew, 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 to the House for concurrence.

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

HB 141—An Act to Amend Chapter 21 and Chapter 29 Relating to Insurance Agents and Brokers and Suretyship. (To Banking and Insurance)

HB 246 with **HA 1**—An Act Directing the State Treasurer and State Auditor to Pay Elmer Dickerson for Services Rendered as a Member of the Department of Elections for Sussex County. (To Elections)

HB 257—An Act to Amend Chapter 13, Volume 51, Laws of Delaware, Entitled "An Act to Authorize the Levy Court of New Castle County to Plan, Construct, Equip, and Furnish an Addition to the Present County Building for New Castle County and to Issue Bonds to Finance the Cost Thereof", in Relation to the Letting of Contracts for the Construction of Such Addition. (To Corporations, Private)

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

SB 175—An Act Creating the State of Delaware Industrial Building Corporation. (By Mr. Cook, to Revised Statutes)

SB 176—An Act to Amend Title 10, 9107, Delaware Code, Relating to Records of Justices of the Peace. (By Mr. Steen, to Judiciary)

SB 177—An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County. (By Mr. Steen, to Corporations, Municipal)

Mr. Steen, Chairman of the Public Health Committee, reported the following bills from committee: **HB 129**, 2 favorably, 2 on merits; **HB 130**, 2 favorably, 2 on merits.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 166**, 1 favorably, 3 on merits.

Mr. McCullough, Chairman of the Education Committee, reported the following bills from committee: **SB 44**, 2 favorably, 2 on merits; **SB 164**, 3 favorably, 1 on merits; **SB 119**, 4 favorably; **SB 77**, 2 favorably, 2 on merits.

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

SB 178—An Act Making an Appropriation to the State Board of Agriculture for the Payment of Veterinarians' Fees for Tuberculosis and Brucellosis Testing and Brucellosis Vaccinations and for Payment of Brucellosis and Tuberculosis Indemnities. (By Mr. Price, to Agriculture)

SB 179—An Act Amending Chapter 1, Title 3, Delaware Code, Entitled "State Board of Agriculture" Relating to the Compensation of the Board. (By Mr. Price, to Agriculture)

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 177**, 3 on merits.

Mrs. Manning introduced **SA 1** to **HS 1** for **HB 42**, which was given first reading and referred to the Miscellaneous Committee.

On motion of Mr. Steen, the Senate recessed at call of the Chair at 4:30 P. M. The Senate met at the expiration of the recess at 4:45 P. M. President Pro Tem Reilly presiding.

Messrs. Steen and Reilly, Chairmen of the Miscellaneous and Corporations, Private, Committees, reported the following bills from committees: **HB 257**, 4 favorably, 1 on merits; **HS 1** for **HB 42**, 4 favorably, 1 on merits.

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

SB 180—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Mosquito Control Division, by Making Certain Transfers Therein. (By Mr. Hoey, to Finance)

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HS 1** for **HB 14**, 2 favorably, 3 on merits.

Messrs. Mayhew and McCullough asked to be marked present.

On motion of Mr. Steen, **SB 162** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 162—An Act to Amend Chapter 227, 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 of Lewes the Authority to Construct, Operate, and Regulate a Sewerage Disposal Plant and an Improved Sewerage System and Authorizing the Commissioners of

Lewes to Issue Bonds to Finance the Project" so as to Increase the Amount of Bonds Which May be Issued by the Commissioners of Lewes 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, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Tull, 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 to the House for concurrence.

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

GOVERNOR'S MESSAGE

June 5, 1961

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

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

N. Maxson Terry, Democrat, 36 The Green, Dover, Delaware, to be Chairman of the State Highway Department, serving at the pleasure of the Governor, effective June 5, 1961.

Thurman G. Adams, Jr., Democrat, Bridgeville, Delaware, to be a member of the State Highway Commission for a term of three years, effective June 5, 1961.

Harry Bonk, Independent, 214 Munson Street, Rehoboth, Delaware, to be a member of the State Highway Commission for a term of two years, effective June 5, 1961.

Anthony B. Carroll, Jr., Republican, Roosevelt Avenue, Dover, Delaware, to be a member of the State Highway Commission for a term of two years, effective June 5, 1961.

Lemuel H. Hickman, Democrat, Frankford, Delaware, to be a member of the State Highway Commission for a term of three years, effective June 5, 1961.

William J. Hopkins, Jr., Republican, 158 Lakeside Drive, Laurel, Delaware, to be a member of the State Highway Commission for a term of two years, effective June 5, 1961.

Frank H. Mackie, Jr., Republican, 1103 duPont Road, Wilmington 6, Delaware, to be a member of the State Highway Commission for a term of one year, effective June 5, 1961.

Albert S. Moor, Democrat, Odessa, Delaware, to be a member of the State Highway Commission for a term of three years, effective June 5, 1961.

Elmer Pratt, Democrat, Smyrna, Delaware, to be a member of the State Highway Commission for a term of three years, effective June 5, 1961.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Donovan, **HB 33** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 33—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Imperial Drive Civic Association 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: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—15.

NAYS: None.

NOT VOTING: Cook—1.

ABSENT: Wilgus—1.

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

On motion of Mr. Steen, Rule 9 was suspended in order to consider **HS 1** for **HB 14**.

On motion of Mr. Steen, **HS 1** for **HB 14** 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 14**—An Act Amending Section 1602, Title 10, Delaware Code, Relating to the Salary of the Judge 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, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Wilgus—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 introduced the following concurrent resolution, which on further motion by him, was deferred:

SCR 22—Providing for Payment to Members of the Joint Finance Committee for Services Rendered When the General Assembly Is Not In Session.

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

SB 181—An Act to Amend Chapter 31, Title 15 of the Delaware Code, Relating to Primary Elections. (By Mr. Watson, co-sponsored by Messrs. Donovan, Hoey, Snowden, and Mrs. Manning, to Elections)

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

SB 97—An Act to Appropriate Money to the Roxana 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, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Wilgus—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 5:20 P. M. until Tuesday, June 6, 1961, at 1:00 P. M.

45TH LEGISLATIVE DAY

June 6, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, June 6, 1961. Lieutenant-Governor Lamnot presiding:

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Donovan, Johnson, Price, Spicer, Wilgus, Mr. President Pro Tem Reilly—6.

Members absent: Cook, duPont, Hoey, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Tull, Watson—11.

For lack of a quorum, the Senate was recessed at call of the Chair. The Senate met at 4:00 P. M. and the Secretary called the roll of the absent Senators. The following were present: Cook, duPont, Hoey, Manning, McCullough, Snowden, Steen.

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 message was received from the Governor and read to the Senate:

GOVERNOR'S MESSAGE

June 5, 1961

The Honorable Eugene Lammot, President of the State Senate
Legislative Hall, Dover, Delaware

Dear President Lammot:

Senate Bill No. 132 was passed by both the Senate and the House and was received in this office on the 17th day of May 1961. In accordance with Article 3, Section 18 of the Constitution of the State of Delaware, if a bill shall not be returned by the Governor to the Legislature within 10 days after its presentment, it shall become law without the Governor's signature; unless the General Assembly shall be adjourned, thus preventing its return, in which case it shall not become law without the approval of the Governor.

The 10 days deadline for action by the Governor on Senate Bill No. 132 expired on May 29, a day the General Assembly was in adjournment. Since the General Assembly was in adjournment on May 29 and I did not sign the bill, it did not become law. My objections to Senate Bill No. 132 are not based on the merits of the bill, but only to an obvious error in the language of the bill. The words "the Director" appear in Section 1174 (b). The Juvenile Courts for Kent and Sussex Counties do not have a Director.

Senate Bill No. 132 is practically a verbatim copy of Senate Bill No. 131. Senate Bill No. 131 deals with the Family Court of New Castle County which does have a Director. Senate Bill No. 131 has received my approval, and if Senate Bill No. 132 is redrafted, I shall have no objection to approving it.

I have called this to Mr. Hartnett's attention, and he is preparing a corrected bill for reintroduction.

Yours truly,

ELBERT N. CARVEL, Governor

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

HB 255—An Act to Amend Chapter 230, Volume 51, Laws of Delaware, Relating to the Charter of the City of Wilmington and the Office of the City Solicitor for the City of Wilmington. (Corporations, Municipal)

HB 254—An Act to Amend Chapter 269, Volume 52, Laws of Delaware, Entitled "An Act to Authorize the Mayor and Council of Wilmington to Adopt an Ordinance Merging the Wilmington Planning Commission and Wilmington Zoning Commission, and the Functions of These Commissions, Into

a Single Entity to be Known as the Wilmington Commission on Zoning and Planning and Establishing Membership Thereof" Relating to the Number and Length of Terms of the Members of the Wilmington Commission on Zoning and Planning. (To Corporations, Municipal)

HB 229—An Act to Amend Title 13, Delaware Code, Relating to Expiration of Marriage Licenses. (To Judiciary)

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

HB 70—An Act to Transfer Funds Appropriated to the State Board of Education Under Chapter 299, Volume 52, Laws of Delaware, Relating to Title 111 of the National Defense Education Act Concerning Science, Mathematics, and Foreign Language. (To Education)

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. (To Revised Statutes)

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

HCR 23—Inviting Members of Boys' and Girls' State to be the Guests of the 121st General Assembly.

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

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

SB 183—An Act to Amend Chapter 3, Title 14, Delaware Code, Entitled "Education" Relating to Number and Qualifications of School Board Members; Term of Office and Number of School Board Members Elected Each Year; Quorum and Procedures of Members. (By Mrs. Manning, to Education)

SB 184—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, by Transferring Monies from the Health Items in Division I to Division II—Other Costs in Newport School District No. 106. (By Mrs. Manning, to Education.)

Mr. Simpson asked to be marked present.

Mr. Tull asked to be marked present.

On motion of Mr. Hoey, **SB 165** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 165—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Gov-

ernment for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Industrial Accident Board, by Making Certain Transfers Therein.

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

YEAS: Donovan, duPont, Hoey, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Cook—1.

ABSENT: Mayhew, Watson—2.

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

On motion of Mr. Hoey, **SB 149** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 149—An Act Authorizing the State of Delaware to Borrow One Million Five Hundred Thousand Dollars (\$1,500,000.00) and Issue Bonds and Notes Therefore for Use by the State Soil Conservation Commission to Participate in the Construction and Maintenance of Structural Measures in Watersheds Which are Now or May be Established in the State of Delaware Pursuant to the Provisions of the Act of the Congress of the United States Known as the "Watershed Protection and Flood Prevention Act".

Mr. Hoey moved that the privilege of the floor be extended to Mr. Talbert to explain **SB 149**. Motion prevailed.

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

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

SB 185—An Act to Appropriate Funds to the State Highway Department. (By Mr. Cook, to Buildings and Highways)

SB 186—An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Contracts for Public Improvements. (By Mr. Cook, to Buildings and Highways)

Messrs. Hoey and McCullough, Chairmen of the Finance and Education Committees, reported the following bills from committees: **SB 180**, 2 favorably, 3 on merits; **SB 184**, 3 favorably, 1 on merits; **HB 149**, 4 on merits; **HB 70**, 3 favorably, 1 on merits.

Messrs. Price and Tull, Chairmen of the Corporations, Municipal, and Agriculture Committees, reported the following bills from committees: **SB 172**, 3 favorably, 1 on merits; **SB 171**, 1 favorably, 1 on merits, 2 unfavorably; **SB 178**, 4 favorably, 1 unfavorably; **SB 179**, 4 favorably, 1 on merits.

On motion of Mr. McCullough, **SB 119** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 119—An Act to Amend Chapter 7, Title 14, Delaware Code, Relating to School Districts, General and Administrative Provision.

Mr. McCullough introduced **SA 1** to **SB 119** and on his further motion it 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: Donovan, duPont, Hoey, Johnson, Manning, McCullough, Price, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Cook, Simpson—2.

ABSENT: Mayhew, Tull, 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. Hoey and Price, Chairmen of the Finance and Buildings and Highways Committees, reported the following bills from committees: **HB 23**, 3 on merits; **SB 185**, 4 favorably, 1 on merits; **SB 186**, 5 favorably.

On motion of Mr. McCullough, Rule 9 was suspended in order to consider **HB 70**.

On motion of Mr. McCullough, **HB 70** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 70—An Act to Transfer Funds Appropriated to the State Board of Education Under Chapter 299, Volume 52, Laws of Delaware, Relating to Title 111 of the National Defense Education Act Concerning Science, Mathematics, and Foreign Languages.

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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: Cook—1.

ABSENT: Mayhew, Tull, Watson—3.

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

On motion of Mr. Snowden, **SB 12** was lifted from the table:

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

Mr. Snowden moved that the roll call be rescinded. Motion prevailed.

Mr. Reilly introduced SS 1 for SB 12 and moved for its adoption in lieu of the original. 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, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Hoey, Mayhew, 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, HB 257 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 257—An Act to Amend Chapter 13, Volume 51, Laws of Delaware, Entitled "An Act to Authorize the Levy Court of New Castle County to Plan, Construct, Equip, and Furnish an Addition to the Present County Building for New Castle County and to Issue Bonds to Finance the Cost Thereof", in Relation to the Letting of Contracts for the Construction of Such Addition.

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—12.

NAYS: None.

NOT VOTING: McCullough—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 returned to the House.

On motion of Mr. Reilly, the Senate adjourned at 5:55 P. M. until Wednesday, June 7, 1961, at 1:00 P. M.

46TH LEGISLATIVE DAY

June 7, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, June 7, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

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

Members absent: Cook, Johnson, Mayhew, McCullough—

4.

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

Communications: From Department of Welfare advising that a cut in payments for aged assistance was necessary for lack of funds.

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

SR 53—In Reference to Election of Officers.

Messrs. Steen and Snowden introduced **SCR 23**, which on further motion by Mr. Steen was adopted by the Senate and ordered to the House for concurrence:

SCR 23—Relative to the Death of Lieutenant Colonel David F. McCallister.

