

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Eskridge, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Lester, Livingston, Macklin, Maclary, Mattiford, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinsons, Wolf, Mr. Speaker Quigley—23.

NAYS—Messrs. Donovan, Layton, Smith—3.

ABSENT — Messrs. Deputy, Garton, Hastings, Massey, Snowden, Wood—6.

PRESENT—Messrs. Mayhew, Nechay, Queen—3.

HB 555 with **HA 1** and **HA 2** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Brogan moved that **HB 470**—"An Act to Amend Chapter 6, Title 9, Delaware Code, by Providing for a Maximum Annual Tax Rate for the Cost of Maintaining a Park or Recreational Area," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Donovan, Eskridge, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Deputy, Garton, Hastings, Massey, Snowden, Wood—6.

HB 470 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mrs. Tunnell moved that **SB 302**—"An Act to Appropriate Certain Funds to the State Board of Education for the Education, Training or Transportation of Handicapped Children," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mrs. Tunnell, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Hicks, T. S. Johnson, Lawson, Lester, Livingston, Macklin, Maclary, Mayhew, Pepper, Queen, Rowan, (Mrs.) Tunnell, Walls, Wolf—18.

NAYS—Messrs. Donovan, Keel, Layton, Smith—4.

NOT VOTING—Messrs. Mattiford and Wilkinson—2.

ABSENT — Messrs. Deputy, Garton, Hastings, Massey, Nechay, Shockley, Snowden, Wood—8.

PRESENT—Messrs. Eskridge, B. W. Johnson, Mr. Speaker Quigley—3.

SB 302 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

The House recessed at 3:15 P. M.

The Speaker called the House to order at 5:10 P. M.

The following amendment was introduced, given first and second reading by title only, and referred to committee: **HA 1** to **HB 629**, by Wolf; to Military Affairs.

Mr. Lawson moved that **HB 455**—"An Act to Amend Title 12, Delaware Code, in Respect to the Escheator," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Lawson, action was deferred.

The House recessed at 5:45 P. M.

The Speaker called the House to order at 9:15 P. M.

On motion of Mr. Wolf, **HA 1** to **HB 629** was withdrawn.

The following amendment was introduced, given first and second reading by title only, and referred to committee: **HA 2** to **HB 629**, by Wolf; to Military Affairs.

Mr. Maclary moved that **HCR 35**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Donovan, Eskridge, Garton, Hastings T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—28.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Hicks, B. W. Johnson, Massey, Smith, Wood—7.

HCR 35 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **SB 258**—"An Act to Amend Title 29, Chapter 25 of the Delaware Code Relating to Attorney General by Increasing the Salaries of the Attorney General, Chief Deputy Attorney General and Deputy Attorney Generals and to Provide for Additional Deputies," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, (Mrs.) Tunnell, Walls, Wilkinson—20.

NAYS—Messrs. Donovan, Hicks, T. S. Johnson, Lawson, Lester, Maclary, Smith, Snowden, Wolf, Mr. Speaker Quigley—10.

ABSENT — Messrs. Alexander, Deputy, Massey, Rowan, Wood—5.

SB 258 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Snowden, Section 2, Rule 1, was suspended.

Mr. Shockley moved that **SB 260** with **SA 1**—"An Act to Amend Chapter 87, Title 11 of the Delaware Code Relating to State Detectives by Providing for Their Appointment by the Attorney General, Fixing Their Salaries and Their Duties With Members of Police Forces to Serve Requisitions and be Pail Actual Expenses," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

— **YEAS** — Messrs. Bostick, Brogan, Clark, Eskridge, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—20.

NAYS—Messrs. Donovan, Garton, Hicks, T. S. Johnson, Lawson, Lester, Maclary, Smith, Snowden, Wolf—10.

ABSENT—Messrs. Alexander, Deputy, Massey, Wood—4.

PRESENT—Mr. Rowan—1.

SB 260 with **SA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Garton, **HS 1** for **HB 580** was adopted.

Mr. Garton, on behalf of Mr. Quigley, moved that **HS 1** for **HB 580**—"An Act to Amend Title 25, Delaware Code of 1953, Entitled "Property" by Adding a New Chapter Relating to Off Site Improvements to be Made in Connection With the Development of Real Property, Such as Installation of Streets, Curbs, Gutters, Sidewalks, Storm Sewers, Sanitary Sewers, Water Systems and Lines as Well as Community Recreational and Commercial Shopping Areas; Providing for the Issuance of Bonds by the State to Cover the Cost Thereof, and Regulating the Installation of Such Improvements," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Garton, action was deferred.

On motion of Mr. Maclary, Section 2 of Rule 1 was restored.

The House adjourned at 10:20 P. M. until 1:00 P. M., Thursday, June 16, 1955.

105TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:10 P. M., on Thursday, June 16, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkerson, Wood, Mr. Speaker Quigley—33.

Members absent—Messrs. Alexander and Wolf—2.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Mr. Donovan, on behalf of the Committee on Passed Bills, reported having delivered to the Governor for his approval, the following: June 10, 1955—**HS 1** for **HB 443** with **HA 1** and **HA 2**, **HB 503**, **HS 1** for **HB 561**, **HB 604**, **HCR 32**, **HCR 33**. June 13, 1955—**HB 369** with **HA 1**, **HB 622**, **HB 630**, **HB 615**, **HB 428**, **HB 260**, **HB 196**, **HB 117**.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 278** with **HA 1** and **HB 405** with **HA 1** over the Governor's veto, and that the Senate had passed and requested the concurrence of the House in: **SA 1** to **HCR 34**, and in the following concurrent resolution, which was given first and second readings by title only and referred to committee:

SCR 16—"Request to the Governor of the State of Delaware to Return House Substitute No. 1 for House Bill No. 228 for Reconsideration," to Rules.

The following bills were reported by the Committee on Insurance and Banking: **SB 75**, on merits; by the Committee on Public Health: **HS 1** for **HB 300**, 1 favorable, 3 on merits; **SB 28**, 3 favorable, 1 on merits; **SB 114**, 2 favorable, 2 on merits; **SB 442** with **SA 1**, 3 favorable, 1 on merits; by the Committee on Revenue and Taxation: **SB 326**, on merits; **HB 413**, on merits; **HB 420**, 4 favorable, 1 on merits; **HB 544**, on merits; **HB 603**, on merits.

Mr. Donovan moved that **SB 83**—"An Act to Appropriate Certain Monies to the Board of School Trustees of Millsboro School No. 23 for the Purpose of Restoring Certain Monies That Reverted to the General Fund," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Layton, Macklin, Maclary, Massey,

Mattiford, Mayhew, Nechay, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—22.

NAYS—Mr. Lawson—1.

NOT VOTING—Mr. Deputy—1.

ABSENT — Messrs. Alexander, Bostick, Clark, Garton, Hicks, B. W. Johnson, Lester Livingston, Pepper, Wilkinson, Wolf—11.

SB 83 having received the constitutional majority, passed the House and was ordered returned to the Senate.

At the request of Mr. Speaker Quigley, Mr. Donovan took over the Chair.

