

Code of Delaware, 1935, as Amended, Relating to Stopping Motor Vehicles Upon Signals From Police Officers," by Warren; to Revised Statutes.

HB 215—"An Act Making An Appropriation to Delaware State College to Provide for the Erection, Repair and Equipment of Certain Buildings in Connection with the College, and for the Equipment, Furnishing, Operation and Maintenance Thereof," by Warren; to Appropriations.

HB 216—"An Act With Respect to Regulations Affecting Labor Unions and Regulations Between Employers and Employees, Members of Labor Unions," by Warren; to Labor.

HB 217—"An Act Amending Chapter 118, Volume 44, Laws of Delaware, 1943, as Amended, by Providing What Qualified Electors May Vote at any General Election by Absentee Ballot," by Cochran; to Elections.

HB 218—"An Act to Amend Chapter 14 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Secretary of State,' by Authorizing The Secretary of State to Appoint an Assistant to the Secretary of State, Designating the Duties of the Assistant to the Secretary of State, and Providing for the Certification of Records," by King; to Miscellaneous.

HB 219—"An Act to Amend Chapter 56, of the Revised Code of Delaware, 1935, as Amended, by Providing for a General Registration of Qualified Voters in the Year 1950 and in the Year 1952, and Every Fourth Year Thereafter, and Providing for a Supplementary Registration of Qualified Voters in the Year 1954, and Every Fourth Year Thereafter," by Mabrey; to Revised Statutes.

HB 220—"An Act Proposing an Amendment to Section 14, Article II of the Constitution of the State of Delaware Relating to the 'Legislature' Providing That No State, County, or Municipal Employee Shall Be a Senator or Representative," by Cook; to Miscellaneous.

HB 221—"An Act to Amend Chapters 56 and 60, Revised Code of Delaware, 1935, as Amended, and Section 13 of Chapter 118, Volume 44, Laws of Delaware, 1943, as Amended, by Requiring the Electors of This State to Sign One of the Books of Registered Voters At The Time of Registration and at the Time of Voting in Any General Election; Providing Space Therefor in the Registration Books; Providing For The Size of the Registration Books and Providing for the Duties of Registration and Election Officers With Regard to Such Signatures," by Carey; to Revised Statutes.

HB 222—"An Act to Amend Chapter 165 of Revised Code of Delaware, 1935, as Amended, by Adding Thereto a New Paragraph Relating to Revocation of License by Motor Vehicle Department for Convictions or Bail Forfeitures," by Hughes; to Revised Statutes.

House Substitute No. 1 for HB 115 (same title as **HB 115**), by Givan; to Miscellaneous.

Mr. Warren introduced the following resolution which on his further motion was adopted:

HB 18—"Relative to the Payment for Printing the Daily Calendar for the House of Representatives of the 115th General Assembly of the State of Delaware."

BE IT RESOLVED by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware that the sum of Six Hundred Fifty-two Dollars and Fifty Cents (\$652.50) be and the same is hereby appropriated out of the monies of the State Treasury, not otherwise appropriated, for the payment to Delaware State News of Dover, Delaware, the lowest and responsible bidder, for printing the Daily Calendar for the House of Representatives of the State of Delaware from February 7, 1949 up to and including February 18, 1949, said calendar being necessary to the business of the House and the expense thereof being a necessary expense connected with the session.

On Motion of Mr. Bruno, **HB 156**—"An Act to Amend Chapter 113, Volume 32, Laws of Delaware (1921) Entitled 'An Act Providing For a Police Pension Fund For Members of The Police Force of The City of Wilmington,' as Amended, by Changing the Number of Years of Service Required For a Pension," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—Dr. Benger—1.

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

On Motion of Mr. Warren, **HB 163**—"An Act Agreeing To The Proposed Amendment to Section 15 of Article II of The Constitution of The State of Delaware, Relating to The Compensation of the Members and Presiding Officers of The General Assembly," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

The Secretary of the Senate informed the House that the Senate had concurred in **HCR 7**.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second reading by title only, and referred to committees as follows:

SB 1—"An Act to Amend Article 27 of Chapter 100 of the Revised Code of Delaware, 1935, Relating to Pure Food, by Prescribing the Terms and Conditions upon which Oleomargarine, either White or Yellow in Color, may be Manufactured, Sold, Served in Eating Houses, and Displayed for Sale"; to Public Health.

SB 13—"An Act to Amend Chapter 258, Volume 41, Laws of Delaware, as Amended, by Changing the Provisions Relative to Benefit Payments and the Duration Thereof"; to Revised Statutes.

SB 52—"An Act to Amend 'An Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to be Followed with Respect Thereto, Providing that Pension Benefits shall be Free of Attachment and Non-assignable, and also Providing for the Reduction of Benefits Under Certain Conditions,' as Amended, with Reference to Allowable Interruptions from Covered Employment"; to Revised Statutes.

SB 57—"An Act to Repeal Chapter 193, Volume 44 Laws of Delaware, and Further to Amend 5689, Section 151 of the Revised Code of Delaware, 1935, as Amended, Relating to Traction Engines and Tractors, by Providing for the Vehicles which shall be Permitted to be Attached Thereto and Hauled over the Public Streets, Roads and Highways"; to Public Highways.

SB 61—"An Act to Amend Article 8, Chapter 165 of The Revised Code of Delaware, 1935, by Limiting the Liability of Owners or Operators of a Boat, Air-Plane or other Vehicle to a Guest Transported Without Payment"; to Revised Statutes.

Requests that the following be stricken from the calendar were granted to Members as follows: **HB 98** by Longbotham.

The Speaker announced he was about to sign: **SCR 9** and **11**; **SB 24**.

Mr. Jones moved that action on **HB 76** be deferred. Motion prevailed.

Mr. Warren moved that the House adjourn until 12:00 noon, Tues., Feb. 22, 1949. Motion prevailed.

31ST LEGISLATIVE DAY

House met pursuant to adjournment, Tues., Feb. 22, 12:30 P. M.

Prayer by the Chaplain, Rev. Wright.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal and the journal be approved. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 109**, **SB 8** by Appropriations; **HB 102** by Public Health; **SB 60** by Miscellaneous; **HB 116**, **121** by Revised Statutes.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following resolution which was presented by the Chair and on further motion of Mr. Warren was adopted and ordered returned to the Senate: **SCR 12**—"Providing for a Joint Session to Attend the Exercises Arranged in Commemoration of the Birthday Anniversary of George Washington."

Mr. Warren moved that the House recess until 2:15 P. M. Motion prevailed.

JOINT SESSION

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

The President of the Joint Session invited the Speaker of the House to come to the rostrum.

The President of the Joint Session invited the President Pro Tem of the Senate to come to the rostrum.

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

The following program was presented:

Remarks from the Lt. Governor Alexis duPont Bayard.

Music by the Caesar-Rodney High School Band, directed by Mr. E. F. Elehart; several selections.

Address by Mr. John G. Leach, Vice President of Beacom College, Wilmington, Delaware.

Several more selections from Caesar-Rodney High School Band.

Mr. Burkholder thanked the Joint Legislative Committee for arranging such a splendid program.

Mr. Burkholder moved that the Secretaries of the Joint Session compare their Journals. Motion prevailed.

The Secretary of the Senate announced that the Secretaries had compared their Journals and found them to agree.

Mr. Burkholder moved that the two Houses now separate and return to their respective chambers. Motion prevailed.

House met at expiration of recess at 4:25 P. M.

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

HB 223—"An Act to Amend Chapter 60, Revised Code of Delaware, 1935, Relating to General Elections by Providing for the Consolidation of the Presidential and Vice-Presidential Ballot with the State, County and District Ballot, by Providing for an Unofficial or Sample Ballot; the Number and Style of Ballots to be Printed; Distribution of Ballots; Additional Unofficial or Sample Ballots Printed, When; Quantity of Election Supplies Furnished; One Official Ballot at a Time Available to Elector at Polls; Unofficial or Sample Ballots Not To Be Counted; Illegal Possession of Official Ballots; Penalty," by Walsh; to Revised Statutes.

HB 224—"An Act to Authorize The Mayor and Council of New Castle to Borrow Money and Issue Bonds Therefor for a Sum Not To Exceed One Hundred Twenty-Five Thousand Dollars to Pay for the Purchasing and Installation of an Elevated Water Storage Tank," by McCullough; to Municipal Corporations.

HB 225—"An Act Authorizing The Mayor and Council of New Castle to Borrow Money and Issue Bonds Therefor for the Sum of \$300,000.00 to Pay for the Erection of a Sewerage Disposal Plant in the City of New Castle and to Extend Sewer Facilities Throughout The Said City," by McCullough; to Municipal Corporations.

HB 226—"An Act Providing For The Building of a Dam Across McCalley's Mill Pond, and Appropriating Moneys For The Construction of Said Dam," by Longbotham; to Public Highways.

HB 227—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935, as Amended, in Reference to Certain Provisions Respecting the Eradication of Bang's Disease," by Cook; to Agriculture.

HB 228—"An Act to Amend An Act With Reference to Ditches and Drains in Kent County, Being Chapter 256 of Volume 37, Laws of Delaware, 1931," by Cool and Camper; to Public Highways.

HB 229—"An Act to Amend Chapter 216, Volume 27, Laws of Delaware, Entitled 'An Act Amending, Revising and Consolidating the Charter of the City of New Castle,' by Removing the Property Qualification for Voters in Municipal Referendums," by McCullough; by Request; to Municipal Corporations.

Mr. Warren introduced the following resolution which on

his further motion was adopted: **HR 19**—"Authorizing Payments on Account to Attaches and Employees."

BE IT RESOLVED, That the Treasurer of the State of Delaware, be and he is hereby authorized and directed to pay from the General Fund of the State Treasury of the State of Delaware, upon the order of the Speaker of the House of Representatives, up to the sum of Three Hundred (\$300.00) Dollars to each attache of the House of Representatives as a part payment and compensation due such attache of the House of Representatives, and such payment or payments constituting a necessary expense of the Session.

Mr. Warren introduced the following resolution which on his further motion was adopted: **HR 20**—"Adopting Permanent Rules for the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 115th General Assembly that the Rules of the House together with the joint Rules adopted at the regular Session of the 114th General Assembly and heretofore adopted as the temporary Rules for the governing of the present Session of the House with certain changes in **Rules Numbers 1, 4, 17, 23, 24, 32, 34, 41 and 44**, are hereby adopted as the permanent Rules of the House for the 115th General Assembly, the Rules in which changes are made being set out in full as amended as follows:

Rule 1—The House of Representatives shall meet every day (Saturday and Sunday excepted) at eleven o'clock A. M., unless otherwise ordered.

Rule 4—The daily order of business shall be as follows:

1. Calling of House to Order.
2. Prayer by Chaplain.
3. Calling of Roll.
4. Reading of Journal.
5. Communications from the Speaker and presentations of Petitions and Memorials.
6. Reports from Standing Committees in regular order.
7. Reports from Special Committees in order of appointment.
8. Introduction of new business and first and second readings of bills and resolutions when required by rules.
9. Business on the Calendar.
10. Miscellaneous.

Rule 17—The standing committees of the House, consisting of five members each (except the Committee on Passed Bills of three members) to be appointed by the Speaker and to continue during the session, shall be as follows:

Committee on Accounts
Committee on Agriculture and Forestry
Committee on Appropriations

Committee on Charities
 Committee on Claims
 Committee on Corporations—Municipal
 Committee on Corporations—Private
 Committee on Education
 Committee on Elections
 Committee on Federal Relations
 Committee on Fish, Oysters and Game
 Committee on Insurance and Banking
 Committee on Judiciary
 Committee on Labor
 Committee on Manufacturers and Commerce
 Committee on Military Affairs
 Committee on Miscellaneous
 Committee on Passed Bills
 Committee on Printing
 Committee on Public Buildings and Highways
 Committee on Public Health
 Committee on Revenue and Taxation
 Committee on Revised Statutes
 Committee on Rules
 Committee on Supplies
 Committee on Temperance

Rule 23—Every bill and resolution, to which the concurrence of both Houses of General Assembly may be necessary, shall be introduced with an original and at least eight copies, the copies shall be marked "duplicate" and at all times every bill and resolution shall be under the general supervision of the Clerk of the House. Until its passage by the House, the original copy of every bill and resolution shall at all times remain in the custody of the Chairman of the committee to which it was referred or the Clerk of the House. The original of all bills and resolutions shall be either printed or typewritten and backed and no erasures or interlineations shall be allowed.

Rule 24—The title of every bill and joint resolution shall be read twice on the day it is introduced. The bill or joint resolution shall not be otherwise read except upon the request of any member of the House, in which case the bill or joint resolution shall be read in full. All bills and joint resolutions shall be read in full on the day and prior to their submission to the vote of the House.

Rule 32—Every motion, except to adjourn, shall be entered on the Journal with the name of the mover, and any motion, if so desired by the mover, may be withdrawn before amendment or decision thereon and the proceedings in relation to the same shall be expunged from the Journal.

Rule 34—Every motion shall be repeated by the Speaker, or presiding officer, before debate or discussion thereon; and if there has been any debate or discussion, the motion shall again be repeated distinctly by the Speaker or presiding officer before

putting the question in the following terms: "As many as are in favor of the question say Aye," and, after the affirmative is expressed, "As many as are opposed, say No."

Rule 41—The business on the Calendar shall be called at at one-thirty o'clock on each day of the session and shall be called in sequence (but the Calendar will not be called if there is any other unfinished business the House was considering at the time of the previous adjournment or any special order for the day is ready for action). If the call of the calendar is not completed at any session the next sessions call shall be resumed at the place on the calendar where the call was interrupted.

Rule 44—The rules of the House shall not be changed or suspended except by a vote of a constitutional majority of the members unless these rules otherwise provide, but in all cases to which they are applicable and in which they are not inconsistent with these rules, the rules of parliamentary practice comprised in *Roberts' Rules of Order Revised* shall govern the House; and when the rules of parliamentary practice comprised in *Jefferson's Manual* shall govern insofar as they may be applicable and not inconsistent with these rules.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SB 62—"An Act to Amend Chapter 83, Volume 45, Laws of Delaware, Relating to Aid for the Needy Blind, by Reducing the Residence Requirements for Financial Assistance"; to Revised Statutes.

SB 70—"An Act to Amend 1136, Section 1, of Chapter 42, Revised Code of Delaware, 1935, Relative to Notaries Public and Commissioners of Deeds, as Amended by Chapter 100, Volume 41, Laws of Delaware, 1937, and Chapter 97, Volume 43. Laws of Delaware, 1941, Providing for Additional Notaries Public in Sussex County"; to Revised Statutes.

SB 75—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' Relating to Cranes"; to Public Highways.

SB 90—"An Act Making an Appropriation for an Elevator in the Legislative Building at Dover"; to Appropriations.

The Employees Oath* was administered by the Speaker to Richard E. Stevenson as Attorney's Clerk; to Stephen G. Armour as Assistant Mail Clerk; to Mabel E. Dyer as Assistant Document Clerk; to Joseph T. Gibbs as Assistant Door Keeper; to Abel Gibbs as Assistant Sgt.-at-Arms.

The Speaker announced he was about to sign: **HCR 7**.

Mr. Warren moved that the House adjourn until 12:00 Noon, Mon., Feb. 28, 1949. Motion prevailed.

*For form of Oath, see 1st Legislative Day.

32ND LEGISLATIVE DAY

House met pursuant to adjournment, Mon., Feb. 28, 12:35 P. M.

Prayer by the Chaplain, Rev. Wright.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Sinclair—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

Communications: 1 for **HJR 4**, 1 for **HB 126**, 2 for **HB 75**, 1 for **HB 91**, 2 for **HB 76**, 1 for **HB 91**, 1 for **HB 69**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 192** by Education; **SB 57, 75, HB 177, 162, 165, 184, 226** by Public Highways; **HB 112** by Agriculture.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:20 P. M.

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

House Substitute No. 1 for HB 67 (same title as **HB 67**), by Kelton; to Appropriations.

House Substitute No. 1 for HB 198 (same title as **HB 198**), by Blendt; to Fish, Oysters and Game.

HB 230—"An Act to Amend Chapter 74, of The Revised Code of Delaware, 1935, as Amended. Entitled 'Fish, Oysters and Game,' Regarding Restricted Experimental, Propagating and Shooting Preserves, and the Authority of the Board With Respect Thereto," by Armstrong, Bryan, and Allen; to Fish, Oysters and Game.

HB 231—"An Act to Repeal Chapter 737, Volume 19, Laws of Delaware, Entitled 'An Act Providing For An Inspector of Meats for the City of Wilmington,'" by Armstrong; to Public Health.

HB 232—"An Act to Amend Chapter 92, Volume 35, Laws of Delaware, Entitled 'An Act Relating to the Sinking Fund of the Mayor and Council of Wilmington,'" by Armstrong; to Municipal Corporations,

HB 233—"An Act to Provide For Protecting the Beach or Strand Opposite the Town of Slaughter Beach in Sussex County, Delaware, From Erosion and Inundation," by Collison; to Appropriations.

HB 234—"An Act to Amend Chapter 165 of the Revised

Code of Delaware, 1935, Relating to Rights to be Tried in The Municipal Court of Wilmington or by the Nearest Justice of the Peace," by Walsh; to Judiciary and Crime.

HB 235—"An Act to Amend Chapter 49 of the Revised Code of Delaware, 1935, as Amended, With Respect to Examinations by Physicians; Payments for Such Examinations and Fees as Expert Witnesses," by Dr. Benger; to Revised Statutes.

HB 236—"An Act to Authorize the Commissioners of Newport to Borrow \$5,000.00 Upon The Note of the Town for the Purpose of Making Additions to and Improving The Municipal Waterworks," by Dr. Benger; to Municipal Corporations.

HB 237—"An Act to Amend Chapter 195, Volume 24, Laws of Delaware, Entitled 'An Act to Reincorporate The Town of Newport,' by Giving The Town Alderman Power to Impose Larger Fines," by Dr. Benger; to Municipal Corporations.

HB 238—"An Act Authorizing And Directing The State Highway Department to Construct a Bridge Over Silver Run Creek in St. Georges Hundred, New Castle County, and Appropriating Money Therefor," by King; to Appropriations.

HB 239—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Penalties For Violations of Motor Vehicle Laws," by King; to Public Highways.

HB 240—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relative to Motor Vehicles, Increasing Axle Weight of Vehicles on Primary Roads to be Designated by State Highway Commission," by King; to Public Highways.

HB 241—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relative to Motor Vehicles, Providing That Coupled Axles on Semi-Trailers Known as Low-Bed Trailers, Shall be Spaced Thirty-Six Inches or More Apart," by King; to Public Highways.

HB 242—"An Act to Repeal Section 1, Chapter 239, Volume 46, Laws of Delaware," by McCullough; to Miscellaneous.

HB 243—"An Act to Authorize 'The Council' of 'The Mayor and Council of Wilmington' to Provide For Additional Duties for the Collectors of Taxes, and Divide the City into Tax Zones with Different Periods of Time For The Payment of Taxes," by Bruno; to Municipal Corporations.

HB 244—"An Act to Authorize The Mayor and Council of Wilmington to Sell or Devote to Other Public Uses Park Lands Which The Board of Park Commissioners Determines Are No Longer Needed For Park Purposes," by Bruno; to Municipal Corporations.

HB 245—"An Act to Repeal Chapter 106, Volume 21, Laws of Delaware, Entitled 'An Act to Classify Real Estate for the Purposes of Municipal Taxation Within The City of Wilmington,'" by Bruno; to Revenue and Taxation.

HB 246—"An Act Making An Appropriation To The Delaware Commission of Shell Fisheries For The State's Share of the Initial Cost of The Improvement of a Channel Across Rehoboth

Bay to The Channel Leading From Millsboro Through Indian River to the Inlet, and Authorizing and Empowering Said Commission To Act as the Agent of The State of Delaware," by Givan; to Appropriations.

HB 247—"An Act Making An Appropriation To The State Highway Department of the State of Delaware For Defraying the Expense of Removal of Wrecks From The Beach or Shore of the Atlantic Ocean at the Foot of Brooklyn Avenue, Rehoboth Beach, Delaware," by Givan; to Appropriations.

HB 248—"An Act Making a Special Appropriation to The State Board of Agriculture for the Purpose of Providing Three Field Poultry Pathologists for The Benefit of Poultry Growers Throughout The State of Delaware," by Calhoun and King; to Agriculture.

HB 249—"An Act to Amend Chapter 74 of The Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game' with Respect to the Shooting of Game Birds or Animals Under Certain Conditions," by Calhoun; to Fish, Oysters and Game.

HB 250—"An Act Appropriating Certain Money For The Construction and Equipment of a New State Armory in The Town of Dagsboro or in the Vicinity Thereof," by Calhoun; to Miscellaneous.

HB 251—"An Act to Amend Chapter 43 of The Revised Code of Delaware, 1935, as Amended, Entitled, 'Levy Courts,' With Reference to The Tax Rate in Kent County," by Cook; to Revenue and Taxation.

HB 252—"An Act to Amend Chapter 104, Volume 45, Laws of Delaware, 1945, With Reference to Pension Benefits," by Bryan; to Revised Statutes.

HB 253—"An Act to Increase The Salaries and Wages of All Elective and Appointive Employees of New Castle County who Receive Their Checks or Pay From The New Castle County Levy Court," by Bryan; to Miscellaneous.

HB 254—"An Act to Amend Chapter 207 of Volume 17, Laws of Delaware, Entitled 'An Act to Revise and Consolidate The Statutes Relating to The City of Wilmington,' as Amended by Chapter 557 of Volume 20, Laws of Delaware, by Providing for a Department of Health For The City of Wilmington in Lieu of the Board of Health, and Defining Its Authority, Jurisdiction, Power and Duties, Term of Office and Salary," by Bryan; to Public Health.

HB 255—"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 Chapter 177, Volume 24, Laws of Delaware, and as Further Amended by Chapter 114, Volume 32, Laws of Delaware, by Placing in The Street and Sewer Department of The Mayor and Council of Wilmington Jurisdiction and Control Over City Crematories, Garbage Disposal Plants, and the Collection and Disposal of Garbage and Offal of The City," by Bryan; to Revised Statutes.

HB 256—"An Act Relating to the Transportation of Public School Pupils by Providing for the Transportation Thereof in Privately Owned School Busses and Directing The State Board of Education to Dispose of All State Owned Busses," by Cool and Collison; to Miscellaneous.

HB 257—"An Act Making An Appropriation To Caesar Rodney Special School District in Kent County for The Purpose of Paying Teachers Employed by Said School During The School Year Beginning July 1, 1948 and Ending June 30, 1949 the Salaries Authorized by the Uniform State Supported Salary Schedule for Teachers of 1947," by Cool; to Claims.

HB 258—"An Act Authorizing And Directing the Board of Trustees of Sussex County to Pay The Claim of Clyde Joseph and Damages to His Automobile," by Marvel and Lawson; to Claims.

HB 259—"An Act to Amend An Act Entitled 'An Act to Authorize The Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, to Make Indices of Judgments in His Office,' Being Chapter 106, Volume 46, Laws of Delaware, 1947, Relating to the Beginning Date of The Indices," by Marvel; to Revised Statutes.

HB 260—"An Act to Amend Chapter 21, Revised Code of Delaware, 1935, as Amended, Relating to Commercial Feeding Stuffs by Increasing The Tax on Commercial Feeding Stuffs For The Feeding of Poultry; Setting Aside The Revenues Therefrom at the Disposal of a New Commission to be Known as The 'Delaware State Poultry Commission'; Its Powers and Duties," by Lawson and Marvel; to Revised Statutes.

HB 261—"An Act to Amend Chapter 237, Volume 46, Laws of Delaware, Entitled 'An Act Providing For The Payment of Pension Benefits to Certain Employees of The Mayor and Council of Wilmington, Fixing Ages of Retirement, Establishing Benefits Payable and The Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to be Followed With Respect Thereto, Providing That Pension Benefits Shall be Free of Attachment and Liability for State and Local Income Taxes and Non-Assessable, and also Providing for the Reduction of Benefits Under Certain Conditions,' by Providing That Certain Employees Who Shall Have Served in 'Covered Employment' For a Period of Twenty Years or More Shall Not Be Removed From 'Covered Employment' Except For Certain Causes," by Winchester; to Revised Statutes.

HB 262—"An Act to Amend Chapter 237, Volume 46, Laws of Delaware, Entitled 'An Act Providing For The Payment of Pension Benefits to Certain Employees of The Mayor and Council of Wilmington, Fixing Ages of Retirement, Establishing Benefits Payable and The Source of Payment Thereof, Providing for Application for Pensions and the Procedure to be Followed with Respect Thereto, Providing That Pension Benefits Shall be Free of Attachment and Liability for State and Local Income Taxes and Non-Assignable, and Also Providing For The Reduction of

Benefits Under Certain Conditions,' by Reducing The Period of Service for Voluntary Retirement from Thirty-Five Years to Thirty Years," by Winchester; to Revised Statutes.

HB 263—"An Act to Reimburse The State Highway Department For Money Advanced to the State Police Pension Board For State Police Pensions," by Jones; to Claims.

HB 264—"An Act Appropriating Certain Money For The Construction and Equipment of a New State Armory in the Town of Claymont or in the Vicinity Thereof," by Jones; to Appropriations.

HB 265—"An Act Making An Appropriation to The State Highway Department for The Improvement and Maintenance of State Lands and the Maintenance of Indian River Inlet Park," by Jones; to Claims.

HB 266—"An Act to Provide That Any Unused Funds Out of The Appropriations to The State Highway Department in the Budget Appropriation Bill for the Biennium Ending June 30, 1951, Shall Not Revert to the General Fund at the End of Any Fiscal Year But Shall Remain Credited by the State Treasurer the Said Department For Construction," by Jones; to Miscellaneous.

HB 267—"An Act Appropriating Money For The Payment to Federally Recognized Units of The Delaware National Guard," by Kelton; to Appropriations.

HB 268—"An Act to Amend Chapter 8 of The Revised Code of The State of Delaware, 1935, as Amended, Relating to Public Arms and Defense," by Kelton; to Military Affairs.

HB 269—"An Act Appropriating Certain Money For The Construction and Equipment of a New State Armory in the Town of Seaford or in the Vicinity Thereof," by Kelton; to Appropriations.

HB 270—"An Act to Authorize a Highway Crossing at Grade in Mill Creek Hundred, New Castle County, Over The Landenberg Branch of the Baltimore and Ohio Railroad," by Kelton; to Public Highways.

HB 271—"An Act to Amend Chapter 207, Volume 24, Laws of Delaware, Entitled 'An Act to Incorporate The Town of Bowers,' as Amended, by Providing For The Appointment of a Fire Marshal and Defining His Duties," by Paskey; to Revised Statutes.

HB 272—"An Act to Amend Chapter 207, Laws of Delaware, Entitled, 'An Act to Incorporate The Town of Bowers,' as Amended, by Increasing The Amount of Tax Permitted To Be Raised in Said Town, and Providing For The Submission of Said Increase to a Referendum Vote of the Voters of Said Town," by Paskey; to Revenue and Taxation.

HB 273—"An Act Appropriating Money to the Board of Game and Fish Commissioners to be Used for the Upkeep and Maintenance of the Game on the Lands Leased From The Federal Government by Said Commission and Located in Sussex County, Delaware," by Warren; to Appropriations.

HB 274—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to the Operation of Motor Vehicles By Persons Under The Influence of Intoxicating Liquor or Drugs," by Warren; to Revised Statutes.

HB 275—"An Act to Amend Chapter 165 of the Revised Code of Delaware, as Amended, Relating to Registration of Motor Vehicles," by Warren; to Revised Statutes.

HB 276—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to Penalties for Misdemeanors Under Article 2 Thereof," by Warren; to Judiciary and Crime.

HB 277—"An Act Requiring Records To Be Kept by Persons Conducting Sales and Bazaars, Said Records Being Open To The Police Authorities and Office of The Attorney General," by Mabrey; to Miscellaneous.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following resolutions, which were presented by the Chair, read and on further motion of Mr. Warren were adopted and ordered returned to the Senate: **SCR 14**—"Expressing Appreciation to Those Who Assisted in the Program Commemorating the Birthday of George Washington."

SCR 13—"Relative to the Death of Joseph Morris Harrington."

WHEREAS, word has been received of the passing of Joseph Morris Harrington, a resident of Felton, Delaware, an official of the State of Delaware, and a man who formerly held other prominent positions in the Government of this State; and

WHEREAS, in addition to his official services, Joseph Morris Harrington has for many years been a prominent citizen of his community and of the State, interested in many activities that promised public improvement and enjoyment to many people; and

WHEREAS, the Members of the General Assembly have received the news of Mr. Harrington's passing with regret, and 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 General Assembly of the State of Delaware, the House of Representatives concurring,

That the Members of the 115th General Assembly wish to give expression to the regret they experienced, many of them personally, at the passing of Joseph Morris Harrington, prominent figure in his community, and an officer of the State of Delaware over a period of many years; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the Members of the 115th General Assembly which is extended by sending a copy of this Resolution to his surviving son at Felton, Delaware, and to other members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this Res-

olution be made a part of the Journal of the proceedings of each House of the 115th General Assembly.

On Motion of Mr. Collison, **SB 60**—"An Act to Amend an Act Entitled, 'An Act to Provide for the Regulation, Control and Licensing of Harness Racing in the State of Delaware,' Being Chapter 303, Volume 45, Laws of Delaware, 1944-'45, as Amended, Relating to Commissions on Pari Mutuel or Totalizator Pools," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—31.

NAYS—None.

Not Voting—Mr. O'Neal—1.

Absent—Messrs. Allen Givan, Sinclair—3.

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

Requests that the following be stricken from the calendar were granted to Members as follows: **HB 24** by Jones; **HB 176** by Bryan.

The Speaker announced he was about to sign: **SJR 1**, **SCR 1**, **2, 3, 4, 5, 6, 7, 8, 10, 12**.

Mr. Warren moved that the House adjourn until 12:00 noon, Tues., Mar. 1, 1949. Motion prevailed.

33RD LEGISLATIVE DAY

House met pursuant to adjournment, Tues. Mar. 1, 12:15 P. M.

Prayer by the Chaplain, Rev. Wright.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal and the journal be approved as read. Motion prevailed.

Communications: 1 against **SB 6**, 3 against **SB 37**. 5 against **HB 75**, 2 against **SB 54**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 84** by Judiciary and Crime.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:30 P. M.

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

HS 1 for **HB 76** (same title as **HB 76**), by Jones; to Judiciary and Crime.

HS 1 for **HB 69** (same title as **HB 69**), by Jones; to Appropriations.