WHEREAS, the Members of the 121st General Assembly of the State of Delaware have learned with regret of the passing of Lieutenant Colonel David F. McCallister, Commanding Officer of the 142nd Tactical Fighter Squadron, Delaware Air National Guard, and

WHEREAS, Lieutenant Colonel McCallister served this State and his country faithfully and well during his service with the Delaware Air National Guard and during World War II and the Korean War, and

WHEREAS, the members of the General Assembly desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware; NOW, THEREFORE

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of Lieutenant Colonel David McCallister, a prominent figure in his community and his country; and

BE IT FURTHER RESOLVED, that the family of the deceased has the 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 of the House of Representatives of the 121st General Assembly of the State of Delaware.

On motion of Mrs. Manning, with the consent of Mr. Hoey, **HB 23** 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 23 with HA 1—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, Hoey, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Cook, Donovan—2.

ABSENT: Johnson, Mayhew, 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.

On motion of Mr. Cook, **SB 185** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 185—An Act to Appropriate Funds to the State Highway Department.

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

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 3:00 P. M. The Senate met at the expiration of the recess at 5:45 P. M. President Pro Tem Reilly presiding.

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

HB 276—An Act to Amend Title 15, Delaware Code Entitled "Elections" by Providing for Payment for Voting Machines. (To Elections)

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

SR 54—In Reference to Election of Officers.

Mr. Watson, Chairman of the Committee on Elections, reported the following bills from committee: **HB 246**, 2 favorably, 2 on merits; **SB 168**, 1 favorably, 2 on merits; **SB 181**, 2 favorably, 3 on merits; **SB 174**, 1 favorably, 4 on merits; **HB 276**, 2 favorably, 2 on merits.

On motion of Mr. Spicer, with consent of Mr. Hoey, **HB 149** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 149—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to appropriations to the Lewes Memorial Commission, by Making Transfers in Certain Appropriation Items Therein.

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

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

NAYS: None.

ABSENT: Hoey, Johnson, Mayhew, McCullough—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.

Messrs. Spicer, duPont, Steen and Wilgus introduced the following resolution which on further motion, was adopted:

SR 55—Expressing the Sympathy of the Senate of the Illness of Former Senator Harold W. T. Purnell.

WHEREAS, the Senate of the 121st General Assembly has learned with regret of the illness of Harold W. T. Purnell, a former member of the Senate, a former member of the State Board of Welfare, and a civic leader, and

WHEREAS, the members of the Senate desire to express and extend their regret and sympathy to former Senator Harold W. T. Purnell,

NOW THEREFORE

BE IT RESOVED, 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 former Senator Harold W. T. Purnell.

On motion of Mr. Steen, the Senate adjourned at 6:00 P. M. until Thursday, June 8, 1961, at 1:00 P. M.

47TH LEGISLATIVE DAY

June 8, 1961

The Senate met pursuant to adjournment at 2:00 P. M. on Thursday, June 8, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Cook, Donovan, duPont, Johnson, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Mr. President Pro Tem Reilly—13.

Members absent: Hoey, Manning, Mayhew, Wilgus—4.

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

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

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

SB 178—An Act Making an Appropriation to the State Board of Agriculture for the Payment of Veterinarians' Fees for Tuberculosis and Brucellosis Testings and Brucellosis Vaccinations and for Payment of Brucellosis and Tuberculosis Indemnities.

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

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

NAYS: None.

ABSENT: Hoey, 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 to the House for concurrence.

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

HCR 24—Relative to the Death of Lieutenant Colonel David F. McCallister.

The Chair appointed Mr. Cook, Mrs. Manning and Mr. McCullough in compliance with **HCR 24**.

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

SR 56—In Reference to Election of Officers.

On motion of Mrs. Manning, **SB 184** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 184—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, by Transferring Monies from the Health Items in Division I to Division II—Other Costs in Newport School District No. 106.

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

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

NAYS: None.

ABSENT: Hoey, 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 to the House for concurrence.

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

SB 187—An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to the Board of Post-Mortem Examiners. (By Mr. Reilly, to Public Health)

SB 188—An Act to Amend Section 2706, Title 21, Delaware Code, Relating to License Qualifications. (By Mr. Watson, to Judiciary)

SB 189—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Adding a New Section Thereto Concerning the Kent and Sussex County Fair. (By Mr. Mayhew, to Miscellaneous)

SB 190—An Act to Amend Chapter 11, Title 10, Delaware Code, Known as the Juvenile Court Act for Kent and Sussex Counties by Clarifying the Power of the Court Relating to the Custodial Care of a Child Pending Final Determination, and in the Matter of Examinations and Treatment. (By Mr. Mayhew, to Judiciary)

Messrs. Hoey and Wilgus asked to be marked present.

On motion of Mr. Donovan, **HS 1** for **HB 42** 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 42**—An Act to Amend Chapter 134, Volume 52, Laws of Delaware, also Known as Chapter 6, Title 14, Delaware Code, Relating to Tuition Charges and Providing an Exception Thereto.

Mrs. Manning moved for the adoption of **SA 1** to **HS 1** for **HB 42**. Motion prevailed.

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

NAYS: None.

ABSENT: Cook—1.

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

On motion of Mr. McCullough, **SB 44** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. McCullough introduced SS 1 for SB 44 and moved for its adoption in lieu of the original.

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

YEAS: Donovan, Hoey, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—8.

NAYS: duPont—1.

NOT VOTING: Manning, Mayhew, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Cook, Johnson—2.

So the question was decided in the negative.

Mr. McCullough moved that the bill be recommitted to committee. Motion prevailed.

Mr. Simpson moved that SS 1 for SB 44 be referred back to committee with the bill.

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

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

NAYS: McCullough, Steen—2.

NOT VOTING: Cook, Donovan, Watson—3.

So the question was decided in the affirmative.

On motion of Mr. Cook, SB 185 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 185—An Act to Appropriate Funds to the State Highway Department.

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, Watson, Mr. President Pro Tem Reilly—11.

NAYS: Manning, Wilgus—2.

NOT VOTING: Snowden, Spicer—2.

ABSENT: duPont, 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.

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

SS 1 for SB 11—An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation by Providing for Coverage for Employees of the State of Delaware, and by Providing a Method Whereby Political Subdivision of the State May Elect Coverage for Their Employees. (By Mr. Watson, to Labor)

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

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 motion of Mr. Steen, the Senate recessed upon call of the Chair at 2:45 P. M. The Senate met at the expiration of the recess at 4:45 P. M. President Pro Tem Reilly presiding.

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

GOVERNOR'S MESSAGE

June 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:

Kathryn A. Downes, 1601 Miller's Road, Ardentown, Wilmington 3, Delaware, to be a Justice of the Peace for the State of Delaware in and for New Castle County, for a term of four years, to expire on June 8, 1965, replacing Sara E. Pennington.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. McCullough, **SB 120** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 120—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: Donovan, duPont, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Cook, 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 to the House for concurrence.

On motion of Mr. Steen, the Senate resolved into Executive Session at 5:45 P. M. The Senate resolved into regular session at 5:50 P. M.

On motion of Mr. Steen, the Senate adjourned at 5:50 P. M. until Monday, June 12, 1961, at 1:00 P. M.

48TH LEGISLATIVE DAY

June 12, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, June 12, 1961. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

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

Members absent: duPont, Johnson, Manning, McCullough, Snowden, Tull, Watson, Wilgus—8.

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

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 1:40 P. M. The Senate met at the expiration of the recess at 3:05 P. M. Lieutenant-Governor Lamnot presiding.

Mrs. Manning, Messrs. duPont, McCullough, Snowden and Wilgus asked to be marked present.

Messrs. Price, Hoey and Mayhew, Chairmen of the Temperance and Finance Committees, reported the following bills from committees: **HB 248**, 5 favorably; **SB 167**, 1 favorably, 4 on merits; **SB 173**, 1 favorably, 3 on merits.

Mr. Tull asked to be marked present.

On motion of Mr. Price, **SB 53** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

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

Mr. Price moved that the privilege of the floor be extended to Mr. Canby to explain **SB 53**. Motion prevailed.

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

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

NAYS: None.

ABSENT: Johnson, Steen, Watson—3.

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

Mr. Watson asked to be marked present.

On motion of Mr. Price, **SB 166** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 166—An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations.

Mr. Price introduced **SA 1** to **SB 166** and moved for its adoption. Motion prevailed.

Mr. Price moved that the privilege of the floor be extended to Mr. Canby to explain **SB 166**. Motion prevailed.

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

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

NAYS: None.

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 to the House for concurrence.

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

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. (By Mrs. Manning and Mr. Price, to Judiciary)

On motion of Mr. Hoey, **SB 180** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate.

SB 180—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Mosquito Control Division, by Making Certain Transfers Therein.

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

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

NAYS: None.

NOT VOTING: duPont—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 to the House for concurrence.

On motion of Mr. Hoey, **SB 149** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 149—An Act Authorizing the State of Delaware to Borrow One Million Five Hundred Thousand Dollars (\$1,500,000.00) and Issue Bonds and Notes Therefore for Use by the State Soil Conservation Commission to Participate in the Construction and Maintenance of Structural Measures in Watersheds, Which are Now or May be Established in the State of Delaware Pursuant to the Provisions of the Act of the Congress of the United States Known as the "Watershed Protection and Flood Prevention Act".

Mr. duPont moved that **SB 149** be deferred.

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, Snowden, Spicer, Wilgus—6.

NAYS: Cook, Donovan, Hoey, Mayhew, Price, Tull, Watson, Mr. President Pro Tem Reilly—8.

ABSENT: Johnson, McCullough, Steen—3.

So the question was decided in the negative.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

NAYS: duPont, Manning, Simpson, Snowden.

ABSENT: Johnson, Steen.

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

On motion of Mr. Watson, **HB 276** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 276—An Act to Amend Title 15, Delaware Code, Entitled "Elections" by Providing for Payment for Voting Machines.

Mr. Cook moved that **HB 276** be deferred. Motion prevailed.

On motion of Mr. Cook, **SB 24** with **SA 1** and **HA 1**, was taken up for consideration and read by title in order to pass the Senate:

SB 24 with **SA 1** and **HA 1**—An Act to Appropriate Funds to the Joint Veterans Claims Committee to Pay Certain Claims of Veterans of World War II and Korean Conflict Which are Barred by the Lapse of Time.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

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

GOVERNOR'S MESSAGE

June 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:

Richard B. Hardesty, 507 Hickory Lane, Seaford, Delaware, to be a Justice of the Peace for the State of Delaware in and for Sussex County, for a term of four years, to expire on June 12, 1965, replacing William J. Warren.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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 4:40 P. M. Lieutenant-Governor Lamnot presiding.

Messrs. Mayhew, Watson and Price, Chairmen of the Judiciary, Miscellaneous, Elections, Revised Statutes and Corporations, Municipal, Committees, reported the following bills from committees: **SB 190**, 4 favorably, 1 on merits; **SB 156**, 3 favorably, 2 on merits; **SB 189**, 2 favorably, 2 on merits; **HB 232**, 3 favorably, 2 on merits; **HB 98**, 4 favorably, 1 on merits; **HB 254**, 5 on merits; **HB 255**, 5 on merits.

Mr. Cook introduced **SS 1** for **SB 48** with title same as the original, which on further motion by him was adopted in lieu thereof:

SS 1 for **SB 48**—An Act Authorizing the State Highway Department to Construct, Maintain, Repair, Improve and Operate Self-Liquidating Express Highway from a Point in the Vicinity of the Westerly Approach of the Delaware Memorial Bridge to Points at or Near the Pennsylvania and Maryland State Lines to be Known as the "Delaware Turnpike"; Establishing the Status, Powers, Duties and Authority of

the Department With Respect to Such Express Highways: Providing for the Financing of Such Highways by Revenue Bonds and Providing for a Turnpike Division of the State Highway Department.

On motion of Mr. duPont, **SB 21** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

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

NAYS: None.

ABSENT: Johnson, McCullough—2.

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

On motion of Mr. duPont, **SB 22** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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: None.

ABSENT: Johnson, 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.

On motion of Mr. Price, **SB 179** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 179—An Act Amending Chapter 1, Title 3, Delaware Code, Entitled "State Board of Agriculture" Relating to the Compensation of the Board.

On motion of Mr. Price the bill was deferred.

On motion of Mr. Watson, **SB 10** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

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

NAYS: None.

NOT VOTING: duPont—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.

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

SR 57—Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowance 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.

Messrs. Hoey and Mayhew, Chairmen of the Finance and Judiciary Committees, reported the following bills from committees: **SB 192**, 2 favorably, 2 on merits, 1 unfavorably; **SB 122**, 4 on merits.

On motion of Mr. Reilly, **HB 90** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 90—An Act to Create a State Board of Examiners of Barbers, Regulate Barbering and Appropriate Funds.

Mr. Simpson introduced **SA 1** to **HB 90** and moved for its adoption.

Mr. Lammot stepped down from the Chair and Mr. Cook stepped up to preside.

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

YEAS: Donovan, Hoey, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—11.

NAYS: Cook, duPont, Mr. President Pro Tem Reilly—3.

NOT VOTING: Watson—1.

ABSENT: Johnson, McCullough—2.

So the question was decided in the affirmative.

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, Price, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly.

NAYS: Donovan, Hoey, Mayhew, Simpson, Steen, Wilgus.

NOT VOTING: Watson.

ABSENT: Johnson, McCullough.

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

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

GOVERNOR'S MESSAGE

June 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 of the Senate the following:

C. Wardon Gass, Republican, 2715 Duncan Road, Brandywine Springs, Wilmington 8, Delaware, to be a member of the State Highway Commission for a term of one year, effective June 12, 1961.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

SB 192—An Act to Amend Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure" by Restoring Capital Punishment. (By Mr. Spicer, by request, to Judiciary)

SB 193—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Allocation of Funds. (By Mr. Hoey, to Buildings and Highways)

SB 194—An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Allocation of Funds. (By Mr. Hoey, to Finance)

On motion of Mr. Steen, the Senate adjourned at 5:35 P. M. until Tuesday, June 13, 1961, at 1:00 P. M.