On motion of Mr. Macklin, **HB 221** was stricken from the calendar.

On motion of Mr. Wood, **HB 533** was stricken from the calendar.

On motion of Mr. Keel, **HB 178** was returned to committee.

On motion of Mr. Hastings, **HB 337** and **HB 338** were returned to committee.

On motion of Mrs. Tunnell, **SB 130**, **SB 131**, **SB 133**, and **SB 151** were restored to the calendar.

Mr. Lawson moved that **HB 455**—"An Act to Amend Title 12, Delaware Code, in Respect to the Escheator," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Deputy, Donovan, Eskridge, Hastings, Hicks, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wood—23.

NAYS—None.

ABSENT — Messrs. Alexander, Bostick, Clark, Garton, B. W. Johnson, Lester, Pepper, Queen, Smith, Wilkinson, Wolf, Mr. Speaker Quigley—12.

HB 455 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **SB 271**—"An Act Appropriating Funds to the Trustees of the Absalom Jones School, District 106, for the Current Fiscal Year on Account of Unanticipated Expenses for Fuel, Electric and Miscellaneous Expenses," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Deputy, Hastings, T. S. Johnson, Keel, Layton, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Rowan, Shockley, Walls—15.

Messrs. Eskridge and Livingston changed from yea to nay for purpose of reconsideration.

NAYS—Messrs. Eskridge, Lawson, Livingston, Wood—4.

ABSENT — Messrs. Alexander, Bostick, Clark, Garton, Hicks, B. W. Johnson, Lester, Pepper, Queen, Smith, Snowden, (Mrs.) Tunnell, Wilkinson, Wolf, Mr. Speaker Quigley—15.

PRESENT—Mr. Donovan—1.

SB 271 not having received the constitutional majority, was lost.

On motion of Mr. Eskridge, SB 271 was restored to the calendar.

Mr. Deputy moved that HB 532—"An Act to Amend Title 12, Delaware Code, Relating to Limitations on Claims Against Estates," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, T. S. Johnson, Keel, Macklin—4.

NAYS—Messrs. Deputy, Eskridge, Layton, Livingston, Maclary, Massey, Mattiford, Mayhew, Nechay, Rowan, Shockley—11.

NOT VOTING—Mrs. Tunnell—1.

ABSENT — Messrs. Alexander, Bostick, Clark, Garton, Hicks, B. W. Johnson, Lester, Pepper, Queen, Smith, Wilkinson, Wolf, Mr. Speaker Quigley—13.

PRESENT—Messrs. Donovan, Hastings, Lawson, Snowden, Walls, Wood—6.

HB 532 not having received the constitutional majority, was lost.

Mr. Shockley moved that SB 365—"An Act to Appropriate Certain Funds to the Bridgeville Special School District to Enable It to Purchase Certain Lands for Recreational Purposes," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Deputy, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson—20.

NAYS—None.

NOT VOTING — Messrs. Lawson, Maclary, Snowden, Wood—4.

ABSENT — Messrs. Alexander, Bostick, Clark, Garton, Hicks, B. W. Johnson, Lester, Pepper, Smith, Wolf, Mr. Speaker Quigley—11.

SB 365 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Shockley moved that **SB 306**—"An Act to Appropriate Certain Funds to the Selbyville School District to Enable It to Purchase Certain Lands Adjoining the Selbyville School Property," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Deputy, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Shockley, (Mrs.) Tunnell, Walls, Wilkinson—18.

NAYS—Messrs. Rowan and Wood—2.

NOT VOTING—Messrs. Clark, Lawson, Maclary, Snowden—4.

ABSENT—Messrs. Alexander, Bostick, Esridge, Hicks, B. W. Johnson, Lester, Pepper, Queen, Smith, Wolf, Mr. Speaker Quigley—11.

SB 306 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Macklin moved that **HB 377**—"An Act to Appropriate Funds to the State Board of Education for the Employment of a State Supervisor in Charge of the Recruitment, In-Service Training, and Placement of Teachers, and to Provide Secretarial Assistance and Travelling Allowance Therefor," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. T. S. Johnson, Lawson, Livingston, Snowden, Wood—5.

NAYS—Messrs. Deputy, Eskridge, Hastings, Layton, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls—14.

NOT VOTING—Messrs. Brogan, Maclary, Wilkinson—3.

ABSENT—Messrs. Alexander, Bostick, Garton, Hicks, B. W. Johnson, Lester, Queen, Snowden, Wolf, Mr. Speaker Quigley—10.

PRESENT—Messrs. Clark, Donovan, Keel—3.

HB 377 not having received the constitutional majority, was lost.

Mr. Shockley moved that **SB 317**—"An Act to Amend Chapter 17, Title 11 of the Delaware Code Relating to Bonds and Recognizances," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wood—23.

NAYS—Mr. Snowden—1.

ABSENT—Messrs. Alexander, Bostick, Garton, Hicks, B. W. Johnson, T. S. Johnson, Lester, Queen, Smith, Wolf, Mr. Speaker Quigley—11.

SB 317 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Mayhew moved that **SJR 3**—"Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson—22.

NAYS—Messrs. Snowden and Wood—2.

ABSENT—Messrs. Alexander, Bostick, Garton, Hicks, B. W. Johnson, Lawson, Lester, Queen, Smith, Wolf, Mr. Speaker Quigley—11.

SJR 3 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

On motion of Mr. Keel, the House rules were suspended.

The following concurrent resolution was reported by the Committee on Rules: **SCR 16**, favorably.

Mr. Keel moved that **SCR 16**—"Request to the Governor of the State of Delaware to Return House Substitute No. 1 for House Bill No. 228 for Reconsideration," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Lawson, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wood—24.

NAYS—None.

ABSENT—Messrs. Alexander, Bostick, Garton, Hicks, B. W. Johnson, Lester, Queen, Smith, Wilkinson, Wolf, Mr. Speaker Quigley—11.

SCR 16 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Keel, House rules were restored.

Mr. Clark moved that **SB 45**—"An Act to Amend Chapter 7, Title 24, Delaware Code, Regarding Chiropractice," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Clark, Deputy, Donovan, Hastings, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wood—22.

NAYS—None.

NOT VOTING—Mr. Brogan—1.

PRESENT—Mr. Eskridge—1.

ABSENT—Messrs. Alexander, Bostick, Garton, Hicks, B. W. Johnson, Lester, Queen, Smith, Wilkinson, Wolf, Mr. Speaker Quigley—11.

SB 45 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Deputy moved that SB 47—"An Act Authorizing the Payment of the Sum of \$186.30 to Everett Toomey, Jr., for Expenses Incurred as a Result of an Injury Received at the John M. Clayton School," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Clark, Deputy, Hastings, T. S. Johnson, Keel, Lawson, Layton, Maclary, Mattiford, Rowan, Shockley, Walls, Wilkinson—15.

NAYS—Messrs. Livingston, Macklin, Nechay, Pepper—4.

Messrs. Macklin and Pepper changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Massey, Mayhew, Mrs. Tunnell—3.