HB 278—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, Entitled 'Fish, Oysters and Game,' in Reference to Live Bait Fish," by Warren; to Fish, Oysters and Game.

HB 279—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game with Respect to Licenses Issued to Non-Residents and Residents of the State before Hunting, Trapping or Pursuing Wild Animals and Game and before Fishing,'" by Warren; to Fish, Oysters and Game.

HB 280—"An Act to Amend Chapter 74, Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game,' by Prohibiting the Possession of a Loaded Shot Gun or Loaded Rifle in Certain Vehicles and Conveyances," by Warren; to Fish, Oysters and Game.

HB 281—"An Act to Amend an Act Entitled 'An Act to Reincorporate The Town of Newport,' Being Chapter 195, Volume 24, Laws of Delaware, as Amended by Chapter 119, Volume 32, Laws of Delaware, by Changing the Hours of Voting at Annual Elections," by Dr. Bengert; to Elections.

HB 282—"An Act Appropriating Money to the Kruse School for Girls," by Dr. Bengert; to Appropriations.

HB 283—"An Act to Amend Chapter 135, Volume 29, Laws of Delaware, Entitled 'An Act to Revise and Consolidate the Statutes Relating to Curbstone Markets in The City of Wilmington,' by Authorizing the 'Street and Sewer Department' of 'The Mayor and Council of Wilmington' to Temporarily Relocate Existing Public Curbstone Markets When Necessary by Reason of Paving Certain Streets," by Bryan; to Revised Statutes.

HB 284—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Alcoholic Liquor, Wines and Beer,' with Respect to Applications after Refusal by the Commissioners to Grant a License," by Kelton, by Request; to Temperance.

HB 285—"An Act to Provide for the Collection of a Tax on Sporting Goods, Fire Arms, Shells and Cartridges and Providing for the Expenditure of the Funds So Collected for Restocking of Game, Including Rabbits, Quail and Other Upland Game, as well as Fresh Water Fish," by Calhoun and Lawson; to Fish, Oysters and Game.

HB 286—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" and Establishing a Charter Therefor,' by Providing Compensation for the Members of the City Council," by Evans; to Municipal Corporations.

HB 287—"An Act Appropriating Money to the Adjutant General for the Payment of Operations of His Department for the Balance of the Fiscal Year 1949," by Kelton; to Miscellaneous.

HB 288—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Permits for Excessive Size and Weight," by Jones; to Public Highways.

HB 289—"An Act to Amend Chapter 123, Volume 45, Laws of Delaware, 1945, as Amended, Being the Suburban Community Code, with Respect to Street Frontage and Street Sideage to be Shown on Community Plots; Voting Rights of Said Property Owners; Limitations on the Issuance of Bonds; and Assessments on Property Owners," by Jones; to Revised Statutes.

HB 290—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Definition of Semi-Trailer," by Jones; to Public Highways.

HB 291—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' in Relation to Lengths of Piling and Pole Trailers," by Jones; to Public Highways.

HB 292—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' with Reference to the Maximum Gross Load for Which Certain Motor Vehicles May Be Registered; Fee for Special Permits; Ton Mile Fee; Blanket Permit for Piling or Pole Trailers; Refund of Fees for Unused Permits," by Jones; to Public Highways.

HB 293—"An Act Directing the State Highway Department of the State of Delaware, to Build, Repair, or Replace Jetties and Groins and Other Installations on the Beach Opposite Rehoboth Beach, Sussex County, Delaware and Appropriating Money Therefor," by Givan; to Appropriations.

HB 294—"An Act to Appropriate to the Lewes Memorial Commission the Sum of Forty-Three Hundred (\$4,300.00) Dollars for Repairs to the Zwaanendale Museum, at Lewes," by Givan; to Appropriations.

HB 295—"An Act to Direct the State Treasurer to Transfer to the General Current School Account of the Delaware City School District No. 52 the Sum of Eight Hundred Thirty Eight Dollars and Twenty-Two Cents (\$838.22) Appearing in the State Treasury as the Debt Service Account to the Credit of Said Delaware City School District," by Holliday; to Miscellaneous.

The Secretary of the Senate informed the House that the Senate had concurred in the following: **HB 163, HCR 4.**

On motion of Mr. Sinclair, **SB 8**—"An Act Appropriating Monies for Education and Training of Children of

Veterans of World War I and World War II Who Died While in the Service of the Army, Navy, Marine Corps or Coast Guard of the United States or Who Died from Disease, Wounds or Disabilities Resulting from Such Service," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Longbotham—1.

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

Requests that the following be recommitted were granted to members as follows: **HB 49** by Collison.

The Speaker announced he was about to sign: **SCR 13, 14; SB 60.**

Mr. Warren moved that the House adjourn until 12:00 noon, Fri., Mar. 4, 1949. Motion prevailed.

34TH LEGISLATIVE DAY

House met pursuant to adjournment, Fri., Mar. 4, 12:30 P. M.

Prayer by the Chaplain, Rev. Wright.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

Communications: 2 for **HB 74**, 1 for **HB 39**, 1 for **HB 131**, 1 for **HB 91**, 1 for **HB 82**, 1 for **HB 84**, 1 for **HB 134**, 1 for **SB 4**, 1 for **SB 85**, 1 for **SB 82**, 20 for **SB 161**; 1 against **HB 75**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 209** by Miscellaneous.

The Committee on Passed Bills reported as approved by the Governor: **HB 2** (on Feb. 28); **HB 3, 12, 16, 17, 56, 70, 105**, and **HCR 3, 7** (on Mar. 2.).

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:30 P. M.

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

HS 1 for **HB 87** (same title as **HB 87**), by Lawson; to Fish, Oysters and Game.

HS 1 for **HB 142** (same title as **HB 142**), by Marvel and Lawson; to Appropriations.

HB 296—"An Act Appropriating Money to the State Board of Health for Services to Crippled Children," by Dr. Benger and Collison; to Appropriations.

HB 297—"An Act to Amend Chapter 65 of the Revised Code of the State of Delaware of 1935 Relating to Corporations," by Sinclair; to Private Corporations.

HB 298—"An Act to Amend Chapter 135, Volume 29, Laws of Delaware, Entitled 'An Act to Revise and Consolidate the Statutes Relating to Curbstone Markets in The City of Wilmington,' with Respect to the Treatment of Applications for Market Space; Conditions Necessary on the Part of Renters to Retain Such Space; Charges for Such Space; the Compensation Paid to the Clerk of Markets of the City of Wilmington and the Courts Having Jurisdiction over Violations of the Above Mentioned Act; and Making an Appropriation to the State Board of Agriculture to Enable Said Board to Carry Out the Duties Imposed upon It by This Act," by Cool and Blendt; to Miscellaneous.

HB 299—"An Act to Amend Chapter 42 of the Revised Code of Delaware, 1935, and Authorizing the Appointment of a Notary Public for the Disabled American Veterans of Delaware," by Bryan to Revised Statutes.

HB 300—"An Act Appropriating Money to the Disabled American Veterans of Delaware," by Bryan; to Appropriations.

HB 301—"An Act to Amend Chapter 121, Volume 35, Laws of Delaware, Entitled 'An Act Authorizing the Council of "The Mayor and Council of New Castle" under Certain Conditions to Construct a System of Sewers and Disposal Works in and for The City of New Castle, Delaware' by Providing for the Payment of Salaries to the Members and Secretary of the Sewer Commission, by Clarifying the Method of Selling Properties that Are Delinquent in Paying Sewer Assessments and Service Charges and by Making Unpaid Service Charges Liens against Real Estate," by McCullough; to Municipal Corporations.

HB 302—"An Act to Authorize the Mayor and Council of Wilmington to Provide for the Planning, Acquisition, Purchase, Construction, Reconstruction, Improvement, Betterment, Extension, Operation, and Maintenance of Revenue-Producing Undertakings for the Collection, Treatment, and Disposal of Sewage, Waste, Garbage, and Storm Water; Authorizing the Exercise of the Power of Eminent Domain and the Fixing of

Rates in Connection with Such Undertakings; Authorizing and Regulating the Issuance of Revenue Bonds for Financing Such Undertakings; Providing for the Payment of Such Bonds and the Rights of the Holders Thereof; and Making an Appropriation to the Mayor and Council of Wilmington for Sewage Treatment Plants," by Armstrong; to Miscellaneous.

HB 303—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Fish, Oysters and Game,' by Authorizing the Board of Game and Fish Commissioners to Employ Dog Wardens and Making Appropriations to Carry Out the Provisions of the Act," by Marvel by Request; to Fish, Oysters and Game.

HB 304—"An Act to Amend Sub-Paragraph (1), Section 19 of Chapter 176 of the Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beers by Providing for a License to Purchase a Stock of Alcoholic Liquors for Personal Use," by Bruno; to Temperance.

HB 305—"An Act to Amend Chapter 164 of the Revised Code of Delaware, 1935, by Repealing All of 5522 Sec. 12 Thereof and Substituting and Enacting in Lieu Thereof a New Section to be Known as 5522 Sec. 12, Relating to Participants in Boxing, Sparring or Wrestling Matches or Exhibitions," by Bruno; to Revised Statutes.

HB 306—"An Act to Amend Section 16 of Chapter 176 of the Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beers by Providing that the Sale and Delivery Thereof Shall Not Be Made to Certain Persons by a Manufacturer or Importer," by Bruno; to Temperance.

HB 307—"An Act to Amend Sub-Paragraph (1) Section 20 of Chapter 176 of the Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beers by Providing for a License to Purchase a Stock of Alcoholic Liquors for Personal Use," by Bruno; to Temperance.

HB 308—"An Act to Amend Sub-Paragraph 5, Section 16 of Chapter 176 of the Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beers by Providing for an Increase in the Quantity of Spirits of Alcoholic Liquors, Alcohol, Spirits, Wines or Beer Which May Be Sold by the Commission at Its Stores," by Bruno; to Temperance.

HB 309—"An Act to Amend Chapter 43 of the Revised Code of Delaware, 1935, as Amended, Relating to Relief of the Indigent Sick Resident in Sussex County," by Longbotham; to Miscellaneous.

HB 310—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended by Chapter 203, Volume 44, Laws of Delaware, Relating to the Purchase of Alcoholic Liquor for Personal Use," by Longbotham; to Temperance.

HB 311—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended by Chapter 203, Volume 44, Laws of Delaware, Relating to Alcoholic Liquor, Wines and

Beer in Reference to the Sale and Delivery of Alcoholic Liquor," by Longbotham; to Temperance.

HB 312—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended by Chapter 203, Volume 44, Laws of Delaware, Relating to the Purchase of Alcoholic Liquor for Personal Use," by Longbotham; to Temperance.

HB 313—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beer, as Amended by Chapter 203, Volume 44, Laws of Delaware, Providing that Certain Quantities of Spirits and Wine or Spirits and Beer May Be Sold and/or Purchased," by Longbotham; to Temperance.

HB 314—"An Act to Amend an Act Entitled 'An Act to Change the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor' Being Chapter 162, Volume 38, Laws of Delaware, by Authorizing the City Council to Levy a Sewer Tax," by Donovan and Longbotham; to Municipal Corporations.

HB 315—"An Act to Amend 'An Act Changing the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor,' by Being Chapter 162, Volume 37, Laws of Delaware, as Amended, by Providing that the City Authorities Shall Have the Power to Establish and Maintain a Pension Plan for City Employees," by Donovan and Longbotham; to Municipal Corporations.

HB 316—"An Act Proposing an Amendment to Article XVI of the Constitution of the State of Delaware, Relating to Amendments and Conventions, by Providing an Additional Method of Amending the State Constitution upon the Submission of Such Proposed Amendment to a Vote of the People," by Walsh; to Miscellaneous.

HB 317—"An Act Appropriating Monies to William L. Quesada to Pay Certain Claims against the State of Delaware," by Evans by Request; to Miscellaneous.

HB 318—"An Act to Authorize the Commissioners of Lewes to Issue Bonds to Provide for Additions, Improvements and Repairs to the Water System at Lewes," by Givan; to Municipal Corporations.

HB 319—"An Act Appropriating Certain Money for the Construction and Equipment of a New State Armory in the City of Rehoboth Beach or in the Vicinity Thereof," by Givan; to Miscellaneous.

HB 320—"An Act to Amend the Charter of the City of Rehoboth Beach as Established by Chapter 161, Volume 41, Laws of Delaware, as Amended by Chapter 177, Volume 43, Laws of Delaware and by Chapter 243, Volume 46, Laws of Delaware, by Increasing the Amount of Taxes that May Be Raised in Any Fiscal Year for Municipal Purposes," by Givan; to Municipal Corporations.

HB 321—"An Act Directing the State Highway Department of the State of Delaware, to Build, Repair or Replace Jetties

and Groins and Other Installations on the Beach opposite Rehoboth Beach, Sussex County, Delaware and Appropriating Money Therefor," by Givan; to Appropriations.

HB 322—"An Act Making an Appropriation to the State Board of Education for Reallocation to Lord Baltimore School District No. 28, in Lieu of, and Not in Addition to, the Sum Intended to Be Appropriated in Chapter 171, Volume 46, Laws of Delaware, 1947, and Authorizing a Bond Issue to Provide the Said Appropriation," by Calhoun; to Appropriations.

HB 323—"An Act to Validate the Bonds Issued and Sold by Lord Baltimore School District No. 28 in Order to Make Available for the School Building Program the Local Share of Said School District Required by Chapter 171, Volume 46, Laws of Delaware, 1947, although Said Bonds When Added to Other Bonds Outstanding against Said School District Exceed Five Percent of the Assessed Value of the Real and Personal Property in Said School District," by Calhoun; to Education.

HB 324—"An Act to Amend Chapter 165, Revised Code, 1935, as Amended, Entitled, 'Motor Vehicles,' Relating to Drawn and Semi-Trailer Type of Earth Moving Scrapers or Haulers," by Jones; to Public Highways.

HB 325—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Motor Vehicles by Providing Speed Regulations," by Holliday; to Public Highways.

HB 326—"An Act to Require the Railroad Company Owning and Controlling the Bridge over the Railroad Tracks of the Baltimore and Ohio Railroad Company on What is Known as Harvey Road, Leading from the Philadelphia Pike to the Intersection of Said Road with Naaman's Road, at What is Known as Point Breeze, in New Castle County, to Increase the Capacity of Said Bridge so that Weights of Vehicle and Loads up to Twenty Tons Can Safely Cross Said Bridge," by Jones; to Public Highways.

HB 327—"An Act to Require the Railroad Company Owning and Controlling the Bridge over the Baltimore and Ohio Railroad Tracks on the Road Known as Darley Road Leading from the Philadelphia Pike to the Naaman's Road, in New Castle County, to Repair or Rebuild Said Bridge to Increase Its Load Carrying Capacity," by Jones; to Public Highways.

HB 328—"An Act to Require the Railroad Company Owning and Controlling the Bridge over the Baltimore and Ohio Railroad Tracks at Carpenter's Station, Where the Naaman's Road Crosses the Said Railroad Tracks, in New Castle County, to Widen and Increase the Capacity of Said Bridge and Provide a Walk-Way for Pedestrians," by Jones; to Public Highways.

HB 329—"An Act to Amend Chapter 256, Volume 37, Laws of Delaware, 1931, Relating to Ditches and Drains in Kent County by Providing an Annual Appropriation of Twenty-Five Thousand Dollars (\$25,000)," by Camper; to Appropriations.

HB 330—"An Act to Authorize the Board of Game and Fish Commissioners to Expend Income Derived from Delaware Forest Project, D L-IL U-1, Site 2- Known as the Petersburg Refuge near Felton, Delaware in Kent County, and Site 8—Assawoman Bay Tract, Located on Miller's Creek in Sussex County, for the Repair, Maintenance and Upkeep of Said Project and Sites and to Pay a Part of Said Income to the United States Government When It Exceeds Amount Needed for Such Repair, Maintenance and Upkeep," by Cordrey; to Fish, Oysters and Game.

HB 331—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, Entitled 'Fish, Oysters and Game' with Respect to Compensation for Stock or Fowl Killed or Injured by a Dog or Dogs," by Warren; to Fish, Oysters and Game.

HB 332—"An Act Regulating Labor Unions and Relations between Employers and Employees, Members of Labor Unions," by Lawson; to Labor.

HB 333—"An Act to Amend Chapter 60 of the Revised Code of Delaware, 1935, as Amended, Relating to General Elections, Providing for a Single Ballot for Presidential, Vice-Presidential, State, County and District Candidates at a General Election," by Lawson; to Revised Statutes.

HB 334—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game,' with Reference to the Open Season for Rabbit, Hare, Quail and the Red Fox," by Lawson; to Fish, Oysters and Game.

HB 335—"An Act Making It Unlawful to Engage in a Strike against the State of Delaware or Any of Its Departments or Agencies and Providing Penalties for Violations," by Lawson; to Labor.

HB 336—"An Act to Amend Chapter 116 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Juvenile Delinquents and Probation Article 4; Creating a Separate Judgeship and Staff for the Juvenile Court of Kent and Sussex Counties, Providing Salaries Therefor, and Re-Defining the Jurisdiction and General Purpose of Said Court," by Warren*; to Revised Statutes.

The Secretary of the Senate informed the House that the Senate had concurred in **HB 156**.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following resolution, which was presented by the Chair, given first and second readings by title only, and referred to committee as follows: **SJR 5**—"Making an Appropriation to Defray the Balance of the Expenses of the Joint Inaugural Committee Incident to the Inauguration of the Honorable Elbert N. Carvel, as Governor of the State of Delaware at the Inaugura-

*Co-Sponsored by Mr. Allen on April 7th.

tion of the Honorable Harry S. Truman, as President of the United States"; to Appropriations.

On Motion of Mr. Bryan, **HB 4**—"An Act to Amend Chapter 92 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Signature of a Minor to Any Bonds, Other Obligations or Mortgage," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Evans, **HB 50**—"An Act Authorizing the Recorder of the State of Delaware, in and for Kent County, to Procure a Record for the Purpose of Recording Chattel Mortgages of Finance Companies in Kent County," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Calhoun, **HB 79**—"An Act Appropriating Certain Monies to the University of Delaware, Agricultural Experiment Station for Initiating or Expanding Research," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Cool, **HB 81**—"An Act Appropriating Certain Monies to the University of Delaware, Agricultural Extension Service, for the Purpose of Initiating or Expanding the Agricultural Extension Service," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Marvel—1.

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

On Motion of Mr. Cool, **HB 112**—"An Act Relating to Apples, Creating the Delaware State Apple Commission and Prescribing Its Powers and Duties; Promoting the Same and Consumption of Delaware Apples by Making Provisions for Campaigns of Education, Advertising Publicity, Sales Promotion and Research; Levying a Tax on Apple Production and Providing for Its Collection; Appropriating Money for the Enforcement of the Act; and Providing Penalties for Violations of the Act," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Cool introduced **HA 1** to **HB 112** which was read and on his further motion adopted.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Jones, **HB 139**—"An Act Authorizing, Empowering and Directing the Levy Court of New Castle County to Refund Certain Overpayments of Taxes, in Connection with a Special Assessment against Certain Lands for the

Construction of a Road in Brandywine Hundred, New Castle County, Delaware Known as Hillside Road," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Donovan, **HB 155**—"An Act to Amend Chapter 82, of the Revised Code of Delaware, 1935, as Amended, Entitled 'Weights and Measures' by Requiring that Weights, Instruments or Devices Used to Weigh Merchandise Shall Be Visible to Both Merchant and Customer," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. King, **HB 191**—"An Act to Amend Article 6, Chapter 21 of the Revised Code of Delaware, 1935, Relating to Anti-Hog Cholera Serum by Appropriating Money to the State Board of Agriculture to Be Used for Anti-Hog Cholera Serum and Virus and Making Provisions for Its Distribution," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Evans, **SB 15**—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Banks, Savings Societies and Trust Companies' with Respect to the Safekeeping of the Securities Deposited with the State Bank Commissioner," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Evans, **SJR 4**—"Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Givan—1.

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

On Motion of Mr. Warren, **HJR 2**—"Appointing a Bill Clerk for the House of Representatives and a Bill Clerk for the Senate to Serve during the 115th Session of the General Assembly," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough,

O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. McCullough, **HB 96**—"An Act Authorizing the Levy Court of New Castle County to Appropriate County Moneys to the Holloway Terrace Volunteer Fire Co., Inc. for the Maintenance and Operation of a Motor Vehicle and Equipment for the Use of the 'Rescue Squad' in Answering Emergency Calls to Save Human Life," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

Requests that the following be stricken from the calendar were granted to Members as follows: **HB 52** by Donovan; **HB 53** by Kelton; **HB 49** by Collison; **HB 151, 172** by Cool.

Requests that the following be recommitted were granted to members as follows: **HB 192** by Calhoun.

The Speaker announced he was about to sign: **HB 156, 163, SB 8, HCR 4.**

Mr. Warren moved that the House adjourn until 12:00 noon, Mon., Mar. 7, 1949. Motion prevailed.

35TH LEGISLATIVE DAY

House met pursuant to adjournment, Mon., Mar. 7, 12:32 P. M.

Prayer by the Chaplain, Rev. Roy T. Thawley.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Kelton moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

Communications: 40 for **HB 74**, 1 for **SB 87**, 1 for **SB 1**, 2 for **HB 336**; 4 against **SB 161**, 4 against **SB 180**, 4 against **SB 54**, 1 against **HB 1**, 1—to repeal Taft-Hartley Bill.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 164, 167, 168, 169, 200, 208, 214, 252, 299, 305** by Revised Statutes; **HB 55** by Judiciary and Crime.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:20 P. M.

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

HS 1 for **HB 123** (same title as **HB 123**), by Jones; to Public Highways.

HS 1 for **HB 26** (same title as **HB 26**), by Donovan; to Fish, Oysters and Game.

HB 337—"An Act Appropriating Money to Sigmund Schorr, LeRoy F. Hawke, John F. Newell, Thomas Cooch, Leland Wilds, Leon H. Ryan, William K. Pennington, James E. Brown, James L. Brown, and John W. Foreman, in Payment of Services Rendered by Them for Acting as Members of the Department of Elections for New Castle County," by Armstrong and Walsh; to Claims.

HB 338—"An Act Relating to the Licensing and Regulation of the Practice of Optical Dispensing," by Longbotham; to Revised Statutes.

HB 339—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Relating to State Revenue, by Providing for Payments of Services to Distributors of Motor Fuel for Collecting Motor Fuel Tax," by Jones; to Revenue and Taxation.

HB 340—"An Act to Amend Chapter 241, Volume 45, Laws of Delaware, as Amended by Chapter 213, Volume 46, Laws of Delaware, by Adding a New Paragraph to Section 14 of Said Act Relating to Bail or Surety for a Child's Appearance at the Family Court for New Castle County When Arrested at Any Time Including a Holiday, Saturday or Sunday," by Jones; to Judiciary and Crime.

HB 341—"An Act to Authorize Housing Authorities to Clear Blighted Areas and Prevent Blight; to Acquire Real Property and Make It Available for Redevelopment by Private Enterprise or by Public Agencies in Accordance with Approved Redevelopment Plans; and to Confer Necessary Powers on Housing Authorities, Cities and Other Public Bodies; and to Make Obligations Issued by Housing Authorities in Connection with Redevelopment Projects so They Can Provide Jobs and Stimulate Industry When Necessary in the Period of Reconversion and to Authorize the Creation of an Advisory Board to Housing Authorities Composed of Representatives of Business, Real Estate,

Home Financing and Other Interests," by Bruno; to Miscellaneous.

HB 342—"An Act to Amend Chapter 160 of the Revised Code of Delaware, 1935, as Amended, Relating to Housing and Known as the 'Housing Authority Law,' by Adding a Definition of the Term 'Persons of Low Income,' by Establishing Rental Policies Affecting the Operations of Housing Authorities, by Authorizing Housing Authorities to Make Payments to Local Public Bodies, by Authorizing Housing Authorities to Enter into Certain Agreements to Secure Federal Contributions, by Authorizing Cooperation between Housing Authorities and by Authorizing Housing Authorities to Engage in Housing and Research Studies," by Bruno; to Revised Statutes.

HB 343—"An Act Appropriating Money to the State Board of Health for Cancer Control and Providing for Creation of an Advisory Committee," by Bryan; to Public Health.

HB 344—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, as Amended Entitled 'Free Public Schools' Providing for Sabbatical Leave for Teachers Employed by the State Board of Education, Any Special School District of the State and by the Board of Public Education in Wilmington," by Bryan; to Revised Statutes.

HB 345—"An Act to Amend Chapter 101 of the Revised Code of Delaware, 1935 Relating to Jails and Workhouses, by Providing for the Parole of Certain Prisoners Sentenced to Be Confined in the New Castle County Workhouse and Jails of Kent and Sussex Counties; Opportunity to Be Heard and to Establish Innocence for Alleged Violation of Parole; Innocence Proven; Prisoner Released; Subsequent Parole after Three Months; Penalty for Failure to Report as Required," by Dr. Bengert; to Judiciary and Crime.

HB 346—"An Act Regulating the Processing of Poultry," by Warren; to Agriculture.

HB 347—"An Act to Amend Chapter 151, Volume 44, Laws of Delaware, 1943, Entitled 'An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, Providing for a Delaware Commission of Shell Fisheries, and by Defining the Powers and Duties Thereof,' Regulating the Taking of Seed Oysters for Planting Purposes from the Natural Rock Areas of Delaware in the Delaware Bay; Prohibiting the Issuance of Licenses to Boats of Non-Residents; Providing for Hearing Certain Cases; Penalties for Violations," by Warren; to Judiciary and Crime.

HB 348—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' Relating to Death, Duty of Employer," by Bruno; to Revised Statutes.

HB 349—"An Act to Amend Chapter 175 of the Laws of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' by Extending the Provisions for Payments Thereunder of Occupational Diseases," by Bruno; to Revised Statutes.

HB 350—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' by Increasing the Provisions for Payments Thereunder," by Bruno; to Revised Statutes.

HB 351—"An Act to Authorize the Industrial Accident Board to Transfer Certain Bonds Now Held by the Industrial Accident Board in Trust of Certain Insurance Carriers and Self-Insurers to the Insurance Commissioner of the State of Delaware," by Bruno; to Revised Statutes.

Mr. Bryan introduced the following resolution which, on his further motion, was adopted:

HR 21—"Relative to the Payment for Printing the Daily Calendar for the House of Representatives of the 115th General Assembly of the State of Delaware from February 21st to March 7th, Inclusive.

BE IT RESOLVED by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware that the sum of One Thousand Forty-four Dollars (\$1,044.00) be and the same is hereby appropriated out of the monies of the State Treasury, not otherwise appropriated, for the payment to Delaware State News of Dover, Delaware, the lowest and responsible bidder, for printing the Daily Calendar for the House of Representatives of the State of Delaware from February 21, 1949 up to and including March 7, 1949, said calendar being necessary to the business of the House and the expense thereof being a necessary expense connected with the session.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SB 17—"An Act to Amend Chapter 117, Revised Code of Delaware, 1935, as Amended, Relating to Investments of Trustees, Guardians and Other Fiduciaries"; to Banking and Insurance.

SB 124—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935, Entitled 'Delaware Racing Commission,' as Amended, Relating to Days of Racing, by Authorizing the Delaware Racing Commission to Authorize a Sole Licensee to Hold One or More Meetings a Year for an Aggregate of Thirty-Three Days"; to Miscellaneous.

SB 151—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Banks, Savings Societies and Trust Companies' in Relation to the Collection, Payment, and Dishonor of Demand Items by Banks and the Revocation of Credit for, and Payment of, Such Items"; to Banking and Insurance.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in **SCR 16**—"Providing for a Joint Session to Hear the Message of the Governor," which was read and on further motion of Mr. Warren, was adopted.

On Motion of Mr. Lawson, **HB 85**—"An Act Authorizing the Levy Court of Sussex County to Appropriate County Monies for the Control of Diseases of Hogs in Sussex County," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Lawson, **HB 121**—"An Act to Amend Chapter 163, of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Racing Commission,' by Providing for Representation of Each County upon the Said Commission," was taken up for consideration and read a third time, by paragraphs, in order to pass the House:

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

The privilege of the floor was granted to Mr. George Worrirow who delivered an address on the 4-H Club and introduced certain members of the 4-H Club.

Requests that the following be stricken from the calendar were granted to Members as follows: **HB 192** by Calhoun; **HB 235** by Benger.

Mr. Warren moved that the House adjourn until 11:00 A. M., Wed., March 9, 1949. Motion prevailed.

36TH LEGISLATIVE DAY

House met pursuant to adjournment, Wed., Mar. 9, 11:50 A. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

Communications: 1 for **HB 298**, 1 for **HB 126**, 1 for **SB 82**, 21 for **SB 54**; 1 against **HB 29**, 1 against **SB 54**, 1 against **HB 146**, 1 for enfranchising 18 year old youths.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 160**, **323** by Education; **HS** for **HB 76** by Judiciary and Crime.

The Committee on Passed Bills reported the following as approved by the Governor: **HCR 1, 2**, (Feb. 3); **HJR 1, 3** (Feb. 21); **HB 163**, **HCR 4** (Mar. 7); **HB 156** (Mar. 8).

The Chair declared a recess to attend the Joint Session in compliance with **SCR 16**.

JOINT SESSION

Mr. Burkholder moved that the President of the Senate preside at the Joint Session. Motion prevailed.

The President of the Joint Session invited the Speaker of the House to come to the Rostrum. The invitation was accepted.

The President of the Joint Session invited the President Pro Tem of the Senate to come to the Rostrum. The invitation was accepted.

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

Mr. Burkholder moved that a Committee be appointed to notify the Governor that the Joint Session is organized and ready to receive any message he may care to convey and to escort the Governor to the Senate Chamber. Motion prevailed.

The Chair appointed Messrs. Rhodes, Burkholder, Dickerson and Cannon of the Senate.

The Sergeant-at-Arms announced His Excellency, The Honorable Elbert N. Carvel, Governor of the State of Delaware.

The Governor of the State of Delaware was escorted to the Rostrum and was seated.

The Governor delivered the following Special Budget Message.