49TH LEGISLATIVE DAY

June 13, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, June 13, 1961. Lieutenant-Governor Lammot presiding.

Prayer by the Chaplain, Rev. Robert Sauls.

Members present: Donovan, Mayhew, Price, Simpson, Mr. President Pro Tem Reilly—5.

Members absent: Cook, duPont, Hoey, Johnson, Manning, McCullough, Snowden, Spicer, Steen, Tull, Watson, Wilgus—12.

For lack of a quorum, the Senate recessed upon call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 3:10 P. M. Lieutenant-Governor Lamnot presiding.

Messrs. Cook, duPont, Hoey, Johnson, (Mrs.) Manning, Snowden, Tull, Watson and Wilgus asked to be marked present.

Mr. Reilly moved that the roll call on **HB 90** be lifted from the table.

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

YEAS: Cook, duPont, Johnson, Manning, Price, Simpson, Snowden, Spicer, Tull, Mr. President Pro Tem Reilly—10.

NAYS: Donovan, Hoey, Mayhew, Steen, Wilgus—5.

NOT VOTING: Watson—1.

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 returned to the House for concurrence.

On motion of Mr. Price, **SB 172** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 172—An Act to Authorize the Establishment of an Emergency Seat of Government for the State and to Authorize the Exercise of Governmental Powers and Functions Thereat During Periods of Emergency and to Authorize Political Subdivisions of the State to Establish Locations for Their Seat of Government and to Exercise Governmental Powers and Functions Thereat.

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

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

NAYS: None.

ABSENT: McCullough, Steen—2.

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

On motion of Mr. Price, **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 173—An Act to Provide for Interim Judicial Succession.

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

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

SB 174—An Act to Provide for Emergency Interim Succession for the Members 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, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: McCullough, Steen—2.

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

On motion of Mr. Reilly, **HB 255** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 255—An Act to Amend Chapter 230, Volume 51, Laws of Delaware, Relating to the Charter of the City of Wilmington and the Office of the City Solicitor for the City of Wilmington.

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

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

NAYS: None.

ABSENT: McCullough, Steen—2.

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

Mr. Steen asked to be marked present.

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

HB 254—An Act to Amend Chapter 269, Volume 52, Laws of Delaware, Entitled "An Act to Authorize the Mayor and Council of Wilmington to Adopt an Ordinance Merging the Wilmington Planning Commission and Wilmington Zoning Commission, and the Functions of These Commissions, Into a Single Entity to be Known as the Wilmington Commission on Zoning and Planning and Establishing Membership Thereof" Relating to the Number and Length of Terms of the Members of the Wilmington Commission on Zoning and Planning.

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

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

NAYS: None.

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 returned to the House.

On motion of Mr. Watson, **HB 276** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 276—An Act to Amend Title 15, Delaware Code Entitled "Elections" by Providing for Payment for Voting Machines.

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, Steen, Watson—5.

NAYS: Cook, duPont, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—11.

ABSENT: McCullough—1.

So the question was decided in the negative and the bill was lost.

On motion of Mr. Watson, **HB 232** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 232—An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Elections by Extending Residence Requirements to Allow Certain Voters Recently Moving Within the State or Election Districts Thereof to Vote.

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

On motion of Mr. Watson, **HB 98** 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 98—An Act to Amend Section 2707, Title 21, Delaware Code, Relating to Requirements for School Bus Drivers and Public Passenger Carrying Vehicles.

Mr. Watson moved that the privilege of the floor be extended to Mr. Blendt to explain **HB 98**. 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, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: Donovan, McCullough, Steen—3.

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

On motion of Mr. Watson, **HB 232** was again taken up for consideration and read a second time by title in order to pass the Senate:

HB 232—An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware, Relating to Elections by Extending Residence Requirements to Allow Certain Voters Recently Moving Within the State or Election Districts Thereof to Vote.

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

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

NAYS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Spicer, Tull, Wilgus—13.

ABSENT: McCullough—1.

So the question was decided in the negative and the bill was lost.

Mr. Watson moved that the roll call on **HB 232** be tabled.

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

YEAS: Mr. President Pro Tem Reilly—1.

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

ABSENT: Hoey, McCullough—2.

So the motion was lost.

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

HB 272—An Act to Amend Chapter 11, Title 13, Delaware Code, Relating to Termination of Parental Rights. (To Corporations, Private)

HB 266—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Superior Court, by Making Transfers in Certain Appropriation Items Therein. (To Finance)

HB 277—An Act to Authorize the Gunning Bedford, Jr. School District to Sell Certain Land. (To Education)

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

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 Tax-

ation 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 and Mr. Snowden, to Revised Statutes)

SB 196—An Act to Appropriate Funds to The Youth Services Commission of the State of Delaware for the Construction of a Maximum Security Unit. (By Messrs. Snowden and Tull, to Finance)

Messrs. Reilly, Johnson and Tull, Chairmen of the Corporations, Private, Banking and Insurance and Agriculture Committees, reported the following bills from committees: **HB 272**, 3 favorably, 2 on merits; **HB 141**, 3 favorably, 1 on merits; **HB 186**, 4 favorably, 1 unfavorably.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 4:30 P. M. The Senate met at the expiration of the recess at 5:15 P. M. Lieutenant-Governor Lamnot presiding.

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

SB 197—An Act Making a Supplementary Appropriation to the Louis L. Redding Comprehensive School for the Fiscal Year Ending June 30, 1961. (By Messrs. Watson and Johnson, to Finance)

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. (By Mr. Reilly and Mrs. Manning, to Revised Statutes)

SB 199—An Act to Amend Section 8123, Title 10, Delaware Code, Relating to Notice of Claim Against City of Wilmington. (By Mr. Reilly, to Claims)

On motion of Mr. Simpson, **SB 171** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 171—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Fruitland Grange, No. 16, Camden, Delaware, 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, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

NOT VOTING: Spicer—1.

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. Tull, the Senate resolved into Executive Session at 5:35 P. M. The Senate resolved into regular session at 5:50 P. M. Lieutenant-Governor Lammot presiding.

On motion of Mr. Mayhew, SB 189 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 189—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Adding a New Section Thereto Concerning the Kent and Sussex County Fair.

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

Messrs. Hoey and Johnson, Chairmen of the Finance, Revised Statutes and Banking and Insurance Committees, reported the following bills from committees: **SB 73**, 1 favorably, 4 on merits; **SB 108**, 5 on merits; **HB 179**, 3 favorably, 1 on merits.

On motion of Mr. Steen, the Senate adjourned at 5:45 P. M. until Wednesday, June 14, 1961, at 1:00 P. M.

50TH LEGISLATIVE DAY

June 14, 1961

The Senate met pursuant to adjournment at 1:55 P. M. on Wednesday, June 14, 1961. President Pro Tem Reilly presiding.

Prayer by the Chaplain, Rev. Robert Sauls: Five Seconds Silence. Our heavenly Father. Grant Thy blessings upon this Senate session today. Forgive us wherein we have become careless and have strayed from Thee. Help us in our weakness to do Thy will, and give us grace to be strong in the face of the enemy of our soul. Help us not to reduce the principles of truth for the expediency of our day. May Thy blessings and approval be upon our Senators, may directing influence lead them in making decisions for the good of our people. Bless the President of the Senate. And may Thy good grace be upon our Governor. These blessings we ask in the name of our Lord Jesus Christ. Amen.

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

Members absent: Hoey, McCullough, Steen—3.

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

Mr. Hoey asked to be marked present.

On motion of Mr. Mayhew, **SB 190** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 190—An Act to Amend Chapter 11, Title 10, Delaware Code Known as the Juvenile Court Act for Kent and Sussex Counties by Clarifying the Power of the Court Relating to the Custodial Care of a Child Pending Final Determination, and in the Matter of Examinations and Treatment.

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, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Hoey, Manning, McCullough, Steen, Tull—5.

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

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bills from committee: **SB 169**, 1 favorably, 2 on merits; **SB 170**, 1 favorably, 2 on merits.

On motion of Mr. Spicer, **SB 192** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 192—An Act to Amend Title 11, Delaware Code Entitled "Crimes and Criminal Procedure by Restoring Capital Punishment.

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, Simpson, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont, Manning, Snowden—3.

ABSENT: McCullough, Steen—2.

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

NAYS: duPont, Manning, Price, Simpson, Snowden, Spicer, Wilgus, Mr. President Pro Tem Reilly.

ABSENT: McCullough, Steen, Tull.

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

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

HB 288—An Act Making an Appropriation to the University of Delaware for Certain Capital Improvements, and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefore, in the Amount of Four Million Six Hundred Three Thousand Dollars (\$4,603,000). (To Finance)

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 Minquadale Fire Co., Inc., for the Maintenance of a Rescue Squad. (To Finance)

HB 258—An Act to Amend An Act Entitled "An Act Authorizing the State of Delaware to Borrow Money to be Used by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna to be Used to Make Capital Improvements and to Purchase Equipment for the State Welfare Home and to Issue Notes and Bonds Therefore and Appropriating the Money Borrowed to the Said Board", Heretofore Enacted by the 121st General Assembly. (To Public Health)

HB 16—An Act to Amend Section 132, Title 17, Delaware Code, Relating to the General Powers and Duties of the State Highway Department. To Buildings and Highways)

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

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. (By Mr. Mayhew, to Judiciary)

SB 201—An Act to Amend Chapter 134, Volume 52, Delaware Code, Relating to Tuition Charges for Pupils Attending School Outside Their Resident District. (By Messrs. duPont, Cook, Reilly and Mrs. Manning, to Miscellaneous)

On motion of Mr. Cook, the Senate recessed upon call of the Chair at 2:40 P. M. The Senate met at the expiration of the recess at 4:00 P. M. Mr. Mayhew presiding.

On motion of Mr. Reilly, **HB 272** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 272—An Act to Amend Chapter 11, Title 13, Delaware Code, Relating to Termination of Parental Rights.

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, Simpson, Snowden, Spicer, Tull, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, McCullough, Steen, Watson—4.

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

On motion of Mr. Reilly, **SB 201** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 201—An Act to Amend Chapter 134, Volume 52, Delaware Code, Relating to Tuition Charges for Pupils Attending Schools Outside Their Resident District.

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, Tull, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Hoey, McCullough, Steen, Watson—4.

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

On motion of Mr. Price, **SB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 173—An Act to Provide for Interim Judicial Succession.

Mr. Price introduced **SA 1** to **SB 173** and moved for its adoption. Motion prevailed.

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

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

NAYS: None.

ABSENT: Hoey, McCullough, Steen, Watson—4.

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

Mr. Cook introduced **SS 1** for **SB 175**, which on further motion by him was adopted, and placed in the Committee on Revised Statutes:

SS 1 for **SB 175**—An Act Creating the State of Delaware Industrial Building Corporation.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **SB 202**, 2 favorably, 1 on merits.

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, Johnson, Manning, Price, Simpson, Snowden, Spicer, Wilgus, Mr. President Pro Tem Reilly.

NAYS: Donovan.

NOT VOTING: Mayhew, Tull.

ABSENT: Hoey, McCullough, Steen, Watson.

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

On motion of Mr. Cook, the Senate adjourned at 4:40 P. M. until Thursday, June 15, 1961, at 1:00 P. M.

51ST LEGISLATIVE DAY

June 15, 1961

The Senate met pursuant to adjournment at 1:50 P. M. on Thursday, June 15, 1961. Mr. Cook presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present: Cook, Donovan, Manning, Price, Simpson, Steen, Tull, Watson—8.

Members absent: duPont, Hoey, Johnson, Mayhew, McCullough, Snowden, Spicer, Wilgus, Mr. President Pro Tem Reilly—9.

Whereupon the Chair declared a recess. The Senate met pursuant to recess at 4:25 P. M. Mr. Cook presiding.

Messrs. duPont, Hoey and Snowden 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. Donovan introduced the following resolution, which on further motion by him was adopted:

SR 58—In Reference to Election of Officers.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **HB 206**, 1 favorably, 3 on merits; **HB 214**, 1 favorably, 2 on merits.

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

SB 203—An Act Proposing an Amendment to Section 2, Article 5, of the Constitution of the State of Delaware, Relating to Qualifications for Voting. (By Mrs. Manning, Messrs. Snowden and duPont, to Elections)

SB 204—An Act Making a Supplemental Appropriation to Millsboro School District No. 204 at Millsboro, Delaware, for the Fiscal Year Ending June 30, 1961. (By Mr. Steen, to Finance)

SB 205—An Act to Amend Section 1136, Title 30, Delaware Code, Relating to State Taxes. (By Mrs. Manning, to Miscellaneous)

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

HB 207—An Act Making Supplementary Appropriation to the Delaware Commission of Shell Fisheries. (To Finance)

On motion of Mr. Steen, the Senate adjourned at 4:35 P. M. until Monday, June 19, 1961, at 1:00 P. M.

52ND LEGISLATIVE DAY

June 19, 1961

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

Prayer by the Chaplain, Rev. Ray 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 pursuant to recess at 4:40 P. M. Lieutenant-Governor Lammot presiding.

Messrs. duPont, Hoey, Johnson, (Mrs.) Manning, Mayhew, Simpson, Snowden, Steen, Tull 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. Watson introduced the following resolution, which on further motion by him was adopted:

SR 59—In Reference to Election of Officers.

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

SB 206—An Act to Amend Chapter 21, Title 21, Delaware Code, to Eliminate Quarterly Inspection Registration and Reregistration of Vehicles and Provide Registration Periods to End During Any Calendar Month and Appropriating Funds. (By Mr. Steen, to Finance)

On motion of Mr. Hoey, **SB 149** was lifted from the table. On his further motion the bill was tabled again prior to the announcement of the results thereof.

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

GOVERNOR'S MESSAGE

June 19, 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 of the Senate the following:

Joseph C. Ellis (Democrat), 802 Central Avenue, Laurel, Delaware, to be a Member of the Department of Elections in and for Sussex County, for a term of three years, to expire on June 13, 1964, replacing Lewis Trivits.