ABSENT—Messrs. Alexander, Bostick, Garton, Hicks, B. W. Johnson, Lester, Queen, Smith, Wolf, Mr. Speaker Quigley—10.

PRESENT—Messrs. Donovan, Eskridge, Snowden—3.

SB 47 not having received the constitutional majority, was lost.

On motion of Mr. Macklin, HB 373 was stricken from the calendar.

On motion of Mr. Pepper, HB 540 was returned to committee.

On motion of Mr. Rowan, HB 540 was stricken from the calendar.

The House recessed at 3:45 P. M.

The Speaker called the House to order at 5:00 P. M.

The Chair presented SA 1 to HCR 34.

Mr. Rowan moved that HCR 34 with SA 1—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four New Bills," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Mastings, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—26.

NAYS—Mr. Garton—1.

ABSENT — Messrs. Alexander, Bostick, Hicks, B. W. Johnson, T. S. Johnson, Massey, Wolf, Wood—8.

HCR 34 with **SA 1** having received the constitutional majority, passed the House.

Mr. Eskridge moved that **HB 322**—"An Act Appropriating Certain Sums to the State Park Commisison for Construction and Repair of Certain Facilities at Fort Delaware State Park," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Eskridge, Hastings, Hicks, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT—Messrs. Alexander, Bostick, Donovan, B. W. Johnson, T. S. Johnson, Wolf, Wood—7.

PRESENT—Mr. Garton—1.

HB 322 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House recessed at 5:30 P. M.

The Speaker called the House to order at 8:10 P. M.

The following concurrent resolution was introduced, given first and second readings by title only, and referred to committee:

HCR 37—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," by Smith; to Rules.

The following bills were reported by the Committee on Appropriations: **HB 101**, on merits; **HB 264**, 2 on merits, 2 favorable; by the Committee on Insurance and Banking: **SB 371**, favorably; **SB 393**, 4 on merits, 1 favorable; **SS 1** for **SB 424**, favorably; by the Committee on Miscellaneous: **SCR 15**, favorably.

Mr. Pepper moved that **SB 370**—"An Act to Amend Chapter 5, Title 17 of the Delaware Code Relating to Highways, Roads and Bridges With Regard to Trash in the Vicinity of Highways; Penalty," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, B. W. Johnson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wood—24.

NAYS—Messrs. Donovan, Lawson, Snowden—3.

ABSENT — Messrs. Alexander, Garton, Hicks, T. S. Johnson, Keel, Lester, Wolf—7.

PRESENT—Mr. Speaker Quigley—1.

SB 370 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Lawson moved that SB 243—"An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation: to Modify Definition of "Employer", to Change Definition of "Employing Unit", to Define "Work", to Provide Benefits in Case of Illness or Disability Under Certain Conditions, to Change Certain Disqualifications for Benefits, to Change Provisions Relating to Variations from the Standard Tax Rate to Provide for Order of Crediting Employer Contribution Payments and to Provide for Jeopardy Assessments," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Eskridge, action was deferred.

Mr. Pepper moved that SB 278—"An Act to Amend Section 3112 of Title 10 of the Delaware Code Relating to Service of Process on Non-Resident Owners, Operators or Drivers of Motor Vehicles," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Hastings, B. W. Johnson, Lawson, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wood—19.

NAYS—Messrs. Layton, Livingston, Mr. Speaker Quigley—3.

ABSENT — Messrs. Alexander, Eskridge, Hicks, T. S. Johnson, Keel, Lester, Macklin, Queen, Snowden, Wolf—10.

PRESENT—Messrs. Donovan, Garton, Smith—3.

SB 278 having received the constitutional majority, passed the House and was ordered returned to the Senate.

At the request of Mr. Speaker Quigley, Mrs. Tunnell took over the Chair.

On motion of Mr. Bostick, House rules were suspended.

Mr. Bostick moved that SCR 15—"Request to the Governor of the State of Delaware to Return Senate Bill Number 292 for Reconsideration," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Lawson, Layton, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wood—23.

NAYS—None.

ABSENT — Messrs. Alexander, Clark, Garton, Hicks, T. S. Johnson, Keel, Lester, Licingston, Queen, Snowden, Wolf, Mr. Speaker Quigley—12.

SCR 15 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Bostick, House rules were restored.

The House adjourned at 9:35 P. M. until 1:00 P. M., Friday, June 17, 1955.

106TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:10 P. M., on Friday, June 17, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Donovan, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—26.

Members absent — Messrs. Alexander, Deputy, Hicks, B. W. Johnson, Livingston, Massey, Mayhew, Wilkinson, Wolf—9.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Pursuant to **HCR 34**, the following bills were introduced, given first and second readings by title only and referred to committees as follows:

HB 631—"An Act Proposing a Certain Amendment to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary," by Massey; to Judiciary.

HB 632—"An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Regulations and Prohibitions Concerning Hunting and Trapping Devices and Methods," by Rowan and Queen; to Fish, Oysters and Game.

HB 633—"An Act to Amend Titles 16 and 30, Delaware Code, With Respect to Permits for Public Eating Places and Approval of Construction and Reconstruction of Buildings to be Used for Such Purpose," by Queen; to Public Health.

HB 634—"An Act to Amend Chapter 11, Title 12, Delaware Code, Entitled "Escheats", Declaring Abandoned Certain Money and Personal Property Held by Courts and Banking Organizations Which Have Been Unclaimed for Certain

Periods of Time and Appropriating the Same for the Use of the State of Delaware; Providing for the Return of Certain Such Property to the Person Entitled Thereto and the Assumption of Liability Therefor by the State of Delaware; Providing for the Publication of the Names of the Persons Entitled Thereto; Providing for the Suspension of Interest on Such Property and Requiring Certain Reports; Providing for the Suspension of the Statute of Limitations in Certain Cases; Providing for the Assessment of Certain Service Charges; Providing for Penalties and Making an Appropriation," by Donovan; to Appropriations.

Mr. Pepper moved that **SB 419**—"An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" by Abolishing the Delaware Commission for the Feeble Minded and Transferring Its Functions and Facilities of the State Board of Trustees of the Delaware State Hospital at Farnhurst," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Pepper, **HA 1** and **HA 2** were adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Eskridge, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Garton, Hicks, B. W. Johnson, Livingston, Massey, Mayhew, Wilkinson, Wolf—10.

PRESENT—Mr. Donovan—1.

SB 419 with **HA 1** and **HA 2** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

Mr. T. S. Johnson moved that **HB 261**—"An Act Making an Appropriation to The Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of White's Creek Between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to do All Things Necessary to Comply With the Requirements of the United States Government Relative to the State's Contribution to Said Government," was taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Nechay, Pepper, Queen,

Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—25.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Garton, Hicks, B. W. Johnson, Livingston, Massey, Mayhew, Wilkinson, Wolf—10.

HB 261 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Nechay moved that **SB 358**—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Affecting the Awarding of Contracts Without Bids," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Donovan, Hastings, T. S. Johnson, Layton, Macklin, Mattiford, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Mr. Speaker Quigley—15.

NAYS — Messrs. Donovan, Lawson, Lester, Maclary, Queen, Snowden, Wood—7.