SPECIAL BUDGET MESSAGE
OF
HONORABLE ELBERT N. CARVEL
Governor of Delaware
TO THE
ONE HUNDRED AND FIFTEENTH GENERAL ASSEMBLY
OF THE STATE OF DELAWARE
CONVENING IN REGULAR SESSION AT DOVER ON
WEDNESDAY, THE NINTH DAY OF MARCH
NINETEEN HUNDRED AND FORTY-NINE

GOVERNOR'S MESSAGE

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

I have requested you to meet together in Joint Session for the purpose of acquainting you with the serious financial problem facing our State. I do not intend to review in detail our past financial history. It will suffice for our purposes here today to refer to the fact that on June 30, 1946 our State had an available cash balance of \$13,766,003.64. On June 30, 1948 this balance had been reduced to \$10,459,385.02. According to the latest figures available in the Permanent Budget Commission, the available cash balance as of June 30, 1949 will be \$7,000,000.00.

It is apparent from the fact of our annually dwindling surpluses that we have been paying a substantial part of ordinary expenses from accumulated reserves and not from current revenue. It is my firm belief that it is unsound financial policy to fail to meet current obligations from current revenues. My purpose in addressing this message to you today is to propose ways and means to bring expenditures into a proper relation to income.

It is necessary, in order to do this, to estimate as accurately as possible our income and expenditures for the period commencing July 1, 1949. For the purpose of this discussion, I think it is reasonable to assume that the Budget Appropriation Bill will provide for at least the recommended appropriations. This amount is \$17,792,138.03 for the fiscal year ending June 30, 1950; however, to properly estimate probable total state expenditures for this fiscal year, we must add to the budget appropriation amount, additional sums which past experience indicates will be appropriated by this Legislature, for the fiscal year ending June 30, 1950. These additional amounts are: \$1,000,000 for the Emergency Fund; \$1,074,000 for Delayed School Repairs; \$780,500 for various Deficiency Appropriations; \$1,600,000 of Supplemental Appropriations; \$380,000 for annual carrying charges on State assumed County Road Bonds; \$175,000 for

Legislative Expenses; and approximately \$1,400,000 to pay teachers' salaries. These sums, together with the amount of expected budget appropriations, approximate the total sum of \$24,200,000 necessary to be expended by the State for the fiscal year ending June 30, 1950. May I again emphasize that this sum represents only State appropriations which past experience shows may reasonably be expected to recur annually in the future.

To provide for the payment of this total amount, estimated revenues for the fiscal year ended June 30, 1950 are only \$16,532,603.61, or an excess of expenditures over receipts of \$7,667,396.39. The result will be, in the event no increase in revenue is provided, that the State will have to use all of its surplus, and that as of June 30, 1950, a deficit of \$667,396.39 will result. Actually, the hearings now going on before the Joint Legislative Finance Committee of this Assembly will probably result in an increase of the recommended budget appropriation.

I might add that the figures I have quoted to you today on State expenditures are not exaggerated. They are based on the latest and best information made available to me by the accountants of the Permanent Budget Commission, the State Treasurer's Office, the State Auditor's Office and the State Tax Department.

There are pending in the General Assembly a number of bills which would authorize the issuance of State bonds to make a number of different capital improvements. I have carefully examined all of these bills and proposals. I have, on the basis of the information available, estimated that such bond issues will probably approximate a total of \$25,000,000 to be retired within the next twenty-five years. I have had an estimate made of the total yearly carrying charges for such bonds. It is estimated that approximately \$1,750,000 will be required annually to meet interest payment and sinking fund requirements. Accordingly, if the revenue of the State is not materially increased, the State's deficit as of June 30, 1950 will be increased by the amount necessary to pay carrying charges on such bonds as this Assembly will authorize.

I will not further burden you with figures, but I can state categorically that a deficit of approximately the same amount can be foreseen for the fiscal year ending June 30, 1951, unless additional revenue is provided.

It is a generally accepted principle that a working balance in the State Treasury is required to run the State Government. This is required because of the sporadic nature of the State's revenue. This figure is generally agreed upon as the sum of \$3,500,000. Obviously, we must have more revenue if this balance is to be maintained.

In the figures I have quoted to you today, there is no item which can be rejected without serious curtailment of the present functions of the State. We cannot continue to live beyond our means. We must have a sound fiscal policy to insure the continuance of the State functions. This means simply that annually

recurring expenses must be paid from annually recurring revenue.

In order to meet this serious financial problem, I have conferred with the various State Departments and Agencies concerned, and have formulated a plan for raising the required revenue to meet our prospective obligations. Very shortly, on behalf of my administration, bills will be presented to you to put into effect the proposed revenue-raising plan I am about to outline.

Since we have estimated a total annual expenditure of \$24,200,000, and a total State Revenue of approximately \$16,500,000 annually from which to pay it, the State will need in the future additional revenue in the approximate annual amount of \$7,600,000, plus such sums as will be required to pay the carrying charges on new bonds issued as a result of authorization to be made by this Assembly. \$1,750,000 is estimated as the amount required to pay the annual charges on a total bond issue of \$25,000,000. Accordingly, the total amount of approximately \$9,000,000 annually will be required for future State operations.

The first revenue-raising measure I desire to recommend for your favorable consideration is a gross income tax on all income in excess of \$1,040 a year. This tax I recommend be graduated as follows: on that part of taxable income up to \$3,000, one percent annually; on that part of taxable income in excess of \$3,000, but less than \$10,000, two percent annually; and on that part of taxable income in excess of \$10,000, three percent annually.

I have received from the State Tax Department information that such a tax would add approximately \$5,000,000 a year to the State's revenues.

The second revenue-raising measure I recommend for your favorable consideration is to double the present spirits tax. I have received estimates that this measure will produce additional revenue to the State in the amount of \$676,000 annually.

I recommend for you favorable consideration changing the automobile registration fees as follows: increase the registration fees on motorcycles to \$8.00 per year; increase the registration fees on passenger cars to \$12.00 per year, and increase the registration fees on commercial vehicles to provide a fee of \$2.00 per 500 pounds of weight up to 5,000 pounds, and to provide a fee of \$3.00 per 500 pounds of weight in excess of 5,000 pounds. I am informed that these proposed changes in registration fees will produce additional revenues to the State in the amount of \$462,000.00.

I recommend for your favorable consideration increasing the tax on gasoline to 5 cents per gallon, an increase of 1 cent per gallon. I am informed that this measure will produce additional revenue to the State in the amount of \$736,000 annually.

I recommend for your favorable consideration levying a tax of 2 cents per package of 20 cigarettes on each pack of ciga-

rettes sold in the State of Delaware. I am informed that this measure will produce an increase in revenue to the State of \$700,000 annually.

The revenue-raising measures I have proposed to you will result in a minimum increase in revenue to the State of \$7,574,000 annually. This sum fails to meet the estimated excess of expenditures over revenue of June 30, 1950 by approximately \$1,500,000. I am advised that this amount may safely be taken from the surplus of the State and still leave ample working capital in the State Treasury to run the government of the State.

It is never pleasant to impose additional taxes upon the people. The people of Delaware, however, have made it plain that they expect the State to supply certain services. These services cannot be furnished without the necessary funds. However reluctant I personally may be to impose additional burdens on our people, I consider it my duty as their chosen executive to meet the situation frankly, and as I believe they would have me meet it. I ask the members of this Assembly to seek the solution of our joint problem in the same spirit.

Respectfully submitted,
ELBERT N. CARVEL
Governor

After delivering his message, the Governor was escorted from the Senate Chamber by the Committee previously appointed.

Mr. Burkholder moved that the Secretaries of the Joint Session compare Journals. Motion prevailed.

The Secretary of the Senate announced that the Secretaries had compared their Journals and found them to agree.

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

The Speaker and the House of Representatives retired to the House Chamber.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:30 P. M.

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

HS 1 for HB 36 (same title as **HB 36**), by Sinclair; to Public Health.

HS 1 for HB 152 (same title as **HB 152**), by Cool; to Municipal Corporations.

HS 1 for HB 13 (same title as **HB 13**), by Warren; to Revised Statutes.

HB 352—"An Act to Amend Chapter 6 of the Revised Code of the State of Delaware of 1935, as Amended, Relating to Inheritance Tax," by Sinclair; to Revenue and Taxation.

HB 353—"An Act to Amend Chapter 6 of the Revised Code

of Delaware, 1935, in Reference to Non-Resident Peddlers and Auctioneers," by Sinclair; to Revised Statutes.

HB 354—"An Act to Amend Chapter 5 of the Revised Code of Delaware, 1935, as Amended, to Provide for the Transmittal to the Court of Common Pleas of New Castle County of Copies of the Judicial Reports and Chancery Reports of the State of Delaware," by Sinclair; to Judiciary and Crime.

HB 355—"An Act to Amend an Act Entitled 'An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, Relating to Fish, Oysters and Game, by Changing the License Fees for Boats Carrying Fishing Parties for Hire, and Establishing a Boat Inspector to Inspect Said Boats,' Being Chapter 197, Volume 43, Laws of Delaware, 1941, Relating to License Fees for Boats Carrying Fishing Parties for Hire and Establishing Office of Boat Inspector," by Sinclair; to Fish, Oysters and Game.

HB 356—"An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, 1935, as Amended, Relating to Occupational Licenses," By Sinclair; to Revenue and Taxation.

HB 357—"An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, 1935, as Amended, in Relation to Increasing Salary of State Tax Commissioner, Deputy Tax Commissioner, and Increasing Maximum Salary of Other Appointees of the State Tax Commissioner," by Sinclair; to Revised Statutes.

HB 358—"An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, 1935, as Amended, Relating to Inheritance Tax," by Sinclair; to Revised Statutes.

HB 359—"An Act to Amend Chapter 6 of the Revised Code of the State of Delaware of 1935, as Amended, Relating to Delaware Estate Tax," by Sinclair; to Revised Statutes.

HB 360—"An Act to Amend Chapter 49 of the Revised Code of Delaware, 1935, Relating to Coroners by Providing for the Payment of a Salary to the Deputy Coroner for New Castle County," by Walsh; to Revised Statutes.

HB 361—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, by Providing for a Tax on Gross Incomes; Providing for the Ascertainment, Assessment and Collection Thereof; and Providing Penalties for the Violation of the Terms of This Act," by Walsh; to Revenue and Taxation.

HB 362—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Relating to Fish, Oysters and Game, by Providing for the Season within Which Squirrels May Be Caught or Killed in New Castle County," by Kelton; to Fish, Oysters and Game.

HB 363—"An Act Providing that the State of Delaware Shall Be Considered Open Territory for the Sale of Personal Property," by Longbotham and Calhoun; to Miscellaneous.

HB 364—"An Act to Repeal Chapter 162 of Volume 44, Laws of Delaware (1943) and to Re-Enact the Provisions of Section 26, Chapter 90, Article 3 of the Revised Code of Delaware, 1935, Relating to Child Labor and Fixing the Hours of Employment," by Armstrong; to Labor.

HB 365—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Entitled 'Motor Vehicles,' with Respect to the Distance between Motor Trucks While Being Operated upon a Highway," by Calhoun; to Public Highways.

HB 366—"An Act Authorizing the Levy Court of Sussex County to Appropriate County Monies to Bridgeville Fire Company for the Maintenance of an Ambulance," by Collison; to Appropriations.

HB 367—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended, by Providing for an Increase in the Tax on Alcoholic Liquor, Wines and Beer," by Collison; to Temperance.

HB 368—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' by Increasing the Payments of Compensation Thereunder," by Bruno; to Revised Statutes.

HB 369—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Motor Vehicles by Providing for an Increase in the Registration and Title Fees," by McCullough; to Revised Statutes.

HB 370—"An Act to Amend Chapter 95 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Joint Estates and Partition,' with Reference to the Barring of Curtesy," by Holliday; to Miscellaneous.

HB 371—"An Act to Appropriate Money to Fannie M. Scott as Compensation for Damages Suffered by the Loss of Her Son Norman Dempsey Scott through the Negligence of an Employee of the State Highway Department," by Givan by Request; to Claims.

HB 372—"An Act to Amend Chapter 170, Volume 43, Laws of Delaware, Being 'An Act to Re-Incorporate the Town of Lewes,' by Increasing the Amount of Money Which May Be Raised Annually by the Mayor and Council of the Town of Lewes by Means of Taxation," by Givan; to Municipal Corporations.

HB 373—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game, with Reference to Appeals from Convictions under the Game and Fish Laws of the State before and after the Enactment Hereof,' by King; to Judiciary and Crime.

HB 374—"An Act Appropriating Certain Monies to Electric Construction Co., Inc., to Pay a Claim against the State of Delaware," by Evans by Request; to Claims.

HB 375—"An Act Extending the Corporate Limits of the Town of Camden," by Cool; to Municipal Corporations.

HB 376—"An Act Appropriating the Sum of Two Thousand Dollars (\$2,000.00) to Charles Davis and Elizabeth Davis to Pay Their Claim against the State of Delaware Arising Out of the Death of Their Son, William Davis," by Spear by Request; to Claims.

HB 377—"An Act Authorizing and Directing the Levy

Court of Sussex County to Appropriate Money to the Delmar Fire Department, Inc., for the Maintenance of an Ambulance," by Spear; to Appropriations.

HB 378—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Relating to State Revenue by Providing for a Tax on the Sale of Cigarettes and the Administration and Enforcement Thereof and Making Appropriations for the Expenses Incurred Therein," by Blendt; to Revised Statutes.

HB 379—"An Act to Amend Chapter 119, Revised Code of Delaware, 1935, as Amended by Chapter 229, Volume 43, Laws of Delaware, with Respect to the Receipt Given by a Justice of the Peace," by Blendt; to Revised Statutes.

HB 380—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, Relating to State Revenue by Increasing the Amount of the Gasoline Tax," by Mabrey; to Public Highways.

HB 381—"An Act to Amend Chapter 54 of the Revised Code of Delaware, 1935, as Amended, Relating to the State Old Age Welfare Commission by Increasing the Maximum Amount of Assistance," by Cochran; to Appropriations.

HB 382—"An Act to Create a Department of General Assistance to Function under the Direction of the Old Age Welfare Commission; Its Powers and Duties," by Cochran; to Miscellaneous.

HB 383—"An Act Making an Appropriation of Money to the State Board of Education to Complete the Building of the Public School Known as Arden School in Arden School District No. 3 in New Castle County," by Jones; to Appropriations.

HB 384—"An Act Authorizing the State Treasurer to Purchase Certain Highway Improvement Bonds and State Aid Bonds Issued by the Levy Courts of New Castle, Kent and Sussex Counties, Maturing during the Fiscal Biennium Ending June 30, 1951, and Making Appropriations Therefor," by Warren; to Appropriations.

HB 385—"An Act Appropriating Moneys from the State Treasury for the Purpose of Purchasing Past Due Interest Coupons on Certain Highway Improvement Bonds and State Aid Bonds Issued by the Levy Courts of New Castle, Kent and Sussex Counties, during the Fiscal Biennium of the State of Delaware, Ending June 30, 1951," by Warren; to Appropriations.

HB 386—"An Act to Amend Chapter 53 of the Revised Code of Delaware, 1935, as Amended by Chapter 138, Volume 45, Laws of Delaware, Entitled 'Salaries of Certain County Officers' by Increasing the Salaries of Certain County Officers of Kent County," by Camper; to Revised Statutes.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 22—"Authorizing Payments on Account to Attaches and Employees."

BE IT RESOLVED, That the Treasurer of the State of Delaware, be and he is hereby authorized and directed to pay from the General Fund of the State Treasury of the State of

Delaware, upon the order of the Speaker of the House of Representatives, up to the sum of Four Hundred (\$400.00) Dollars to each attache of the House of Representatives as a part payment and compensation due such attache of the House of Representatives, and such payment or payments constituting a necessary expense of the Session.

Mr. Holliday introduced the following resolution, which on his further motion was adopted, and ordered to the Senate for Concurrence.

HCR 9—"Extending the Sympathy of the House of Representatives and of the Senate to Honorable George R. Clark, Who Was a Member of the House of Representatives and of the Senate of the State of Delaware."

WHEREAS, the members of the House of Representatives and of the Senate of the 115th General Assembly of the State of Delaware, have learned with profound sorrow of the death of Mrs. Ida B. Clark, mother of a former member of the House of Representatives and of the Senate, and

WHEREAS, the members of the House of Representatives and the members of the Senate desire to express to him the sympathy of each member in this hour of his bereavement, NOW, THEREFORE,

BE IT RESOLVED, that the sympathy of each member of the House of Representatives and each member of the Senate is hereby extended to Honorable George R. Clark, our former member, in his loss, with a prayer that the Father of all mercies sustain and comfort him in this hour, and that the Peace which cometh from God alone and passeth all understanding, temper his grief for the loss he has sustained; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal of the House and of the Senate of the 115th General Assembly of the State of Delaware, and a copy sent to Honorable George R. Clark at his home in Delaware City, and a copy delivered to the Press.

The Secretary of the Senate informed the House that the Senate had concurred in the following: **HCR 5** and **9**.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SB 53—"An Act to Provide that the Former Members of the County Highway Departments of New Castle, Kent and Sussex Counties Now Serving with the State Highway Department Shall Receive Credit for the Service on Said County Highway Departments in Computing Pension Benefits"; to Appropriations.

SB 65—"An Act to Amend Chapter 166, Volume 37, Laws of Delaware, Being 'An Act to Reincorporate the Town of Selbyville' as Amended, by Increasing the Amount of Taxes That May Be Raised in Any One Year by Taxation and Providing the

Method by Which Taxes and Penalties for Non-Payment of the Same May Be Collected"; to Municipal Corporations.

SB 95—"An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, as Amended, Entitled 'An Act to Incorporate the Town of Bethany Beach and Giving It Authority to Issue Bonds' by Changing the Time for Election of Municipal Officers"; to Municipal Corporations.

SB 104—"An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled 'An Act to Incorporate the Town of Bethany Beach, and give it authority to issue bonds,' as Amended, Providing for the Increase in the Amount to Be Raised by Taxation"; to Municipal Corporations.

SB 110—"An Act to Amend Chapter 176, Volume 25, Laws of Delaware, as Amended, Entitled 'An Act to Incorporate the Town of Elsmere, New Castle County,' by Increasing the Amount Which May Be Raised Annually as Taxes in the Town of Elsmere"; to Municipal Corporations.

On Motion of Mr. Walsh, **HB 65**—"An Act to Appropriate Certain Funds to the State Board of Education for the Construction and Equipment of a Comprehensive High School in Sussex County for Negro Pupils, in Lieu of an Appropriation Made in A. D. 1941, and Repealing the Provision of Law Making Said Prior Appropriation," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengel, Blendt, Bruno, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Bryan—1.

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

On Motion of Mr. Jones, **HB 71**—"An Act to Amend Chapter 100 of the Revised Code of Delaware, 1935, as Amended, Entitled 'General Provisions Respecting the Police' with Reference to the Deposit of Refuse and Other Material on Real Property Both Public and Private," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengel, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Marvel, **HB 116**—"An Act to Amend Chapter 303, Volume 45, Laws of Delaware, as Amended, Entitled, 'An Act to Provide for the Regulation, Control and Licensing of Harness Horse Racing in the State of Delaware, with Reference to the Membership of the Delaware Harness Racing Commission, the Awarding of Dates for Harness Horse Racing in the State of Delaware, and Changing Certain Words in Said Act,'" was taken up for consideration and read a third time by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—Messrs. Camper, Paskey—2.

Absent—Mr. Givan—1.

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

On Motion of Mr. Warren, **HB 162**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Requiring Motor Vehicles to Stop at Highways," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Not Voting—Sinclair—1.

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

On Motion of Mr. Warren, **HB 165**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to Occupants of Motor Vehicles and Motorcycles," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Givan—1.

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

On Motion of Mr. Warren, **HB 184**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, Relating to the Operation of Motor Vehicles by Persons While under the Influence of Intoxicating Liquor or Drugs," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Givan—1.

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

On Motion of Mr. Lawson, **HB 200**—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of the Indian River and Bay in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirements of the United States Government Relative to the State's Contribution to Said Improvements," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Bruno, Bryan, Calhoun, Collison, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Marvel, O'Neal, Sinclair, Warren, Winchester, Mr. Speaker—22.

NAYS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Cook, King, Mabrey, McCullough, Paskey, Spear, Walsh—12.

Absent—Mr. Givan—1.

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

On Motion of Mr. King, **HB 209**—"An Act Providing for the Purchase, Installation and Maintenance of a Radio in All Ambulances Owned by and Operated by Volunteer Fire Companies and the One Owned and Operated by David Harrison Post American Legion; to Establish a System of Communication between Said Ambulances and the State Highway Police Department," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Carey, Collison, Cook, Cool, Donovan, Evans, Holliday, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Sinclair, Walsh, Warren, Winchester, Mr. Speaker—27.

NAYS—Messrs. Allen, Camper, Cochran, Cordrey, Hughes, Paskey, Spear—7.

Absent—Mr. Givan—1.

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

On Motion of Mr. Longbotham, **HB 226**—"An Act Providing for the Building of a Dam Across McCalley's Mill Pond. and Appropriating Moneys for the Construction of Said Dam," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—31.

NAYS—Messrs. Allen, Cochran, Collison, McCullough—4.

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

On motion of Mr. Bryan, **HB 252**—"An Act to Amend Chapter 104, Volume 45, Laws of Delaware, 1945, with Reference to Pension Benefits," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough,

O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Jones, **SB 57**—"An Act to Repeal Chapter 193, Volume 44, Laws of Delaware, and Further to Amend 5689, Section 151 of the Revised Code of Delaware, 1935, as Amended, Relating to Traction Engines and Tractors, by Providing for the Vehicles Which Shall Be Permitted to Be Attached Thereto and Hauled over the Public Streets, Roads and Highways," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Givan—1.

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

On Motion of Mr. Jones, **SB 75**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' Relating to Cranes," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—Mr. King—1.

Absent—Mr. Givan—1.

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

Requests that the following be stricken from the calendar were granted Members as follows: **HB 147** by Spear.

The Speaker announced he was about to sign: **SB 15, HCR 5, 9, SJR 4.**

Mr. Warren moved that the House adjourn until 12:00 noon, Mar. 11, 1949. Motion prevailed.

37TH LEGISLATIVE DAY

House met pursuant to adjournment, Fri., Mar. 11, 12:35 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. Collison—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 101** by Education; **HB 35, 38, 32, 7, 210** by Fish, Oysters and Game.

Mr. King reported that the "Snake Pit" Committee was waiting to hear from Sen. Klair when the House and Senate would see the picture.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 4:00 P. M.

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

HS 1 for **HB 39** (same title as **HB 39**), by Kelton; to Fish, Oysters and Game.

HJR 5—"Appropriating Monies to Pay Certain Claims Relating to the Expenses of the Supreme Court," by Warren; to Claims.

HB 387—"An Act to Amend Chapter 43 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Levy Courts,' in Relation to the Salaries of Levy Court Commissioners of Kent County," by Cook and Carey; to Revised Statutes.

HB 388—"An Act to Provide for the Instruction of the Inmates of the Children's Beach House, and Appropriating Money Therefor," by Givan; to Appropriations.

HB 389—"An Act Authorizing, Empowering and Directing the Levy Court of New Castle County to Refund Certain Overpayments of Taxes in Connection with a Special Assessment against Certain Lands for the Construction of Certain Roads in Colonial Park and Lancaster Village in Christiana Hundred, New Castle County, Delaware," by Dr. Benger; to Claims.

HB 390—"An Act to Amend Chapter 42, Revised Code of Delaware, 1935, as Amended, by Deleting the Restriction upon the Duties of Notaries Public Appointed for Financial Institutions," by Walsh; to Revised Statutes.

HB 391—"An Act Making an Appropriation to the State Building and Grounds Commission for the Purpose of Installing a Fire Alarm System for the State House at Dover," by Walsh; to Appropriations.

HB 392—"An Act to appropriate Additional Funds to the State Board of Education for the Biennium Beginning July 1, 1949, and Ending June 30, 1951, for the Purpose of Making More Uniform the Rules and Regulations of the State Board of Education Regarding the Distances beyond Which Pupils Become Eligible for Transportation to Public Schools." by Cool and King; to Appropriations.

HB 393—"An Act to Amend Chapter 205, Volume 27, Laws of Delaware, Entitled, 'An Act to Alter and Re-establish the Statutes Relating to the City of Wilmington.'" by Bruno; to Revised Statutes.

HB 394—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, Entitled 'Fish, Oysters and Game,' with Respect to the Taking of Raccoon in Sussex County," by Spear and Donovan; to Fish, Oysters and Game.

HB 395—"An Act to Amend Chapter 76 of the Revised Code of Delaware, 1935, as Amended, Relating to Insane, Providing for the Transfer of All Epileptic and Bedridden Cases from the Home for Feeble-minded Persons in Stockley, under the Jurisdiction of the Delaware Commission for the Feeble-minded, to the Delaware State Health and Welfare Center," by Marvel; to Miscellaneous.

HB 396—"An Act to Amend Chapter 43 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Levy Courts,' in Regard to Charges and Appropriations for the Indigent Sick," by Warren; to Revised Statutes.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 23—"Relative to the Illness of Rev. Ernest Wright, Chaplain of the House of Representatives."

WHEREAS the House of Representatives has been informed of the illness of Rev. Ernest Wright, House Chaplain at the 115th Session of the General Assembly of the State of Delaware; and

WHEREAS, the Members of the House sincerely regret the illness of Rev. Wright and hope for his speedy recovery and return to his duties as Chaplain of the House; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of Delaware:

That, the good will and sympathy of all the Members of the House of Representatives are hereby extended to Rev. Ernest Wright, Chaplain of the House during the 115th Session of the General Assembly, and the Members hereby express hope for the speedy recovery of Rev. Wright and his return to his duties as Chaplain of this Body; and

BE IT FURTHER RESOLVED that a copy of this Resolu-

tion be sent to Rev. Ernest Wright at his home and that this action of the House be noted in the Journal of the present Session.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SB 111—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Laurel,' as Amended, in Relation to the Vote of Members of Council Required for the Passage of Certain Ordinances"; to Municipal Corporations.

SB 112—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Laurel,' being Chapter 164, Volume 29, Laws of Delaware, as Amended by Chapter 105, Volume 38, Laws of Delaware, by Providing an Additional Member at Large of the Town Council of Laurel, and the Election or Appointment of Such Additional Member"; to Municipal Corporations.

SB 119—"An Act to Amend an Act Entitled 'An Act to Re-Incorporate the Town of Newark,' Increasing the Amount to Be Raised in Said Town by Taxation"; to Municipal Corporations.

SB 123—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relative to Motor Vehicles, by Providing for the Revocation of Licenses of Any Person upon His Conviction or Forfeiture of Bail upon 3 Charges of Reckless Driving in the Discretion of the Commissioner of Motor Vehicles"; to Miscellaneous.

SB 131—"An Act to Amend Chapter 65 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Corporations,' with Reference to the Power of a Railroad to Borrow Money"; to Banking and Insurance.

SB 132—"An Act to Amend Chapter 49, Revised Code of Delaware, 1935, as Amended, by Increasing the Amount Provided for the Burial of Certain Persons"; to Miscellaneous.

SB 141—"An Act to Amend Chapter 216, Volume 46, Laws of Delaware, Entitled 'An Act to Amend an Act Entitled "An Act to Re-Incorporate the Town of Millsboro," being Chapter 203 of Volume 25, Laws of Delaware, and Authorizing the Annexation of Certain Contiguous Territory to the Said Town' by Providing that the Town May Divide the Proposed Contiguous Territory into Sub-Sections and Add Portions Thereof from Time to Time, without Necessarily Annexing the Entire Section as a Single Addition"; to Municipal Corporations.

SB 142—"An Act to Authorize the Commissioners of Millsboro to Apply Funds Realized from Certain Bond Issues to the Making of Repairs, Extensions, or Improvements to the Water Plant and Water Distribution System in Millsboro, as well as to the Purposes Mentioned in the Legislative Acts Originally Authorizing the Said Bond Issues"; to Municipal Corporations.

SS for SB 147—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Alcoholic Liquor, Wines and Beer,' by Restricting the Number of Outlets or Establishments at Which Any One Person, Firm, Association, or Corporation May Be Issued a License for the Sale of Alcoholic Liquor, Wines or Beer"; to Temperance.

On motion of Mr. Sinclair **HB 130** was stricken from the calendar.

Mr. Warren moved that the House adjourn until 11:00 A. M., Mon., Mar. 14, 1949. Motion prevailed.

38TH LEGISLATIVE DAY

House met pursuant to adjournment, Mon., Mar. 14, 12:20 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. Allen—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS** for **HB 115** (on its merits), by Miscellaneous; **HB 258, 263**, by Claims; **HB 43**, by Revenue and Taxation; **HB 97, 183, 282, 322**, by Appropriations; **HB 179, 340, 354**, by Judiciary and Crime; **HB 239, 240, 241, 270, 288, 290, 291, 292, 324, 325, 326, 328**, by Public Highways.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:30 P. M.

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

HS 1 for **HB 305** (same title as **HB 305**), by Bruno; to Revised Statutes.

HS 1 for **HB 365** (same title as **HB 365**), by Calhoun; to Public Highways.

HB 397—"An Act Regulating the Relationships between and among Employers, Labor Organizations, and Employees," by Sinclair; to Labor.

HB 398—"An Act Appropriating Certain Moneys to Provide a Pension Fund for Retired and Disabled Public School Teachers of Delaware," by Sinclair; to Appropriations.

HB 399—"An Act Authorizing the Kruse School to Sell Certain Lands and Premises Situate in Christiana Hundred, New Castle County and State of Delaware, Authorizing the Execution and Delivery of a Deed for the Lands So Sold. and Authorizing the Kruse School to Expend the Proceeds of the Sale Thereof for Improvements and Maintenance of the Kruse School," by Sinclair; to Education.

HB 400—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, with Respect to Fish, Oysters and Game, Relating to the Taking of Rock Fish," by Holliday by Request; to Fish, Oysters and Game.

HB 401—"An Act to Amend Chapter 156 of the Revised Code of Delaware, 1935, as Amended, with Respect to Compensation of Jurors," by Lee and King; to Revised Statutes.

HB 402—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, as Amended, Relating to 'Free Public Schools,' by Providing for the Use of Limited and Continuing Contracts in the Employment of Teachers; by Providing for Notice as to Salary; by Providing for Leave of Absence; by Providing for Termination of Contracts and the Causes Therefor; by Providing for the Subpoenaing of Witnesses for Hearings and Making a Failure to Honor the Same a Misdemeanor; by Providing for an Appeal to the Superior Court of the State of Delaware from the Decision of a Board of Education Terminating a Contract with a Teacher; and by Providing for Seniority of Teachers Where Schools Are Suspended or Closed," by Bryan and Walsh; to Education.