Jacob H. Richards (Democrat), Milton, Delaware, to be a Member of the Department of Elections in and for Sussex County, for a term of three years, to expire on June 15, 1964, replacing Elmer Dickerson.

Frederick A. Walls (Republican), Harbeson, Delaware, to be reappointed a Member of the Department of Elections in and for Sussex County, for a term of three years, to expire on June 15, 1964.

J. Frederick Miles, 211 Poplar Street, Seaford, Delaware, to be Collector of State Revenue for a term of four years, to expire on June 13, 1964, replacing R. James Mariner.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

SB 207—An Act to Amend Section 29, Chapter 237, Volume 51, Laws of Delaware, Entitled "An Act to Reincorporated the Town of Bridgeville" Relating to the Power to Borrow Money. (By Mr. Hoey, to Corporations, Municipal)

SB 208—An Act to Amend Section 514, Title 18, Delaware Code, Relating to Countersigning Policies. (By Mr. Hoey, to Elections)

On motion of Mr. Tull, the Senate resolved into Executive Session at 4:50 P. M. The Senate resolved into regular session at expiration of the Executive Session.

Mr. McCullough asked to be marked present.

On motion of Mr. Watson, HB 246 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 246 with HA 1—An Act Directing the State Treasurer and State Auditor to Pay Elmer Dickerson for Services Rendered as a Member of the Department of Elections 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, Donovan, Hoey, Johnson, Mayhew, McCullugh, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: duPont, Manning, Simpson, 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. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 39**, 2 favorably, 2 on merits, 1 unfavorably.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 175**, 3 favorably, 2 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 207**, 1 favorably, 4 on merits.

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

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

HB 134—An Act to Amend Chapter 112, Volume 50, Laws of Delaware, Relating to Employees Pensions of the Levy Court of New Castle County. (To Revised Statutes)

HB 131 with **HA 1**—An Act to Subtract Half of Social Security Benefits, Rather Than Full Benefits, from Pensions of Former Wilmington Employees. (To Corporations, Municipal)

HB 273—An Act to Authorize the Levy Court of New Castle County to Appropriate Money to the Holloway Terrace Volunteer Fire Company. (To Finance)

HS 1 for **HB 162**—An Act Transferring \$6,500 from Salaries of Teachers (101-4000-H5) an Appropriation to the State Board of Education Which Appears as Chapter 299, Volume 52, Laws of Delaware, to Salaries, State Board of Education. (To Finance)

HS 1 for **HB 110**—An Act to Amend 503 (c), Title 8, Delaware Code, Relating to Corporation Franchise Tax by Raising the Maximum Annual Tax from \$50,000 to \$100,000. (To Finance)

HB 263—An Act to Amend Title 24, Delaware Code, Entitled "Professions and Occupations", and Relating to the Fees to be Charged and Collected by Certain Regulatory Boards and Agencies. (To Finance)

HB 262—An Act to Amend Part III, Title 30, Delaware Code, Relating to Occupational Licenses and Taxes. (To Finance)

HB 163—An Act to Amend Section 555, Chapter 5, Title 28, Delaware Code, Relating to Tax on Parimutuel and Totalizer Pools by Increasing the Tax. (To Finance)

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

HCR 25—Making an Appropriation to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

On motion of Mr. Steen, **SB 73** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 73—An Act to Amend Titles 9 and 10, Delaware Code by Increasing the Salary of the Clerk of the Peace, Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Receiver of Taxes, Prothonotary, Sheriff, Register in Chancery and Clerk of the Orphans' Court in and for Sussex County.

Mrs. Manning introduced **SA 1** to **SB 73** 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, Simpson, Snowden, Spicer, Wilgus—6.

NAYS: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

So the question was decided in the negative and the amendment was lost.

Mr. Simpson introduced **SA 2** to **SB 73** 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, Simpson, Snowden, Spicer, Wilgus—6.

NAYS: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

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: Cook, Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: duPont, Manning, Simpson, 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 to the House for concurrence.

On motion of Mr. Steen, SB 108 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 108—An Act to Amend Section 8205 (3), Title 9, Delaware Code, Relating to the Salaries of the Members of the Board of Assessment of 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, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—11.

NAYS: duPont, Manning, Simpson, 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 to the House for concurrence.

The following bill was introduced, and given first reading:

SB 209—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961," Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Department of Public Welfare, by Making Transfers in Certain Appropriations Items Therein. (By Mr. Steen)

On motion of Mr. Steen, all Rules were suspended in order to act on SB 209.

On motion of Mr. Steen, SB 209 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 209—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961," Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Department of Public Welfare, by Making Transfers in Certain Appropriations Items Therein.

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

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

NAYS: None.

ABSENT: Hoey—1.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: SB 188, 5 on merits.

On motion of Mr. Steen, the Senate adjourned at 6:15 P. M. until Tuesday, June 20, 1961, at 1:00 P. M.

53RD LEGISLATIVE DAY

June 20, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, June 20, 1961. Lieutenant-Governor Lamnot presiding.

Prayer by the Chaplain, Rev. Ray Kirwan.

Members present: Cook, Donovan, duPont, Johnson, Mayhew, Price, Simpson—7.

Members absent: Hoey, Manning, McCullough, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

There being no quorum present, on motion of the Chair, the Senate recessed upon call of the Chair at 1:32 P. M. The Senate met at the expiration of the recess at 3:30 P. M. Lieutenant-Governor Lamnot presiding.

Mrs. Manning, Messrs. Hoey, McCullough, Snowden, Wilgus, Reilly and Steen 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. Reilly, HB 141 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 141 with HA 1—An Act to Amend Chapter 21 and Chapter 29, Relating to Insurance Agents and Brokers and Suretyship.

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, Price, Simpson, Snowden, Steen, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Johnson, Mayhew, Spicer, 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 returned to the House.

On motion of Mr. Steen, **HB 206** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 206—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the State Board of Trustees of the Delaware State Hospital at Farnhurst and to Issue Bonds and Notes Therefore.

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, Price, Simpson, Snowden, Steen, Wilgus, Mr. President Pro Tem Reilly.

NOT VOTING: McCullough.

ABSENT: Johnson, Mayhew, Spicer, Tull, Watson.

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

On motion of Mr. Reilly, **SB 168** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 168—An Act to Amend Section 8705 and Section 8706, Title 10, Delaware Code, Relating to Fees and Costs of the Prothonotary.

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, McCullough, Price, Simpson, Steen, Wilgus, Mr. President Pro Tem Reilly—11.

NAYS: None.

ABSENT: Johnson, Mayhew, Snowden, Spicer, 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.

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 288**, 3 on merits.

On motion of Mr. Reilly, **SB 169** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 169—An Act to Amend Section 8732, Title 9, Delaware Code, Relating to Fees and Costs to be Charged in New Castle County for Collection of Delinquent Taxes.

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

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

NAYS: None.

ABSENT: Johnson, Snowden, Spicer, 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.

Mr. Johnson, Chairman of the Banking and Insurance Committee, reported the following bills from committee: **SB 193**, 2 favorably, 3 on merits; **SB 33**, 2 favorably, 3 on merits.

Mr. Watson asked to be marked present.

On motion of Mr. Reilly, **SB 170** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 170—An Act to Repeal Section 8711, Title 10, Delaware Code, Relating to Fees and Costs of the Crier.

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

YEAS: Cook, Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Johnson, Snowden, Spicer, Tull—4.

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

On motion of Mr. Hoey, **HB 207** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 207—An Act Making Supplementary Appropriation to the Delaware Commission of Shell Fisheries.

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, McCullough, Price, Simpson, Snowden, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: duPont—1.

ABSENT: Johnson, Manning, Spicer, Tull—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 the roll call on **HB 206** was lifted.

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, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Johnson, Spicer, 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.

On motion of Mr. Mayhew, **SB 167** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 167—An Act to Amend "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961," Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Debt Service by Making Certain Transfers to Pensions and Social Security.

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

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

NAYS: None.

NOT VOTING: Manning—1.

ABSENT: Johnson, Spicer, 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.

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

SR 60—Relative to the Death of Benjamin W. Johnson.

WHEREAS, the Senate of the 121st General Assembly of the State of Delaware has learned with regret of the passing of Benjamin W. Johnson, father of Senator B. Walter Johnson;

NOW, THEREFORE

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Benjamin W. Johnson, father of Senator B. Walter Johnson; and

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

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

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 131**, 1 favorably, 2 on merits.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HS 1** for **HB 134**, 1 favorably, 3 on merits.

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bills from committee: **SB 157**, 2 favorably, 3 on merits; **HB 16**, 2 favorably, 3 on merits.

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

HB 248—An Act to Amend Chapter 9, Title 4, Delaware Code, to Provide a Penalty for the Possession or Consumption of Alcoholic Liquor by a Minor.

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

YEAS: duPont, Hoey, McCullough, Price, Simpson, Steen, Wilgus, Mr. President Pro Tem Reilly.

NAYS: Cook.

NOT VOTING: Donovan, Manning, Mayhew, Watson.

ABSENT: Johnson, Snowden, Spicer, Tull.

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

On motion of Mr. Reilly, **HB 179** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 179—An Act to Amend Title 18, Relating to Insurance on State Property to Include School Property.

Mr. Reilly moved that the privilege of the floor be extended to Mr. Harry Smith to explain **HB 179**. Motion prevailed.

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

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

HB 97 with **HA 1**—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 Pro-

viding for the Disposition of Outstanding Pari-Mutuel Tickets Not Claimed Within a Period of One Year Following the Meet. (To Miscellaneous)

HB 219—An Act to Amend Title 29, Section 6521, Delaware Code, Relating to the Use of Unexpended Appropriations. (To Revised Statutes)

HB 242—An Act to Amend Section 1521, Title 9, Delaware Code, Relating to Salaries of Employees of Elected Office Holders of New Castle County. (To Revised Statutes)

HB 213—An Act Making Supplementary Appropriations for the Purchase of Voting Machines by the Departments of Elections of New Castle and Kent Counties for the Fiscal Year Ending June 30, 1961. (To Finance)

HB 290 with HA 1—An Act to Amend Title 30, Delaware Code, Relating to Rates and Payment of Personal Income Tax, by Increasing Certain Tax Rates and Providing for Quarterly Payments. (To Finance)

HB 291—An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Alcoholic Liquors by Providing for an Increase in the Tax on Wines. (To Finance)

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

SB 210—An Act to Amend Chapter 33, Title 19, Delaware Code, Entitled "Unemployment Compensation" by Changing Certain Provisions Relating to Benefits. (By Mr. Reilly, to Labor)

SB 211—An Act to Amend Section 8301 Title 16, Delaware Code, Entitled Promulgation of Building Code, by Including Industry and Industrial Buildings Within the Building Code. (By Mr. Reilly, to Labor)

SB 212—An Act to Amend Titles 9 and 12, Delaware Code, by Increasing the Salary of the Members of the Board of Assessment and the Register of Wills, in and for Sussex County. (By Mr. Steen, to Finance)

On motion of Mr. McCullough, **SB 164** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 164—An Act to Amend Sections 3902 and 3903, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Pensions.

Mr. Simpson moved for deferment.

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

YEAS: Simpson—1.

NAYS: Cook, Donovan, duPont, Manning, McCullough, Price, Snowden, Steen, Wilgus, Mr. President Pro Tem Reilly—10.

ABSENT: Hoey, Johnson, Mayhew, Spicer, Tull, Watson—6.

So the question was decided in the negative and the motion was lost.

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

YEAS: Cook, Donovan, duPont, Manning, McCullough, Price, Snowden, Steen, Wilgus, Mr. President Pro Tem Reilly 10.

NAYS: None.

NOT VOTING: Simpson—1.

ABSENT: Hoey, Johnson, Mayhew, Spicer, 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.

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

SR 61—Authorizing Payment to Lt. Governor Eugene Lamnot for Expenses Incurred for State Business.

SR 62—Making an Appropriation to the Diamond State Telephone Company for Services Rendered Through June 11, 1961, for Phones RE 6-1113, RE 6-6111 and RE 6-1295.

SR 63—Making an Appropriation to the Harrington Journal for the Printing of 400 Copies of Senate Calendars Dated May 6 and 400 Copies of Senate Calendars Dated May 18.

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

SCR 24—Making an Appropriation to The Diamond State Telephone Company for Services Rendered for the Period Ending May 11, 1961.

Mr. McCullough, Chairman of the Education Committee, reported the following bills from committee: **HB 277**, 2 favorably, 1 on merits.

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

HB 214—An Act Making a Supplementary Appropriation to the Medical Council of Delaware for Salaries, Association Dues and Office 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, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Steen, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

ABSENT: Johnson, Snowden, Spicer, 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 returned to the House.

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

SB 213—An Act to Amend Title 17, Delaware Code, Entitled Highways. (By Mr. Cook, to Buildings and Highways)

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 213**, 3 on merits.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 229**, 5 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 262**, 3 on merits.

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

HB 310—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Department of Elections in Kent County. (To Finance)

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. (To Finance)

HB 308—An Act to Permit the State Board of Education to Enter Into Leases with the Federal Government. (To Education)

HB 287—An Act Authorizing the Youth Services Commission to Dispose of Surplus Real Property. (To Buildings and Highways)

HB 194—An Act Appropriating Funds to the Youth Services Commission of Delaware for the Purchasing of Land, Construction and Equipping of an Entirely New, Consolidated Training School. (To Finance)

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

HB 5—An Act Appropriating 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, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Steen, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Johnson, Spicer, Tull, 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.

Mr. Steen introduced SA 1 to HB 262, which was given first reading and placed with the bill.

On motion of Mr. Steen, the Senate adjourned at 5:15 P. M. until Wednesday, June 21, 1961, at 1:00 P. M.

54TH LEGISLATIVE DAY

June 21, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, June 21, 1961. Lieutenant Governor Lammot presiding.

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

Members present: Cook, Donovan, duPont, Manning, Mayhew, Price, Simpson, Snowden—8.

Members absent: Hoey, Johnson, McCullough, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—9.