Messrs. Donovan and Queen changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Garton and Keel—2.

ABSENT — Messrs. Alexander, Brogan, Deputy, Hicks, B. W. Johnson, Livingston, Massey, Mayhew, Wilkinson, Wolf—10.

PRESENT—Mr. Smith—1.

SB 358 not having received the constitutional majority, was lost.

Mr. Bostick, on behalf of Mr. Alexander, moved that **SB 30**—"An Act to Amend Chapter 7, Title 4 of the Delaware Code Entitled "Alcoholic Liquors" Permitting the Sale of Alcoholic Liquors, Wines and Beer During the Time of Certain Elections," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Mr. Walls—1.

NAYS — Messrs. Brogan, Clark, Donovan, Eskridge, Lawson, Layton, Macklin, Maclark, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Wood, Mr. Speaker—18.

Messrs. Brogan and Shockley changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. T. S. Johnson, Keel, Mattiford—3.

ABSENT — Messrs. Alexander, Deputy, Hicks, B. W. Johnson, Livingston, Massey, Mayhew, Wilkinson, Wolf—9.

PRESENT — Messrs. Bostick, Garton, Hastings, Lester
—4. **SB 30** not having received the constitutional majority, was lost.

On motion of Mr. Rowan, **HB 442**, **HB 619** and **HCR 8** were stricken from the calendar.

On motion of Mr. Hastings, **HB 337** and **HB 338** were stricken from the calendar.

On motion of Mr. Macklin, **HB 221** was stricken from the calendar.

The following bills were reported by the Committee on Military Affairs: **HA 2** to **HB 692**, 2 favorable, 2 on merits; by the Committee on Revised Statutes: **HB 400**, favorably.

Mr. Donovan moved that **SB 237**—"An Act Providing for Repairs, Replacements and Additions to the Boardwalk in the City of Rehoboth Beach, in Sussex County, and Appropriating Money Therefore," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Donovan, action was deferred.

The House recessed at 3:15 P. M.

The Speaker called the House to order at 4:30 P. M.

On motion of Mrs. Tunnell, **HB 334** was stricken from the calendar.

The following concurrent resolution was reported by the Committee on Rules: **HCR 37**, 3 favorably, 2 on merits.

On motion of Mr. Brogan, **HB 388** was returned to committee.

The House adjourned at 4:45 P. M. until 1:00 P. M., Monday, June 20, 1955.

107TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:35 P. M., on Monday, June 20, 1955.

Prayer by the Senate Chaplain, Rev. Van Cleaf.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—32.

Members absent—Messrs. Massey, Mattiford, Wood—3.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The House recessed at 1:40 P. M.

The Speaker called the House to order at 4:55 P. M.

The Chair announced he is about to sign the following: **HB 278** with **HA 1**, **HB 347** with **HA1**, **HB 534**, and **SB 57**, **SB 154**, **SB 219**, **SB 226**, **SB 227**, **SB 230**, **SB 258**, **SB 261**, **SB 284**, **SB 300**, **SB 411** with **SA 1**, **SB 426** with **HA 1** and **SB 448** with **HA 1**, **HA 2**, **HA 3**, **HA 4**, and **SA 1**.

On motion of Mr. Donovan, **SB 358** was restored.

The Secretary of the Senate informed the House that the Senate had concurred in **HB 156** with **HA 1**, **HB 157**, **HB 158** with **HA 1**, **HB 478**, **HB 609** and **HCR 35**, and that the Senate had passed and requested the concurrence of the House in **SA 1** to **HB 457**.

Mr. Rowan moved that **SB 364**—"An Act to Appropriate Certain Funds to the Board of Game and Fish Commissioners to Purchase Certain Lands Under Haven Lake in or Near Milford, Delaware," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—28.

NAYS—Mr. Wolf—1.

ABSENT — Messrs. Hicks, T. S. Johnson, Massey, Mattiford, Wood—5.

PRESENT—Mr. Donovan—1.

SB 364 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Shockley moved that **HB 605**—"An Act to Amend Subchapter II of Chapter 75 of Title 15 of the Delaware Code, Making All the Provisions of Title 15 Applicable to Municipal Elections Held in the City of Wilmington, Defining Political Parties, Providing Certification of Nominations, Device of Party, Ballot, Vacancies After Printing of Ballots and Contests of Elections," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—25.

NAYS—Messrs. Hicks, Lawson, Lester, Maclary, Snowden, Wolf—6.

ABSENT — Messrs. T. S. Johnson, Massey, Mattiford, Wood—4.

HB 605 having received the constitutional three-fifths majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 606**—"An Act to Amend the Charter of the City of Wilmington as Amended by Changing the Term of Office of Mayor and Certain Other Elected Officers of the Said City of Wilmington, by Reconstituting "The Council" and by Changing the Number of Elective Offices of Said City of Wilmington," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—25.

NAYS—Messrs. Hicks, Lawson, Lester, Maclary, Snowden, Wolf—6.

ABSENT — Messrs. T. S. Johnson, Massey, Mattiford, Wood—4.

HB 606 having received the constitutional three-fifths majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 607**—"An Act to Repeal Chapter 727, Volume 19, Laws of Delaware, and Any and All Laws Amendatory Thereto, and Pertaining to the Holding and Conducting of Municipal Elections in the City of Wilmington," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—25.

NAYS—Messrs. Hicks, Lawson, Lester, Maclary, Snowden, Wolf—6.

ABSENT — Messrs. T. S. Johnson, Massey, Mattiford, Wood—4.

HB 607 having received the constitutional three-fifths majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HS 1** for **HB 223** with **SA 1**—"An Act to Re-Incorporate the Town of Elsmere, New Castle County," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Layton, Macklin, Nechay, Pepper, Walls, Wilkinson—14.

NAYS—Messrs. Deputy, Hicks, Lawson, Lester, Livingston, Maclary, Shockley, Smith, Snowden, Wolf—10.

Messrs. Deputy and Shockley changed from yea to nay for purpose of reconsideration.

ABSENT — Messrs. T. S. Johnson, Massey, Mattiford, Wood—4.

PRESENT—Messrs. Clark, Keel, Mayhew, Queen, Rowan, Mrs. Tunnell, Mr. Speaker Quigley—7.

HS 1 for HB 223 with SA 1 not having received the constitutional three-fifths majority, was lost.

Mr. Shockley's motion that this bill be reconsidered at a later date, prevailed.

Mr. Livingston moved that HB 185—"An Act Amending Title 19, Delaware Code, Creating a State Commission Against Discrimination in Employment of Persons Because of Race, Creed, Color or National Origin," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Deputy, Garton, Hicks, B. W. Johnson, Lawson, Lester, Maclary, Queen, Rowan, Snowden, (Mrs.) Tunnell, Wilkinson, Wolf, Mr. Speaker Quigley—15.

NAYS—Messrs. Alexander, Eskridge, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Shockley, Walls—10.

Messrs. Livingston and Shockley changed from yea to nay for purpose of reconsideration.

ABSENT — Messrs. T. S. Johnson, Massey, Mattiford, Wood—4.