HB 403—"An Act to Amend Chapter 87 of the 1935 Revised Code of the State of Delaware, as Amended. Concerning the Desertion of, or Failure to Support a Wife or Child; the Neglect of a Child; the Duties of Probation Officers and the Proceedings upon Violation of a Support Probation Order; Assignment of Salary or Wage; Duties of Employers," by Bryan; to Judiciary and Crime.

HB 404—"An Act to Amend Chapter 44, Revised Code of Delaware, 1935, with Respect to the Assessment of Certain Personal Property," by Kelton; to Revenue and Taxation.

HB 405—"An Act to Amend an Act Entitled 'An Act Changing the Name of "The Town of Harrington" to "The City of Harrington" and Establishing a Charter Therefor' Relating to the Method of Fixing the Fee of the Assessor; Relating to the Amount to Be Raised by Taxation; Relating to the Amount of the Floating Debt; and Relating to the Qualification of the Acting Alderman," by Camper; to Municipal Corporations.

Mr. Calhoun introduced the following resolution which, on his further motion, was adopted:

HR 24—"Expressing the Sympathy of the House to Mr. Matthew R. Murray on Account of the Death of His Father."

WHEREAS, the House of Representatives has learned with regret of the death of Mr. George Herbert Murray, the father of Mr. Matthew R. Murray, an attache of this body; and

WHEREAS, the members of the House of Representatives wish to express the feelings of sympathy felt by all of them at this loss which has come to the family of Mr. Murray;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of Delaware, that the sympathy of its members is hereby extended to Mr. Matthew R. Murray and his family in this hour of their sorrow on account of the death of Mr. George Herbert Murray, the father of Mr. Murray, and that a copy of this Resolution be entered on the Journal of the House, a copy delivered to the Press, and a copy thereof be sent to the family of the deceased.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 25—"Authorizing the State Librarian to Furnish Stationery and Supplies to Certain Officers and Attaches of the House."

BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of Delaware that the State Librarian be and he hereby is authorized and directed to furnish to all those officers and attaches of the House of Representatives other than those specifically named in House Resolution 5 at the 115th Session of the General Assembly, stationery and other supplies as ordered by them respectively, the cost of which shall not exceed the sum of Ten Dollars (\$10.00) for each such officer or attache during the last half of the present legislative session.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following:

SCR 17—"Memorializing the Congress of the United States to Pass, and the President of the United States to Approve, if Passed, the 'General Pulaski's Memorial Day.'"

SCR 18—"Providing for a Study of the Ditches or Drains in the State of Delaware."

The Chair presented **SCR 17** which on further motion of Mr. Warren was adopted, and ordered returned to the Senate.

The Chair presented **SCR 18** which on further motion of Mr. Warren action was deferred.

Requests that the following be stricken from the calendar were granted to Members as follows: **HB 132, 199**, by Marvel; **HB 92**, by Bryan.

Requests that the following be recommitted were granted to members as follows: **HB 305**, by Bruno.

Mr. Warren moved that the House adjourn until 12:00 noon, Tues., Mar. 15, 1949. Motion prevailed.

39TH LEGISLATIVE DAY

House met pursuant to adjournment, Tues., Mar. 15, 12:37 P. M.

Prayer by the Chaplain, Rev. Thomas.

Members present— Messrs. Armstrong, Bengner, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel,, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. Allen—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 17, 131, 151**, by Banking and Insurance; **HS** for **HB 13, HB 14, 180, 259, SB 61, 62**, by Revised Statutes; **HJR 5**, by Claims; **HS** for **HB 87, HB 110**, by Fish, Oysters and Game.

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 3:40 P. M.

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

HS 1 for **HB 138** (same title as **HB 138**), by Walsh; to Fish, Oysters and Game.

HB 406—"An Act to Amend Chapter 169 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Court of Common Pleas for New Castle County' Relating to the Salaries of Officers Thereof," by Armstrong; to Revised Statutes.

HB 407—"An Act to Establish Purchasing Agents to Purchase at Wholesale and to Sell to Liquor Dispensers All of the Alcoholic Beverages, Including Beer, Distributed or Dispensed within the State of Delaware, Providing for a Salary for Such Purchasing Agents, Appropriating Funds to Be Used for Such Purchase of Beverages, Establishing Sale Prices for Said Alcoholic Beverages, Including Beer; Providing a System of Operating the Said Purchasing Agencies, and Making It a Crime to Sell, Dispense or Distribute Any Alcoholic Beverages, Including Beer Which Have Not Been Purchased Directly or Indirectly from Said Purchasing Agents," by Calhoun; to Temperance.

HB 408—"An Act to Amend Chapter 20 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Insurance Department,' Providing for the Control, Supervision and Inspection of Electric Wiring of All Buildings for Electric Lights, Power and Heat; Duties of the Insurance Commissioner with Respect Thereto; Fees for Inspections; Records Kept; Records Open to Inspection;

Effect of Inspections," by Calhoun; to Revised Statutes.

HB 409—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Fish, Oysters and Game,' with Respect to the Time When Herring May Be Taken," by Spear; to Fish, Oysters and Game.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 26—"In Reference to the Election of Certain Officers of the House of Representatives of the 115th General Assembly of the State of Delaware."

WHEREAS, the terms of John R. Shockley, J. Temple Jump, Charles Carter, Clarence Cubbage, Alfred Fisher and Hiram R. Voshell, who were elected heretofore to serve at the pleasure of the House of Representatives of the 115th General Assembly have now expired, NOW THEREFORE

BE IT RESOLVED, by the House of Representatives of the 115th General Assembly of the State of Delaware, that the following officers of the 115th General Assembly in the State of Delaware be elected to serve in the offices appearing opposite their respective names for all that part of the 115th Session of the General Assembly of the State of Delaware; following the first thirty legislative days of the said Session:

Assistant Document Clerk.....	Mabel E. Dyer
Sergeant-at-Arms	Abel Gibbs
Attorneys Clerk.....	Richard E. Stevenson
Assistant Mail Clerk.....	Steven G. Armour
Assistant Mail Clerk.....	William H. Harman
Telephone Messenger.....	Joseph T. Gibbs

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SS for SB 32—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Relative to Income Taxes"; to Appropriations.

SB 121—"An Act to Amend an Act Entitled 'An Act to Re-Incorporate the Town of Newark,' as Amended, by Changing the Provisions Regarding the Borrowing of Money by the Council of the Town of Newark to Meet Current Expenses"; to Municipal Corporations.

SB 135—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relative to Motor Vehicles, Reducing Amount of Evidence of Financial Responsibility Required in the Operation of Taxicabs and Reducing Cost of Licenses and Number of Inspections"; to Public Highways.

SB 137—"An Act to Amend Chapter 60 of the Revised Code of Delaware, 1935, as Amended, Relating to General Elections, Providing for a Single Ballot for Presidential, Vice Presidential

and State, County and District Candidates at a General Election"; to Elections.

Mr. Warren moved that the House adjourn until 9:00 A. M., Wed., Mar. 16, 1949. Motion prevailed.

40TH LEGISLATIVE DAY

House met pursuant to adjournment, Wed., Mar. 16, 9:00 A. M.

Prayer by Mr. Warren.

Members present—Messrs. Givan, Warren—2.

There being no quorum present, Mr. Warren declared the House adjourned until Thurs., Mar. 17, 1949 at 12:00 noon.

41ST LEGISLATIVE DAY

House met pursuant to adjournment, Thurs., Mar. 17, 12:35 P. M.

The members recited The Lord's Prayer.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

Communications: 2 for **HB 416**, 1 for **SB 221**, 2 for **HB 249**, 2 for **HB 280**, 1 for **HB 338**, 2 for **HB 336**, 1 for **HB 298**, 1 for **HB 43**; 3 against **HB 146**, 2 against **SB 101**, 1 against **HB 26**, 4 against **HB 285**, 2 against **HB 29**, 8 against **HB 190**, 1 against **HB 126**, 1 against "Valued Policy Law."

An invitation from Gen. Paul R. Rinard inviting the members to a luncheon and inspection of the Air and Ground National Guard facilities at New Castle, and providing C-47 type airplanes for transportation to and from Dover and Georgetown, was read and referred to a special committee consisting of Mr. Warren and Mr. Walsh.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS** for **HB 36**, by Public Health; **HB 194**, **195**, **196**, **197**, **286**, **224**, **225**, **314**, **315**, **125**, **SB 65**, by Municipal Corporations; **SB 30**, by Revised Statutes; **HB 93**, by Appropriations.

The Committee on Passed Bills reported the following as approved by the Governor: **HCR 5**, **9**, (Mar. 11).

Mr. Warren moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 4:00 P. M.

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

HS 1 for **SB 147** (same title as **SB 147**), by Longbotham; to Temperance.

HB 410—"An Act Authorizing the Erection, Construction, Installation, Keeping in Good Order and Repair, a Traffic Control Light at the Intersection of duPont Highway No. 113 Where It Crosses the Public Road Leading from Milford to Harrington and Known as Route No. 14," by Longbotham; to Public Highways.

HB 411—"An Act Making an Appropriation to the State Board of Education for the Purposes of Securing a Site, and Erecting, Furnish and Equipping School Buildings in the Milford Special School District in Kent and Sussex Counties, Delaware; Providing for the Contribution of the District, the Issuance of Bonds by the District and the State of Delaware, the Selection of a Building Commission, Non-Revision of Appropriations," by Longbotham; to Appropriations.

HB 412—"An Act Appropriating Certain Moneys to Elsie V. White in Event of the Claim of Said Elsie V. White against the State of Delaware," by Evans; to Claims.

HB 413—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, by Providing for a Tax on Gross Incomes; Providing for the Ascertainment, Assessment and Collection Thereof; Providing Penalties for the Violation of the Terms of This Act; and Making an Appropriation to the State Tax Department for Administrative Expenses of This Act," by Walsh; to Revenue and Taxation.

HB 414—"An Act Authorizing the State Labor Commission to Investigate, Study and Publicize Discrimination and Creating an Advisory Committee," by Sinclair; to Labor.

HB 415—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Taking, Possession and Sale of Rock Fish," by Calhoun; to Fish, Oysters and Game.

HB 416—"An Act to Transfer Certain Funds to the Maintenance and/or Operation Accounts of Rose Hill-Minquadale School District Number 47 in New Castle County," by McCullough; to Miscellaneous.

HB 417—"An Act Appropriating Certain Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in New Castle County," by McCullough; to Appropriations.

HB 418—"An Act to Amend Chapter 119 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Justice of the Peace,' with Respect to Jurors in a Criminal Case Heard by a Justice of the Peace," by Spear; to Judiciary and Crime.

HB 419—"An Act Requiring All School Teachers in Delaware Now Teaching or Who May Hereafter Apply for a Position as Teacher to Take a Certain Test," by Donovan; to Education.

HB 420—"An Act to Amend 399. Sec. 2. of Chapter 15, Revised Code of Delaware, 1935, by Increasing the Salary of the Deputy State Treasurer," by Camper; to Revised Statutes.

HB 421—"An Act to Amend Chapter 12 of the Revised Code of Delaware, 1935, Relating to 'Salaries of State Officers' by Increasing the Salary of the Governor," by Camper; to Revised Statutes.

HB 422—"An Act Appropriating Certain Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent Count," by Camper; to Appropriations.

HB 423—"An Act to Amend Chapter 12 of the Revised Code of Delaware, 1935, as Amended, Relating to "Salaries of State Officers' by Increasing the Salaries of the Attorney General and Deputies Attorney General," by Bruno; to Revised Statutes.

HB 424—"An Act Appropriating Certain Moneys to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County," by Calhoun and Cordrey; to Appropriations.

On Motion of Mr. Armstrong, **HB 7**—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game,' with Respect to the Use of Automatic and Repeating Shot Guns in Hunting," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengner, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Walsh, Warren, Winchester, Mr. Speaker—30.

NAYS—Messrs. Allen, Cordrey, Hughes, Spear.—4.

Absent—Longbotham—1.

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

On Motion of Mr. Warren, **HB 43**—"An Act to Amend Chapter 43, of the Revised Code of Delaware, 1935, as Amended, Pertaining to a County Free Library for New Castle County and Authorizing an Increase in the Appropriation of County Monies Therefor," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengner, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King,

Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—Blendt—1.

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

On Motion of Mr. Jones, **HS** for **HB 76**—"An Act Providing for the Appointment by Organized Fire Companies of Certain of Its Members Who Shall Be Clothed with Certain Police Powers at Fires or Fire Drills," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Jones moved that the rules be suspended on the full reading of **HS** for **HB 76**. Motion prevailed.

Mr. Jones moved that **HS** for **HB 76** be adopted in lieu of **HB 76**. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On Motion of Mr. Warren, **HB 97**—"An Act Making an Appropriation to the State Board of Education for Use in Payment of Pensions to Retired and Disabled Public School Teachers of Delaware," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren introduced **HA 1** to **HB 97** which was read and on his further motion adopted.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Winchester, **HB 101**—"An Act Appropriating Certain Moneys to Delaware State College for the Purpose of

Establishing Scholarships for Students at Said College," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. McCullough, **HB 102**—"An Act to Amend Chapter 194, Volume 45, Laws of Delaware. 1945, as Amended, with Respect to the Determination of Pension Benefits," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Longbotham, **HB 109**—"An Act Transferring from Paragraph (i) of Chapter 68, Volume 46, Laws of Delaware, 1947, the Sum of Fifteen Thousand (\$15,000.00) Dollars to Paragraph (g) of Said Chapter; and Authorizing the Permanent Budget Commission to Order the Use of Said Sum or Part Thereof for the Care of Dependent Children outside Their Homes," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

So the question was decided in the affirmative and the bill

having received the required constitutional majority passed the House, and was ordered to the Senate for Concurrence.

On motion of Mr. Warren, **HB 183**—"An Act Appropriating Certain Money to Palmer Home, Incorporated," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Armstrong, **HB 208**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, to Provide for the Regulation of Trackless Trolley Coach Operators," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. King **HB 239**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Penalties for Violations of Motor Vehicle Laws," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Carey, Cochran, Collison, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—Messrs. Camper, Cook—2.

So the question was decided in the affirmative and the bill

having received the required constitutional majority passed the House, and was ordered to the Senate for Concurrence.

On motion of Mr. Marvel, **HB 258**—"An Act Authorizing and Directing the Board of Trustees of Sussex County to Pay the Claim of Clyde Joseph and Damages to His Automobile," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Jones, **HB 263**—"An Act to Reimburse the State Highway Department for Money Advanced to the State Police Pension Board for State Police Pensions," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Not Voting—Mr. King—1.

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

On motion of Dr. Benger, **HB 282**—"An Act Appropriating Money to the Kruse School for Girls," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—Messrs. King, Spear—2.

So the question was decided in the affirmative and the bill

having received the required constitutional majority passed the House, and was ordered to the Senate for Concurrence.

On motion of Mr. Jones, **HB 290**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Definition of Semi-Trailer," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Jones introduced **HA 1**, which on his further motion was adopted.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Longbotham—1.

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

On motion of Mr. Jones, **HB 291**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Motor Vehicles,' in Relation to Lengths of Piling and Pole Trailers," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Longbotham—1.

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

On motion of Mr. Jones, **HB 292**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' with Reference to the Maximum Gross Load for Which Certain Motor Vehicles May Be Registered; Fee for Special Permits; Ton Mile Fee; Blanket Permit for Piling or Pole Trailers; Refund of Fees for Unused Permits," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan,

Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Messrs. Allen, Longbotham—2.

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

On motion of Mr. Calhoun, **HB 322**—"An Act Making an Appropriation to the State Board of Education for Reallocation to Lord Baltimore School District No. 28, in Lieu of, and Not in Addition to, the Sum Intended to Be Appropriated in Chapter 171, Volume 46, Laws of Delaware, 1947, and Authorizing a Bond Issue to Provide the Said Appropriation," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Messrs. Allen, Longbotham—2.

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

On motion of Mr. Calhoun, **HB 323**—"An Act to Validate the Bonds Issued and Sold by Lord Baltimore School District No. 28 in Order to Make Available for the School Building Program the Local Share of Said School District Required by Chapter 171, Volume 46, Laws of Delaware, 1947, although Said Bonds When Added to Other Bonds Outstanding against Said School District Exceed Five Percent of the Assessed Value of the Real and Personal Property in Said School District," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren moved that the rules be suspended on the full reading of **HB 323**. Motion prevailed.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Messrs. Allen, Longbotham—2.

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

On motion of Mr. Jones, **HB 340**—"An Act to Amend Chapter 241, Volume 45, Laws of Delaware, as Amended by Chapter 213, Volume 46, Laws of Delaware, by Adding a New Paragraph to Section 14 of Said Act Relating to Bail or Surety for a Child's Appearance at the Family Court for New Castle County When Arrested at Any Time Including a Holiday, Saturday or Sunday," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Messrs. Allen, Longbotham—2.

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

On motion of Mr. Warren, **HJR 5**—"Appropriating Monies to Pay Certain Claims Relating to the Expenses of the Supreme Court," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

Absent—Mr. Longbotham—1.

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

Requests that the following be stricken from the calendar were granted to members as follows: **HB 361**, by Walsh; **HB 146**, by Armstrong.

The Speaker announced he was about to sign: **SB 57, 75; SCR 16, 17.**

The Employees' Oath* was administered by the Speaker to James Elmer Johnson as Telephone Messenger.

Mr. Warren moved that the House adjourn until 11:00 A. M., Fri., Mar. 18, 1949. Motion prevailed.

*For form of Oath, see 1st Legislative Day.

42ND LEGISLATIVE DAY

House met pursuant to adjournment, Fri., Mar. 18, 11:45 A. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

Members absent—Dr. Benger, Mr. Longbotham—2.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved as read. Motion prevailed.

Communications: 2 for **HB 148**, 1 for **SB 221**, 1 for **HB 249**, 1 for **HB 280**, 2 for **HB 115**, 1 for **HB 380**; 51 against **HB 380**, 3 against **HB 413**, 3 against **HB 190**, 1 against **SB 282**, 1 against **SB 66**, 1 against **HB 285**, 1 against **HB 75**, 2 against **HB 298**, 1 against **HB 369**, 1 against **SB 18**, 1 against **SB 67**, 1 against **HB 256**, 1 against **HB 378**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 94**, **149**, **236**, **237**, by Municipal Corporations.

Mr. Warren moved that the House recess until 2:30 P. M. Motion prevailed.

House met at expiration of recess at 3:25 P. M.

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

HS 1 for **HB 396** (same title as **HB 396**), by Warren; to Revised Statutes.

HJR 6—"Memorializing the Congress of the United States with Respect to Taxation," by Warren; to Miscellaneous.

HB 425—"An Act Proposing an Amendment to Section 25 of Article 2 of the Constitution of the State of Delaware Relating to Zoning," by Sinclair; to Revised Statutes.

HB 426—"An Act to Amend Chapter 121 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Justices' Jurisdiction in Civil Cases for Debt,' with Reference to Fees of Justices of the Peace, Constables, Sheriffs, Witnesses and Parties," by Jones; to Judiciary and Crime.

HB 427—"An Act to Amend Chapter 159, Volume 43, Laws of Delaware, 1941, Relating to the Town of Camden and the Power of the Town Council to Enter into Certain Agreements," by Cool; to Revised Statutes.

HB 428—"An Act Making It a Misdemeanor to Fire or Have in One's Possession for the Purpose of Firing Any Rifle of a Calibre Greater Than Twenty-Two Hundredths of an Inch, Ex-

cept upon Authorized Target Ranges, and Providing a Penalty Therefor," by Cochran; to Military Affairs.

HB 429—"An Act Making It Unlawful for Any Board, Commission or Department of This State to Make a Contract for the Sale or Purchase of Any Goods, Wares and Merchandise and/or Lease for Any Buildings or Lands with any Member or Employee of Such Board, Commission or Department," by Marvel; to Miscellaneous.

HB 430—"An Act Making an Appropriation to the Board of Education of the Milford Special School District for Grading, Landscaping and Constructing Sidewalks and Bus Areas of the Grounds Surrounding the Elementary School Building in Said District," by Longbotham; to Appropriations.

HB 431—"An Act to Amend Chapter 151 of Volume 44, Laws of Delaware, 1943, as Amended, by Fixing a Minimum Size for Oysters Caught from the Waters of Broadkilm River, Sussex County and State of Delaware, by Providing Taxes to Be Levied upon All Oysters Caught from the Waters of Said River, by Providing that a Portion of the Tax Monies Derived from Oysters Shall Be Held in Trust to Be Used for Re-Stocking Said River, by Providing that All Persons Catching either Oysters or Clams Shall Require Licenses, and by Making It Unlawful to Lease Oyster Grounds Anywhere Except in Certain Named Waters," by Givan; to Fish, Oysters and Game.

HB 432—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Preservation and Improvement of the Oyster Beds and Grounds of the State of Delaware Known as 'Broadkilm River,'" by Givan; to Appropriations.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SB 64—"An Act to Amend Chapter 176, Volume 25, Laws of Delaware, as Amended, Entitled 'An Act to Incorporate the Town of Elsmere, New Castle County,' by Providing for Compensation for the Commissioners"; to Municipal Corporations.

SB 102—"An Act to Amend an Act Entitled 'An Act Changing the Name of "The Town of Seaford" to "The City of Seaford" and Establishing a Charter Therefor,' Being Chapter 184, Volume 43, Laws of Delaware, as Amended, by Increasing the Amount of Money Which May Be Raised Each Year in Taxes"; to Municipal Corporations.

SB 103—"An Act to Amend an Act Entitled 'An Act Changing the Name of the "Town of Seaford" to the "City of Seaford" and Establishing a Charter Therefor,' Being Chapter 184, Volume 43, Laws of Delaware, as Amended, by Directing the City Council to Establish and Maintain Reserve or Sinking Funds to Be Used for the Replacement, Enlargement, or Improvement of the Municipal Light and Power Plant and Distribution System

and Designating Such Reserves as Trust Funds for the Purposes for Which They Were So Set Aside"; to Municipal Corporations.

SB 172—"An Act to Amend Chapter 176, as Amended, Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beer by Creating a Liquor Commission Composed of Four Members, One from the City of Wilmington, One from Rural New Castle County, One from Kent County, and One from Sussex County, and Providing for the Appointment, Term of Office, Salaries and Duties of Its Members"; to Temperance.

SB 177—"An Act to Amend Chapter 164, Volume 29, Laws of Delaware, Being an Act Entitled: 'An Act to Re-Incorporate the Town of Laurel,' by Giving Authority to the Mayor and Council of Laurel to Levy and Impose Annual Service Charges for the Use of Sewers in the Town of Laurel"; to Municipal Corporations.

SB 215—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Fish, Oysters and Game,' Permitting the Hunting of Red Fox with Dogs on Sunday"; to Revised Statutes.

SB 242—"An Act Concerning the Proof of Statutes of Other Jurisdictions and to Make Uniform the Law with Reference Thereto"; to Judiciary and Crime.

SB 243—"An Act to Amend Chapter 169 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Court of Common Pleas for New Castle County,' by Enlarging the Jurisdiction of the Court of Common Pleas of New Castle County to Include Attempts"; to Judiciary and Crime.

SB 244—"An Act to Amend Chapter 117 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Court of Chancery,' Relating to Sale of Trust Property by Order of the Chancellor Made in His Discretion"; to Judiciary and Crime.

SB 245—"An Act to Amend Chapter 127 of the Revised Code of Delaware, 1935, as Amended, Relative to Survivency of Actions, Providing for the Survival of Certain Causes of Action"; to Judiciary and Crime.

SB 246—"An Act Concerning Contribution among Tortfeasors, Release of Tortfeasors, Procedure Enabling Recovery of Contribution, and Making Uniform the Law with Reference Thereto"; to Judiciary and Crime.

SB 247—"An Act to Amend Chapter 67 of the Revised Code of Delaware, 1935, as Amended, Relative to 'The City of Wilmington,' by Enlarging the Jurisdiction of the Municipal Court of Wilmington to Include Attempts"; to Judiciary and Crime.

SB 251—"An Act to Amend Chapter 95 of the Revised Code of Delaware, 1935, as Amended, Relative to 'Joint Estates and Partition,' in Relation to the Return of the Trustee and Approval by the Court in the Matter of the Public Sale of Lands in Partition"; to Judiciary and Crime.

SB 258—"An Act to Amend Chapter 283, Volume 21, Laws of Delaware, Entitled 'An Act to Incorporate the Town of Little Creek' as Amended by Chapter 172, Volume 36, Laws of Dela-

ware, by Extending the Boundaries of Said Town, and by Increasing the Amount of Taxes to Be Raised in Said Town"; to Municipal Corporations.

SB 125—"An Act to Amend Chapter 190, Volume 46, Laws of Delaware, 1947, Reducing the Capacity of the Building to Be Erected and Utilized as a Department for Criminally Insane and Criminally Inclined Adults and Juveniles, at the Delaware State Hospital, at Farnhurst"; to Miscellaneous.

SB 240—"An Act to Amend Chapter 98 of the Revised Code of Delaware, 1935, as Amended, 'Settlement of Personal Estates,' Relating to Debts of Which Notice Is Presumed"; to Judiciary and Crime.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following:

SCR 19—"Appropriating Money to Pay for Printing of Report of State School Survey Commission."

SCR 20—"Memorializing the Congress of the United States with Respect to a National Compulsory Sickness Insurance Program."

The Chair presented **SCR 19** which was read and on further motion of Mr. Bryan was adopted.

On motion of Mr. Lawson, **HS** for **HB 87**—"An Act to Amend Chapter 74, Revised Code of Delaware, 1935, as Amended, Relating to Fish, Oysters and Game by Providing a Limit to the Length of Certain Nets," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Lawson moved that **HS** for **HB 87** be adopted in lieu of **HB 87**. Motion prevailed.

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

YEAS—Messrs. Armstrong, Blendt, Bruno, Bryan, Calhoun, Cochran, Collison, Cook, Cool, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—28.

NAYS—Messrs. Allen, Camper, Carey, Cordrey, O'Neal—5.
Absent—Dr. Bengert, Mr. Longbotham—2.

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

On motion of Mr. King, **HB 93**—"An Act Authorizing the Levy Court of Kent County to Appropriate County Monies to David C. Harrison Post No. 14 Inc., American Legion, for the Maintenance of Ambulance," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey,

Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Dr. Bengier, Mr. Longbotham—2.

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

On motion of Mr. Sinclair, **HB 354**—"An Act to Amend Chapter 5 of the Revised Code of Delaware, 1935, as Amended, to Provide for the Transmittal to the Court of Common Pleas of New Castle County of Copies of the Judicial Reports and Chancery Reports of the State of Delaware," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Dr. Bengier, Mr. Longbotham—2.

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

On motion of Mr. Evans, **SB 17**—"An Act to Amend Chapter 117, Revised Code of Delaware, 1935, as Amended, Relating to Investments of Trustees, Guardians and Other Fiduciaries," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Dr. Bengier, Mr. Longbotham—2.

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

On motion of Mr. Evans, **SB 151**—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Banks, Savings Societies and Trust Companies,' in Relation to the Collection, Payment, and Dishonor of Demand Items by Banks and the Revocation of Credit for, and Payment of,

Such Items," was taken up for consideration and read a third time, by paragraphs in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Dr. Benger, Mr. Longbotham—2.

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

On motion of Mr. Collison, **HB 125**—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Bridgeville,' Being Chapter 158, Volume 43, Laws of Delaware, with Reference to the Amount of Taxes Raised and the Collection Thereof," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

Absent—Dr. Benger, Mr. Longbotham—2.

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

On motion of Mr. Paskey, **HB 170**—"An Act Making an Appropriation to the State Board of Agriculture for the Vaccination of Calves and Testing of Cattle for Bang's Disease under the Provisions of Chapter 264, Volume 46, Laws of Delaware, 1947," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

Absent—Mr. Armstrong, Dr. Benger, Mr. Longbotham—3.

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

On motion of Mr. Marvel, **HB 259**—"An Act to Amend an Act Entitled 'An Act to Authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, to Make Indices of Judgments in His Office,' Being Chapter 106, Volume 46, Laws of Delaware, 1947, Relating to the Beginning Date of the Indices," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Hughes, Jones, Kelton, King, Lee, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

Absent—Dr. Benger, Messrs. Holliday, Longbotham—3.

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

Requests that the following be stricken from the calendar were granted to members as follows: **HB 229**, by McCullough.

Mr. Warren moved that the House adjourn until 11:00 A. M., Mon., Mar. 21. Motion prevailed.

43RD LEGISLATIVE DAY

House met pursuant to adjournment, Mon., Mar. 21, 12:15 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 135, 141**, by Municipal Corporations; **HS** for **HB 305**, by Revised Statutes; **HB 203, 266, 295, 370, 242, 363**, and **SB 124**, by Miscellaneous; **HB 158, 189, 345, 347, 426**, and **SB 240, 242, 243, 244, 245, 246, 247, 251**, by Judiciary and Crime; **HB 154, 399**, by Education.

Mr. Bruno moved that the House recess until 3:00 P. M. Motion prevailed.

House met at expiration of recess at 4:00 P. M.

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

HB 433—"An Act to Amend Chapter 79, Revised Code of Delaware, 1935, as Amended, with Respect to Liens of Owners of Threshing Machines, Corn Pickers, or Hay Balers, upon Grain or Hay Threshed, Picked or Baled," by Carey; to Revised Statutes.

HB 434—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Delaware Racing Commission,' with Reference to Breakage or to the Odd Cents of All Redistributions Made," by King; to Revised Statutes.

HB 435—"An Act to Amend Chapter 196, Volume 45, Laws of Delaware, Being an Act Entitled 'An Act Providing a Method for Distributing Moneys Appropriated to the State Board of Education for Teachers' Salary Increments' by Separating the Rating System Provided Therein from Salary Increments," by Bryan and Walsh; to Education.

HB 436—"An Act for the Relief of Michael Pricik and Eva Pricik, His Wife, in Connection with the Title to Certain Land in New Castle County," by Bryan; to Miscellaneous.

HB 437—"An Act to Amend Chapter 98 of the Revised Code of Delaware, 1935, as Amended, in Relation to the Settlement of Personal Estates, Register of Wills, with Reference to the Granting of Letters of Administration," by Bryan; to Judiciary and Crime.

HB 438—"An Act to Create and Establish a Public Service Commission, and Prescribing Its Powers and Duties, and to Provide for the Regulation and Control of Public Service Corporations and Public Utilities, and Making Appropriations Therefor," by Holliday; to Private Corporations.

HB 439—"An Act Making It a Misdemeanor to Train or Direct a Spotlight upon the Dwelling-House of Another in the Night Time, and Providing a Penalty Therefor," by Cochran; to Miscellaneous.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 27—"Expressing the Sympathy of the House to the Family of Rev. Ernest Wright on Account of His Death."