There being no quorum, the Chair declared a recess. The Senate met at the expiration of the recess at 4:45 P. M. President Pro Tem Reilly presiding.

Messrs. Reilly, Steen, Tull, Wilgus, Watson, McCullough and Hoey 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. Mayhew, SB 189 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 189—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Adding a New Section Thereto Concerning the Kent and Sussex County Fair.

Mr. Mayhew moved that the privilege of the floor be extended to Mr. George Simpson to explain SB 189. Motion prevailed.

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

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

NAYS: None.

ABSENT: Johnson, 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.

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

HB 294—An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962. (To Finance)

HB 293—An Act to Amend Section 4704, Title 7, Delaware Code, Relating to the Power of the State Park Commission to Borrow Money and Making an Appropriation to Pay Outstanding Bonds. (To Public Lands)

HB 256—An Act to Amend Section 4703, Title 7, Delaware Code, Relating to the Powers and Duties of the State Park Commission. (To Public Lands)

HB 267—An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permits for Excessive Size and Weight Motor Vehicles, by Providing for Fees. (To Buildings and Highways)

HB 173—An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" in Respect to Employees of the Prothonotary for New Castle County. (To Judiciary)

HB 282—An Act to Enable the State to Obtain Federal Financial Participation in Aid to Dependent Children of Unemployed Parents: Appropriating Funds. (To Labor)

On motion of Mr. Cook, **SS 1** for **SB 175** 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 **SB175**—An Act Creating the State of Delaware Industrial Building Corporation.

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, Simpson, Snowden, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly.

NOT VOTING: Donovan, Hoey, Manning, Mayhew, Price.

ABSENT: Johnson, Spicer.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **HB 294**, 2 favorably, 1 on merits; **HB 29** with **HA 1**, 3 on merits; **HB 218**, 3 on merits; **HS 1** for **HB 110**, 3 on merits.

On motion of Mr. Steen, **HB 129** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 129—An Act to Amend Title 31, Section 901 of the Delaware Code of 1953, Relating to Work Requirements as to Employable Relief Recipients.

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

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

NAYS: None.

ABSENT: Johnson, 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.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 242**, 5 on merits.

Mr. Steen, Chairman of the Public Lands Committee, reported the following bills from committee: **HB 293**, 4 favorably; **HB 256**, 4 favorably.

On motion of Mr. Steen, **HB 130** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 130—An Act to Amend Title 31, Section 902 of the Delaware Code of 1953 Relating to Application for Assignment of Relief Recipients.

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

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

NAYS: None.

ABSENT: Johnson, 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.

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

SR 64—Authorizing Payment of Amount Due Lo-Mar, Inc., for Supplies for the 121st General Assembly.

Communication: From a student against a bill making it illegal for minors to have liquor in their possession.

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **SB 202**, 3 favorably, 1 on merits.

On motion of Mr. Cook, **SS 1** for **SB 48** was again taken up for consideration and read a second time by title in order to pass the Senate:

SS 1 for **SB 48**—An Act Authorizing the State Highway Department to Construct, Maintain, Repair, Improve and Operate Self-Liquidating Express Highways from a Point in the Vicinity of the Westerly Approach of the Delaware Memorial

Bridge to Points at or Near the Pennsylvania and Maryland State Lines to be Known as the "Delaware Turnpike"; Establishing the Status, Powers, Duties and Authority of the Department With Respect to Such Express Highways: Providing for the Financing of Such Highways by Revenue Bonds and Providing for a Turnpike Division of the State Highway Department.

Mr. Watson introduced SA 1 to SS 1 for SB 48 and moved for its adoption.

At the request of Mr. Cook, and without objection, Mr. Watson withdrew the amendment.

On motion of Mr. Cook, the prior roll call on SB 48 was lifted from the table and rescinded.

On motion of Mr. Cook, SS 1 for SB 48 was adopted in lieu of the original.

Mr. Watson again introduced SA 1 to SS 1 for SB 48 and moved for its adoption.

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

YEAS: Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson—8.

NAYS: Cook, duPont, Manning, Simpson, Snowden, Wilgus, Mr. President Pro Tem Reilly—7.

ABSENT: Johnson, Spicer—2.

So the Chair ruled that the question was decided in the negative.

Mr. Watson moved that the vote on the amendment be reconsidered. Motion prevailed.

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

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

NAYS: duPont, Manning, Simpson, Snowden, Wilgus, Mr. President Pro Tem Reilly—6.

ABSENT: Johnson, Spicer—2.

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, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Wilgus—5.

ABSENT: Johnson, Spicer—2.

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

On motion of Mr. Steen, SA 1 to HB 262 was withdrawn.

Mr. Steen introduced SA 1 to HB 262, which was read and placed with the bill:

HB 262—An Act to Amend Part III, Title 30, Delaware Code, Relating to Occupational Licenses and Taxes.

On motion of Mr. Donovan, **SB 93** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 93—An Act to Increase the Salaries of Certain County Officers in Kent County by Amending Titles 9, 10, and 12, Delaware Code.

Mr. Donovan introduced SA 1 to **SB 93** and moved for its adoption.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Wilgus—5.

ABSENT: Johnson, Spicer—2.

So the question was decided in the affirmative.

Mr. Donovan introduced SA 2 to **SB 93** and moved for its adoption. Motion prevailed.

Mrs. Manning introduced SA 3 to **SB 93** 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, Simpson, Snowden, Wilgus—5.

NAYS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

ABSENT: Johnson, Spicer—2.

So the question was decided in the negative.

On the question, "Shall the Bill as Amended by SA 1 and SA 2 pass the Senate?" the yeas and nays were ordered, which being taken, were as follows:

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Wilgus—3.

ABSENT: Johnson, Simpson, Snowden, Spicer—4.

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

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **SB 67**, 3 on merits; **SB 68**, 3 on merits; **SB 212**, 5 on merits.

On motion of Mr. Steen, Rule 9 was suspended in order to consider **SB 212**.

On motion of Mr. Steen, **SB 212** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 212—An Act to Amend Titles 9 and 12, Delaware Code, by Increasing the Salary of the Members of the Board of Assessment and the Register of Wills, in and 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, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Wilgus—5.

ABSENT: Johnson, Spicer—2.

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

On motion of Mr. McCullough, **SB 121** and **SB 90** were stricken from the calendar.

On motion of Mr. Steen, the Senate adjourned at 6:10 P. M. until Thursday, June 22, 1961, at 1:00 P. M.

55TH LEGISLATIVE DAY

June 22, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, June 22, 1961. Lieutenant-Governor Lamot presiding.

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

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

Members absent: Johnson, McCullough, Watson—3.

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

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

HB 208—An Act to Amend Section 3105, (b), Title 20, Delaware Code, Entitled "Civil Defense Powers of the Governor" and Relating to State Civil Defense Auxiliary Police. (To Miscellaneous)

HB 195—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor. (To Finance)

HB 298—An Act to Change the Date for Filing an Annual Report by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna. (To Miscellaneous)

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

GOVERNOR'S MESSAGES

June 22, 1961

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

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

Mrs. Dolores Hamilton, 5 Locust Road, Cooper Farms, Wilmington 8, Delaware, to be a Justice of the Peace for the State of Delaware for a term of four years to expire June 21, 1965, to succeed George A. Houchin.

Respectfully submitted,

ELBERT N. CARVEL, Governor

June 22, 1961

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

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

William G. Bush, III, 1424 Mitchell Road, Dover, Delaware, to be Judge of the Court of Common Pleas of Kent County for a term of twelve years to expire June 22, 1973, to succeed Ernest V. Keith.

Respectfully submitted,

ELBERT N. CARVEL, Governor

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

SB 214—An Act Making Supplementary Appropriation to the Supreme Court for the Fiscal Year Ending June 30, 1962. (By Mr. Reilly, to Judiciary)

The Chair directed that **HR 75** be read to the Senate concerning the return of **SB 192**.

June 21, 1961

I, Fred C. Lord, Jr., Chief Clerk of the House of Representatives, do certify that the resolution attached hereto is a true and exact copy of House Resolution No. 75 as adopted by the House of Representatives of the 121st Session of the Delaware General Assembly on June 21, 1961.

SHERMAN W. TRIBBITT

Speaker of the House of Representatives

FRED C. LORD, JR.

Chief Clerk of the House of Representatives

HR 75—Returning Senate Bill No. 192 to the Senate for Clarification or Amendment.

WHEREAS, Senate Bill No. 192 has been approved by the Senate and sent to the House for consideration, and

WHEREAS, Senate Bill No. 192 in its present form does not specify the manner of execution in the event said bill becomes law, and

WHEREAS, it is the sense of the House that intelligent and mature consideration cannot be given to said bill in the absence of a determination of the form of capital punishment the House is asked to approve,

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 121st General Assembly that Senate Bill No. 192 be and it hereby is returned to the Senate for such clarification or amendment, as the Senate may wish, to remedy the absence of an important element in said bill.

Mr. Cook moved that the bill not be accepted by the Senate. Motion prevailed.

Messrs. McCullough and Watson asked to be marked present.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 2:00 P. M. The Senate met at the expiration of the recess at 4:30 P. M. Lieutenant-Governor Lamnot presiding.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: **HB 282** as amended, 5 favorably.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HS 1** for **HB 198**, 2 favorably, 2 on merits.

On motion of Mr. Reilly, **HB 282** 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 282 with **HA 1**—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: Donovan, duPont, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilley—13.

NAYS: None.

NOT VOTING: Hoey—1.

ABSENT: Cook, Johnson, Steen—3.

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

Mr. Reilly moved that Rule 9 be suspended for the balance of the day. Motion prevailed.

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

HB 286 with HA 1—An Act to Designate Certain Libraries as Depositories of State Publications. (To Education)

HB 314—An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation Claims. (To Labor)

Mr. McCullough, Chairman of the Committee on Education, reported the following bill from committee: **HB 308**, 5 favorably.

On motion of Mr. McCullough, **HB 308** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 308—An Act to Permit the State Board of Education to Enter Into Leases with the Federal Government.

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

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

NAYS: None.

ABSENT: Cook, Johnson, 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. Price, **HB 248** was taken up for consideration and read a second time in order to pass the Senate:

HB 248—An Act to Amend Chapter 9, Title 4, Delaware Code, to Provide a Penalty for the Possession or Consumption of Alcoholic Liquor by a Minor.

On motion of Mr. Price, the prior roll call was stricken.

Mrs. Manning introduced SA 1 to **HB 248**. Motion prevailed.

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

YEAS: duPont, Manning, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus—9.

NAYS: Cook, Donovan, Mayhew, McCullough, Mr. President Pro Tem Reilly—5.

NOT VOTING: Hoey, Watson—2.

ABSENT: Johnson—1.

So the question was decided in the negative and the bill was lost.

On motion of Mr. Watson, **SB 197** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 197—An Act Making a Supplementary Appropriation to the Louis L. Redding Comprehensive School 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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—16.

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Cook, the roll call on **SS 1** for **SB 175** was lifted from the table, but on his further motion, was again tabled.

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

HB 242—An Act to Amend Section 1521, Title 9, Delaware Code, Relating to Salaries of Employees of Elected Office Holders 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, Donovan, Hoey, Mayhew, McCullough, Price, Tull, Watson.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly.

ABSENT: Johnson.

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

Mr. Hoey, Chairman of the Finance and Miscellaneous Committees, reported the following bills from committees: **HB 266**, 4 on merits; **HB 163**, 4 on merits; **HB 291**, 4 on merits; **HB 97**, 4 on merits.

On motion of Mr. McCullough, **HB 277** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 277—An Act to Authorize the Gunning Bedford, Jr. School District to Sell Certain Land.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Hoey, **HS 1** for **HB 110** 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 110**—An Act to Amend 503 (c), Title 8, Delaware Code, Relating to Corporation Franchise Tax by Raising the Maximum Annual Tax from \$50,000 to \$100,000.

Mr. Snowden introduced **SS 1** for **HS 1** for **HB 110** and moved for its adoption.

Mr. Lamnot stepped down and Mr. Reilly stepped up to preside.

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

YEAS: duPont, Manning, Price, Simpson, Snowden, Spicer, Wilgus—7.

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

ABSENT: Johnson—1.

So the question was decided in the negative.

Mr. McCullough moved for a five minute recess at 5:32 P.M.

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

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

NAYS: Mr. President Pro Tem Reilly—1.

NOT VOTING: Spicer, Watson—2.

ABSENT: Cook, Johnson—2.

So the question was decided in the affirmative.

The Senate met at the expiration of the recess at 5:17 P. M. President Pro Tem Reilly presiding.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Spicer, Wilgus—5.

ABSENT: Johnson, Snowden—2.

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

On motion of Mr. Hoey, **HB 290** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 290—An Act to Amend Title 30, Delaware Code, Relating to Rates and Payment of Personal Income Tax, by Increasing Certain Tax Rates and Providing for Quarterly Payments.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Johnson—1.

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

On motion of Mr. Hoey, **HB 291** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 291—An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Alcoholic Liquors by Providing for an Increase in the Tax on Wines.

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, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

NAYS: Donovan, duPont, Manning, Simpson, Snowden, Spicer, Wilgus—7.

ABSENT: Johnson—1.

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

On motion of Mr. Hoey, **SB 207** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 207—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: Donovan, duPont, Hoey, Manning, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Cook, Johnson—2.

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

Mr. Reilly, Chairman of the Labor Committee, reported the following bills from committee: **HB 314**, 5 favorably; **SB 211**, 5 favorably; **SB 111**, 4 favorably; **SB 210**, 4 favorably, 1 on merits.

On motion of Mr. McCullough, **HB 222** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 222—An Act to Authorize the State Military Board to Sell Certain Armories.

Mr. McCullough introduced **SA 1** to **HB 222** and moved for its adoption. Motion prevailed.

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

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

NAYS: None.

ABSENT: Donovan, Johnson—2.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **SB 215**, 1 favorably, 2 on merits, 2 unfavorably.

On motion of Mr. Cook, **SS 1** for **SB 175** 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 175**—An Act Creating the State of Delaware Industrial Building Corporation.