PRESENT—Messrs. Bostick, Clark, Donovan, Hastings, Keel, Smith—6.

HB 185 not having received the constitutional majority, was lost.

On motion of Mr. Livingston, HB 185 was restored to the calendar.

Mr. B. W. Johnson moved that SB 334 with SA 1, SA 2 and SA 3—"An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections and Nominations of Candidates," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. B. W. Johnson, SA 2 and SA 3 were adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Brogan, Clark, Deputy, Eskridge, Hastings, Layton, Livingston, Nechay, Pepper, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls—15.

NAYS—Messrs. Donovan, Garton, B. W. Johnson, Keel, Lawson, Lester, Macklin, Maclary, Queen, Wolf—10.

Messrs. B. W. Johnson and Macklin changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Snowden and Wilkinson—2.

ABSENT — Messrs. Hicks, T. S. Johnson, Massey, Mattiford, Wood—5.

PRESENT — Messrs. Bostick, Mayhew, Mr. Speaker Quigley—3.

SB 334 with SA 1, SA 2 and SA 3 not having received the constitutional majority, was lost.

On motion of Mr. B. W. Johnson, SB 334 with SA 1, SA 2 and SA 3 was restored to the calendar.

The following bill was reported by the Committee on Appropriations: SB 443 with SA 1, on merits.

On motion of Mr. Nechay, HB 574 was stricken from the calendar.

On motion of Mr. Brogan, HB 388 was stricken from the calendar.

On motion of Mr. Donovan, HS 1 for HB 484 was returned to committee.

On motion of Mr. Brogan, HB 562, HB 570 and HB 571 were stricken from the calendar.

Mr. Shockley moved that SB 87—"An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Qualifications and Selection of Auditors," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—None.

NAYS—Messrs. Alexander, Donovan, Eskridge, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—22.

NOT VOTING—Messrs. Brogan and Deputy—2.

ABSENT—Messrs. Garton, Hicks, T. S. Johnson, Lester, Massey, Mattiford, Wood—7.

PRESENT—Messrs. Bostick, Clark, Shockley, Smith—4.

SB 87 not having received the constitutional majority, was lost.

Mr. Nechay moved that SB 360—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Changing the Number of Mem-

bers Required for Concurrence in the Appointment of a Chief Engineer," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—23.

NAYS—Messrs. Lawson, Maclary, Snowden, Wolf—4.

ABSENT—Messrs. Garton, Hicks, T. S. Johnson, Lester, Massey, Mattiford, Wood—7.

PRESENT—Mr. Keel—1.

SB 360 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Nechay moved that SB 361—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Changing the Number of Members Required for a Quorum," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—23.

NAYS—Messrs. Lawson, Maclary, Snowden, Wolf—4.

ABSENT—Messrs. Garton, Hicks, T. S. Johnson, Lester, Massey, Mattiford, Wood—7.

PRESENT—Mr. Keel—1.

SB 361 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Nechay moved that SB 362—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Changing the Number of Members Required for Concurrence in the Appointment of a Secretary," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—23.

NAYS—Messrs. Lawson, Maclary, Snowden, Wolf—4.

ABSENT—Messrs. Garton, Hicks, T. S. Johnson, Lester, Massey, Mattiford, Wood—7.

PRESENT—Mr. Keel—1.

SB 362 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Mayhew, on behalf of Mr. Quigley moved that **HS 1** for **HB 580**—"An Act to Amend Title 25, Delaware Code of 1953, Entitled "Property" by Adding a New Chapter Relating to Off Site Improvements to be Made in Connection With the Development of Real Property, Such as Installation of Streets, Curbs, Gutters, Sidewalks, Storm Sewers, Sanitary Sewers, Water Systems and Lines as Well as Community Recreational and Commercial Shopping Areas; Providing for the Issuance of Bonds by the State to Cover the Cost Thereof, and Regulating the Installation of Such Improvements," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Macklin, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, Keel, Layton, Lester, Livingston, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—29.

NAYS—Messrs. Lawson and Wolf—2.

ABSENT — Messrs. T. S. Johnson, Massey, Mattiford, Wood—4.

HS 1 for **HB 580** with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Mayhew moved that **SB 75**—"An Act to Amend Title 14 of the Delaware Code by Providing for the Continued Employment of Employees in Districts That are Consolidated or Changed," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Mayhew, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—25.

NAYS—Mr. Lawson—1.

ABSENT—Messrs. Hicks, T. S. Johnson, Massey, Mattiford, Wood—5.

PRESENT—Messrs. Lester, Maclary, Snowden, Wolf—4.

SB 75 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

Mr. Macklin moved that **HB 629**—"An Act to Provide for Payments to Persons Who Served in the Armed Forces of the United States During the Period Beginning June 25, 1950, and Ending January 31, 1955, and to Designated Beneficiaries of Such Persons; to Recreate and Reestablish The Delaware Veterans' Military Pay Commission to Carry Out Certain Provisions of This Act; to Authorize the Selection of Assistants to Said Commissions; to Provide for a Review of Decisions Affecting Claims Made Under the Act; to Make Appropriations and to Authorize the Issuance of Bonds and Bond Anticipation Notes of the State of Delaware to Carry Out the Provisions of This Act; to Accept Federal Supplementary Funds for Said Purpose; and to Prescribe Penalties for Violations of the Provisions of This Act," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Mr Speaker Quigley—23.

NAYS—Messrs. Queen and Wilkinson—2.

Messrs. Queen and Wilkinson changed votes from yea to nay for purpose of reconsideration.

NOT VOTING—Mr. Lawson—1.

ABSENT—Messrs. Hicks, T. S. Johnson, Lester, Massey, Mattiford, Wood—6.

PRESENT—Messrs. Maclary, Snowden, Wolf—3.

HB 629 not having received the constitutional majority, was lost.

On motion of Mr. Queen, **HB 629** was restored to the calendar.

Mr. Donovan moved that **HB 167**—"An Act Making an Appropriation to Delaware State College to Provide for the Erection of Certain Buildings and for the Equipping and Furnishing Thereof," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Donovan, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Smith, Walls, Mr. Speaker Quigley—21.

NAYS—Messrs. Lawson, Livingston, Shockley, Snowden, (Mrs.) Tunnell, Wolf—6.

ABSENT—Messrs. Hicks, T. S. Johnson, Lester, Massey, Mattiford, Wood—6.

PRESENT—Messrs. Rowan and Wilkinson—2.

HB 167 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House adjourned at 7:20 P. M. until 1:00 P. M., Tuesday, June 21, 1955.

108TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:15 P. M., on Tuesday, June 21, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

Members absent—Messrs. Alexander and Wood—2.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in the following: **HB 19**, **HB 69**, **HB 154** with **HA 1**, **HB 175** with **HA 1**, **HB 186** with **HA 1** and **HA 2**, **HB 224**, **HB 252**, **HB 280**, **HB 281**, **HB 397**, **HB 406**, **HB 468**, **HS 1** for **HB 558**, **HB 583**, **HB 598**, **HB 617**, **HB 620**, and that the Senate had passed and requested the concurrence of the House in the following: **SCR 17**, **SS 1** for **SB 51**.