WHEREAS, the House of Representatives has learned with regret of the death of Rev. Ernest Wright, Chaplain, of this body; and

WHEREAS, the members of the House of Representatives wish to express the feelings of sympathy felt by all of them at this loss which has come to the family of Rev. Ernest Wright;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of

Delaware, that the sympathy of its members is hereby extended to the widow and family of Rev. Ernest Wright, Chaplain of this honorable body, in this hour of their sorrow on account of the death of Rev. Wright, and that a copy of this Resolution be entered on the Journal of the House, a copy delivered to the Press, and a copy thereof be sent to the family of the deceased.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 28—"Relative to the Payment for Printing the Daily Calendar for the House of Representatives of the 115th General Assembly of the State of Delaware from March 9th to March 21st, Inclusive."

BE IT RESOLVED by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware that the sum of One Thousand Seven Hundred Sixty-four Dollars (\$1,764.00) be and the same is hereby appropriated out of the monies of the State Treasury, not otherwise appropriated, for the payment to Delaware State News of Dover, Delaware, the lowest and responsible bidder, for printing the Daily Calendar for the House of Representatives of the State of Delaware from March 9, 1949 up to and including March 21, 1949, said calendar being necessary to the business of the House and the expense thereof being a necessary expense connected with the session.

The Secretary of the Senate informed the House that the Senate had concurred in **HB 139**.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions which were presented by the Chair, given first and second readings by title only and referred to committees as follows:

SB 143—"An Act to Amend the Charter of the City of Rehoboth Beach, as Established by Chapter 161, Volume 41, Laws of Delaware, and as Amended by Chapter 177, Volume 43, Laws of Delaware, and by Chapter 243, Volume 46, Laws of Delaware, by Increasing the Amount of Money That Can Be Contributed to Volunteer Fire Companies or Associations"; to Municipal Corporations.

SB 144—"An Act to Amend the Charter of the City of Rehoboth Beach, as Established by Chapter 161, Volume 41, Laws of Delaware, and as Amended by Chapter 177, Volume 43, Laws of Delaware, and by Chapter 243, Volume 46, Laws of Delaware, by Establishing at Two Years the Term of Office of the Commissioner Having the Title of Mayor of Rehoboth and President of the Commissioners of Rehoboth"; to Municipal Corporations.

SB 155—"An Act to Amend Chapter 108 of the Revised Code of Delaware, 1935, as Amended. Entitled, 'General Provisions Concerning Courts,' Increasing the Salary of the Court Crier in Kent County"; to Judiciary and Crime.

SB 207—"An Act to Amend Chapter 104, Volume 45, Laws of Delaware, 1945, as Amended. Known as 'The Delaware State Employees Benefit Act,' by Adding to the Definition of 'Covered Employment' Employment for a State Agency Supported Wholly or in Part by Funds Granted to the State by the Federal Government without Obligation on the Part of the State"; to Revised Statutes.

SB 216—"An Act to Amend Chapter 104 of Volume 45, Laws of Delaware, 1944-45, Entitled 'An Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Nonassignable, and Also Providing for the Reduction of Benefits under Certain Conditions,' as Amended, Providing that after Three Years' Service, upon Return to Said or Similar Employment within the Term of One Year Thereafter. the Full Term of Employment Shall Be Considered 'Covered Employment'; to Revised Statutes.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following: **SCR 21**—"Fixing the Time after Which No New Bills or Joint Resolutions Shall Be Received by Either House, Except General Appropriation Bills."

On motion of Mr. Spear, **HB 94**—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Delmar,' by Providing for Referendum Vote before Making Any Increase in Water Rents," was taken up for consideration and read a third time. by paragraphs, in order to pass the House.

Mr. Collison moved that the rules be suspended on the complete reading. Motion prevailed.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Allen—1.

So the question was decided in the affirmative and the bill

having received the required constitutional majority passed the House, and was ordered to the Senate for Concurrence.

On motion of Mr. Paskey, **HB 149**—"An Act to Reincorporate the Town of Frederica," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Allen—1.

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

On motion of Mr. McCullough, **HB 224**—"An Act to Authorize the Mayor and Council of New Castle to Borrow Money and Issue Bonds Therefor for a Sum Not to Exceed One Hundred Twenty-Five Thousand Dollars to Pay for the Purchasing and Installation of an Elevated Water Storage Tank," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren moved that the rules be suspended on the complete reading. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. McCullough, **HB 225**—"An Act Authorizing the Mayor and Council of New Castle to Borrow Money and Issue Bonds Therefor for the Sum of \$300,000.00 to Pay for the Erection of a Sewerage Disposal Plant in the City of New Castle and to Extend Sewer Facilities throughout the Said City," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Collison moved that the rules be suspended on the complete reading. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Dr. Benger, **HB 236**—"An Act to Authorize the Commissioners of Newport to Borrow \$5,000.00 upon the Note of the Town for the Purpose of Making Additions to and Improving the Municipal Waterworks," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Allen—1.

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

On motion of Dr. Benger, **HB 237**—"An Act to Amend Chapter 195, Volume 24, Laws of Delaware, Entitled 'An Act to Reincorporate the Town of Newport,' by Giving the Town Alderman Power to Impose Larger Fines," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Kelton, **HB 270**—"An Act to Authorize a Highway Crossing at Grade in Mill Creek Hundred, New Castle County, over the Landenberg Branch of the Baltimore and Ohio Railroad," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Donovan, **HB 314**—"An Act to Amend an Act Entitled 'An Act to Change the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor' Being Chapter 162, Volume 38, Laws of Delaware, by Authorizing the City Council to Levy a Sewer Tax," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Donovan, **HB 315**—"An Act to Amend 'An Act Changing the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor,' by Being Chapter 162, Volume 37, Laws of Delaware, as Amended, by Providing that the City Authorities Shall Have the Power to Establish and Maintain a Pension Plan for City Employees," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough,

O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Holliday, **SB 65**—"An Act to Amend Chapter 166, Volume 37, Laws of Delaware, Being 'An Act to Re-incorporate the Town of Selbyville' as Amended, by Increasing the Amount of Taxes That May Be Raised in Any One Year by Taxation and Providing the Method by Which Taxes and Penalties for Non-Payment of the Same May Be Collected," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Holliday moved that the rules be suspended on the complete reading. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester. Mr. Speaker—35.

NAYS—None.

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

Requests that the following be stricken from the calendar were granted to members as follows: **HB 424**, by Cordrey and Calhoun; **HB 428**, by Cochran.

The Speaker announced he was about to sign: **HB 139**.

Mr. Warren moved that the House adjourn until 12:00 noon, Tues., Mar. 22, 1949. Motion prevailed.

44TH LEGISLATIVE DAY

House met pursuant to adjournment, Tues., Mar. 22, 12:25 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **HB 115**, 2 for **HB 298**; 9 against **HB 380**, 2 against **HB 378**, 2 against **SB 54**, 2 against **SB 180**, 1 against **HB 298**, 1 against **HB 361**.

Mr. Jones moved that the following communication be entered on the journal. Motion prevailed.

March 21, 1949

Hon. F. Albert Jones
House of Representatives
State of Delaware
Dover, Delaware

Dear Representative Jones:

There is a sanitary district law now on the statute books of the State of Delaware under which special sanitary districts can be created by referendum of legal residents living within boundaries they establish by their referendum. Under the present law, there are at least three special sanitary districts in Brandywine Hundred, New Castle County, where sewers have been laid and disposal plants built. The Levy Court of New Castle County, as empowered by the law, has issued bonds to defray the cost of the sewers and disposal plants in the three districts in question. Over a period of 20 years, the said districts will be required to pay off the bonds with interest. To date, there is no record of delay, arrears, or default in connection with these bonds.

The recent Levy Court of New Castle County, which adjourned sine die in January, recommended that the present sanitary district law be rewritten and clarified in order that glaring weaknesses of the law could be strengthened. Specific recommendations were made by Henry M. Canby, attorney for the aforementioned Levy Court.

Adopting certain of Mr. Canby's recommendations and adding some further recommendations, after conferring with New York bonding experts, the present Levy Court of New Castle County had a bi-partisan bill, known as House Bill 148, introduced at this session of the General Assembly. The sole purpose is to correct the inadequate portions of the present sanitary district law, so that sanitary districts which have been established by referendum under the present law can proceed with sewers and sanitary facilities, financed by bonds certified by the Levy Court of New Castle County, but which are to be paid off by each individual district. House Bill 148 would also permit residents of New Castle County to create additional sanitary districts as sufficient people saw fit to combine their interests and establish districts by referendum.

The community of Deerhurst has worked avidly for more than two years in order that sewers might be installed, a disposal plant built, and other facilities made available. Ground for the proposed disposal plant has been offered without charge by the developer of the community. On August 6, 1947, the Levy Court of New Castle County, after public hearing, established the Deerhurst Sanitary District. During the next five months

the county engineer prepared estimates of costs of construction and assessments. He made his report to a community meeting and on January 24, 1948, the people of the proposed Deerhurst Sanitary District approved the district in formal referendum and by a wide majority.

Soon thereafter, the defects of the present law became apparent to the Levy Court of New Castle County and all consideration of additional sewer work was set aside to wait action by the present General Assembly.

Since the introduction of House Bill 148, there seems to have arisen some disturbing opposition that is hard to account for. It has been reliably reported to the interested communities that the railroad lobby has placed House Bill 148 on its official list of unfavorable legislation. Now come published reports of the opposition of the Chamber of Commerce of Wilmington.

According to the published accounts, the Wilmington Chamber of Commerce asserts that the City of Wilmington, Newark, New Castle, and other incorporated centers of New Castle County could be taxed for the disposal systems to be built in New Castle County outside of their areas.

Either the Wilmington Chamber of Commerce is grossly misinformed, or it is deliberately falsifying the facts. House Bill 148 would merely straighten out the present law under which sanitary districts are created and would levy all costs against the specific sanitary district. Of course, the credit of New Castle County is behind the bonds, but the bill would place liens against property in each district, so, should the people in rural New Castle County prove any less honest and capable than the people in Wilmington, Newark, and New Castle, the bonds would be protected by lien.

Are the people in rural New Castle County less willing to pay for their own improvements than people in the aforementioned incorporated areas? If the published accounts of the Wilmington Chamber of Commerce's opposition are true, then there is the insulting inference that the people of rural New Castle County are stooping to the low practice of wanting improvements at the expense of residents of incorporated areas. Actually, the people of rural New Castle County are merely asking for the right to make highly-needed sanitary improvements within specified districts and they are asking for the further right to levy the costs within the said specified districts, opposition to the contrary notwithstanding.

Such miracles of modern science as nylon and neoprene have come out of New Castle County, but the scientists who worked on those inventions and live in rural New Castle County are forced, for the most part, to have such primitive sanitary facilities as cesspools—cesspools that either seep through the surface of the soil, or contaminate streams, or require pumping out at frequent intervals.

Rural New Castle County has probably the greatest concentration of research facilities in the world today. More is

building. Rural New Castle County has among its residents some of the foremost chemists, physicists, engineers, and other scientists of the world. For the most part, they live with cesspools—stinking, filthy cesspools—endangering their own health and the health of everyone around them. More and more of these people are coming into the community every day and they are forced to dig more and more cesspools. Unless the General Assembly gives them the right to combine with their neighbors to lay sewers, build disposal plants, and tax themselves for the privilege, rural New Castle County will become known as the scientific and cesspool center of the world.

Newark, mentioned in the reports of the Wilmington Chamber of Commerce's opposition to House Bill 148, was forced to sewers and a disposal plant years ago when it became one big cesspool. A typhoid epidemic resulted. Today, Newark is one of the finer centers in Delaware, yet the lesson of Newark and its need for sewers is a lesson for Brandywine Hundred, which is not desirous of suffering an epidemic. It merely wants the right to create its own sanitary districts, build its own sewers, build its own disposal plants, and pay the bill district by district.

House Bill 148 would enable any sanitary district to relieve its sewerage problem, without interference or cost to any other section. Unless this bill or a kindred bill provides districts the right to build its own sewers, then the day will come when the county in the interests of public health will be forced to build sewers at overall county expense, including levies against residents of Wilmington, Newark, New Castle, and all other parts of the county. Under House Bill 148, the cost of sewerage a district would be levied within that district and against no other district.

Deerhurst itself is up a tree. Where to turn? What to do? We have complied with an existing law, we have established a sanitary district, we want to go ahead with sewers and a disposal plant, improvements which we need most urgently. We are ready and willing to pay the bill. What about getting behind the one measure—House Bill 148—that will give us the right to tax ourselves for our own improvements? Need it be said that we strongly urge the enactment of House Bill 148?

In order that any misunderstanding that might now exist in the House of Representatives as to our position and intent can be straightened, we respectfully request that this communication be read to the assembled House and entered on the records of the official proceedings.

Sincerely,

Sewer Committee
Deerhurst Civic Association
A. N. DANIEL, JR.
by A. N. Daniel, Jr.
Chairman

30 York Road
Deerhurst
Wilmington 284, Delaware

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 298** (on its own merits), by Miscellaneous; **HB 281** and **SB 1**, by Public Health; **HB 301, 318, 320, 372**, by Municipal Corporations; **HB 60**, by Appropriations; **HB 437** and **SB 155**, by Judiciary and Crime.

Mr. Warren moved that the House recess until 2:00 P. M. House met at expiration of recess at 3:15 P. M.

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

HB 440—"An Act to Amend Chapter 67 of the Revised Code of Delaware, 1935, as Amended, Relative to 'The City of Wilmington,' by Providing for the Suspension of Sentences and the Use of Probation in Criminal Cases 'In the Municipal Court for the City of Wilmington,' and Making the Violation of the Terms of Probation a Misdemeanor and Providing a Penalty for Such Violations," by Bruno; to Municipal Corporations.

HB 441—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Entitled 'State Revenue,' by Decreasing the Tax on Motor Fuel and Repealing the Law Authorizing a Refund of Tax Paid on Motor Fuels." by Marvel and O'Neal; to Revenue and Taxation.

HB 442—"An Act Authorizing the City of Dover to Sell and Transfer Certain Lands Located without the Boundaries of the Said City of Dover, Said Lands Being and Constituting a Part of the Dover Army Air Field," by Evans; to Municipal Corporations.

HB 443—"An Act Making an Appropriation to the Laurel Special School District for the Construction of an Addition to the Paul Lawrence Dunbar School Located in the Laurel Special School District in Sussex County," by Spear; to Appropriations.

HB 444—"An Act to Amend Chapter 74, Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game,' with Regard to the Necessity for a Permit from the Board of Game and Fish Commissioners before an Owner or Tenant of a Fresh Water Pond or Stream Therefrom with a Net," by Warren; to Revised Statutes.

HB 445—"An Act to Amend Article 12 of Chapter 6, Revised Code of Delaware, 1935, as Amended, Entitled State Revenue with Respect to the State Income Tax," by Lawson; to Revised Statutes.

HB 446—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game' Regarding the Protection for Deer and Repealing Chapter 167, Volume 45, Laws of Delaware, 1927, Regarding the Protection for Deer," by Allen; to Fish, Oysters and Game.

HB 447—"An Act Amending Chapter 4 of the Revised Code of Delaware, 1935, as Amended, by Making Saturday a Holiday in State Offices," by Blendt; to Revised Statutes.

HB 448—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled, Fish, Oysters and Game, in Reference to the Open Season for Catching, Killing, or Pursuing Hare and Rabbits in Sussex County, and Prescribing Penalties for Violations," by Spear; to Fish, Oysters and Game.

Mr. Warren introduced the following resolution: **HCR 10**—"Inviting the Boys' State to Be the Guests of the One Hundred and Fifteenth General Assembly."

On motion of Mr. Collison action on **HCR 10** was deferred.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions which were presented by the Chair, given first and second readings by title only and referred to committees as follows:

SS for SB 93—"An Act Regulating the Installation and Use of Television Receivers or Screens in Motor Vehicles and Providing a Penalty for the Violation Thereof"; to Miscellaneous.

SB 169—"An Act Proposing an Amendment to Section 3 of Article IV of the Constitution of the State of Delaware Relating to the Appointment of Members of the State Judiciary by Requiring the Governor to Address a Public Letter to the President of the Senate Stating the Name of the Person He Intends to Appoint at Least Ten Days Prior to the Submission of Such Person's Name to the Senate for Confirmation"; to Revised Statutes.

SB 201—"An Act Providing for the Trapping and Otherwise Taking of Raccoons in a Part of New Castle and Kent Counties during Any Time of the Year Excepting on Sundays"; to Fish, Oysters and Game.

SB 205—"An Act Making an Annual Appropriation to the Clerk of the Supreme Court for Incidental Expenses of the Said Court"; to Appropriations.

SB 234—"An Act to Amend Chapter 45 of the Revised Code of Delaware, 1935, as Amended, Relative to County Treasurers and Collection of Taxes, Increasing the Salaries of the Deputies, Clerks, Delinquent Tax Investigators, Bookkeepers and Stenographers in the Office of the Receiver of Taxes and County Treasurer for New Castle County"; to Revised Statutes.

SB 235—"An Act to Amend Chapter 53 of the Revised Code of Delaware, 1935, as Amended, Relative to Salaries of Certain County Officers, Providing for the Increase of Salaries of Deputies and Clerks in Certain County Offices in New Castle County"; to Revised Statutes.

SB 236—"An Act to Amend Chapter 46 of the Revised Code of Delaware, 1935, as Amended, Relative to County Comptrollers, Increasing the Salaries of the County Comptrollers and His Deputy in New Castle County"; to Revised Statutes.

SB 237—"An Act to Amend Chapter 45 of the Revised Code of Delaware, 1935, as Amended, Relative to County Treasurers and Receivers of Taxes, in Relation to the Salary of the Receiver

of Taxes and County Treasurer of New Castle County"; to Revised Statutes.

SB 238—"An Act to Amend Chapter 53 of the Revised Code of Delaware, 1935, as Amended, in Relation to the Salaries of Certain County Officers, by Increasing the Salaries of Certain County Officers in New Castle County"; to Revised Statutes.

Requests that the following be recommitted were granted to members as follows: **HS** for **HB 36**, by Sinclair; **HS** for **HB 115**, by Givan; **HB 426**, by Jones.

The Speaker announced he was about to sign: **SB 17, 65, 151**, and **SCR 19**.

Mr. Warren moved that the House adjourn until 12:00 noon, Wed., Mar. 23, 1949. Motion prevailed.

45TH LEGISLATIVE DAY

House met pursuant to adjournment, Wed., Mar. 23, 12:40 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **HB 148**, 1 for **HB 16**; 39 against **HB 380**, 1 against **HB 29**, 1 against **HB 285**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 410**, by Public Highways; **HS** for **HB 67** (on its merits), **HB 246, 294, 300, 366, 377, 388**, by Appropriations; **HB 42, 48, 245, 272, 404, 441**, by Revenue and Taxation.

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

HB 449—"An Act Authorizing the Erection, Construction, Installation, Keeping in Good Order and Repair, a Traffic Control Light at the Intersection of Darley Road and the Philadelphia Pike, Highway No. 13, in Brandywine Hundred, New Castle County, Delaware," by Jones; to Public Highways.

HB 450—"An Act to Amend Chapter 121 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Justice's Jurisdiction in Civil Cases for Debt,' with Reference to Fees of Justices of the Peace, Constables, Sheriffs, Witnesses and Parties," by Jones; to Judiciary and Crime.

HB 451—"An Act to Amend Chapter 100 of the Revised Code of Delaware, 1935, as Amended, Entitled 'General Provisions Respecting the Police,' with Respect to Letting Premises for the Recording of Bets or Wagers on Contests of Skill, Speed or Power of Endurance, and Increasing the Penalties for Violations," by Bruno; to Revised Statutes.

HB 452—"An Act to Amend Chapter 65, Revised Code of Delaware, 1935, as Amended, Entitled 'Corporations to Exclude from the Prohibitions' and Limitations of Section 36 Thereof, the Operation of Employee Stock Purchase Plans," by Bryan; to Private Corporations.

HS for **HB 51** (same title as **HB 51**), by Calhoun; to Municipal Corporations.

The Secretary of the Senate informed the House that the Senate had concurred in the following: **HB 116, 259**.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SB 63 with **SA 1**—"An Act to Amend Chapter 83, Volume 45, Laws of Delaware, as Amended, Relating to Aid for the Needy Blind, by Providing an Incentive to Rehabilitation and Self-Support and by Increasing the Maximum Amount of Financial Assistance"; to Appropriations.

SB 106—"An Act to Amend Chapter 146 of the Revised Code of Delaware, 1935, as Amended, Relating to Limitation of Personal Actions by Repealing the Limitation of Actions for the Recovery of Wages, Salary, or Other Benefits for Work, Labor or Personal Services Performed"; to Labor.

SB 127—"An Act to Amend Chapter 206, of Volume 26, Laws of Delaware, 1911, as Amended, Entitled, 'An Act to Create a Board of Public Utility Commissioners for the City of Wilmington and Prescribe Its Duties,' by Giving the Board of Public Utility Commissioners of the City of Wilmington Control over Electric Trackless Trolley Coach Companies and Bus Companies Coordinated or Inter-Connected Therewith"; to Municipal Corporations.

SB 174—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, Relating to the Cancellation or Suspension of License for the Sale of Alcoholic Liquor, Wines and Beer, and the Disposition of Alcoholic Liquor, Wines and Beer by the Commission"; to Temperance.

SB 225 with **SA 1**—"An Act to Amend Chapter 156 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fees of Public Officers,' to Provide for an Increase in the Compensation of Grand, Petit or Special Jurors"; to Judiciary and Crime.

SS for **SB 248**—"An Act to Amend Article 10, Chapter 6, Revised Code of Delaware, 1935, as Amended, Relating to State Revenue, Inheritance Tax by Providing for the Determination

of Inheritance Tax on Jointly Owned Property and the Issuance of Certificates as Proof of the Discharge of Such Tax Liability"; to Judiciary and Crime.

SS for SB 250—"An Act to Amend Chapter 129 of the Revised Code of Delaware, 1935, Relating to Witnesses and Evidence, Providing that the Term 'Witnesses' Shall Include a Party to the Record"; to Judiciary and Crime.

On motion of Mr. Warren, **HB 14**—"An Act Agreeing to the Proposed Amendment to Section 21 of Article III of the Constitution of the State of Delaware, Relating to the Terms of Office of the State Treasurer and Auditor of Accounts" was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Hughes, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Holliday, Jones—2.

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

On motion of Mr. Longbotham, **HB 18**—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, as Amended, Providing for Exemption of Certain Veterans from Huckster's, Peddler's and Auctioneer's License Requirements," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Hughes, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester—30.

NAYS—Messrs. Calhoun, Sinclair, Mr. Speaker—3.

ABSENT—Messrs. Holliday, Jones—2.

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

On motion of Mr. Evans, **HB 32**—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled Fish, Oysters and Game, by Increasing the Fee Payable for the Issuance of a Hunting, Fishing or Trapping License," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Carey, Cochran, Collison, Cook, Cool, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, Paskey, Sinclair, Spear, Walsh, Warren, Winchester—31.

NAYS—Camper, Cordrey, O'Neal, Mr. Speaker—4.

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

On motion of Mr. Calhoun, **HB 35**—"An Act to Amend Chapter 77, Volume 42, Laws of Delaware, 1939, as Amended, with Respect to the Use of Funds Derived from Hunting, Fishing, and Trapping License Fees Collected by the Board of Game and Fish Commission," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Calhoun, Carey, Cochran, Collison, Cook, Cool, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, Paskey, Sinclair, Spear, Walsh, Warren, Winchester—30.

NAYS—Messrs. Camper, Cordrey, O'Neal, Mr. Speaker—4.

ABSENT—Mr. Bryan—1.

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

On motion of Mr. King, **HB 55**—"An Act to Amend 3775. Section 9 of Chapter 96, Revised Code of Delaware, 1935, Pertaining to Forfeitures of Dower, by Providing for the Forfeiture of Dower for Wrongful Killing of a Husband," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Mr. Calhoun, **HB 110**—"An Act to Amend Chapter 151 of Volume 44, Laws of Delaware, 1943, as Amended

by Chapter 213, Volume 45, Laws of Delaware, 1945, Relating to Delaware Commission of Shell Fisheries with Respect to Clams," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Warren, Winchester, Mr. Speaker—30.

NAYS—Messrs. Allen, Camper, Hughes, Spear, Walsh,—5.

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

On motion of Mr. Longbotham, **HB 141**—"An Act to Amend an Act Entitled 'An Act to Incorporate the Town of Houston,' Approved March 26, A. D. 1913, Being Chapter 240, Volume 27, Laws of Delaware, as Amended by An Act Approved March 7, A. D. 1929, Being Chapter 163, Volume 36, Laws of Delaware, by Increasing the Amount Which May Be Raised Yearly by Taxation," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. McCullough—1.

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

On motion of Mr. Collison, **HB 154**—"An Act to Transfer Certain Funds to the Maintenance Account of Greenwood School District No. 91," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

So the question was decided in the affirmative and the bill

having received the required constitutional majority passed the House, and was ordered to the Senate for Concurrence.

On motion of Mr. Sinclair, **HB 160**—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935. Relating to the Closing of One-Room Schools," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bryan, Camper, Cochran, Collison, Cook, Cool, Evans, Hughes, Jones, King, McCullough, Paskey, Sinclair, Walsh—18.

NAYS—Messrs. Bruno, Calhoun, Carey, Cordrey, Donovan, Givan, Holliday, Kelton, Lee, Longbotham. O'Neal, Spear, Warren, Winchester, Mr. Speaker—15.

ABSENT—Messrs. Mabrey, Marvel—2.

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

On motion of Mr. Bryan, **HB 179**—"An Act to Amend Chapter 152 of the Revised Code of Delaware, 1935, Relating to Making False Reports to Police Officers," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bryan, Hughes, Paskey, Walsh—5.

NAYS—Messrs. Allen, Benger, Blendt, Bruno, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Jones, Kelton, King, Lee, Longbotham, Mabrey, O'Neal, Sinclair, Spear, Warren, Winchester, Mr. Speaker—28.

ABSENT—Mr. Marvel—1.

NOT VOTING—Mr. McCullough—1.

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

Mr. Sinclair moved that **HB 179** be restored to the calendar. Mr. Warren seconded. Motion prevailed.

On motion of Mr. Lee, **HB 203**—"An Act Authorizing the Levy Court of New Castle County to Pay All Its Employees of the Day Preceding a Holiday, Saturday or Sunday," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee,

Longbotham, Mabrey, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Allen, Givan, Marvel—3.

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

Requests that the following be stricken from the calendar were granted to members as follows: **HB 426**, by Jones.

Requests that the following be recommitted were granted to members as follows: **HB 299**, by Bryan.

The Speaker announced he was about to sign: **HB 259**.

Mr. Warren moved that the House adjourn until Thurs., Mar. 24th, 1949, 12:00 noon. Motion prevailed.

46TH LEGISLATIVE DAY

House met pursuant to adjournment, Thurs., Mar. 24, 12:40 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **HB 298**, 21 for **HB 91**, 1 for **HB 148**, 1 for **HB 364**, 1 for preservation of State House at Dover, Delaware; 33 against **HB 380**, 1 against **SB 180**, 1 against **SB 146**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 277**, by Miscellaneous; **HB 449**, by Public Highways; **HS** for **HB 152**, **HB 153**, **166**, **173**, **211**, **375** and **405**, by Municipal Corporations.

Mr. Warren moved that the House recess until 3:00 P. M.

House met at expiration of recess at 3:30 P. M.

The following bills and resolutions were introduced, given first and second reading by title only, and referred to committee as follows: **HS** for **HB 433**, by Carey; to Revised Statutes.

HS for **HB 47** (same title as **HB 47**), by Kelton; to Fish, Oysters and Game.

HB 453—"An Act to Regulate Lobbying in The Legislative Halls at Dover," by Bruno; to Labor.

HB 454—"An Act to Amend Chapter 103 of the Revised Code of Delaware, 1935, Entitled 'Fences,' Relating to Partition

Fences between Neighbors, Straying of Livestock and Method of Adjusting Damage," by King; to Revised Statutes.

HB 455—"An Act Appropriating Money to the Delaware Commission for the Feeble Minded to Make Permanent Improvements and Repairs to the Infirmary and the Laundry at the State Institution for the Feeble Minded at Delaware Colony," by Lawson and Marvel; to Appropriations.

HB 456—"An Act Authorizing and Directing the State Highway Department to Take Over the Full Care, Management and Control of All State Forests, State Forest Parks, Experimental Stations and Demonstration Areas Now under the Care, Management and Control of the State Forestry Department; Providing for the Payment of the Expense of Such Management and Control," by Marvel and Lawson; to Public Highways.

HB 457—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Motor Vehicles by Providing for the Transfer of Registration Plates and Number Plates," by Marvel; to Public Highways.

HB 458—"An Act to Amend Chapter 173 of the Revised Code of Delaware, 1935, Relating to the Filing of Conditional Sales Contracts for Motor Vehicles," by Marvel; to Public Highways.

HB 459—"An Act Making a Deficiency Appropriation to Rose Hill-Minquadale School District No. 47 in New Castle County for Maintenance Expenses for the Fiscal Year Ending June 30, 1949," by McCullough; to Appropriations.

HB 460—"An Act to Control the Agricultural, Civil and Mechanical Work Entering into the Design and Construction of Any Improvement, Alteration, Addition or Erection of Any Building, Structure, or Sub-Structure upon Any Lands or to Any Structures or Sub-Structure Which Will Be or Has Been Paid for in Part or in Full from State, County or Municipal Funds," by McCullough; to Miscellaneous.

HB 461—"An Act to Amend Chapter 84 of Volume 44, Laws of Delaware, by Authorizing the Levy Court of New Castle County to License Plumbing Contractors, Heating Contractors and Air-Conditioning Contractors," by McCullough; to Revised Statutes.

HB 462—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Free Public Schools,' by Making Memorial Day and Armistice Day Legal Holidays for All Public Schools," by Longbotham; to Education.

HB 463—"An Act Increasing Salaries of Deputies, Clerks and Other Employees Paid by the Levy Court of Kent County," by Longbotham; to Miscellaneous.

HB 464—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Free Public Schools,' with Reference to Teaching in the Public Schools, the Purpose and Proper Observance of Memorial Day and Armistice Day," by Longbotham; to Education.