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, Mayhew, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

NOT VOTING: Donovan, Manning—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.

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

SB 215—An Act to Amend Title 11, Delaware Code, Entitled "Crimes and Criminal Procedure" Relative to Recom-

mendment of Mercy, Infliction of Capital Punishment and Execution Day for Capital Punishment. (By Mr. Spicer, to Judiciary)

SB 216—An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to License Fees for Residents. (By Mrs. Manning, to Fish, Oysters and Game)

On motion of Mr. Spicer, **SB 215** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 215—An Act to Amend Title 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?" 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, Manning, McCullough, Snowden—4.

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, **HB 256** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 256—An Act to Amend Section 4703, Title 7, Delaware Code, Relating to the Powers and Duties of the State Park Commission.

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

YEAS: Donovan, Hoey, Mayhew, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Snowden—3.

NOT VOTING: McCullough, Simpson—2.

ABSENT: Cook, Johnson—2.

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

On motion of Mr. Steen, **HB 293** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 293—An Act to Amend Section 4704, Title 7, Delaware Code, Relating to the Power of the State Park Commission to Borrow Money and Making an Appropriation to Pay Outstanding Bonds.

Mr. Snowden moved to defer **HB 293**.

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

YEAS: Manning, McCullough, Simpson, Snowden, Spicer, Wilgus—6.

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

ABSENT: duPont, Johnson—2.

So the question was decided in the negative.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Simpson, Snowden—2.

NOT VOTING: Manning—1.

ABSENT: duPont, Johnson—2.

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

On motion of Mr. Hoey, **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. Hoey moved that **HB 97** be deferred. Motion prevailed.

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

HB 262—An Act to Amend Part III, Title 30, Delaware Code, Relating to Occupational Licenses and Taxes.

Mr. Steen introduced SA 1 to **HB 262** 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, Hoey, Manning, Mayhew, McCullough, Price, Snowden, Steen, Tull, Watson, Mr. President Pro Tem Reilly—12.

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

ABSENT: Johnson—1.

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

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

HB 266—An Act to Amend “An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961”, Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to the Superior Court, by Making Transfers in Certain Appropriation Items Therein.

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

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

NAYS: None.

ABSENT: Johnson—1.

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

On motion of Mr. Hoey, **HB 294** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 294—An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1961.

Mr. Donovan introduced SA 1 to **HB 294** and moved for its adoption.

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

YEAS: Cook, Donovan, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Johnson—1.

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, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Johnson—1.

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

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 219**, 2 favorably, 2 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **HB 263**, 4 on merits; **SB 28**, 4 on merits.

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

HB 263—An Act to Amend Title 24, Delaware Code, Entitled "Professions and Occupations", and Relating to the Fees to be Charged and Collected by Certain Regulatory Boards and Agencies.

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, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Manning, Simpson, Spicer, Wilgus—5.

ABSENT: Johnson, 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. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **HB 310**, 4 on merits.

On motion of Mr. Watson, **HB 219** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 219—An Act to Amend Title 29, Section 6521, Delaware Code, Relating to the Use of Unexpended Appropriations.

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, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—10.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Johnson—1.

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

Mr. Tull moved for Executive Session at 7:40 P. M. Motion prevailed. The Senate resolved into regular session at 7:45 P. M.

On motion of Mr. Hoey, **HB 310** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 310—An Act to Amend An Act Entitled "An Act Making Appropriations for the Expenses of the State Gov-

ernment for the Fiscal Year Ending June 30, 1961", Being Chapter 299, Volume 52, Laws of Delaware, in Respect to Appropriations to Department of Elections for 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, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: Snowden—1.

NOT VOTING: duPont—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 returned to the House.

On motion of Mr. Cook, the Senate recessed upon call of the Chair at 7:50 P. M. The Senate met at the expiration of the recess at 12:20 A. M. (Friday). President Pro Tem Reilly presiding.

The Chair presented **HB 294** as amended by the further **HA 4**:

HB 294—An Act Making Appropriations for the Expenses of the State Government for the Fiscal Year Ending June 30, 1962.

On motion of Mr. Watson, the Senate recessed upon call of the Chair at 12:30 A. M. The Senate met at the expiration of the recess at 12:32 A. M. President Pro Tem Reilly presiding.

Mr. Cook moved that the Senate recess for fifteen minutes.

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

YEAS: Cook, Manning, Price, Simpson, Snowden, Spicer, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—10.

NAYS: duPont—1.

ABSENT: Donovan, Hoey, Johnson, Mayhew, McCullough, Steen--6.

So the question was decided in the affirmative and the Senate recessed at 12:33 A. M. The Senate met at the expiration of the recess at 1:25 A. M. President Pro Tem Reilly presiding.

Mr. Cook introduced SA 2 to **HB 294** and moved for its adoption.

On motion of Mr. Watson, the Senate recessed for two minutes at 1:29 A. M. The Senate met at the expiration of the recess at 1:30 A. M. President Pro Tem Reilly presiding.

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

YEAS: Cook, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Donovan, Johnson—2.

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, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

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

NOT VOTING: Manning, Snowden—2.

ABSENT: Donovan, Johnson—2.

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

Mr. Steen introduced the following resolution:

SR 65—A Resolution Concerning the Conduct of the Junior Senator from Wilmington.

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

YEAS: Cook, Hoey, Mayhew, McCullough, Price, Steen, Tull, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Manning, Simpson, Spicer, Wilgus—5.

NOT VOTING: Snowden—1.

ABSENT: Donovan, Johnson—2.

So the question was decided in the affirmative.

On motion of Mr. Steen, the Senate adjourned at 1:45 A. M., June 23, 1961, until Monday, June 26, 1961, at 1:00 P. M.

56TH LEGISLATIVE DAY

June 26, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Monday, June 26, 1961. Lieutenant-Governor Lamnot presiding.

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

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

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

There not being a quorum, the Chair declared a recess. The Senate met pursuant to recess at 3:55 P. M. Lieutenant-Governor Lammot presiding.

The following Senators asked to be marked present: duPont, Hoey, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Watson and Reilly.

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

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

SR 66—Expressing the Sympathy of the Senate of the illness of Senator Earle M. Tull.

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

GOVERNOR'S MESSAGE

June 23, 1961

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

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

Vernon B. Derrickson, Hazel Road, Dover, Delaware, to be Chairman of the Public Service Commission for a term of six years, ending September 1, 1963;

Nutter D. Marvel, West Market Street, Georgetown, Delaware, to be a Member of the Public Service Commission, to fill the unexpired term of Norman B. Baylis, resigned, term to end September 1, 1965.

Respectfully submitted,

ELBERT N. CARVEL, Governor

On motion of Mr. Watson, **HB 242**, the roll call on which had been tabled, was again taken up for consideration and read by title in order to pass the Senate:

HB 242—An Act to Amend Section 1521, Title 9, Delaware Code, Relating to Salaries of Employees of Elected Office Holders of New Castle County.

On motion of Mr. Watson, the roll call was stricken.

Mr. Reilly introduced **SA 1** to **HB 242**, 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: Donovan, Hoey, Johnson, Mayhew, McCullough, Price, Steen, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Manning, Simpson, Snowden, Spicer, Wilgus—6.

ABSENT: Cook, Tull—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.

On motion of Mr. Hoey, **SB 149**, the roll call of which had previously been tabled, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 149—An Act Authorizing the State of Delaware to Borrow One Million Five Hundred Thousand Dollars (\$1,500,000.00) and Issue Bonds and Notes Therefore for Use by the State Soil Conservation Commission to Participate in the Construction and Maintenance of Structural Measures in Watersheds Which are Now or May be Established in the State of Delaware Pursuant to the Provisions of the Act of the Congress of the United States Known as the "Watershed Protection and Flood Prevention Act".

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, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: 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.

On motion of Mr. Reilly, **HB 179** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 179—An Act to Amend Title 18, Relating to Insurance on State Property to Include School Property.

Mr. Reilly introduced SA 1 to **HB 179**, 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: duPont, Hoey, Johnson, Manning, Mayhew, Price, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—10.

NAYS: Spicer—1.

NOT VOTING: Donovan, McCullough, Simpson, Wilgus—4.

ABSENT: Cook, Tull—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. Cook asked to be marked present.

On motion of Mr. Watson, **HB 134** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 134—An Act to Amend Chapter 112, Volume 50, Laws of Delaware, Relating to Employees Pensions of the Levy Court of New Castle County.

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

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

NAYS: None.

ABSENT: Steen, Tull—2.

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

On motion of Mr. McCullough, **SB 77** was stricken from the calendar.

On motion of Mr. McCullough, **SB 86** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 86—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan by Providing for Credit for Other Employment.

Mr. Simpson moved to defer **SB 86**.

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

YEAS: duPont, Simpson, Snowden, Spicer, Wilgus—5.

NAYS: Cook, Donovan, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Steen, Watson, Mr. President Pro Tem Reilly—11.

ABSENT: Tull—1.

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, Johnson, Manning, McCullough, Price, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Hoey—1.

NOT VOTING: Donovan, Mayhew, Simpson—3.

ABSENT: Tull—1.

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

On motion of Mr. Watson, **SB 181** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 181—An Act to Amend Chapter 31, Title 15 of the Delaware Code, Relating to Primary Elections.

Mr. Hoey introduced **SA 1** to **SB 181** and moved for its adoption.

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

YEAS: Cook, Donovan, Hoey, Manning, Mayhew, Price, Spicer, Watson, Wilgus—9.

NAYS: duPont, Johnson, McCullough, Snowden, Steen, Mr. President Pro Tem Reilly—6.

ABSENT: Simpson, Tull—2.

So the question was decided in the affirmative.

Mr. Snowden requested that his name be stricken as a co-sponsor of the bill. Request granted.

On motion of Mr. Watson, the Senate recessed at 4:45 P. M. for ten minutes. The Senate met at the expiration of the recess at 5:08 P. M. Lieutenant-Governor Lamnot presiding.

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

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

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

SJR 5—Withdrawing from the Southern Regional Education Compacc.

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

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

NAYS: duPont, Manning, McCullough, Snowden, Spicer, Wilgus—6.

ABSENT: Simpson, Tull—2.

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

On motion of Mr. Reilly, **HB 131** 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 131 with **HA 1**—An Act to Subtract Half of Social Security Benefits, Rather Than Full Benefits, from Pensions of Former Wilmington Employees.

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

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

NAYS: McCullough—1.

ABSENT: Simpson, Snowden, 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.

On motion of Mr. Steen, **SB 29** 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 29 with **HA 1**—An Act to Amend Section 4122, Title 21, Delaware Code, Relating to Stopping at Command of Police Officers.

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, Watson, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Donovan, Hoey, Johnson, Mayhew—4.

ABSENT: Tull—1.

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 288** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 288—An Act Making an Appropriation to the University of Delaware for Certain Capital Improvements, and Authorizing the State of Delaware to Borrow Money and Issue Bonds and Notes Therefore, in the Amount of Four Million Six Hundred Three Thousand Dollars (\$4,603,000).

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, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem—16.

NAYS: None.

ABSENT: Tull—1.

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

On motion of Mr. Reilly, **HB 314** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 314—An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation Claims.

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

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

NAYS: None.

NOT VOTING: Donovan, Simpson—2.

ABSENT: Tull—1.

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

On motion of Mr. Hoey, **HB 213** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 213—An Act Making Supplementary Appropriations for the Purchase of Voting Machines by the Departments of Elections of New Castle and Kent Counties 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, Johnson, Manning, McCullough, Price, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Mayhew, Tull—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. Reilly, **SB 111** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 111—An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation, by Changing the Definition of "States" to Include "Puerto Rico".

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

On motion of Mr. Steen, **SB 28** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

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

On motion of Mr. Reilly, **SB 211** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 211—An Act to Amend Section 8301, Title 16, Delaware Code, Entitled Promulgation of Building Code, by Including Industry and Industrial Buildings Within the Building Code.

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

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

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

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. (Mrs. Manning and Mr. Hoey, to Finance)

SB 218—An Act Appropriating Funds for the Payment of Claims of James F. Long and Ray E. Parsons, Arising Out of Water Damage Sustained on August 31, 1960, from a Drain, Maintained by the State Highway Department. (By Mrs. Manning, to Claims)

SB 219—An Act Appropriating Funds to the Board of Game and Fish Commissioners for the Purchase of Millsboro Pond. (By Mr. Hoey, to Finance)

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

HB 302—An Act to Create a Building and Loan Advisory Board. (To Insurance and Banking)

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

SR 67—Making an Appropriation to the Harrington Journal for Printing of the Senate Calendar for the Period June 9 and June 23, 1961.

Mr. Steen introduced **SS 1** for **SB 61** and moved for its adoption in lieu of the original. Motion prevailed.

On the further motion of Mr. Steen, the original bill was stricken.

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

SCR 25—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **HS 1** for **HB 162**, 4 on merits; **HB 40**, 5 on merits; **SB 124**, 4 on merits; **SB 155**, 5 on merits; **SB 204**, 5 on merits.

On motion of Mr. Steen, the Senate adjourned at 6:20 P. M. until Tuesday, June 27, 1961, at 1:00 P. M.

57TH LEGISLATIVE DAY

June 27, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Tuesday, June 27, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Donovan, duPont, Johnson, Manning, Price, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—10.

Members absent: Cook, Hoey, Mayhew, McCullough, Simpson, Tull, Watson—7.

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

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 3:25 P. M. President Pro Tem Reilly presiding.

Messrs. Cook, Mayhew, McCullough and Simpson asked to be marked present.

Mrs. Manning introduced a communication against the Shell Refinery.

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

HCR 26—Making an Appropriation 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 177—An Act to Amend Section 2904, Title 14, Delaware Code, Relating to Minimum Insurance Coverage Requirements for School Buses. (To Labor)

HB 305—An Act to Amend Section 907, Title 29, Delaware Code, Relating to Printing and Distribution of Session Laws. (To Printing)

HB 304—An Act to Amend Section 701, Title 29, Delaware Code, Relating to Designation of Meetings of the General Assembly. (To Revised Statutes)

HB 230—An Act to Provide for Prison Industries, to Require State Agencies to Purchase Prison Made Products and to Provide for Financing Thereof. (To Judiciary)

On motion of Mr. Mayhew, **HS 1** for **HB 198** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 198—An Act to Amend Section 9103, Title 10, Delaware Code of 1953, Relating to Justices of the Peace in Kent County.