Mr. Deputy introduced the following resolution, which upon further motion by him was adopted: **HR 98**—"Authorizing Payment on Account to Attaches and Employees of the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly that the State Treasurer is hereby authorized and directed to pay to each attache and employee of the House, upon order of the Speaker and Chief Clerk of the House, the sum of Ten Dollars (\$10.00) for each legislative day of service by such employee since June 9th, 1955, the one hundredth legislative day.

The following bill was reported by the Committee on Appropriations: **HB 634**, 4 favorably, 1 on merits.

The Chair announced he is about to sign: **HB 156** with **HA 1**, **HB 157**, **HB 158** with **HA 1**, **HB 298** with **SA 1**, **HB 478**, **HB 609**, **HCR 34** with **SA 1** and **HCR 35**; also the following Senate Bills: **SB 45**, **SB 83**, **SB 260** with **SA 1**, **SB 278**; **SB 306**, **SB 317**, **SB 365**, **SB 370**, **SCR 15** and **SCR 16**.

On motion of Mr. Brogan, **HB 48** was stricken from the calendar.

On motion of Mr. Donovan, **HS 1** for **HB 484** was stricken from the calendar.

The House recessed at 3:25 P. M.

The Speaker called the House to order at 4:50 P. M.

On motion of Mr. Pepper, **HB 537** and **HB 539** were stricken from the calendar.

The following bills were reported by the Committee on Labor: **HS 1** for **HB 510**, 3 on merits, 1 favorably; by the Committee on Miscellaneous: **SB 475**, 2 unfavorable, 1 on merits.

On motion of Mr. Shockley, **HS 1** for **HB 300** was adopted.

Mr. Shockley moved that **HS 1** for **HB 300**—"An Act to Establish a Board on Mental Health Training and Research and Making an Appropriation Thereto," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Wolf, Mr. Speaker Quigley—25.

NAYS—None.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Livingston, Mattiford, Rowan, Walls, Wilkinson, Wood—10.

HS 1 for **HB 300** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Clark moved that **SB 28**—"An Act to Amend Title 24, Delaware Code, Entitled "Professions and Occupations" by Providing for the Examination and Registering of Physical Therapists," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wolf, Mr. Speaker Quigley—24.

NAYS—None.

NOT VOTING—Mr. Massey—1.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Mattiford, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wood—10.

SB 28 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Rowan moved that **SB 489**—"An Act to Amend Chapter 5, Title 7 of the Delaware Code Relating to Deer Hunting Licenses," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Garton, Hastings, Keel, Livingston, Massey—9.

NAYS — Messrs. Brogan, Eskridge, Lawson, Layton, Lester, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Wolf, Mr. Speaker Quigley—17.

Messrs. Rowan and Shockley changed from yea to nay for purpose of reconsideration.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Mattiford, (Mrs.) Tunnell, Walls, Wilkinson, Wood—9.

SB 489 not having received the constitutional majority, was lost.

Mr. Nechay moved that **SB 358**—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Affecting the Awarding of Contracts Without Bids," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Layton, Livingston, Macklin, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Mr. Speaker Quigley—19.

NAYS—Messrs. Lawson, Maclary, Snowden, Wolf—4.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Lester, Massey, Mattiford, (Mrs. Tunnell), Walls, Wilkinson, Wood—11.

PRESENT—Mr. Keel—1.

SB 358 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Hastings moved that **HB 528**—"An Act to Amend the Charter of the Town of Delmar, Chapter 182, Volume 45, Laws of Delaware, Relative to Sewer Rentals," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Donovan, Eskridge, Hastings, Layton, Livingston, Macklin, Pepper, Queen, Shockley, Smith—11.

NAYS—Messrs. Brogan, Clark, Deputy, Garton, Keel, Lawson, Lester, Mayhew, Nechay, Rowan, Mr. Speaker Quigley—11.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Massey, Mattiford, (Mrs.) Tunnell, Walls, Wilkinson, Wood—10.

PRESENT—Messrs. Maclary, Snowden, Wolf—3.

HB 528 not having received the constitutional majority, was lost.

Mr. Pepper moved that HB 348—"An Act Directing the State Highway Department to Erect and Construct a Spill Dam at Ingram Pond, Near Millsboro, in Sussex County; Appropriation," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Eskridge, Hastings, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Wolf, Mr. Speaker Quigley—21.

NAYS—Mr. Livingston—1.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Massey, Mattiford, (Mrs.) Tunnell, Walls, Wilkinson, Wood—10.

PRESENT—Messrs. Deputy, Donovan, Garton—3.

HB 348 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Pursuant to HCR 35, the following bill was introduced, given first and second readings by title only and referred to committee as follows:

HB 635—"An Act to Require the State Highway Department to Install Traffic Light Controls for Certain Fire Companies," by Maclary; to Private Corporations.

The House recessed at 5:50 P. M.

The Speaker called the House to order at 8:00 P. M.

The following substitute bill was introduced, given first and second readings by title only and referred to committee as follows:

HS 1 for HB 541—"An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General," by Quigley; to Private Corporations.

Mr. Lawson moved that HB 268—"An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing Civil Defense Equipment and for Other Purposes Authorized by the Federal Civil Defense Matching Fund Program," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Maclary, action was deferred.

Mr. B. W. Johnson moved that SB 467—"An Act to Amend Chapter 1, Title 14 of the Delaware Code Relating to School Board Elections," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Garton, T. S. Johnson, Lawson, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wolf, Mr. Speaker Quigley—22.

NAYS—None.

NOT VOTING—Messrs. Eskridge and Wilkinson—2.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Smith, (Mrs.) Tunnell, Walls, Wood—8.

PRESENT—Messrs. Donovan, B. W. Johnson, Keel—3.

SB 467 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Donovan, the House rules were suspended.

Mr. Donovan moved that **HB 634**—"An Act to Amend Chapter 11, Title 12, Delaware Code, Entitled "Escheats", Declaring Abandoned Certain Money and Personal Property Held by Courts and Banking Organizations Which Have Been Unclaimed for Certain Periods of Time and Appropriating the Same for the Use of the State of Delaware; Providing for the Return of Certain Such Property to the Person Entitled Thereto and the Assumption of Liability Therefor by the State of Delaware; Providing for the Publication of the Names of the Persons Entitled Thereto; Providing for the Suspension of Interest on Such Property and Requiring Certain Reports; Providing for the Suspension of the Statute of Limitations in Certain Cases; Providing for the Assessment of Certain Service Charges; Providing for Penalties and Making an Appropriation," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, B. W. Johnson, Keel, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wilkinson, Wolf, Mr. Speaker Quigley—23.

NAYS—Mr. Lawson—1.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Lester, Maclary, Smith, (Mrs.) Tunnell, Walls, Wood—10.

PRESENT—Mr. T. S. Johnson—1.

HB 634 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Donovan, House rules were restored.