Mr. Warren introduced the following resolution which was read:

HCR 11—"A Concurrent Resolution Imploring the President of the United States and the Congress of the United States to Enact Such Legislation That Will Definitely Authorize Veterans Entitled to Benefits under Public Law 346, to Pursue a Course of Flight Training in Lieu of, or in Association with, Such Other Courses of Instruction as They May Elect to Pursue."

Dr. Bengier moved that **HCR 11** be referred to committee. Motion prevailed. **HCR 11** was referred to the Committee on Miscellaneous.

Mr. Warren introduced the following resolution which, on his further motion was adopted, and ordered to the Senate for concurrence.

HCR 12—"Fixing the Time after Which No New Bills or Joint Resolutions Shall Be Received by Either House, Except General Appropriation Bills,"

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 29—"Authorizing Payment on Account to Attaches and Employees."

BE IT RESOLVED, That the Treasurer of the State of Delaware, be and he is hereby authorized and directed to pay from the General Fund of the State Treasury of the State of Delaware, upon the order of the Speaker of the House of Representatives, up to the sum of Five Hundred (\$500.00) Dollars to each attache of the House of Representatives who has served continuously for forty legislative days, and to likewise pay to each other attache of the House who has served for ten days continuously since the thirtieth legislative day the sum of One Hundred Dollars (\$100.00), and to likewise pay to each attache of the House who may have served for fifteen days continuously since the thirtieth legislative day the sum of One Hundred and Fifty Dollars (\$150.00), all such payments being part payment and compensation due such respective attaches of the House of Representatives, and such payment or payments constituting necessary expenses of the Session."

On motion of Mr. Warren, **HB 214**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Stopping Motor Vehicles upon Signals from Police Officers," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey,

Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Allen, Givan—2.

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

On motion of Mr. McCullough, **HB 242**—"An Act to Repeal Section 1, Chapter 239, Volume 46, Laws of Delaware," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Allen, Givan—2.

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

On motion of Mr. Jones, **HB 266**—"An Act to Provide that Any Unused Funds out of the Appropriations to the State Highway Department in the Budget Appropriation Bill for the Biennium Ending June 30, 1951, Shall Not Revert to the General Fund at the End of Any Fiscal Year but Shall Remain Credited by the State Treasurer the Said Department for Construction," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Allen—1.

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

On motion of Mr. Jones, **HB 288**—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Relating to Permits for Excessive Size and Weight," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Allen—1.

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

On motion of Mr. Holliday, **HB 295**—"An Act to Direct the State Treasurer to Transfer to the General Current School Account of the Delaware City School District No. 52 the Sum of Eight Hundred Thirty Eight Dollars and Twenty-Two Cents (\$838.22) Appearing in the State Treasury as the Debt Service Account to the Credit of Said Delaware City School District," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester—Mr. Speaker—35.

NAYS—None.

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

Requests that the following bills and resolutions be stricken from the calendar were granted to members as follows: **HB 41**, by Carey; **HB 329**, by Camper.

The Speaker announced he is about to sign: **HB 116**.

The Employees'* Oath was administered by the Speaker to Clarence B. Bowers as Sgt.-at-Arms.

Mr. Warren moved that the House adjourn until 3:00 P. M., Fri., March 25, 1949.

47TH LEGISLATIVE DAY

House met pursuant to adjournment, Fri., Mar. 25, 3:25 P. M. Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel,

*For form of oath see 1st Legislative Day.

McCullough, O'Neal, Paskey. Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 3 for **HB 148**, 5 for **HB 298**, 1 for **HB 296**, 10 for **HB 343**, 41 for **HB 346**; 1 for **HB 416**; 1 against **HB 63**, 1 against **HB 64**, 5 against **HB 380**, 1 against **HB 369**, 1 against **HB 256**, 10 against **SB 66**, 1 against **HB 404**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS** for **HB 51**, **HB 297**, by Municipal Corporations; **HB 431**, by Fish, Oysters and Game; **HB 403**, by Judiciary and Crime; **HB 401**, **427**, by Revised Statutes; **HB 453**, by Labor; **HB 452**, by Private Corporations; **SB 135**, by Public Highways.

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

HS for **SB 172** (same title as **SB 172**), by Lawson; to Temperance.

HS for **SB 137** (same title as **SB 137**), by Lawson; to Elections.

HB 465—"An Act Authorizing the Governor of the State of Delaware to Accept on Behalf of the State a Quit Claim Deed Executed by the Federal Works Administrator Conveying the Title of the United States of America to Pea Patch Island and Authorizing the Governor to Execute a Deed Conveying a Portion Thereof unto the United States of America," by Warren; to Judiciary and Crime.

HB 466—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935, as Amended, Entitled 'State Board of Agriculture,' in Reference to Bang's Disease and the Movement of Cattle Not Vaccinated," by Cook and Cool; to Agriculture.

HB 467—"An Act Creating the Civil Service Commission of the State of Delaware; Providing for a Director Thereunder; Prescribing the Authority. Duties, Procedure and Limitations for Both; Providing for the Adoption and Promulgation of Rules and Regulations in Connection with the Administering of This Act; Providing for a Classified and Unclassified Service and the Inclusion of Certain Employees in the Classified Service; Providing for Appointing Officers in Existing Boards; Agencies or Commissions; Providing for the Authority of the State Permanent Commission; Providing for Funds in Connection Therewith; and for Other Purposes," by Givan; to Miscellaneous.

HB 468—"An Act Appropriating Money to the Delaware Commission for the Feeble Minded for Operation Expenses for the Balance of the Fiscal Year Ending June 30, 1949," by Lawson and Marvel; to Appropriations.

HB 469—"An Act Proposing an Amendment to Section 5 of Article III of the Constitution of the State of Delaware Relating to Terms of Office of the Governor," by Lawson; to Revised Statutes.

HB 470—"An Act Providing for the Creation of the Delaware State Poultry Commission; Its Powers and Duties and Appropriation Therefor," by Lawson; to Agriculture.

HB 471—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935, Relating to Commercial Feeding Stuffs by Increasing the Tax on Commercial Feeding Stuffs Sold and Distributed in This State for the Feeding of Poultry," by Lawson; to Revised Statutes.

HB 472—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game,' with Respect to the Sale and Purchase of Hides and Furs," by Lawson; to Fish, Oysters and Game.

HB 473—"An Act to Amend Chapter 83 of Volume 41, Laws of Delaware, 1937, Entitled 'An Act to Regulate the Transportation and Shipment of Live Poultry; License Required for Same; Revocation for License and Penalty for Violation Thereof,' with Reference to the Furnishing and Display upon Vehicles Numbered Metal License Plates, the Duties of the State Board of Agriculture, and Penalties for Violations," by Lawson; to Revised Statutes.

HB 474—"An Act to Amend Chapter 153, Sec. 4 of the Revised Code of Delaware, 1935, as Amended, by Chapter 238 of Volume 43, Laws of Delaware, by Changing the Hours When Attendance at Moving Pictures and Other Worldly Activities in Incorporated Cities and Towns Is Permitted on Sunday," by Walsh and Calhoun; to Revised Statutes.

HB 475—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935, Relating to the 'State Board of Agriculture' by Prohibiting Poultry Vaccinators and Poultry Vaccination Personnel from Entering Poultry Premises without Complying with Certain Sanitary Precautions, and Empowering the 'State Board of Agriculture' to Establish Rules and Regulations Governing the Same," by Donovan and Cordrey; to Revised Statutes.

HB 476—"An Act to Amend Chapter 109 of the Revised Code of Delaware, 1935, Relating to Judicial Reports," by Sinclair; to Judiciary and Crime.

HB 477—"An Act to Amend Chapter 54 of the Revised Code of Delaware, 1935, as Amended, Relating to the State Old Age Welfare Commission, by Increasing the Maximum Amount of Assistance," by Sinclair; to Miscellaneous.

HB 478—"An Act to Amend Chapter 317, Volume 46, Laws of Delaware, Entitled 'An Act to Amend Chapter 74, Volume 42, Laws of Delaware, as Amended, by Providing for an Increase in the Allowance Per Mile for Travel,' by Allen, by Request; to Revised Statutes.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House

in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

SS for SB 31—"An Act to Amend Chapter 20 of the Revised Code of Delaware, 1935, as Amended, Entitled, 'Insurance Department,' with Reference to Reinsurance of Certain Risks in Countries Other Than the United States, Its Territories, Possessions, or the District of Columbia"; to Revised Statutes.

SB 91—"An Act to Amend Chapter 156 of the Revised Code of Delaware, 1935, as Amended, with Respect to the Compensation of Bailiffs in Kent County"; to Judiciary and Crime.

SB 107—"An Act to Authorize Mayor and Council of Laurel to Borrow Not Exceeding One Hundred and Five Thousand and Five Hundred Dollars, and to Issue Bonds to Secure the Payment Thereof, for the Purpose of Paying, Redeeming and Refunding Certain Outstanding Bonds of the Town of Laurel"; to Municipal Corporations.

SB 232—"An Act to Amend Chapter 176 of the Revised Code of Delaware, 1935, Relating to Alcoholic Liquor, Wines and Beer, as Amended by Chapter 275, Volume 43, Laws of Delaware, in Reference to Licenses"; to Temperance.

SB 261—"An Act to Provide for the Taxation of Cooperatives in the State of Delaware"; to Agriculture.

On motion of Mr. Lee, **SB 124**—"An Act to Amend Chapter 163 of the Revised Code of Delaware, 1935. Entitled 'Delaware Racing Commission,' as Amended, Relating to Days of Racing, by Authorizing the Delaware Racing Commission to Authorize a Sole Licensee to Hold One or More Meetings a Year for an Aggregate of Thirty-Three Days," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Donovan, King, McCullough—3.

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

On motion of Mr. Bruno, **HS for HB 305**—"An Act to Amend Chapter 164 of the Revised Code of Delaware, 1935, by Repealing All of 5522 Sec. 12 Thereof and Substituting and Enacting in Lieu Thereof a New Section to Be Known as 5522 Sec. 12, Relating to Participants in Boxing, Sparring or Wrestling Matches or Exhibitions," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Bruno moved that the substitute be adopted in lieu of the original bill. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. King—1.

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

On motion of Mr. Givan, **HB 318**—"An Act to Authorize the Commissioners of Lewes to Issue Bonds to Provide for Additions, Improvements and Repairs to the Water System at Lewes," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren moved that the rules be suspended of the full reading. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Cool, McCullough—2.

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

On motion of Mr. Givan, **HB 320**—"An Act to Amend the Charter of the City of Rehoboth Beach as Established by Chapter 161, Volume 41, Laws of Delaware, as Amended by Chapter 177, Volume 43, Laws of Delaware and by Chapter 243, Volume 46, Laws of Delaware. by Increasing the Amount of Taxes That May Be Raised in Any Fiscal Year for Municipal Purposes," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

NAYS—None.

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

On motion of Dr. Bengner, **HB 345**—"An Act to Amend Chapter 101 of the Revised Code of Delaware, 1935 Relating to Jails and Workhouses, by Providing for the Parole of Certain Prisoners Sentenced to Be Confined in the New Castle County Workhouse and Jails of Kent and Sussex Counties; Opportunities to Be Heard and to Establish Innocence for Alleged Violation of Parole; Innocence Proven; Prisoner Released; Subsequent Parole after Three Months; Penalty for Failure to Report as Required," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengner, Bruno, Bryan, Calhoun, Camper, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Marvel, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—29.

NAYS—Messrs. Allen, Blendt, Carey, King, Mabrey, McCullough,—6.

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

On motion of Mr. Longbotham, **HB 363**—"An Act Providing that the State of Delaware Shall Be Considered Open Territory for the Sale of Personal Property," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

The Clerk proceeded to call the roll when Mr. Allen answered—Not Voting. The Speaker asked that Mr. Allen give his reasons for not voting.

Mr. Sinclair moved that the roll call be deferred for the purpose of continuing discussion on the bill. Following considerable discussion the roll call was resumed.

YEAS—Messrs. Allen, Armstrong, Bengner, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Winchester, Mr. Speaker—33.

NAYS—Messrs Marvel, Warren—2.

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

On motion of Mr. Holliday, **HB 370**—"An Act to Amend Chapter 95 of the Revised Code of Delaware, 1935, as Amended,

Entitled 'Joint Estates and Partition,' with Reference to the Barring of Curtesy," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—Mr. Bruno—1.

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

Mr. Warren moved that the House recess until 4:35 P. M. House met at expiration of recess at 4:35 P. M.

Requests that the following bills be stricken from the calendar were granted to members as follows: **HS** for **HB 115**, by Givan.

Mr. Warren moved that the House adjourn until 12:00 noon, Mon., Mar. 28, 1949. Motion prevailed.

48TH LEGISLATIVE DAY

House met pursuant to adjournment, Mon. Mar. 28, 12:25 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—35.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 7 for **HJR 4**, 3 for **HB 148**, 1 for **HB 140**, 1 for **HB 181**, 2 for **HB 296**, 1 for **HB 364**, 1 for **HB 298**, 1 for **SB 180**; 8 against **HB 380**, 1 against **SB 161**, 1 against **SB 146**, 1 against **HB 97**.

Mr. Warren moved that the House recess until 3:00 P. M. House met at expiration of recess at 4:30 P. M.

The Secretary of the Senate informed the House that the Senate had concurred in **HCR 12**.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following bills and resolutions, which were presented by

the Chair, given first and second readings by title only, and referred to committees as follows:

SB 86—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, to Authorize the Consolidation of School Districts and to Provide for the Transfer of Titles of School Property and the Validation of School Bonds and Collection of Taxes"; to Revised Statutes.

SB 183—"An Act to Amend Chapter 182 of Volume 45, Laws of Delaware, 1944-45, Entitled, 'An Act to Re-Incorporate the Town of Delmar,' by Changing the Hours for Holding the Town Election, Changing the Date on Which the Newly Elected Council and Mayor Shall Assume Their Duties and by Increasing the Limit of Taxation for General Town Purposes"; to Municipal Corporations.

SB 210—"An Act Authorizing the Secretary of State to Procure a New Press and Seal of Office and to Make Provision for the Custody and Use of the Present Seals"; to Miscellaneous.

SB 276—"An Act to Amend an Act Entitled 'An Act to Incorporate the Town of Blades,' Chapter 155, Volume 28, Laws of Delaware, 1915, by Changing the Hours of the Town Election, Changing the Qualifications of Electors and by Authorizing the Town Council to Raise the Sum of \$7,500 in Taxes and by Increasing the Compensation for Attendance at a Meeting of the Town Council"; to Municipal Corporations.

SB 289—"An Act to Amend Chapter 164 of Volume 29, Laws of Delaware, 1917, Entitled 'An Act to Reincorporate the Town of Laurel,' to Require the Consent of the Council for the Appointment of Officers of the Town of Laurel"; to Municipal Corporations.

SCR 22—"Memorializing Congress on the Equal Rights Amendment for Equal Constitutional Status for Women"; to Labor (on motion of Mr. Warren that it be referred to a committee).

The Speaker announced he is about to sign: **HCR 12**.

Mr. Collison moved that the House adjourn until 12:00 noon, Tues., Mar. 29th, 1949. Motion prevailed,

49TH LEGISLATIVE DAY

House met pursuant to adjournment, Tues., Mar. 29, 12:40 P. M.

Prayer by the Chaplain, Rev. Baynard.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, King, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous

session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **SB 67**, 1 for **HB 298**; 1 against **HB 29**, 1 against **SB 54**, 1 against **SB 180**, 1 against **SB 101**, 2 against **HB 146**, 1 against compulsory insurance bills.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 64, 110, 102, 103, 143, 144, HB 244, 171, SB 95, 104, 107, 111, 112, 127, 289**, by Municipal Corporations; **HS** for **HB 36**, by Public Health; **HB 181**, by Agriculture; **HB 201, 202, 261, 262, 348, 349, 350, 351, 447, SB 215**, by Revised Statutes; **HB 15**, by Appropriations.

Mr. Warren moved that the House recess until 3:00 P. M. House met at expiration of recess at 3:30 P. M.

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

HS for **HB 473** (same title as **HB 473**), by Calhoun and Lawson; to Revised Statutes.

HB 479—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, by Providing for a Tax on Gross Incomes; Providing for the Ascertainment, Assessment and Collection Thereof; Providing Penalties for the Violation of the Terms of This Act; and Making an Appropriation to the State Tax Department for Administrative Expenses of This Act," by Calhoun; to Revised Statutes.

HB 480—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, as Amended, Relating to 'Free Public Schools,' by Providing the Procedure for the Termination of Contracts of Professional School Employees," by Cool; to Education.

HB 481—"An Act Appropriating the Sum of Forty-Eight Thousand Dollars (\$48,000.00) to the State Board of Health for the Construction of Housing Facilities for Employees of the Brandywine Sanatorium," by Kelton; to Appropriations.

HB 482—"An Act Defining Boats and Providing for the Regulation Thereof When Navigating the Waters within the Jurisdiction of This State Including the Licensing of Boats Used for Hire and Providing Penalties for Violation of Its Provisions," by Kelton, by Request; to Judiciary and Crime.

HB 483—"An Act Appropriating Money Out of the State Treasury to Stella F. Knowles, Grandmother of Benjamin L. Wagamon, Deceased, to Pay a Claim against the State of Delaware for the Death and Funeral Expenses of Her Grandson Benjamin L. Wagamon," by Marvel; to Claims.

HB 484—"An Act Appropriating Money to the State Board of Health for Cancer Control and Providing for Creation of an Advisory Committee," by Bryan; to Public Health.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 30—"Relative to the Payment for Printing the Daily Calendar for the House of Representatives of the 115th General Assembly of the State of Delaware from March 22nd to March 28th, Inclusive."

BE IT RESOLVED By the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware that the sum of One Thousand Four Hundred Forty Dollars (\$1,440.00) be and the same is hereby appropriated out of the monies of the State Treasury, not otherwise appropriated, for the payment to Delaware State News of Dover, Delaware, the lowest and responsible bidder, for printing the Daily Calendar for the House of Representatives of the State of Delaware from March 22, 1949 up to and including March 28, 1949, said calendar being necessary to the business of the House and the expense thereof being a necessary expense connected with the session.

Mr. Lawson introduced the following resolution which, on his further motion, was adopted:

HR 31—"Relative to the Death of Charles D. Lingo."

WHEREAS, notice has been received of the death of Charles D. Lingo, late of Millsboro, Sussex County, Delaware, a former official of Sussex County and a Representative in the House of Representatives of the State of Delaware at the Session held in the year, A. D. 1915; and

WHEREAS, Charles D. Lingo was an outstanding citizen in his community and State, a man who participated in public affairs and who affiliated himself with groups and organizations interested in the public welfare; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 115th Session of the General Assembly of the State of Delaware,

That the present members have heard with profound sorrow of the passing of Charles D. Lingo and desire to pay tribute to the character and the public services of an outstanding citizen of our State who, in addition to his activities in the community and County where he lived, served as a respected member of this Branch of the Assembly during the 1915 Session thereof; and

FURTHER RESOLVED, that the sympathy of each member of this Body be hereby extended to the widow of the deceased and to all other members of his immediate family, and that a copy of this Resolution be delivered to the widow of the deceased and the action hereby taken be made a part of the records of the present Session.

On motion of Mr. Blendt, **HB 48**—"An Act to Amend Article 1, Chapter 44, Revised Code of Delaware, 1935, as Amended, Relating to Valuation and Assessment of Property, by Exempting Certain Lands and Improvements of the Lions Club of Smyrna, Delaware, from Assessment and Taxation," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

On the question, "Shall the Bill pass the House?" the yeas

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

YEAS—Messrs. Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Winchester, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Allen, King, Sinclair, Warren—4.

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

On motion of Mr. Calhoun, **HS** for **HB 51**—"An Act to Amend Chapter 280, Volume 46, Laws of Delaware, 1947, Entitled An Act to Authorize 'The Mayor and Council of the Town of Selbyville' to Borrow Money and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewer System and Sewerage Disposal Works for Said Town, and to Control and Regulate the Same, by Increasing the Amount 'The Mayor and Council of the Town of Selbyville' Is Authorized and Empowered to Borrow, and by Increasing the Amount to Be Raised by Taxation for the Purpose of Establishing a Sinking Fund for the Redemption of Said Bonds," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Collison moved that the rules be suspended on the full reading of **HS** for **HB 51**. Motion prevailed.

Mr. Calhoun moved that the substitute be adopted in lieu of the original. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. King, Sinclair, Warren—3.

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

On motion of Mr. Cool, **HS** for **HB 152**—"An Act to Amend Chapter 159, Volume 43, Laws of Delaware, Entitled 'An Act Changing the Corporate Name of "The Town Commissioners of Camden" to "The Town of Camden," and Establishing a Charter Therefor,' Relating to Floating Debt," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Cool moved that the substitute be adopted in lieu of the original. Motion prevailed.

Mr. Cool introduced **HA 1** which, on his further motion, was adopted.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. King—1.

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

On motion of Mr. Cool, **HB 153**—"An Act to Amend Chapter 159, Volume 43, Laws of Delaware, Entitled 'An Act Changing the Corporate Name of "The Town Commissioners of Camden" to "The Town of Camden" and Establishing a Charter Therefor,' by Providing for an Increase in the Limit of the Amount to Be Raised by Taxation," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. King, McCullough, Sinclair—3.

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

On motion of Mr. Collison, **HB 166**—"An Act to Amend Chapter 183 of Volume 22, Laws of Delaware, as Amended, the Same Being Entitled 'An Act to Incorporate the Town of Greenwood,' by Defining, Limiting and Extending the Duties, Terms of Office and Powers of the Commissioners and Other Officers of Said Town," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Mabrey, Marvel, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. King, Longbotham, McCullough—3.

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

On motion of Mr. Cool, **HB 173**—"An Act to Amend Chapter 189, Volume 43, Laws of Delaware, Entitled 'An Act Changing the Corporate Name of "The Commissioners of Wyoming" to "The Town of Wyoming" and Establishing a Charter Therefor,' Relating to Floating Debt," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Cool introduced **HA 1** which was read and adopted.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Marvel—2.

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

On motion of Mr. Evans, **HB 194**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" as Amended, and Establishing a Charter Therefor," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. King, Marvel, Sinclair—3.

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

On motion of Mr. Evans, **HB 195**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" and Establishing a Charter Therefor, as Amended,' was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren moved that the Rules be suspended on the full reading of **HB 195**. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Sinclair—2.

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

On motion of Mr. Evans, **HB 196**—"An Act Authorizing 'The City of Dover' to Borrow Five Hundred Thousand Dollars and to Issue Bonds Therefor for the Purpose of the General Improvement of the Water and Electrical Plant of 'The City of Dover'" was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren moved that the Rules be suspended on the full reading. Motion prevailed.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Sinclair—2.

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

On motion of Mr. Evans, **HB 197**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled 'An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor, as Amended,'" was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Sinclair—2.

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

On motion of Mr. Bruno, **HB 245**—"An Act to Repeal Chapter 106, Volume 21, Laws of Delaware, Entitled 'An Act to Classify Real Estate for the Purposes of Municipal Taxation within the City of Wilmington,'" was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Camper, King, Sinclair—3.

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

On motion of Mr. Cool, **HB 211**—"An Act Extending the Corporate Limits of the Town of Wyoming," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Warren moved that the Rules be suspended on the full reading. Motion prevailed.

Mr. Cool introduced **HA 1** which was read, and on his further motion was adopted.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Sinclair—2.

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

On motion of Mr. Paskey, **HB 272**—"An Act to Amend Chapter 207, Laws of Delaware, Entitled 'An Act to Incorporate the Town of Bowers,' as Amended, by Increasing the Amount of Tax Permitted to Be Raised in Said Town, and Providing for the Submission of Said Increase to a Referendum Vote of the Voters of Said Town," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Bengier, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones,

Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Sinclair—2.

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

On motion of Dr. Benger, **HB 281**—"An Act to Amend an Act Entitled 'An Act to Reincorporate the Town of Newport,' Being Chapter 195, Volume 24, Laws of Delaware, as Amended by Chapter 119, Volume 32, Laws of Delaware, by Changing the Hours of Voting at Annual Elections," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Cochran, King, Sinclair—3.

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

On motion of Mr. Evans, **HB 286**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled 'An Act Changing the Name of "The Town of Dover" to "The City of Dover" and Establishing a Charter Therefor,' by Providing Compensation for the Members of the City Council," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Donovan, King, Sinclair—3.

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

On motion of Mr. Givan, **HB 294**—"An Act to Appropriate to the Lewes Memorial Commission the Sum of Forty-Three Hundred Dollars (\$4,300.00) for Repairs to the Zwannendael Museum, at Lewes," was taken up for consideration and read

a third time, by paragraphs, in order to pass the House.

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

YEAS—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. King, Sinclair—2.

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

Requests that the following be recommitted were granted to members as follows: **HB 189**, by Walsh; **HB 210**, by Calhoun.

Requests that the following be stricken from the calendar were granted to members as follows: **HB 376**, by Spear.

The Speaker announced he was about to sign: **SB 124**.

Mr. Warren moved that the House adjourn until 11:00 A. M., Wed., Mar. 30. Motion prevailed.

50TH LEGISLATIVE DAY

House met pursuant to adjournment. Wed., Mar. 30, 11:45 A. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Armstrong, Benger, Bruno, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Warren, Winchester, Mr. Speaker—16.

There not being a quorum present, the Chair declared a recess until 3:00 P. M.

House met at 3:45 P. M. and the Chair ordered that the attendance roll call be repeated.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS** for **HB 365**, by Public Highways; **HB 352, 356, 358, 359**, by Revenue and Taxation; **HB 353, HB 357** (on its merits), by Revised Statutes; **SS** for **SB 93, SB 125, HB 144, 185, 416, 436, and 439**, by Miscellaneous.

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

HS 1 for HB 83 (same title as **HB 83**), by Spear; to Municipal Corporations.

HB 485—"An Act to Amend Chapter 60, Revised Code of Delaware, 1935, as Amended, Entitled 'General Elections,' with Reference to the Filing of a Supplemental Certificate of Nomination," by Lawson; to Elections.

HB 486—"An Act to Amend Chapter 241, Volume 45, Laws of Delaware, Entitled 'An Act Creating a Family Court for New Castle County,' as Amended, by Providing for the Payment of Expenses of Said Court," by Armstrong; to Judiciary and Crime.

HB 487—"An Act to Amend Chapter 195, Volume 24, Laws of Delaware, Entitled 'An Act to Reincorporate the Town of Newport,' by Reducing the Amount of the Tax Collector's Bond," by Dr. Bengier; to Municipal Corporations.

HB 488—"An Act to Amend Chapter 195, Volume 24, Laws of Delaware, Entitled 'An Act to Reincorporate the Town of Newport,' by Reducing the Amount of the Treasurer's Bond," by Dr. Bengier; to Municipal Corporations.

HB 489—"An Act to Amend Chapter 21 of the Revised Code of Delaware, 1935, as Amended, Entitled 'State Board of Agriculture,' with Reference to the Breeding of Better Poultry and the Functions of the State Board of Agriculture in Connection Therewith," by Cool and Allen; to Agriculture.

HB 490—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, Relating to State Revenue, by Increasing the Amounts to Be Paid by Sundry Railroad Companies in Commutation of Their Respective State Taxes," by Collison; to Revenue and Taxation.

HB 491—"An Act Appropriating Certain Money for the Alteration and Repair of a Caretaker's Residence and Outbuildings at the New Castle State Rifle Range," by McCullough; to Appropriations.

HB 492—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Fish, Oysters and Game,' in Reference to the Open Season for Catching or Killing Mink, Muskrats, Otter and Skunk in Sussex County, and Prescribing Penalties for Violations," by Donovan; to Fish, Oysters and Game.

HB 493—"An Act to Amend Chapter 48 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Sheriffs,' with Reference to Deputy Sheriffs; Their Terms; Not to Perform Duties of Office after Ending of Term; Violation to Be Offense of Impersonating an Officer; Courts Having Jurisdiction; Penalty," by King; to Judiciary and Crime.

HB 494—"An Act Prescribing Overtime Standards to Prohibit Employment at Excessive Hours without Consent of the Employee, and Providing for Enforcement of Such Standards," by Walsh; to Labor.

HB 495—"An Act to Further Amend Chapter 150 of the Revised Code of Delaware, 1935, as Amended, Relating to Offenses against Private Property by Changing the Penalty with Respect to the Crime of Burglary," by Bruno; to Judiciary and Crime.

HB 496—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended by Chapter 187, Volume 46, Laws of Delaware, 1947, by Striking Out and Repealing Paragraph (8) of 5605 Section 67 Thereof, Relating to Negligent Homicide," by Bruno; to Judiciary and Crime.

HB 497—"An Act to Amend Chapter 149 of the Revised Code of Delaware, 1935, as Amended, by Repealing 5180a. Sec. 25. Thereof as Enacted by Chapter 186, Volume 46, Laws of Delaware, 1947, Relating to the Crime of Negligent Homicide by Motor Vehicle," by Bruno; to Judiciary and Crime.

HB 498—"An Act to Amend Chapter 78 of the Revised Code of Delaware, 1935, as Amended, by Making the Day of the Week Known as Saturday a Holiday for All Elected and Appointed Officials of the Levy Court of New Castle County, Its Agencies and the Employees of Said Officials and Agencies and for the Elected and Appointed Officials of the Mayor and Council of Wilmington and Its Clerks and Employees (Except the Members of the Department of Public Safety and Firemen)," by Bruno; to Miscellaneous.

HB 499—"An Act to Amend Chapter 116 of the Revised Code of Delaware, 1935, as Amended, Relating to Juvenile Delinquents and Probation by Providing that in Cases Where Corporal Punishment Is Mandatory the Court Shall Have the Authority under Certain Circumstances to Omit Corporal Punishment or Reduce the Amount to Be Inflicted," by Bruno; to Judiciary and Crime.

HB 500—"An Act Appropriating Money Out of the State Treasury to Mary T. Capone, Widow of Pasquale Joseph Capone, Deceased, to Pay a Claim against the State of Delaware for the Death of the Said Pasquale Joseph Capone," by Warren; to Claims.

HB 501—"An Act to Amend Chapter 101, Revised Code of Delaware, 1935, as Amended, Entitled, Jails and Workhouses, with Respect to Parole of Prisoners Sentenced to Imprisonment for Any Offense Involving the Crime of Rape," by Warren; to Judiciary and Crime.

HB 502—"An Act to Amend Chapter 149 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Offenses against the Lives and Persons of Individuals,' Regarding the Effect of a Recommendation of Mercy in Rape Cases," by Warren; to Judiciary and Crime.