Mr. Watson asked to be marked present.

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

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

NAYS: None.

ABSENT: Hoey, McCullough, Price, Tull—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. Cook, SB 186 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 186—An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Contracts for Public Improvements.

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, Simpson, Snowden, Spicer, Steen, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: None.

NOT VOTING: Watson—1.

ABSENT: Hoey, McCullough, Price, Tull—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 130 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 130—An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the Use of the Board of Trustees of Delaware State College, to Issue Bonds and Notes Therefore, and to Make 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, Donovan, duPont, Johnson, Manning, Mayhew, Simpson, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: Hoey, McCullough, Price, Tull—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 229** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 229—An Act to Amend Title 13, Delaware Code, Relating to Expiration of Marriage Licenses.

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, Watson, Wilgus, Mr. President Pro Tem—15.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Tull—1.

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

Mr. Donovan, Chairman of the Miscellaneous Committee, reported the following bill from committee: **SB 205**, 2 favorably, 3 on merits.

On motion of Mr. Reilly, **SB 202** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 202—An Act to Amend Title 19, Section 3101, Delaware Code, by Increasing the Number of Members of the Unemployment Compensation Commission.

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

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

NAYS: Spicer—1.

NOT VOTING: Simpson, Watson, Wilgus—3.

ABSENT: Tull—1.

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

On motion of Mr. McCullough, **SB 67** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 67—An Act to Appropriate Funds to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 173**, 4 on merits.

Mr. Watson, Chairman of the Elections Committee, reported the following bills from committee: **SB 203**, 1 favorably, 2 on merits, 1 unfavorably; **SB 195**, 1 favorably, 3 on merits; **SB 143**, 2 favorably, 3 on merits.

On motion of Mr. Watson, **SB 181** (the roll call on which had been tabled) with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 181—An Act to Amend Chapter 31, Title 15 of the Delaware Code, Relating to Primary Elections.

On motion of Mr. Watson, the prior roll call was stricken.

Mrs. Manning introduced **SA 2** and moved for its adoption.

At the request of Messrs. Hoey and Donovan their names were stricken as sponsors of the bill.

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, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—7.

NAYS: Cook, Donovan, Hoey, Mayhew, Price, Simpson, Spicer, Wilgus—8.

ABSENT: McCullough, Tull—2.

So the question was decided in the negative.

Mr. Cook moved that the following concurrent resolution be taken up for action, which on further motion by him, was adopted and ordered to the House for concurrence:

SCR 25—Making Appropriations to Various Companies for Supplies and Services Rendered the 121st General Assembly of the State of Delaware.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 4:10 P. M. The Senate met at the expiration of the recess at 5:40 P. M. President Pro Tem Reilly presiding.

Mr. duPont introduced **SA 1** to **SB 67**, which was read to the Senate and placed with the bill:

SB 67—An Act to Appropriate Funds to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession.

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

SB 220—An Act Appropriating Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County. (By Mr. Hoey, to Finance)

SB 221—An Act Appropriating Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County. (By Mr. Hoey, to Finance)

SB 222—An Act to Amend Title 9, Delaware Code, by Adding Thereto, a New Chapter 27 Concerning Trenches and Excavation in the State of Delaware. (By Mrs. Manning, to Labor)

Mr. McCullough introduced SA 2 to SB 67, which on his further motion was adopted.

On motion of Mr. duPont, SA 1 to SB 67 was stricken.

On motion of Mr. Hoey, HS 1 for HB 162 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 162—An Act Transferring \$6,500 from Salaries of Teachers (101-4000-H5) an Appropriation to the State Board of Education Which Appears as Chapter 299, Volume 52, Laws of Delaware, to Salaries, State Board of Education.

Mr. Mayhew introduced SA 1 to HS 1 for HB 162 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, Hoey, Johnson, Manning, Mayhew, McCullough, Steen, Watson, Mr. President Pro Tem Reilly—9.

NAYS: duPont, Price, Simpson, Snowden, Spicer—5.

NOT VOTING: Wilgus—1.

ABSENT: Donovan, Tull—2.

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, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: Snowden—1.

ABSENT: Donovan, Tull—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.

On motion of Mr. McCullough, SB 67 with SA 2 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 67 with SA 2—An Act to Appropriate Funds to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession.

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

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

NAYS: None.

ABSENT: Donovan, Tull—2.

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

On motion of Mr. Cook, SB 155 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 155—An Act to Amend “An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1961”, Being Chapter 299, Volume 52, Laws of Delaware, in Reference to Appropriations to the Delaware State Development Department by Making Transfers in Certain Appropriation Items Therein.

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

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

NAYS: None.

ABSENT: Donovan, Tull—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 68 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 68—An Act to Appropriate Funds to Provide Aid to Needy Students at University of Delaware.

Mr. McCullough introduced SA 1 to SB 68 and moved for its adoption. Motion prevailed.

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

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

NAYS: None.

ABSENT: Donovan, Tull—2.

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

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

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. (By Mr. Mayhew, to Judiciary.)

SB 224—An Act Making a Supplementary Appropriation to the Board of School Trustees of the Sussex County Vocational-Technical Center for the Fiscal Year Ending June 30, 1962. (By Mr. Steen, to Education)

SB 225—An Act to Amend Section 1118, Title 30, Delaware Code, Relating to Deductions from State Income Tax. (By Mr. McCullough, to Revised Statutes)

SB 226—An Act to Amend Chapter 1, Title 13, Delaware Code, Relating to the Issuance of Marriage Licenses. (By Mr. Steen, to Revised Statutes.)

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. (By Mr. Steen, to Revised Statutes)

SB 228—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Exemption of The Swanwyck Estates Civic Association from Taxation Upons Its Real Property. (By Mr. McCullough, to Revised Statutes)

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. (By Mr. Hoey, to Education)

SB 230—An Act Making a Supplementary Appropriation to Certain Agencies of the State of Delaware for the Fiscal Year Ending June 30, 1962. (By Mr. Snowden, to Public Health)

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: SB 191, 1 favorably, 3 on merits.

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bill from committee: SB 213, 5 favorably.

Mr. Cook, Chairman of the Claims Committee, reported the following bill from committee: SB 199, 3 favorably, 2 on merits.

Mr. Reilly, Chairman of the Labor Committee, reported the following bill from committee: SB 222, 4 favorably, 1 on merits.

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: SB 224, 1 favorably, 4 on merits.

Mr. Watson, Chairman of the Elections Committee, reported the following bill from committee: SB 208, 4 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bill from committee: **SB 196**, 5 on merits.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bills from committee: **SB 228**, 4 on merits; **SB 226**, 1 favorably, 3 on merits; **SB 227**, 4 on merits.

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

HB 182—An Act Providing for An Interstate Compact with the State of New Jersey to Establish "The Delaware River and Bay Authority"; Defining the Purpose, Powers and Duties Thereof; Providing for the Appointment of Commissioners from the State of Delaware to Said Authority; Providing for the Terms, Powers, Removal and Reimbursement of Said Commissioners; Providing for a Veto Power by the Governor Over the Actions of the Delaware Commissioners; and Granting Said Commissioners Power to Secure Congressional Consent of Said Compact and the Enactment of Related Federal Legislation. (To Buildings and Highways)

HB 12—An Act Appropriating Money to the Booker T. Washington School. (To Education)

HB 300—An Act to Amend Section 2124, (a), Title 21, Delaware Code, Relating to Number Plates for Automobile Manufacturers and Dealers. (To Judiciary)

HB 183—An Act Establishing "The Delaware River and Bay Authority" the Agent of the States of Delaware and New Jersey with Respect to the Control, Operation, Maintenance and Revenues of the Delaware Memorial Bridge and Providing for the Transfer of Control to Said Agent. (To Buildings and Highways)

Mr. Cook, Chairman of the Claims Committee, reported the following bill from committee: **SB 218**, 2 favorably, 3 on merits.

Mr. Johnson, Chairman of the Buildings and Highways Committee, reported the following bills from committee: **HB 182**, 3 favorably, 2 on merits; **HB 183**, 4 favorably.

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: **HB 12**, 2 favorably, 1 on merits.

On motion of Mr. Steen, the Senate adjourned at 6:45 P. M. until Wednesday, June 28, 1961, at 1:00 P. M.

58TH LEGISLATIVE DAY

June 28, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Wednesday, June 28, 1961. Lieutenant-Governor Lamnot presiding.

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

Members present: Donovan, duPont, Manning, Mayhew, Price, Snowden, Spicer, Steen, Wilgus—9.

Members absent: Cook, Hoey, Johnson, McCullough, Simpson, Tull, Watson, Mr. President Pro Tem Reilly—8.

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

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

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 1:35 P. M. The Senate met at the expiration of the recess at 2:15 P. M. Lieutenant-Governor Lammot presiding.

Messrs. Watson, Reilly, Johnson and Cook asked to be marked present.

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

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. Mayhew introduced SA 1 to SB 191 and moved for its adoption.

Mr. Watson moved to defer SA 1.

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, Steen, Watson, Mr. President Pro Tem Reilly—8.

NAYS: duPont, Manning, Price, Snowden, Spicer, Wilgus—6.

ABSENT: McCullough, Simpson, Tull—3.

So the question was decided in the affirmative.

Mr. Watson moved to defer SB 191.

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

YEAS: Cook, Donovan, Hoey, Johnson, Mayhew, Steen, Watson, Mr. President Pro Tem Reilly—8.

NAYS: duPont, Manning, Price, Snowden, Spicer, Wilgus—6.

ABSENT: McCullough, Simpson, Tull—3.

So the question was decided in the affirmative.

On motion of Mr. Steen, **SB 204** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 204—An Act Making a Supplementary Appropriation to Millsboro School District No. 204 at Millsboro, Delaware, 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, Johnson, Manning, Mayhew, Price, Snowden, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly—14.

NAYS: None.

ABSENT: McCullough, Simpson, 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.

Mr. McCullough asked to be marked present.

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

SB 210—An Act to Amend Chapter 33, Title 19, Delaware Code, Entitled "Unemployment Compensation" by Changing Certain Provisions Relating to Benefits.

Mr. Reilly moved that the privilege of the floor be extended to James LaPenta to explain **SB 210**. Motion prevailed.

Mr. Reilly introduced **SA 1** to **SB 210** 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: duPont, Johnson, Manning, McCullough, Snowden, Spicer, Watson, Mr. President Pro Tem Reilly.

NAYS: Cook, Hoey, Price, Steen, Wilgus.

NOT VOTING: Donovan.

ABSENT: Mayhew, Simpson, Tull.

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

On motion of Mr. Price, **SB 42**, the roll call on which had been tabled, 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 motion of Mr. Price, the roll call was again tabled.

Mr. Watson, chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 199**, 1 favorably, 3 on merits.

On motion of Mr. Snowden, **SB 196**, with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 196—An Act to Appropriate Funds to the Youth Services Commission of the State of Delaware for the Construction of a Maximum Security Unit.

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

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

NAYS: Donovan—1.

NOT VOTING: Watson—1.

ABSENT: Simpson, Tull—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 Mrs. Manning, **SB 222** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 222—An Act to Amend Title 9, Delaware Code, by Adding Thereto, a New Chapter 27 Concerning Trenches and Excavation in the State of Delaware.

On motion of Mrs. Manning, the bill was deferred.

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bill from committee: **HB 300**, 2 favorably, 3 on merits.

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

HB 299—An Act to Amend Title 11, Section 464, Delaware Code, Relating to Deadly Weapons. (To Judiciary)

HB 259—An Act to Amend Title 14, Sections 311 and 1904, Delaware Code, Relating to Notices of School Elections. (To Education)

HB 3—An Act Agreeing to a Proposed Amendment to Article 8 of the Constitution of the State of Delaware, Entitled "Revenue and Taxation". (To Finance)

HB 325—An Act to Amend Section 503 (h) Title 8, Delaware Code, Relating to Corporation Franchise Tax by Limiting the Maximum Annual Tax on Regulated Investment Companies to \$50,000.00. (To Finance)

Mr. Mayhew moved that Rule 9 be suspended for the purpose of considering **HB 300**. Motion prevailed.

On motion of Mr. Mayhew, **HB 300** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 300—An Act to Amend Section 2124, (a), Title 21, Delaware Code, Relating to Number Plates for Automobile Manufacturers and Dealers.

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, Spicer, Watson, Wilgus, Mr. President Pro Tem Reilly—13.

NAYS: None.

ABSENT: McCullough, Simpson, Steen, Tull—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. Steen, Chairman of the Public Health Committee, reported the following bill from committee: SB 187, 2 favorably, 3 on merits.

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

SB 199—An Act to Amend Section 8123, Title 10, Delaware Code, Relating to Notice of Claim Against City of Wilmington.

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

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

NAYS: None.

ABSENT: McCullough, Simpson, Spicer, Steen, Tull—5.

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

On motion of Mrs. Manning, SB 205 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 205—An Act to Amend Section 1136, Title 30, Delaware Code, Relating to State Taxes.

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

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

NAYS: None.

ABSENT: Hoey, Simpson, Spicer, Tull—4.

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

Mr. Mayhew, Chairman of the Judiciary Committee, reported the following bills from committee: **SB 104**, 3 favorably, 2 on merits; **SB 214**, 1 favorably, 3 on merits, 1 unfavorably; **SB 225**, 1 favorably, 3 on merits.

On motion of Mr. Steen, **SB 28** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. Steen moved that the privilege of the floor be extended to Mr. Robinson to explain **SB 28**. 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, Hoey, Price, Steen, Watson, Mr. President Pro Tem Reilly.

NAYS: duPont, Johnson, Manning.

NOT VOTING: Mayhew, McCullough, Snowden, Spicer, Wilgus.