Mr. Wilkinson moved that **HB 610**—"An Act to Provide for State Supported Salary Schedules for the Biennium Beginning July 1, 1955 and Ending June 30, 1957, for Employees of the State Board of Education, the State Board for Vocational Education, and the Board of Public Education

in Wilmington Who are Not Covered by the Salary Schedules in Title 14, Chapter 13, Delaware Code, and to Provide Appropriation Therefor," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Wilkinson, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, B. W. Johnson, T. S. Johnson, Keel, Lawson, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wilkinson, Wolf, Mr. Speaker Quigley—26.

NAYS—None.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Lester, Smith, (Mrs.) Tunnell, Walls, Wood—9.

HB 610 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Mayhew moved that **HB 480**—"An Act Authorizing and Directing the State Highway Department to Install a Traffic Control Light at the Intersection of North Walnut Street and State Route No. 14 in the City of Milford, Kent County, Delaware," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, T. S. Johnson, Keel, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Wilkinson, Mr. Speaker Quigley—20.

NAYS—Messrs. Lawson, Livingston, Snowden, Wolf—4.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Lester, Smith, (Mrs.) Tunnell, Walls, Wood—9.

PRESENT—Messrs. B. W. Johnson and Maclary—2.

HB 480 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Massey moved that **SB 428** with **SA 1**—"An Act to Amend Chapter 96, Title 9, of the Delaware Code Relating to Fees Charged by the Recorder of Deeds in Kent and Sussex Counties," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, B. W. Johnson, T. S. Johnson, Keel, Lawson, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wilkinson, Wolf, Mr. Speaker Quigley—25.

NAYS—Mr. Livingston—1.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Lester, Smith, (Mrs.) Tunnell, Walls, Wood—9.

SB 428 with SA 1 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Massey moved that SB 312—"An Act to Amend Chapter 21, Title 12 of Delaware Code Relating to Order of Preference of Claims Against Estates," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Garton, action was deferred.

Mr. Massey moved that SB 323—"An Act to Amend Chapter 21, Title 12 of the Delaware Code, Relating to Limitations of Claims Against Estates," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, B. W. Johnson, T. S. Johnson, Keel, Lawson, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wilkinson, Wolf, Mr. Speaker Quigley—25.

NAYS—Mr. Livingston—1.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Lester, Smith, (Mrs.) Tunnell, Walls, Wood—9.

SB 323 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Massey moved that SB 324—"An Act to Amend Chapter 23 Title 12 of the Delaware Code, Relating to Widows' Allowance," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, B. W. Johnson, T. S. Johnson, Keel, Lawson, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wilkinson, Wolf, Mr. Speaker Quigley—25.

NAYS—Mr. Livingston—1.

ABSENT—Messrs. Alexander, Hastings, Hicks, Layton, Lester, Smith, (Mrs.) Tunnell, Walls, Wood—9.

SB 324 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Massey moved that SB 325—"An Act to Amend Chapter 3, Title 10, Delaware Code, Relating to the General Jurisdiction and Powers of the Court of Chancery With Reference to Compelling Appearance of Non-Resident Defendants," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, B. W. Johnson, T. S. Johnson, Lawson,

Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Wilkinson, Mr. Speaker Quigley—21.

NAYS—Messrs. Livingston and Snowden—2.

ABSENT — Messrs. Alexander, Hastings, Hicks, Keel, Layton, Lester, Smith, (Mrs.) Tunnell), Walls, Wood—10.

PRESENT—Messrs. Donovan and Wolf—2.

SB 325 having received the constitutional majority, passed the House and was ordered returned to the Senate.

The following bill was reported by the Committee on Municipal Corporations: **HB 460**, 4 favorable, 1 on merits.

The Chair announced he is about to sign the following House Bills: **HB 19**, **HB 69**, **HB 154** with **HA 1**, **HB 175** with **HA 1**, **HB 186** with **HA 1** and **HA 2**, **HB 224**, **HB 232**, **HB 280**, **HB 281**, **HB 397**, **HB 406**, **HB 468**, **HS 1** for **HB 558**, **HB 583**, **HB 598**, **HB 617**, **HB 620**.

The following communication from the Governor was delivered to the House:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, June 20, 1955

To the House of Representatives of the State of Delaware:

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

June 14, 1955, House Substitute No. 1 for House Bill No. 576 as amended with H. A. No. 1—An Act Providing for a Park Police Pension Fund for Members of the Park Police of the iCty of Wilmington.

June 15, 1955—House Bill No. 260—An Act Authorizing and Directing the Secretary of State of the State of Delaware to Convey Any Interest in Certain Real Property in Baltimore Hundred, Sussex County, Delaware, Which May Have Escheated or be Subject to Escheat to the State of Delaware.

June 20, 1955, Senate Bill 454—An Act to Amend Chapter 17, Title 9, Delaware Code Relating to Employees Pensions in New Castle County.

June 20, 1955, House Bill 364—An Act to Amend Title 11, Delaware Code, Relating to the Crimes of Embezzlement, Receiving of Embezzled Goods and Larceny.

June 20, 1955, House 417 as amended with H. A. No. 1 and S. A. No. 1—An Act to Amend Chapter 1, Title 4, Delaware Code, Entitled "Alcoholic Liquors", by Changing Definition of "Importer".

June 20, 1955, House Substitute No. 1 for House Bill No. 561—An Act to Amend Chapter 13, Title 24, Delaware Code, by Revising the Provisions for the Licensing and Regulation of Private Detetcives and Detective Agencies.

Respectfully submitted,

J. CALEB BOGGS, Governor

The House adjourned at 10:00 P. M. until 1:00 P. M., Wednesday, June 22, 1955.

109TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:05 P. M., on Wednesday, June 22, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—32.

Members absent—Messrs. Donovan, Hicks, Massey—3.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The following bills were reported by the Committee on Private Corporations: **HS 1** for **HB 541**, favorably; **HB 635**, 4 favorable, 1 on merits; by the Committee on Public Health: **HB 633**, on merits; **SB 447**, on merits.

On motion of Mr. Shockley, **SB 30** was restored to the calendar.

On motion of Mr. Queen, **HB 462** and **HB 563** were stricken from the calendar.

The Chair ordered the following spread upon the Journal:

STATE OF DELAWARE EXECUTIVE DEPARTMENT

June 21, 1955

To the House of Representatives of the State of Delaware:

On June 13, 1955, I received House Bill 369 with House Amendment No. 1, entitled:

AN ACT TO AMEND CHAPTER 1, TITLE 15 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY.

I respectfully return this Bill herewith without my approval.

This Bill seeks to rip out the Department of Elections for Sussex County and replace it with a new Department, the members of which are named in the Bill. The powers and functions of the proposed Department are identical with those of the present Department. It is therefore concluded that partisan political advantage is the sole objective.

This Bill coupled with Senate Bill No. 255 and House Bill No. 405 as amended, completes a remarkable picture of partisan politics. The members of a political party which recently won important elections in each county of our State, now seek without justifiable cause to remove each of the administrative bodies which conducted such elections by means of legislation which is contrary to their party platform and to the announced desires of their own leaders. Neither a desire to obtain control over the handful of jobs involved nor the insecurity that seems to go with dependence on political patronage can justify such disregard for statutory government.