HB 503—"An Act Appropriating the Sum of Four Hundred and Ten Dollars (\$410.00) to the Delaware Commission for the Feeble Minded to Re-Imburse Charles Davis and Elizabeth Davis, His Wife, for the Funeral Expenses of Their Son William Davis," by Spear; to Appropriations.

Mr. Warren introduced the following resolution which was read, and on his further motion that it be assigned to Committee, was referred to Appropriations:

HCR 13—"Making an Appropriation for Postage Stamps and Other Supplies for the 115th General Assembly."

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 32—"Authorizing Payment on Account to Attaches and Employees."

BE IT RESOLVED, That the Treasurer of the State of Delaware, be and he is hereby authorized and directed to pay from the General Fund of the State Treasury of the State of Delaware, upon the order of the Speaker of the House of Representatives, up to the sum of Five Hundred (\$500.00) Dollars to each attache of the House of Representatives who has served continuously for fifty legislative days, and to likewise pay to each other attache of the House who has served for twenty days continuously since the twentieth legislative day the sum of Two Hundred Dollars (\$200.00), and to likewise pay to each attache of the House who may have served for fifteen days continuously since the thirtieth legislative day the sum of One Hundred and Fifty Dollars (\$150.00), all such payments being part payment and compensation due such respective attaches of the House of Representatives, and such payment or payments constituting necessary expenses of the Session.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 33—"In Reference to the Election of Officers of the House."

BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of Delaware, that the House proceed with the nomination and election of the following officers and that the persons named herein are hereby elected to the offices appearing opposite their respective names and to serve during the pleasure of the House of Representatives:

Rev. Howell O. Wilkins—Chaplain
Services starting with the 43rd Legislative day,
replacing Rev. Ernest Wright

Clarence B. Bowers—Sergeant-at-Arms
Services starting on the 46th Legislative day,
replacing Abel Gibbs

Elmer J. Johnson—Asst. Mail Clerk
Services starting on the 41st Legislative day,
replacing William H. Harman.

On motion of Mr. Warren, **HB 15**—"An Act Making Appropriations for the Expenses of the State Government for Each of the Two Fiscal Years Ending June 30, 1950 and June 30, 1951," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Collison introduced **HA 1** to **HB 15** which was read in

part when Mr. Collison, having been asked by the Chair to explain the amendment, requested the privilege of the floor for Mr. Robert Durkey for three minutes. Privilege was granted.

Mr. Warren moved so much be considered the reading of the amendment. Motion prevailed.

Mr. Collison moved that the amendment be adopted.

Mr. Sinclair gave a comprehensive explanation of the activities of the Appropriations Committee (of which he is Chairman), with particular emphasis on the question of the "Unit Plan" in Education.

Mr. Allen requested the privilege of the floor which was granted to Mr. Herbst.

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

YEAS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—15.

NAYS—Messrs. Armstrong, Bengner, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

ABSENT—Messrs. Cordrey, King—2.

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

Mr. Sinclair introduced **HA 2** to **HB 15** which was read in part when Mr. Sinclair moved that so much be considered the reading of the amendment. Motion prevailed.

Mr. Sinclair moved that **HA 2** to **HB 15** be adopted. Motion prevailed.

The Clerk proceeded to read **HB 15** when Mr. Sinclair moved that the Rules be suspended on the full reading of the bill. Motion prevailed.

On the question, "Shall the Bill as amended by **HA 2** pass the House?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Armstrong, Bengner, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NAYS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—15.

ABSENT—Messrs. Cordrey, King—2.

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

Requests that the following be stricken from the calendar were granted to members as follows: **HB 189**, by Walsh.

Mr. Warren moved that the House adjourn until 11:00 A. M., Thurs., Mar. 31. Motion prevailed.

51ST LEGISLATIVE DAY

House met pursuant to adjournment, Thurs., Mar. 31, 11:55 A. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **HB 298**, 1 for **SB 221**, 1 for **HB 296**; 11 against **HB 380**, 2 against **HB 260**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS** for **HB 83**, **HB 124**, **487**, **488**, **SB 142**, by Municipal Corporations; **SS** for **SB 31**, by Revised Statutes; **HB 186**, **187**, by Public Highways; **HB 193**, by Claims; **HB 450**, by Judiciary and Crime; **HB 484** and **HS** for **SB 137**, by Elections.

Mr. Warren moved that the House recess until 2:30 P. M.

House met at expiration of recess at 3:30 P. M.

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

HS 2 for **HB 36** (same title as **HB 36**), by Sinclair; to Public Health.

HB 503—"An Act Appropriating the Sum of Four Hundred and Ten Dollars (\$410.00) to the Delaware Commission for the Feeble Minded to Re-Imburse Charles Davis and Elizabeth Davis, His Wife, for the Funeral Expenses of Their Son William Davis," by Spear; to Appropriations.

HB 504—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended by Chapter 53, Volume 46, Laws of Delaware, Relating to Mandatory Revocation of Licenses and Financial Responsibility Insurance," by Lawson; to Revenue and Taxation.

HB 505—"An Act to Amend Chapter 71 of the Revised Code of Delaware, 1935, as Amended, with Respect to the Percentage Allowed a County Receiver of Taxes for Collecting School Taxes," by Lawson; to Revenue and Taxation.

HB 506—"An Act to Amend Chapter 219, Volume 43, Laws of Delaware, 1941, Being 'An Act Providing for the Collection of Ditch Taxes by the County Treasurer and Receiver of Taxes of the Several Counties of the State of Delaware,' by Repealing

the Provision Allowing the Receiver of Taxes a Percentage for Collecting Ditch Taxes," by Lawson; to Revenue and Taxation.

HB 507—"An Act Placing the Control of Reedy Island under the Board of Game and Fish Commissioners and Prescribing the Authority and Powers of Said Board with Respect to the Establishment of a Game Refuge and General Control over Leasing All or Part of Said Island, the Sale of Surplus Buildings, Certain Trees and Other Personal Property," by Armstrong; to Miscellaneous.

HB 508—"An Act to Amend Chapter 105 of the Revised Code of Delaware, 1935, as Amended, with Respect to Drainage; Policy of State Regarding; Functions of Soil Conservation District Supervisors Concerning; Formation of Legal Tax Ditches; Notices and Officials; Selections, Authority and Duties; Damages and Assessments; Granting of Charter to Tax Ditch; Drainage Plans and Reports; Tax Ditch Meetings; Voting Rights of Taxables; Tax Assessment Lists; Rights of Way; Entry upon Land; Taxes for Drainage; Amendment of Charter; Appeals; Powers of Tax Ditch Officials; Cooperation with, and Assistance from, Public Officers; Dissolution Procedure; Miscellaneous Provisions," by Givan; to Revised Statutes.

HB 509—"An Act Providing for the Regulation and Sale of Live Poultry in the State of Delaware by the State Board of Agriculture; Providing for the Licensing of Buyers in Two Classes; Form of Application; Proof of Financial Responsibility Required; Revocation of Licenses; Penalties for Violation; Right of Appeal," by Givan to Agriculture.

HB 510—"An Act to Amend Chapter 20 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Insurance Department,' Providing for the Control, Supervision and Inspection of Electric Wiring of All Buildings for Electric Lights, Power and Heat; Duties of the Insurance Commissioner with Respect Thereto; Inspectors; Fees for Inspections; Records Kept; Records Open to Inspection; Effect of Inspections; Appropriations to Carry Out Purposes of Act; Miscellaneous Provisions," by Calhoun; to Miscellaneous.

HB 511—"An Act Creating a Court of Common Pleas of Kent and Sussex Counties; Providing for the Appointment. Salaries and Payment of Judge, Clerks and Other Officers; Providing for a Seal and Rules; Powers of a Court of Record; Duties of Clerks and Other Officers; Writs, Rules and Processes, by Whom Served; Payment of Fees and Witness; Money Received by Court, How Payable; Jurisdiction in Civil Actions; Foreign Attachment Jurisdiction; Providing for Procedure in Civil Cases; Lien of Judgments; Trial by Jury in Civil Cases; Appeal and Certiorari; Jurisdiction in Criminal Cases; Right of Accused Person to Elect to Be Tried by the Court and Duty of Justice of the Peace and Arresting Officer to Advise the Accused of His Right to So Elect; the Judge May Hear and Determine Juvenile Delinquency Matters during the Illness or Absence from the Jurisdiction of the

Judge of the Juvenile Court of Kent and Sussex Counties; Probation of Offenders," by Marvel; to Judiciary and Crime.

HB 512—"An Act to Amend Chapter 66 of the Revised Code of Delaware, 1935, as Amended, Relating to the Salary of the State Bank Commissioner," by Longbotham; to Miscellaneous.

HB 513—"An Act Placing the Control of Pea Patch Island under the Board of Game and Fish Commissioners and Prescribing the Authority and Powers of Said Board with Respect to the Establishment of a Game Refuge and General Control over Leasing All or Part of Said Island, the Sale of Surplus Buildings, Certain Trees and Other Personal Property," by Warren; to Fish, Oysters and Game.

HB 514—"An Act to Amend Chapter 82 of the Revised Code of Delaware, 1935, Relating to Weights and Measures, by Increasing the Salaries of the Regulators of Weights and Measures," by Hughes; to Miscellaneous.

HB 515—"An Act to Amend Chapter 216, Volume 27, Laws of Delaware, Entitled 'An Act Amending, Revising and Consolidating the Charter of the City of New Castle' by Removing the Property Qualification for Voters in Municipal Referendums," by McCullough; to Municipal Corporations.

HB 516—"An Act to Authorize the Levy Court of New Castle County to Borrow a Sum Not in Excess of One Million Dollars (\$1,000,000.00) and to Issue Bonds Therefor, the Said Sum to Be Expended for Construction, Maintenance and Operation of the New Castle County Airport," by Jones and McCullough; to Revised Statutes.

HB 517—"An Act Providing for a Study of the Erection of a State Memorial Auditorium," by Bryan, by Request; to Miscellaneous.

HB 518—"An Act to Amend Chapter 12 of the Revised Code of Delaware, 1935, as Amended, Relating to 'Salaries of State Officers' by Increasing the Salaries of the State Treasurer and Auditor of Accounts," by Blendt; to Miscellaneous.

HB 519—"An Act Authorizing and Directing the Permanent Budget Commission of the State of Delaware to Have the Accounts of All State Boards, Commissions and Departments Audited by a Certified Public Accountant. Providing for the Appointment Thereof, and Making Appropriations to Carry Out Its Provisions," by Walsh; to Miscellaneous.

The Secretary of the Senate informed the House that the Senate had concurred in **HB 15**, as amended by **SA 1**, and returned the same to the House.

Requests that the following be stricken from the calendar were granted to members as follows: **HB 210**, by Calhoun; **HB 408**, by Calhoun.

Requests that the following be recommitted were granted to members as follows: **HS 1** for **HB 36**, by Sinclair.

Mr. Warren moved that the House adjourn until 11:00 A. M., Fri., April 1, 1949. Motion prevailed.

52ND LEGISLATIVE DAY

House met pursuant to adjournment, Fri., Apr. 1, 12:20 P. M.
Prayer by the Chaplain, Rev. J. E. Thomas.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 91 against **HB 380**; 1 inviting members to be guests of Public Archives Commission.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 476**, by Judiciary and Crime; **HB 389**, by Claims; **HB 74, 182, 385, 384**, by Appropriations; **HB 343, HS 2** for **HB 36**, by Public Health.

Mr. Warren moved that the House recess until 3:00 P. M.
House met at expiration of recess at 3:30 P. M.

STATE OF DELAWARE EXECUTIVE DEPARTMENT DOVER

ELBERT N. CARVEL
GOVERNOR

April 1 1949

To the Speaker of the House of Representatives
of the 115th General Assembly

Dear Mr. Speaker:

I request that the following message be immediately read to the House of Representatives:

The delay of the House in taking action on the Budget Appropriation Bill is causing the Assembly to lose valuable time in the consideration of legislation highly important to the people of Delaware. Section 5413, Chapter 159 of the Revised Code of Delaware, 1935, states that:

"If the Budget Appropriation Bill has not been finally acted upon before the 50th legislative day of the legislative session it shall then be considered to the exclusion of all other bills until it is finally disposed of."

The Legislature is now in its 52nd legislative day. As Governor of Delaware I urgently request that the House of Representatives begin immediate consideration of House Bill No. 15 as

amended by the Senate, the Budget Appropriation Bill, to the exclusion of all other business.

Cordially,
ELBERT N. CARVEL
Governor

Mr. Allen moved that the Rules be suspended.

The Chair declared a five minute recess.

The House met at expiration of the recess and on the motion to suspend Rules, the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—16.

NAYS—Messrs. Armstrong, Bengner, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

ABSENT—Mr. King—1.

So the question was decided in the negative.

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

HJR 7—"Relating to Housing," by Calhoun; Unassigned.

HB 520—"An Act to Confer Additional Jurisdiction and Powers upon the Family Court for New Castle County, Delaware, the Court of Common Pleas of Kent County, and the Court of General Sessions of the State of Delaware Sitting in Any County of the State, in Support Proceedings against Persons Residing in Other States or Territories of the United States Having Substantially Similar or Reciprocal Laws," by Longbotham and Collison; to Judiciary and Crime.

HB 521—"An Act to Amend Chapter 78 of the Revised Code of Delaware, 1935, as Amended, by Making the Day of the Week Known as Saturday a Holiday for All Elected and Appointed Officials of the State of Delaware, Its Agencies and the Employees of Said Officials and Agencies and for the Elected and Appointed Officials of the State of Delaware (Except the Members of the State Highway Police Department), by Bruno; to Revised Statutes.

HB 522—"An Act to Amend Chapter 52 of the Revised Code of Delaware, 1935, Relating to 'County Offices' by Changing the Times that the Offices of the Respective Prothonotaries, Clerks of the Peace, Clerks of the Orphans' Court, Registers in Chancery, Registers of Wills, Recorders and Sheriffs Shall Be Kept Open," by Lawson; to Revised Statutes.

HB 523—"An Act to Amend Chapter 153, Volume 36, Laws of Delaware, as Amended, Entitled 'An Act to Reincorporate the Town of Cheswold,' by Changing the Day for Holding the Annual Election and Defining Qualified Voters Thereat," by Cook; to Municipal Corporations.

HB 524—"An Act Authorizing the Erection, Construction, Installation, Keeping in Good Order and Repair, a Traffic Control Light at the Route 300 and Route 42 in the Town of Kenton, Delaware," by Cook; to Public Highways.

HB 525—"An Act Appropriating Money to the 'Board of Managers of the Detention Home' for Salaries and Wages," by Sinclair; to Appropriations.

HB 526—"An Act Making an Appropriation to the State Board of Education for the Erection of a Fence around the Public School Property in Christiana School District Number 44 in New Castle County," by Sinclair; to Appropriations.

HB 527—"An Act to Protect the Public Health and Welfare by Authorizing the State Board of Health to Establish Regulations for the Construction of Water and Sewage Systems and to Adopt Rules and Regulations in Kent County, Delaware, of Basic Plumbing Principles; Definition of Principles; Plumbing System; Fixtures; Cross Connections; Pollution of Water and Sewage; Adequate Water Supply and Hot Water Tanks; Sewer Connections; Family Water Closets; Public or Private Sewage Disposal Plants; Hot Water Tank Boilers; Fixtures; Traps—Refrigerator Traps; Private and Public Sewers; Providing for a Plumbing Inspector and the Registration of All Plumbers Carrying on Business in Kent County; and Providing for Penalties of This Act," by Warren; to Public Health.

HB 528—"An Act Making Appropriations to the Public Archives Commission of the State of Delaware for Each of the Fiscal Years Ending on the Thirtieth Day of June, A. D. 1950, and the Thirtieth Day of June, A. D. 1951 for Salaries," by Warren; to Appropriations.

HB 529—"An Act Authorizing the Governor of the State of Delaware to Accept on Behalf of the State a Conveyance from an Agency of the Government of the United States of America Conveying the Title of the United States to All That Portion of Reedy Island Heretofore Ceded to the United States by Act of the General Assembly of the State of Delaware," by Warren; to Federal Relations.

HB 530—"An Act to Amend Chapter 152 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Offenses against Public Justice,' with Reference to the Willful Making of False Reports to Police Officers or Police Agencies," by Bryan; to Judiciary and Crime.

HB 531—"An Act to Amend the Charter of the City of Wilmington to Create a Central Purchasing Department for the City of Wilmington," by Bryan; to Municipal Corporations.

HB 532—"An Act to Amend Chapter 119, Volume 28, Laws of Delaware, as Amended, Entitled 'An Act Providing for the Collection of Taxes for the City of Wilmington,' by Providing for the Consolidation of the Northern and Southern Tax Districts Thereof and One Collector of Taxes," by Bryan; to Municipal Corporations.

HB 533—"An Act to Amend Chapter 119, Volume 28, Laws

of Delaware, as Amended, Entitled, 'An Act Providing for the Collection of Taxes for the City of Wilmington,' by Providing Additional Dates upon Which Taxes Levied by the City of Wilmington Shall Be Due and Payable," by Bryan; to Revenue and Taxation.

Mr. Sinclair moved that for the balance of this legislative day, the Rules be suspended in so far as they apply to the second reading of bills. Motion prevailed.

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

HB 534—"An Act Providing a Method for the Appropriation and Allocation of Funds for the Maintenance, Support and Operation of the Free Public Schools of the State; and Granting to the Permanent Budget Commission and the State Board of Education Certain Powers and Authority to Regulate the Distribution of the Funds Appropriated," by Sinclair; Unassigned.

HB 535—"An Act Appropriating Money to Harold S. Meyers as Compensation for Damages Suffered through and by Reason of the Neglect of the State Highway Department to Warn Travelers of the Danger Caused by Defective Highway near Felton, Kent County and State of Delaware," by Cook, by Request; to Claims.

HB 536—"An Act to Appropriate Money to Pauline Meyers as Compensation for Damages Suffered through and by Reason of the Neglect of the State Highway Department to Warn Travelers of the Danger Caused by Defective Highway near Felton, Kent County, and State of Delaware," by Cook, by Request; to Claims.

HB 537—"An Act to Amend Chapter 6 of the Revised Code of Delaware, 1935, (Article 12 of Said Chapter) by Providing for a Tax on Incomes Commencing January 1, 1949: Providing for the Ascertainment, Assessment and Collection Thereof; Providing Penalties for the Violation of the Terms of This Act; Making an Appropriation to the State Tax Department for Administration Expenses in Connection Therewith; and Providing that the Tax on Net Incomes Imposed by Said Chapter 6 of the Revised Code of Delaware, 1935, Shall Not Be Levied and Collected on Incomes Accruing after December 31, 1948," by Collison; to Revised Statutes.

HB 538—"An Act to Appropriate Money to Mark Shockley as Compensation to the Said Mark Shockley as a Result of the Negligence of an Employee of the State Highway Department," by Givan, by Request; to Claims.

HB 539—"An Act to Amend Chapter 10 of the Revised Code of Delaware, 1935, as Amended, with Reference to the Printing, Distribution and Disposal of Legislative Journals," by Bryan; Unassigned.

HB 540—"An Act Appropriating Money to the 'Board of Managers of the Detention Home' for Salaries and Wages," by Bryan; Unassigned.

HB 541—"An Act Appropriating Certain Monies to American Auto Insurance Company to Pay a Claim against the State of Delaware," by Sinclair; Unassigned.

HB 542—"An Act Appropriating Certain Moneys to Associated Indemnity Company to Pay a Claim against the State of Delaware," by Sinclair; Unassigned.

HB 543—"An Act to Prohibit Lobbying by Appointive Officers of the House of Representatives and of the Senate of the General Assembly of the State of Delaware," by Longbotham; to Miscellaneous.

HB 544—"An Act Regulating the Use of a Dragger Seine or Other Trawler in the Delaware Bay; Penalty for Violation Thereof," by Longbotham; to Fish, Oysters and Game.

HB 545—"An Act to Amend Chapter 165 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Motor Vehicles,' by Prohibiting Any Person from Getting Out of a Motor Vehicle Parked Next to the Curb or Side of the Road or Street on the Side Next to Traffic," by Jones; Unassigned.

HB 546—"An Act Making an Appropriation to the Board of School Trustees of Alfred I. duPont School District No. 7 in New Castle County," by Jones; Unassigned.

HB 547—"An Act Making an Appropriation to the State Board of Education to Be Used for Improvement of Floors and Equipment and Furnishing of School Rooms at Nanticoke Indian School near Millsboro, Sussex County," by Lawson; Unassigned.

HB 548—"An Act to Refund to Robert Atkins the Amount Paid by Him as a Fine Imposed under the Provisions of a Law Which Had Been Repealed Prior to His Conviction Thereunder," by Lawson; Unassigned.

HB 549—"An Act to Amend Chapter 76, Revised Code of Delaware, 1935, as Amended, Entitled 'Insane,' with Respect to the Appointment of a Trustee for an Insane Person Who Is an Inmate of the Governor Bacon Health Center," by Calhoun; Unassigned.

HB 550—"An Act to Amend Chapter 71, Revised Code of Delaware, 1935, as Amended, Entitled 'Free Public Schools,' by Providing that Additional Taxes Raised Locally in Certain School Districts May Not Be Used for the Payment of Salaries of Teachers," by Lawson; Unassigned.

HB 551—"An Act Appropriating the Sum of One Hundred Dollars to the State Highway Department to Refund a Fine Imposed on Robert B. Atkins Wrongfully for Motor Vehicle Law Violation," by Lawson; to Public Highways.

HB 552—"An Act Making an Appropriation to the State Highway Department to Repair Damage to the Piers, Boardwalk and Beach at Oak Orchard, Sussex County, Delaware, Caused by Storms," by Lawson; Unassigned.

HB 553—"An Act to Amend Chapter 43 of the Revised Code of Delaware, 1935, as Amended, Relative to Levy Courts, by Creating a Levy Court of Sussex County Composed of Five Members, One from Each Senatorial District; Providing that a Ma-

majority Thereof Shall Constitute a Quorum," by Lawson; Unassigned.

HB 554—"An Act Appropriating Moneys to the State Board of Education for the Use of Local School Districts, to the Boards of Trustees of Special School Districts to Provide for Delayed Improvements, Equipment and Other Costs Not Otherwise Provided for," by Givan; to Appropriations.

HB 555—"An Act Providing for the Administration or Rent Control in the State of Delaware; Providing for a Commission; Prescribing Its Powers and Duties; Power to Make Rules and Regulations; Authority to Appoint Necessary Personnel; Penalties for Violation; and Making Appropriation Therefor; to Become Effective in the Event that Regulation and Control of Rents by the Federal Government Shall Be Supplemented or Superseded, in Whole or in Part, by State Regulation or Control," by Givan; Unassigned.

HB 556—"An Act to Amend Chapter 148 of the Revised Code of Delaware, 1935, as Amended, Relative to Offenses against the Sovereignty of the State; Defining Sedition and Providing the Punishment Therefor; Prohibiting Appointment of Subversive Persons in State, County, Municipal or Other Political Subdivision of This State; Procedure for Enforcement," by Givan; Unassigned.

HB 557—"An Act to Authorize Commissioners of Lewes to Issue Certificates of Indebtedness to Provide for the Expense of Constructing a Municipal Dock and Improving Roads and Streets in Said Town and Providing for a Referendum Vote Thereon," by Givan; Unassigned.

HB 558—"An Act Establishing a Board of Examiners of Electricians; Prescribing Qualifications and Duties of Members; Setting Forth Necessary Qualifications of Electricians, Their Examinations; Fees; Rules and Regulations; Miscellaneous Provisions," by Cool; Unassigned.

HB 559—"An Act Making an Additional Appropriation to the State Board of Agriculture for the Payment of Salaries of Employees for the Biennium Beginning July 1, 1949 and Ending June 30, 1951," by Cool; to Appropriations.

HB 560—"An Act to Amend Chapter 39 of the Revised Code of Delaware, 1935, as Amended, Relating to Amount of Assistance Paid for Dependent Children by the State Board of Welfare," by Longbotham; Unassigned.

HB 561—"An Act with Respect to the Care, Cure or Condemnation of Mastitis Infected Cows from Which Milk Is Sold for Human Consumption; Providing for Tests, Reports, Prohibiting the Sale of Milk Secured from Infected Quarters; Providing for Condemnation and Slaughter of Infected Cows in Certain Cases; and Providing Penalties," by Longbotham; Unassigned.

HB 562—"An Act Appropriating Money for the Burial of Indigent Soldiers, Sailors and Marines," by Longbotham; Unassigned.

HB 563—"An Act Placing in the State Highway Department the Jurisdiction over the Paving and Curbing of All Dirt Streets within the Limits of Incorporated Towns in the State of Delaware," by Longbotham; Unassigned.

HB 564—"An Act Prohibiting the Serving of Intoxicating Liquors to Males and Females at the Same Bar," by Longbotham; Unassigned.

HB 565—"An Act Making It Mandatory on All County Officials Who Purchase Supplies for the Use of Offices or Institutions, to Purchase Said Supplies from Bona Fide Supply Houses in the County Where Said Supplies Are Purchased and Used," by Longbotham; Unassigned.

HB 566—"An Act to Amend Chapter 262, of Volume 41, Laws of Delaware, 1937, as Amended, Entitled, 'An Act Providing for Pensions for Retired or Disabled State Police or Their Widows, Minor Children or Sole Dependent Parents, Establishing a Police Retirement Fund, and Creating a State Police Pension Board to Handle Said Fund and Make Payments Therefrom,'" by Bruno; Unassigned.

HB 567—"An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, as Amended, Relating to Fish, Oysters and Game, with Respect to the Possession or Transportation of Crabs, the Licensing of Crabbing Boats, Territorial Limitations for Dredging, Disposition of Revenue, and the Penalty for Certain Violations," by Bruno; Unassigned.

HB 568—"An Act to Prohibit a Refiner of Petroleum Products from Owning or Operating a Retail Store for the Dispensing of Petroleum Products at Retail or from Owning or Operating a Service Station for the Servicing of Motor Vehicles and/or the Sale of Petroleum Products at Retail," by Bruno; Unassigned.

HB 569—"An Act Taxing All Carbonated Bottled Soft Drinks, and Fruit Juices, and Making Provisions for the Collection of Said Tax," by Bruno; Unassigned.

HB 570—"An Act Authorizing the State Highway Department to Vacate Public Roads Which Have Been Superseded by Improved Roads or Highways," by Camper; Unassigned.

HB 571—"An Act Prescribing the Procedure That Must Be Followed before a Judgment Obtained in a Federal Court Becomes a Lien upon Real Property in the State of Delaware," by Sinclair; Unassigned.

HB 572—"An Act to Amend Chapter 106, Volume 43, Laws of Delaware, Authorizing and Empowering the Levy Court of Kent County to Borrow up to but not Exceeding the Sum of \$100,000.00 and to Give Security Therefor," by Cook; to Revised Statutes.

HB 573—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware, Relating to the Sale of Lottery Tickets, Pool Selling and Other Forms of Gambling," by Cook, by Request; to Revised Statutes.

HB 574—"An Act Making an Appropriation to State Park Commission of Delaware for the Creation and Establishment of

State Parks and for the Construction and Building Thereon and Improvements Thereon and Expenditure Incidental Thereto," by Cook; Unassigned.

HB 575—"An Act to Amend Chapter 44, of the Revised Code of Delaware, 1935, as Amended, Pertaining to Assessments in Kent County," by Cook; to Revised Statutes.

HB 576—"A Bill to Reimburse Robert Byron Coleburn for the Amount of Fine and Costs Paid by Him for an Alleged Violation of a Statute of the State of Delaware That Was Inapplicable to the Act Alleged to Have Been Committed by Him," by Armstrong; Unassigned.

HB 577—"An Act to Amend Chapter 202, Volume 37, Laws of Delaware, 1931, Entitled 'An Act to Amend Chapter 163, Volume 32, Laws of Delaware Entitled "An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware, Being an Act Entitled 'An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington' " by Providing for the Election of the Members of the Board of Public Education in Wilmington; Qualifications and Method of Election of Members," by Armstrong; Unassigned.

HB 578—"An Act Authorizing the Levy Courts of Kent and Sussex Counties to Pay for the Storage of Election Booths at the End of Each Biennial Election," by Donovan; Unassigned.

HB 579—"An Act Directing the State Highway Department of the State of Delaware to Construct a Street or Sidewalk Beginning at the Southern Limit of the Town of Georgetown on South Bedford Street and Extending to McGee's Ditch," by Marvel; Unassigned.

HB 580—"An Act Authorizing the Disinterring and Re-interring of Bodies in a Cemetery Located on the North Side of West Pine Street in Georgetown, Delaware, Belonging to Wesley Methodist Church in Georgetown, and Providing for the Sale of the Land from Which Bodies Are Removed," by Marvel; Unassigned.

HB 581—"An Act Making an Appropriation to the Board of Education of Claymont Special School District in New Castle County," by Jones; Unassigned.

HB 582—"An Act Making an Appropriation to the Board of Education of Mt. Pleasant Special School District in New Castle County," by Jones; Unassigned.

HB 583—"An Act Requiring All Persons or Corporations Desiring to Develop a Tract of Land on Which to Erect Dwelling Houses, to Pave All Streets, Curb the Front and Side of Street or Avenue, Lay Sewers, Storm Sewers, Sewer Inlets, and to Lay Conduits for Electric and Telephone Wiring and Gas Pipes; Defining Duty of Engineers and Inspectors of the Levy Court of New Castle County and the Engineers of the State Highway Department," by Jones; Unassigned.

HB 584—"An Act Making It Unlawful for Any Person Operating Any Premises Where Food, Beverages or Entertainment Are Sold or Provided for Compensation, Who Does Not

Possess a License for the Sale of Intoxicating Liquor, to Permit the Drinking or Consumption of Intoxicating Liquor in or about Said Premises between Ten O'clock P. M. and Six O'clock A. M. the Following Day, without Having a License; License Obtained; Costs; Penalties for Violations," by Bruno; Unassigned.

HB 585—"An Act to Amend Chapter 9, Revised Code of Delaware, 1935, as Amended, Entitled 'General Assembly' with Reference to Expense Incurred by Members of the General Assembly for Transportation in Connection with Their Work as Legislators," by Warren; Unassigned.

HB 586—"An Act to Amend Chapter 151, Volume 44, Laws of Delaware, 1943, Entitled 'An Act to Amend Chapter 74 of the Revised Code of Delaware, 1935, Providing for a Delaware Commission of Shell Fisheries and by Defining the Powers and Duties Therefor,' Regulating the Issuance of a Permit or License to Any Boat Used for the Purpose of Taking Oysters for Planting from the Natural Rock Areas of Delaware in the Delaware Bay; Regulating the Taking of Seed Oysters from the Natural Rock Areas of Delaware in the Delaware Bay; the Issuance of Permits or Licenses to Boats of Non-Residents; Providing for Hearing Certain Cases; Penalties for Violation," by Warren, Unassigned.