ABSENT: Simpson, Tull.

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

On motion of Mr. Reilly, **HB 173** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 173—An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" in Respect to Employees of the Prothonotary 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: Cook, Donovan, duPont, Johnson, Manning, Mayhew, McCullough, Price, Snowden, Steen, Wilgus, Mr. President Pro Tem Reilly—12.

NAYS: Hoey—1.

NOT VOTING: Spicer—1.

ABSENT: Simpson, Tull, Watson—3.

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

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

SB 231—An Act to Amend Section 303, Title 9, Delaware Code, Relating to Terms of Levy Court Commissioners in New Castle County. (By Messrs. Johnson and Watson, to Revised Statutes)

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 231**, 2 favorably, 2 on merits.

On motion of Mr. McCullough, SB 228 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 228—An Act to Amend Chapter 81, Title 9, Delaware Code Relating to the Exemption of the Swanwyck Estates Civic Association from Taxation Upons Its Real Property.

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

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

NAYS: None.

ABSENT: Simpson, Tull, 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. Steen, the Senate recessed upon call of the Chair at 4:25 P. M. The Senate met at the expiration of the recess at 5:10 P. M. Lieutenant-Governor Lamnot presiding.

Mr. Simpson asked to be marked present.

On motion of Mr. McCullough, HB 12 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 12—An Act Appropriating Money to the Booker T. Washington School.

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, Spicer, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

ABSENT: Steen, Tull—2.

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

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

SR 68—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 69—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 121st General Assembly.

On motion of Mr. Steen, the Senate adjourned at 5:17 P. M. until Thursday, June 29, 1961, at 1:00 P. M.

59TH LEGISLATIVE DAY

June 29, 1961

The Senate met pursuant to adjournment at 1:30 P. M. on Thursday, June 29, 1961. Lieutenant-Governor Lammot presiding.

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

Members present: Cook, Price, Spicer, Tull, Wilgus—5

Members absent: Donovan, duPont, Hoey, Johnson, Manning, Mayhew, McCullough, Simpson, Snowden, Steen, Watson, Mr. President Pro Tem Reilly—12.

There not being a quorum, the Chair declared a recess at 1:32 P. M. The Senate met at the expiration of the recess at 4:40 P. M. Lieutenant Governor Lammot presiding.

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

Members absent: None.

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. Cook, SB 213 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 213—An Act to Amend Title 17, Delaware Code, Entitled Highways.

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

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

NAYS: None.

ABSENT: Simpson, 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. 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 motion of Mr. Steen, the bill was deferred.

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

SR 70—Authorizing and Directing the Delaware State Police to Show the Film "Operation Abolition" to All Public Schools and Private Schools Requesting It.

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

YEAS: Donovan, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Tull, Watson, Mr. President Pro Tem Reilly—12.

NAYS: Snowden—1.

NOT VOTING: duPont, Steen, Wilgus—3.

ABSENT: Cook—1.

So the question was decided in the affirmative.

On motion of Mr. Johnson, **HB 182** was again taken up for consideration and read a second time by title in order to pass the Senate:

HB 182—An Act Providing for an Interstate Compact with the State of New Jersey to Establish "The Delaware River and Bay Authority"; Defining the Purpose, Powers and Duties Thereof; Providing for the Appointment of Commissioners from the State of Delaware to Said Authority; Providing for the Terms, Powers, Removal and Reimbursement of Said Commissioners; Providing for a Veto Power by the Governor Over the Actions of the Delaware Commissioners; and Granting Said Commissioners Power to Secure Congressional Consent of Said Compact and the Enactment of Related Federal Legislation.

Mr. Johnson introduced **SA 1** to **HB 182** and moved for its adoption.

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

YEAS: Cook, Donovan, duPont, Hoey, Johnson, Manning, Mayhew, Price, Tull, Mr. President Pro Tem Reilly—10.

NAYS: McCullough, Simpson, Snowden, Spicer, Wilgus—5.

NOT VOTING: Watson—1.

ABSENT: Steen—1.

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, Hoey, Johnson, Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

NOT VOTING: duPont, Snowden—2.

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

On motion of Mr. Johnson, **HB 183** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 183—An Act Establishing "The Delaware River and Bay Authority" the Agent of the States of Delaware and New Jersey with Respect to the Control, Operation, Maintenance and Revenues of the Delaware Memorial Bridge and Providing for the Transfer of Control to Said Agent.

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, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

NAYS: None.

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 191** 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 191 with **SA 1**—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.

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

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

NAYS: duPont, McCullough, Price, Simpson, Snowden, Spicer, Steen, Wilgus—8.

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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

NAYS: None.

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. Snowden, Cook, duPont, Hoey, Johnson, (Mrs.) Manning, Mayhew, McCullough, Price, Simpson, Spicer, Steen, Tull, Watson, Wilgus and Reilly introduced the following concurrent resolution, which on further motion by Mr. Snowden was adopted and ordered to the House for concurrence:

SCR 26—Expressing the Gratitude and Appreciation of the General Assembly of the State of Delaware to Dr. Mesrop

A. Tarumianz for His Dedicated and Distinguished Service to This State.

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

SCR 27—Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending June 11, 1961.

On motion of Mr. Reilly, **SB 210** with **SA 1** was taken up for consideration and read again by title in order to pass the Senate:

SB 210 with **SA 1**—An Act to Amend Chapter 33, Title 19, Delaware Code, Entitled "Unemployment Compensation" by Changing Certain Provisions Relating to Benefits.

On motion of Mr. Reilly the prior roll call was stricken.

Mr. Reilly introduced **SA 2** to **SB 210** with **SA 1** and moved for its adoption.

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

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

NAYS: duPont, Manning, McCullough, Snowden—4.

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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—17.

NAYS: None.

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 232—An Act to Amend Section 984, Title 10, Delaware Code, by Providing That the Family Court Provide Rehabilitative Service to Children Committed by Said Court at the Custody of the State Board of Corrections. (By Mr. Snowden, to Judiciary)

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **SB 198**, 5 on merits.

Mr. Hoey, Chairman of the Finance Committee, reported the following bills from committee: **HB 325**, 5 on merits; **SB 194**, 5 on merits; **SB 217**, 5 on merits; **SB 219**, 4 on merits, 1 unfavorably; **SB 220**, 5 on merits; **SB 221**, 5 on merits.

On motion of Mr. Hoey, **HB 325** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

HB 325—An Act to Amend Sections 503 (h) Title 8, Delaware Code, Relating to Corporation Franchise Tax by Limiting the Maximum Annual Tax on Regulated Investment Companies to \$50,000.00.

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

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

NAYS: None.

NOT VOTING: McCullough—1.

ABSENT: Watson—1.

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

Mrs. Manning introduced **SA 1** to **SB 222** and moved for its adoption. Motion prevailed.

On motion of Mrs. Manning, **SB 222** 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 222 with **SA 1**—An Act to Amend Title 9, Delaware Code, by Adding Thereto a New Chapter 27 Concerning Trenches and Excavation in the State of Delaware.

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, McCullough, Price, Simpson, Snowden, Spicer, Steen, Tull, Wilgus, Mr. President Pro Tem—16.

NAYS: None.

ABSENT: Watson—1.

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

On motion of Mr. McCullough, **SB 143** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 143—An Act to Amend Chapter 11, Title 14, Delaware Laws, Relating to Boundaries, Consolidation and Change in Status of School Districts and Special School Districts.

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, Wilgus, Mr. President Pro Tem—12.

NAYS: Donovan, Hoey, Mayhew—3.

NOT VOTING: Tull—1.

ABSENT: Watson—1.

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

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

SR 71—Relative to the Death of T. Brinton Holloway.

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

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. (By Mr. Mayhew, to Finance)

On motion of Mr. Steen, the Senate adjourned at 5:45 P. M. until July 10, 1961, at 1:00 P. M.

60TH LEGISLATIVE DAY

July 10, 1961

The Senate met pursuant to adjournment at 1:45 P. M. on Monday, July 10, 1961. President Pro Tem Reilly presiding.

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

Members present: Cook, Donovan, Johnson, Mayhew, Price, Simpson, Spicer, Steen, Watson, Mr. President Pro Tem Reilly—10.

Members absent: duPont, Hoey, Manning, McCullough, Snowden, Tull, Wilgus—7.

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 matters, which were given first reading and referred to committees as follows:

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

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

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

On motion of Mr. Steen, **SB 153** with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

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

Mr. Steen moved that the privilege of the floor be extended to Mr. Eisenbrey to explain **SB 153**. Motion prevailed.

Mr. Simpson introduced **SA 1** to **SB 153** 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: McCullough, Price, Simpson, Spicer, Steen, Watson, Wilgus, Mr. President Pro Tem Reilly.

NAYS: None.

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

On motion of Mr. Steen the roll call was tabled.

Mr. Watson, Chairman of the Revised Statutes Committee, reported the following bill from committee: **HB 174**, 3 on merits.

On motion of Mr. Steen, the Senate recessed upon call of the Chair at 2:25 P. M. The Senate met at the expiration of the recess at 5:50 P. M. President Pro Tem Reilly presiding.

On motion of Mr. Steen, Rule 23 was suspended.

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

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. (By Mr. Steen, to Revised Statutes)

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. (by Mr. Steen, to Revised Statutes)

SB 236—An Act to Amend Title 5, Delaware Code, Relating to Small Loans by Providing for the Making of Loans for Educational Purposes. (By Mr. Reilly to Education)

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

SCR 28—Relative to the Illness of Honorable Howard W. Bramhall, Associate Justice of the Supreme Court of the State of Delaware.

WHEREAS, the 121st General Assembly of the State of Delaware has learned of the illness of Honorable Howard W. Bramhall, Associate Justice of the Supreme Court of the State of Delaware, and

WHEREAS, the members of the General Assembly desire to express and extend their regret and sympathy to Justice Bramhall.

NOW THEREFORE

BE IT RESOLVED, by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the members 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 proceedings of the Senate and House of Representatives of the 121st General Assembly of the State of Delaware and a copy be forwarded to Honorable Howard W. Bramhall.

On motion of Mr. Hoey, SB 219 was recommitted to committee.

On motion of Mr. Hoey, SB 219 was stricken from the calendar.

Mr. McCullough, Chairman of the Education Committee, reported the following bill from committee: SB 236, 4 favorably, 1 on merits.

Mr. Reilly moved that Rule 9 be suspended for the purpose of considering SB 236. Motion prevailed.

On motion of Mr. Reilly, SB 236 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 236—An Act to Amend Title 5, Delaware Code, Relating to Small Loans by Providing for the Making of Loans for Educational Purposes.

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, Snowden, Spicer, Steen, Tull, Watson, Wilgus, Mr. President Pro Tem Reilly—15.

NAYS: None.

NOT VOTING: Donovan—1.

ABSENT: Cook—1.

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

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

SB 237—An Act Authorizing the State of Delaware to Borrow \$5,000,000.00 and to Issue Bonds and Notes Therefore to Provide for the Construction of a Legislative Office Building and a State Building on Ground Now Owned by the State in Dover, the Transfer of Offices from the Old State House, the Assignment of the Old State House to the Public Archives Commission, the Restoration of the Old State House, the Allocation of Funds for Alterations to that Commission for the Hall of Records, and Providing for the Form of Such Bonds and Notes, the Procedure for the Sale Thereof, the Payment

of Principal and Interest Thereon, the Appropriation of Funds and the Receipt of Private Donations. (By Mr. Steen, to Buildings and Highways)

SB 238—An Act Authorizing and Directing the State Highway Department to Pay Martha S. Spicer, Widow of Minos R. Spicer, a Sum of Money and Appropriating Funds. (By Mr. Tull, to Buildings and Highways)

Mr. Price, Chairman of the Corporations, Municipal, Committee, reported the following bill from committee: **HB 237**, 4 on merits.

On motion of Mr. Steen, the Senate adjourned at 6:30 P. M. until Tuesday, July 11, 1961, at 1:00 P. M.

61ST LEGISLATIVE DAY

July 11, 1961

The Senate met pursuant to adjournment at 1:35 P. M. on Tuesday, July 11, 1961. President Pro Tem Reilly presiding.

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

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

Members absent: Cook, Johnson, Manning, McCullough, Price, Snowden, Steen, Tull—8.

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

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

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. (To Education)

On motion of Mr. Watson, the Senate recessed upon call of the Chair at 1:45 P. M. The Senate met at the expiration of recess at 4:55 P. M. Mr. Steen presiding.

Messrs. Cook, (Mrs.) Manning, Price, Snowden, Steen and Tull asked to be marked present.

Mr. Johnson asked to be marked present.

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

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. (By Mr. Steen, to Finance)

SB 240—An Act to Amend Chapter 65, Title 3, Delaware Code, Relating to Requirements for Regular License and Financial Responsibility of Poultry Buyers. (By Mr. Steen, to Agriculture)

SB 241—An Act Making a Supplementary Appropriation to the Juvenile Court of Kent and Sussex Counties. (By Mr. Mayhew, to Finance)

SB 242—An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to the Levy Court Commissioners for New Castle County. (By Messrs. Johnson, Watson and McCullough, to Elections)

On motion of Mrs. Manning, SB 218 with title as follows was taken up for consideration and read a second time by title in order to pass the Senate:

SB 218—An Act Appropriating Funds for the Payment of Claims of James F. Long and Ray E. Parsons, Arising Out of Water Damage Sustained on August 31, 1960, from a Drain, Maintained by the State Highway Department.

On 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—14.

NAYS: Donovan—1.

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

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

The following letter from the President Pro Tempore was read to the Senate:

July 11, 1961

To the Honorable Members of the Senate
Dover, Delaware
Gentlemen:

By authority invested in me, I do hereby appoint to the Delaware Commission on Interstate Cooperation the following Senators:

Senator Curtis W. Steen
Senator Allen J. Cook
Senator James H. Snowden

Yours truly,

JOHN E. REILLY, SR.
President Pro Tempore
Dover, Delaware

cc Governor Elbert N. Carvel
Speaker of the House
Sherman W. Tribbitt