HB 587—"An Act to Amend Chapter 32, Revised Code of Delaware, 1935, as Amended, Entitled 'State Board of Examiners of Undertakers,' with Reference to Apprenticeship, and the Credit Given Applicants for Time Spent in the Work of the Graves Registration Service of the United States or Any of Its Agencies," by Warren; Unassigned.

HB 588—"An Act to Provide that Three-Fourths of One Per Centum of That Portion of Casualty Insurance Premiums Now Credited to the State's General Fund Shall Be Credited by the State Treasurer to the State Police Pension Fund," by Warren and King; Unassigned.

HB 589—"An Act to Amend 'An Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment and Non-Assignable, and also Providing for the Reduction of Benefits under Certain Conditions, Being Chapter 104, of Volume 45, Laws of Delaware, as Amended, Relative to, the Manner of Determining Pension Payments, and Exceptions to the Provisions Concerning Mandatory Retirement," by Warren; Unassigned.

HB 590—"An Act to Amend 'An Act Providing for the Payment of Pension Benefits to Certain State Employees, Fixing Ages of Retirement, Establishing Benefits Payable and the Source of Payment Thereof, Providing for Applications for Pensions and the Procedure to Be Followed with Respect Thereto, Providing that Pension Benefits Shall Be Free of Attachment

and Nonassignable, and also Providing for the Reduction of Benefits under Certain Conditions,' Being Chapter 104 of Volume 45, Laws of Delaware, as Amended, Relative to, the Manner of Determining Pension Payments and Exceptions to the Provisions Concerning Mandatory Retirement," by Warren; Unassigned.

HB 591—"An Act Making an Appropriation to the Board of School Trustees of Delaware City School District No. 52 in New Castle County," by Holliday; Unassigned.

HB 592—"An Act Making an Appropriation to the Board of School Trustees for Commodore McDonough School District No. 53 in New Castle County," by Holliday; Unassigned.

HB 593—"An Act Appropriating Money to Board of Managers of the City Council of State Governments," by Holliday; Unassigned.

HB 594—"An Act with Respect to Separation Agreements between Husband and Wife and the Effect of Such Agreement When Either of Said Parties Conveys Real Estate," by Bryan, by Request; Unassigned.

HB 595—"An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, 1935, in Relation to Income Tax," by Bryan, by Request; to Revenue and Taxation.

HB 596—"An Act Making an Appropriation to the Board of School Trustees of Hockessin School District No. 29, in New Castle County," by Kelton; Unassigned.

HB 597—"An Act Making an Appropriation to the Board of School Trustees of Stanton School District No. 38, in New Castle County," by Kelton; Unassigned.

HB 598—"An Act to Amend Chapter 16 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Auditor of Accounts,' by Increasing the Salary of the Deputy Appointed by the Auditor of Accounts and Making an Appropriation Therefor," by Spear; to Miscellaneous.

HB 599—"An Act Making an Appropriation to the State Treasurer for the Purpose of Paying Maturities and Interest on Certain Bonds of the State of Delaware Issued Pursuant to Various Statutes of the State Authorizing the Issuance of Said Bonds," by Dr. Bengner and Collison; to Appropriations.

HB 600—"An Act to Amend Chapter 118 of the Revised Code of Delaware, 1935, as Amended with Respect to the Appointment of Guardians Unable to Manage Their Property Due to Senility or Other Physical Condition," by Lee; Unassigned.

HB 601—"An Act to Amend Chapter 151, Volume 44, Laws of Delaware, 1943, Entitled, 'An Act to Amend Chapter 74, of the Revised Code of Delaware, 1935, as Amended, Providing for a Delaware Commission of Shell Fisheries and by Defining the Powers and Duties Thereof,' Relative to the Issuance of Licenses for the Taking of Seed Oysters from the Natural Rocks of the Delaware Bay, the Method by Which the Number of Licenses Therefor May Be Increased; Providing for the Transfer of Li-

censes to Holders Who Are Bona Fide Residents of This State," by Givan; Unassigned.

HB 602—"An Act to Authorize and Empower Any Bank, Trust Company, Savings Bank or Savings Society, or Building and Loan Association, to Loan Money on the Security of Oysters Planted on Oyster Grounds in Waters under the Jurisdiction of the State of Delaware or of Any of Its Agencies; Provided Said Oyster Grounds So Planted with Oysters Are under Lease from the State or Its Proper Agency," by Givan; Unassigned.

HB 603—"An Act Making an Appropriation to the State Board of Education for the Improvement of Water Supply, Sanitary Facilities and Repairs to the School Building at Hartly School District No. 96 in Kent County," by Carey; to Appropriations.

HB 604—"An Act Authorizing and Directing the State Highway Department to Construct a Sidewalk along the East Side of New Castle Avenue from Collins Park to Lambson's Lane, in New Castle County," by McCullough; Unassigned.

HB 605—"An Act Providing for a Tax on Gross Earnings of Certain Companies, Limited Partnerships, Associations, Joint Stock Associations, Co-Partnerships and Corporations by the State Tax Department; Providing for the Ascertainment, Assessment and Collection Thereof and Providing Penalties for Violation Thereof," by Lawson; Unassigned.

HB 606—"An Act Providing for a Tax on Gross Receipts of Certain Companies, Limited Partnerships, Associations, Joint Stock Association, Co-Partnerships and Corporations by the State Tax Department; Providing for the Ascertainment, Assessment and Collection Thereof and Providing Penalties for Violation Thereof," by Lawson; Unassigned.

HB 607—"An Act Levying an Amusement Tax of Five Cents on All Tickets Sold by Motion Picture Theatres, Other Theatrical Performances Given for Profit, and All Athletic Events Conducted for Profit. Including Running Horse Races, Harness Races, Dog Races, Wrestling Matches, Boxing Matches, and Other Athletic Events Conducted for Profit; Making Provision for the Personnel for Collecting the Tax and the Method of Collection," by Longbotham; Unassigned.

HB 608—"An Act Requiring the Motor Vehicle Department of the State of Delaware to Re-Assign an Automobile Tag Number for Which the Required Registration Fee Has Not Been Paid for a Period of Three Consecutive Years," by Longbotham; Unassigned.

HB 609—"An Act to Amend Chapter 100 of the Revised Code of Delaware, 1935, as Amended, Entitled 'General Provisions Respecting the Police,' with Reference to Amendment or Repeal of Certain Laws Regarding Keepers of Inns, Taverns, Hotels, Restaurants, Other Places of Public Entertainment or Refreshments and Proprietors of Theatres or Other Public Places of Amusement," by Lee and Mabrey; to Miscellaneous.

HB 610—"An Act to Require that on All License Tags Is-

sued for Motor Vehicles in the State of Delaware the Words 'Broiler State' Be Placed below the Number Appearing on the Tag," by Calhoun; Unassigned.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 34—"Relative to the Illness of Hon. Sudler H. King, Member of the House of Representatives."

WHEREAS, the House of Representatives has been informed of the illness of Hon. Sudler H. King, a member of the House at the 115th Session of the General Assembly of the State of Delaware; and

WHEREAS, the Members of the House sincerely regret the illness of Hon. Sudler King and hope for his speedy recovery and return to his duties as a Member of this House; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of Delaware

That, the good will and sympathy of all the Members of the House of Representatives are hereby extended to Hon. Sudler H. King, Member of the House during the 115th Session of the General Assembly, and the Members hereby express hope for his speedy recovery and return to his duties as a Member of this Body; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Hon. Sudler H. King and that this action of the House be noted in the Journal of the present Session.

Requests that the following be stricken from the calendar were granted to members as follows: **HB 343**, by Bryan.

The Speaker announced he was about to sign: **HR 34**.

Mr. Bruno moved that the House adjourn until 11:00 A. M., Tues., Apr. 5, 1949. Motion prevailed.

53RD LEGISLATIVE DAY

House met pursuant to adjournment, Tues.. Apr. 5, 12:10 P. M.

The members recited the Lord's Prayer.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **SB 3**, 1 for **HB 42**, 2 for **HB 304**, 2 for **HB 307**, 2 for **HB 308**; 17 against **HB 75**, 45 against **HB 380**,

3 against **HB 369**, 1 against **HB 378**, 1 against **HB 29**, 1 against **SB 1**, 1 against **SB 212**, 2 against **HB 285**, 1 against **HB 413**; Note of appreciation from Mrs. Jos. Bruno, Sr.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 451**, by Revised Statutes; **HB 257**, by Claims; **HCR 13**, by Appropriations; **HB 395**, **HB 498** (on its merits), by Miscellaneous.

Mr. Sinclair, on behalf of the Committee on Appropriation to whom had been referred **HB 54**, reported the same back to the House unfavorably for the following reason:

HB 54 carries no appropriation except an appropriation for administrative expenses. It is the feeling of the committee that the bill should carry an appropriation sufficient to provide for the payments specified in the bill, and should provide also for a method of financing. Passage of the bill in its present form would mean that the State is purporting to promise the payment of a bonus, but is providing no funds for such payment.

/S/ Messrs. Sinclair, Benger, Donovan, Mabrey.

Mr. Warren moved that the House recess until 3:00 P. M. House met at expiration of recess.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in **SB 157**, and presented the same to the House.

Mr. Warren moved that the House adjourn until 12:00 noon, Wed., Apr. 6.

54TH LEGISLATIVE DAY

House met pursuant to adjournment, Wed., Apr. 6, 1:00 P. M. Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Armstrong, Benger, Bruno, Bryan, Cool, Evans, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—15.

Members absent—Messrs. Allen, Blendt, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cordrey, Donovan, Givan, Hughes, King, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—20.

A quorum not being present, the Chair declared a recess until 3:00 P. M.

House met at expiration of recess at 4:00 P. M. and attendance roll was ordered for the second time.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the

reading of the journal, and the journal be approved. Motion prevailed.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 75** (on its merits), **HB 368, 475**, by Revised Statutes.

The Committee on Passed Bills reported the following as approved by the Governor: **HB 139** (Mar. 22), **HB 259** (Mar. 25), **HB 116** (April 5).

Dr. Bengier, at the request of the Speaker took the Chair and presided.

Mr. McCullough moved that the Rules be suspended.

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

YEAS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—16.

NAYS—Messrs. Armstrong, Bengier, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

ABSENT—Mr. King—1.

So the question was decided in the negative.

Mr. Lawson introduced the following resolution which was read:

HCR 14—"Amending House Concurrent Resolution No. 12 Fixing the Time after Which No New Bills or Joint Resolutions Shall Be Received by the Senate or by the House of Representatives of the 115th General Assembly, except General Appropriation Bills, by Providing for the Introduction of a New House Bill to Be Numbered No. 611, Entitled, 'An Act to Amend Chapter 158, Revised Code of Delaware, 1935, as Amended, by Repealing the Provision of Law Requiring Exclusive Consideration of the Budget Bill, When.'"

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

YEAS—Messrs. Armstrong, Bengier, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NAYS—None.

NOT VOTING—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—16.

ABSENT—Mr. King—1.

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

Mr. Lawson moved that the House recess.

On the question, "Shall the House recess?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Armstrong, Bengier, Bruno, Bryan, Calhoun,

Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NAYS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—16.

ABSENT—Mr. King—1.

So the question was decided in the affirmative and the House recessed.

The Secretary of the Senate informed the House that the Senate had concurred in **HJR 2**.

Mr. Warren moved that the House adjourn until 12:00 noon, Thurs., Apr. 7, 1949. Motion prevailed.

55TH LEGISLATIVE DAY

House met pursuant to adjournment, Thurs., Apr. 7, 1:05 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 6 for **SB 261**, 1 for **SB 3**, 1 for **HB 148**, 1 for **HB 459**, 1 for **HB 416**; Invitation to attend opening of All American Airways.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 413** (on its merits), by Revenue and Taxation.

Mr. Warren moved that the House recess until 3:00 P. M.

House met at expiration of recess at 3:40.

The following substitute bills (with titles the same as the original bills) were introduced, given first and second reading by title only and referred to committee as follows: **HS** for **HB 72**, by Jones, to Appropriations; **HS** for **HB 570**, by Camper, to Public Highways; **HS** for **HB 492**, by Donovan and Longbotham, to Fish, Oysters and Game; **HS** for **HB 337**, by Walsh and Armstrong, to Claims; **HS** for **HB 313**, by Longbotham, to Temperance; **HS** for **HB 312**, by Longbotham, to Temperance; **HS** for **HB 311**, by Longbotham, to Temperance; **HS** for **HB 310**, by Longbotham, to Temperance.

On motion of Mr. Warren, **HCR 13**—"Making an Appropriation for Postage Stamps and Other Supplies for the 115th General Assembly," was taken up for consideration and read, and on further motion of Mr. Warren was adopted and ordered to the Senate for Concurrence.

Mr. Warren requested that Mr. Allen be placed on the record as a co-sponsor of **HB 336**. With the consent of Mr. Allen it was so ordered.

Requests that the following be stricken from the calendar were granted to members as follows: **HB 343**, by Mr. Bryan.

Requests that the following be recommitted were granted to members as follows: **HB 451**, by Bruno; **HB 38**, by Kelton.

The Speaker announced he was about to sign: **HJR 2**.

Mr. Warren moved the House adjourn until Mon., Apr. 11, 1949. 12:00 noon.

On the question, "Shall the House adjourn?" the yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Armstrong, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—17.

NAYS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—16.

ABSENT—Messrs. Benger, King—2.

So the question was decided in the affirmative and the House adjourned.

56TH LEGISLATIVE DAY

House met pursuant to adjournment, Mon., Apr. 10, 12:50 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Cordrey, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—34.

Members Absent—Mr. King—1.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 1 for **HB 374**, 2 for **HB 467**, 4 for **HB 148**, 60 for **HB 364**, 46 for **HB 15**; 1 against **HB 75**, 1 against **SB 130**.

The following bills and resolutions were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 485**, by Elections; **HS** for **HB 72**, **HB 391**, **430**, **459**, **468**, **503**, **599**, **SB 78**, **205**; **SJR 5** (on its merits); **SB 90** (unfavorably); **HB 62** (unfavorably); by Appropriations.

The Committee on Appropriations delivered the following report on **HB 62**:

"This bill calls for an appropriation of \$20,000.00 an increase of \$6,000.00 over the previous biennium. The committee is of the opinion that an appropriation of \$16,000.00, which is an increase of \$2,000.00 over the previous biennium is sufficient. This recommendation of the committee has been communicated to the sponsor of the bill who has elected to stand pat on the request for \$20,000.00; therefore the bill in its present form has been reported unfavorably.

/S/ Messrs. Sinclair, Benger, Mabrey."

Mr. Warren moved that the House recess until 3:00 P. M.
House met at expiration of recess at 3:45 P. M.

The Chair declared a five minute recess.

The House met at expiration of recess.

The following substitute bills (with titles the same as the original bills) were introduced, given first and second reading by title only and referred to committee as follows: **HS** for **HB 233**, by Collison; to Appropriations.

Mr. Lawson introduced the following resolution which was read:

HR 35—"With Respect to an Opinion of the Attorney General of the State Regarding the Validity and Effect of 5413. Sec. 15. of the Revised Code of Delaware, 1935."

BE IT RESOLVED by the House of Representatives of the State of Delaware:

That the Speaker of the House of Representatives be, and he is hereby authorized, on behalf of the House of Representatives, to call upon the Attorney General of Delaware for an opinion as to the validity of Section 5413 of the Revised Code of Delaware, 1935, and the effect of said section upon the action of this General Assembly and upon any bills which may be considered and enacted into law without regard to the provisions of said Section.

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

YEAS—Messrs. Armstrong, Benger, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NAYS—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—16.

ABSENT—Mr. King—1.

So the question was decided in the affirmative and the Resolution was adopted.

Mr. Warren introduced the following resolution which, on his further motion, was adopted:

HR 36—"Relative to the Payment of Printing the Daily Cal-

endar for the House of Representatives of the 115th General Assembly of the State of Delaware from March 29th to April 11th, Inclusive."

BE IT RESOLVED by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware that the sum of Two Thousand Six Hundred Forty-six Dollars (\$2,646.00) be and the same is hereby appropriated out of the monies of the State Treasury, not otherwise appropriated, for the payment to Delaware State News of Dover, Delaware, the lowest and responsible bidder, for printing the Daily Calendar for the House of Representatives of the State of Delaware from March 29, 1949 up to and including April 11, 1949, said calendar being necessary to the business of the House and the expense thereof being a necessary expense connected with the session.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following: **SB 204**, and presented the same to the House.

Requests that the following be stricken from the calendar were granted to members as follows: **HB 451**, by Bruno; **HB 19**, by Holliday.

Requests that the following be recommitted were granted to members as follows: **HB 54**, by Warren (with consent of co-sponsors).

Mr. Warren moved that the House adjourn until 12:00 noon, Thurs., Apr. 14, 1949.

57TH LEGISLATIVE DAY

House met pursuant to adjournment, Thurs., Apr. 14, 12:15 P. M.

Prayer by the Chaplain, Rev. Wilkins.

Members present—Messrs. Allen, Armstrong, Benger, Blendt, Bruno, Bryan, Calhoun, Camper, Carey, Cochran, Collison, Cook, Cool, Donovan, Evans, Givan, Holliday, Hughes, Jones, Kelton, Lee, Longbotham, Mabrey, Marvel, McCullough, O'Neal, Paskey, Sinclair, Spear, Walsh, Warren, Winchester, Mr. Speaker—33.

Members absent—Messrs. Cordrey, King—2.

The Clerk proceeded to read the journal of the previous session when Mr. Holliday moved that so much be considered the reading of the journal, and the journal be approved. Motion prevailed.

Communications: 3 for **HB 148**, 1 for **SCR 21**, 1 for **HB 91**, 2 for **HB 15**, 1 for **HB 364**; 1 against **HB 75**, 400 against **HB 413**.

The following communication was read and on further motion by Mr. Warren was ordered printed in the Journal in full:

THE STATE OF DELAWARE
OFFICE OF THE ATTORNEY GENERAL
Wilmington 33, Delaware

April 13, 1949

Mr. Harvey H. Lawson, Speaker
House of Representatives
Dover, Delaware

Dear Mr. Speaker:

I am in receipt of House Resolution No. 35 adopted by the House of Representatives of the 115th session of the Delaware General Assembly on April 11, 1949. By virtue of that Resolution, you request my opinion as to the validity of Par. 5413 of the Revised Code of Delaware, 1935, and the effect of said Paragraph upon the action of the present General Assembly upon any bills that may be considered and enacted into law without regard to the provisions of said Paragraph.

STATUTE IN QUESTION

Ch. 81 of 37 Laws of Delaware (1931) provides for the creation of a Board of Budget Directors, and Sec. 15 of said Act further provides:

"If 'The Budget Appropriation Bill' has not been finally acted upon before the fiftieth legislative day of the legislative session, it shall then be considered to the exclusion of all other bills until it is finally disposed of." (Reported in the Revised Code of Delaware, 1935, as Par. 5413.)

THE LAW

Constitutional Provisions

Sec. 1 of Art II of our State Constitution provides:

"The legislative power of this State shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives."

Elsewhere, at Sec. 9 of Art. II, it is stated:

"Each House may determine the rules of its proceedings, . . . and shall have all other powers necessary for a branch of the Legislature of a free and independent State."

Supremacy of Legislature

To the Legislative Department of Government is confided the authority under the Constitution to make, alter or repeal laws. The State Legislature possesses all legislative power, except such as has been delegated to Congress, and prohibited by the Constitution of the United States to be exercised by the United States, and such as is expressly or impliedly withheld by

the State Constitution from the State Legislature. The only limitations, therefore, upon the power of the Legislature, are those imposed by the State Constitution, the Federal Constitution, and the Treaties and Acts of Congress adopted and enacted under it. In the case of *Rice vs. Foster*, 4 Harr. 479, at p. 489, Chief Justice Booth stated:

"The making of laws is the highest act of sovereignty that can be performed in a free nation; and therefore the legislative power may be truly said to be the supreme power of a state."

The power of the Legislature is quite broad, but it has always been universally held that one Legislature may not restrict, limit or bind the power of its successors.

Harsha v. Detroit, 261 Mich. 586, 246 N.W. 848, 90 A.L.R. 853

Gonzales v. Sullivan, 16 Fla. Rep. 791

French v. Senate, Book 69 LRA 556

State ex rel. Anderson v. Brand (Ind.), 5 N.E. (2d) 531, 913, 110 A.L.R. 778

Talbott v. Independent School District, 230 Iowa 949, 299 N.W. 556, 137 ALR 234

(Par. 238) 2.—12 C.J. 806

This principle was very aptly stated by the Supreme Court of the United States in the case of *Woodruff v. Trapnall*, 10 How. 190, as follows:

"It is a principle controverted by no one, that, on general questions of policy, one Legislature cannot bind those which shall succeed it . . ."

In the case of *Stone vs. Mississippi*, 101 U.S. Rep. 814, at p. 820, the Court stated:

"But the power of governing is a trust committed by the people to the government, no part of which can be granted away. The people, in their sovereign capacity, have established their agencies for the preservation of the public health and the public morals, and the protection of public and private rights. These several agencies can govern according to their discretion, if within the scope of their general authority, while in power; but they cannot give away nor sell the discretion of those that are to come after them, in respect to matters the government of which, from the very nature of things, must 'vary with varying circumstances.'"

Rules of Procedure

Proper subjects of the rules of procedure have been defined as rules made by any legislative body as to the mode and manner of conducting the business of the body. They are intended for the orderly and proper disposition of the matters before it. Thus, what committees, and upon what subjects they shall be appointed; what shall be the daily order in which the business

shall be taken up; in what order certain motions shall be received and acted upon, and many other kindred matters. *Heiskell v. City of Baltimore*, (Ct. of Appeals of Md.) 4 Atl. 116. at p. 118.

Also, in the opinion of the Chief Justice of the Supreme Court of Georgia in the case of *South Georgia Power Co. v. Baumann*, 151 S.E. 513, at p. 515, the Court stated:

"But it is strenuously insisted that the ordinance is void because it was passed at a special called meeting of council and not read twice as required by the provisions of an ordinance contained in the Code of the city of Nashville, passed in 1919, as well as an ordinance passed in 1915, prescribing a rule for the passage of ordinances. Rules of procedure passed by one legislative body are not binding upon subsequent legislative bodies operating within the same jurisdiction. No legislative body can divest its successor of its legislative powers by passing ordinances or resolutions which deprive their successor of the power to exercise fully their legislative discretion. Each legislative body, when it meets, and unless restrained by the authority which created it, is without rules of procedure, and has inherent power to make its own rules without reference to the action of preceding bodies. Where a city council resolves that the rules of the prior council be adopted until a committee reports rules, the prior rules cease to be in force on the report of the committee."

See also 59 C.J., Par. 67B, p. 92.

Sec. 1, Art. II of the Constitution of the State of Delaware, *infra*, recognizes the right of each House to fix its own rules and mode of procedure in the performance of its duties. Each and every session of the General Assembly has the power vested in it to determine what legislation will be adopted, and the power to set the order in which it will consider such legislation, and without any interference or restraint attempted to be imposed by any antecedent General Assembly. This principle is inherent and deeply rooted in our constitutional form of government. In this connection, Chief Justice Booth, in the case of *Rice vs. Foster* above mentioned, stated:

"An act of the legislature directly repugnant to the nature and spirit of our form of government, or destructive of any of the great ends of the constitution, is contrary to its true intent and meaning; and can have no more obligatory force, than when it opposes some express prohibition contained in that instrument. It is irrational to maintain, that such an act is a law, when it defeats the very object and intention of granting legislative power."

OPINION

Sec. 15, 37 Laws of Delaware (1931) (Par. 5413 of the Revised Code of Delaware, 1935), in my opinion, was binding upon

that session of the General Assembly because the members thereof adopted it to govern their procedure. However, this provision is not binding upon any subsequent General Assembly.

Sec. 15 of the 1931 Act creating the Board of Budget Directors is but a rule of legislative procedure, incorporated in the Statute. It is an invitation to future Legislatures to readopt it and to adhere to it in dealing with the Budget Appropriation Bill, though future Legislatures are not bound to do so. It merely declares a rule of priority in considering budget appropriation bills. Since each house is empowered to determine the rules of procedure by which its operation shall be governed and controlled, it is within the regulatory power of each house to accept or reject such a rule of priority.

Sec. 15 of said Act can have no binding effect upon the rules to be adopted by subsequent Legislatures. Being a rule of procedure, it expired with the Legislature adopting it, unless readopted by future Legislatures.

It is my opinion that the 115th session of the General Assembly is not bound by the provisions of Sec. 15 of Ch. 81, 37 Laws of Delaware, adopted in 1931 (Par. 5413 of the Revised Code of Delaware, 1935). It is my further opinion that the 115th session of the General Assembly may proceed with the consideration and passage of other legislation prior to the ultimate passage and approval of the Budget Appropriation Bill.

Very truly yours,
ALBERT W. JAMES
Attorney General

AWJ:F

Mr. Warren moved that the House recess until 3:00 P. M. House met at expiration of recess at 4:05 P. M.

The following substitute bills (with titles the same as the original bills) were introduced, given first and second reading by title only and referred to committee as follows:

HS for **HB 534**, by Sinclair, to Education; **HS** for **HB 495**, by Bruno, to Judiciary and Crime; **HS** for **HB 336**, by Warren and Allen, to Revised Statutes; **HS** for **HB 403**, by Bryan, to Judiciary and Crime; **HS** for **HB 480**, by Cool, to Education.

On motion of Mr. Sinclair, **HS 2** for **HB 36**—"An Act to Amend Chapter 31 of the Revised Code of Delaware, 1935, as Amended, Relating to the Delaware State Board of Examiners in Optometry," was taken up for consideration and read a third time, by paragraphs, in order to pass the House.

Mr. Sinclair introduced **HA 1**, and on his further motion, Rules were suspended on the full reading of **HA 1**. On motion of Mr. Sinclair, **HA 1** was adopted.

Mr. Sinclair introduced **HA 2**, which on his further motion, was adopted.

Mr. Sinclair moved that the Rules be suspended on the full reading of **HS 2** for **HB 36**. Motion prevailed.

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

YEAS—Messrs. Armstrong, Bengier, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

ABSENT—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, King, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—17.

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

On motion of Mr. Sinclair the Rules were suspended so that the bills on this day were given the third and final reading by title and enacting clause only, unless otherwise requested by any member.

On motion of Mr. Bruno, **HB 348**—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' Relating to Death, Duty of Employer," was taken up for consideration and read a third time, by title only, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

ABSENT—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, King, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—17.

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

On motion of Mr. Bruno, **HB 349**—"An Act to Amend Chapter 175 of the Laws of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' by Extending the Provisions for Payments Thereunder of Occupational Diseases," was taken up for consideration and read a third time, by title only, in order to pass the House.

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

YEAS—Messrs. Armstrong, Bengier, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

ABSENT—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Cordrey, Hughes, King, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—17.

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

On motion of Mr. Bruno, **HB 350**—"An Act to Amend Chapter 175 of the Revised Code of Delaware, 1935, as Amended, Entitled 'Delaware Workmen's Compensation Law,' by Increasing the Provisions for Payments Thereunder," was taken up for consideration and read a third time, by title only, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NOT VOTING—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Hughes, Mabrey, Marvel, McCullough, O'Neal, Paskey, Spear, Walsh—15.

ABSENT—Messrs. Cordrey, King—2.

NAYS—None.

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

On motion of Mr. Bruno, **HB 351**—"An Act to Authorize the Industrial Accident Board to Transfer Certain Bonds Now Held by the Industrial Accident Board in Trust of Certain Insurance Carriers and Self-Insurers to the Insurance Commissioner of the State of Delaware," was taken up for consideration and read a third time, by title only, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NOT VOTING—Messrs. Allen, Blendt, Camper, Carey, Cochran, Collison, Cook, Hughes, Mabrey, McCullough, O'Neal, Paskey, Spear, Walsh—14.

ABSENT—Messrs. Cordrey, King, Marvel—3.

NAYS—None.

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

On motion of Mr. Sinclair, **HB 74**—"An Act Making Appropriations for the Payment of Temporary Increases in the Salaries of Certain Employees of the State for the Fiscal Years Ending June 30, 1950 and June 30, 1951, Respectively," was taken up for consideration and read a third time, by title only, in order to pass the House.

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

YEAS—Messrs. Armstrong, Benger, Bruno, Bryan, Calhoun, Cool, Donovan, Evans, Givan, Holliday, Jones, Kelton, Lee, Longbotham, Sinclair, Warren, Winchester, Mr. Speaker—18.

NOT VOTING—Messrs. Allen, Blendt, Carey, Cochran, Collison, Cook, Hughes, Mabrey, McCullough, O'Neal, Paskey, Spear, Walsh—13.

NAYS—Mr. Camper—1.

ABSENT—Messrs. Cordrey, King, Marvel—3.

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

MESSAGE FROM THE GOVERNOR
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER .

ELBERT N. CARVEL
GOVERNOR

April 14, 1949

To the Speaker of the House of Representatives
of the 115th General Assembly

Dear Mr. Speaker:

Will you please have the following message promptly read to the members of the House of Representatives:

It has come to my attention that the Attorney General has ruled that 5413, Section 15 of Chapter 158 of the Revised Code of Delaware, 1935, is not binding upon this Legislature. I would like to point out that when this law was passed in 1931 by the majority of both Houses of the Legislature, it was signed by the Governor of the State. Without the Governor's approval it would take at least 60% of the elected members of each House of the Legislature to make such a law. Although a majority of each House of the Legislature may make its own rules without regard to any Executive authority, it takes 60% of the members of each House of the Legislature to enact legislation into law without Executive approval. The Legislature has the opportunity to repeal 5413, Section 15 of Chapter 158 of the Revised Code of Delaware by following one of the above methods. The responsibility for ignoring this law must rest solely upon the members of the General Assembly who see fit to take such a course.

The opinion of the Attorney General is silent as to the binding effect of the provisions of Chapter 158 of the Revised Code upon the Executive Department. In this connection, attention should be given to the provisions of 5410, Section 12 of said Chapter which provides:

"General Assembly May Make Changes; Items Not to Be Decreased or Eliminated:—The General Assembly may increase, decrease or eliminate items in The Budget Appropriation Bill in any way that is not contrary to the Constitution of the State of Delaware, except as