Much that was said about the other election department ripper bills also applies to this bill.

The Department of Elections for Sussex County has done an excellent job of administering the registration and election laws of the State in the best interest of the public and through a difficult period of transition from paper ballots to voting machines. Again it may be said that such public service deserves commendation rather than summary dismissal.

There is no justification for depriving the Governor of the right to appoint the members of administrative and executive bodies by enacting legislation naming the members of such a body. Those favoring the Bill themselves reveal this to be true by providing that the power to make such appointments shall be returned to the Governor in 1959.

Meanwhile the Bill grants the Levy Court of Sussex County the right to fill vacancies which may occur in the department prior to the expiration of the initial terms in 1959. Since this is the only power granted the Levy Court in regard to the selection of the members of this Department of Elections, it is assumed that the purpose of such provision can only be political.

With differing composition, terms of office and appointing authorities, it can hardly be expected that the reconstituted Departments of Election will accomplish a uniform administration of the election laws. The many differences between the bills replacing the three departments seem to indicate a greater desire to remove existing administrative authorities than to improve the administration of the laws.

The abolition of properly functioning public agencies solely in an effort to acquire political advantage rightly deserves and will surely receive public condemnation.

Respectfully submitted,

J. CALEB BOGGS, Governor

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, June 22, 1955

To the House of Representative of the State of Delaware:

On June 10, 1955, I received House Bill No. 604, entitled:
**AN ACT TO AMEND SUBCHAPTER XXXI,
CHAPTER 3, TITLE 11, DELAWARE CODE,
PERTAINING TO LOTTERIES, GAMBLING AND
BETTING, AND RELATING TO BINGO GAMES
CONDUCTED BY VOLUNTEER FIRE COMPAN-
IES, VETERANS' ORGANIZATIONS, RELIGIOUS
OR CHARITABLE ORGANIZATIONS OR FRA-
TERNAL SOCIETIES.**

I respectfully return herewith this Bill without my approval.

The Bill seeks to permit the operation of bingo games by religious and charitable groups and by certain other specified non-profit organizations.

The method used in an attempt to permit this presently illegal activity is a series of amendments to the anti-gambling laws which provide in effect that the penalties provided by law for gambling shall not apply to bingo games conducted by certain organizations under the limitations specified in the Bill.

Article 2, Section 17 of the Constitution of the State of Delaware provides:

"Section 17. Lotteries. The sale of Lottery Tickets, pool selling and all other forms of gambling are prohibited in this State; except wagering or betting on races at race tracks by the use of pari-mutuel machines or totalizators in connection therewith. "The General Assembly shall enforce this Section by appropriate legislation."

The General Assembly is thus required by the Constitution to enforce this particular section of the Constitution. There is no other section of our Constitution which gives a more definite duty to the General Assembly. Previous sessions of the General Assembly have fulfilled that Constitutional duty by enacting the laws which this Bill seeks to circumvent. As amended by this Bill the anti-gambling statutes would not accomplish what the Constitution requires them to accomplish.

Our Constitution guarantees certain basic rights to every citizen of Delaware. In addition it imposes many duties and limitations upon the executive, the judicial and the legislative branches of our State Government.

The basic law as contained in our Constitution includes various protections for the benefit of all the people against the invasion of our liberties by others or by the various branches of our government. No one part of our Constitution is of greater legal effect than another part and we are all bound by each provision thereof.

Because it is sometimes desirable to change some of the provisions of the Constitution, provision is made by which our Constitution may be amended by a two-thirds vote of the elected members in each house of two successive General Assemblies.

Those who drew up and adopted our Constitution thus protected the citizens from a possible hasty and ill-considered amendment to our basic law while simultaneously recognizing the possible need for changes in the public interest. Those who framed our Constitution also saw fit to include an anti-gambling section among the few criminal provisions contained in the Constitution.

I know that a great many people feel that the anti-gambling provision is undesirable insofar as it applies to the game of bingo, but I cannot approve a deliberable attempt at circumvention of an express provision of the Constitution. If any provision of our Constitution may be nullified in this fashion, so also could the most basic safeguards of our law.

I have several times publicly advocated a constitutional amendment which would permit the citizens of each county to decide whether or not they desire to permit bingo subject to specific safeguards. Such an amendment would be in accordance with proper constitutional procedure and would permit the people to express their preference in a binding manner. Furthermore, a referendum to be provided for in a constitutional amendment would be in substantial accord with the announced promises of both of our major political parties as expressed in their platforms.

I again recommend a constitutional amendment with respect to bingo and in so doing point out that this is the only legal and proper way to amend our Constitution. I also direct your attention to the fact that such a constitutional amendment is still pending in the House of the General Assembly.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Mattiford moved that **HB 101**—"An Act to Appropriate Funds to the State Development Department for the Preparation and Publication of a State Information Booklet," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, Keel, Lawson, Layton, Lester, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—24.

NAYS—Messrs. Livingston and Snowden—2.

ABSENT—Messrs. Donovan, Garton, Hicks, B. W. Johnson, T. S. Johnson, Maclary, Massey, Rowan, Wilkinson—9.

HB 101 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Wood moved that **HB 413**—"An Act to Amend Title 30, Delaware Code, Entitled "State Taxes" to Permit the Prepayment of State Income Taxes in Lieu of Withholding," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Clark, Deputy, Lawson, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—18.

NAYS—Messrs. Alexander, Bostick, Brogan, Eskridge, Layton, Pepper, Smith—7.

NOT VOTING—Mr. Hastings—1.

ABSENT—Messrs. Donovan, Garton, Hicks, B. W. Johnson, T. S. Johnson, Massey, Rowan, Wilkinson—8.

PRESENT—Mr. Keel—1.

HB 413 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Hastings moved that **HB 582**—"An Act to Amend the Charter of the Town of Delmar, Chapter 182, Volume 45, Laws of Delaware, Relative to the Compensation of Certain Officers," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—26.

NAYS—Mr. Livingston—1.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Massey, Rowan, Wilkinson—8.

HB 582 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Clark moved that **SB 442** with **SA 1**—"An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to State Board of Health by Providing for Establishment of Optometric Clinics, and Providing for an Appropriation Therefore," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—26.

NAYS—None.

ABSENT — Messrs. Donovan, Garton, Hicks, B. W. Johnson, T. S. Johnson, Massey, Rowan, Smith, Wilkinson—9.

SB 442 with **SA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Alexander moved that **SB 248**—"An Act to Amend Chapter 5 Title 4 of the Delaware Code Relating to License Fees for Sale of Alcoholic Liquors," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—26.

NAYS—None.

ABSENT — Messrs. Donovan, Garton, Hicks, B. W. Johnson, T. S. Johnson, Massey, Rowen, Snowden, Wilkinson—9.

SB 248 having received the constitutional majority, passed the House and was ordered returned to the Senate.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 450** with **HA 1**, **HS 1** for **HB 559**, and that the Senate had concurred in overriding the Governor's veto of **HS 1** for **HB 361**.

The Chair presented the following Senate bills, which were given first and second readings by title only, and referred to committees as follows:

SS 1 for **SB 51**—"An Act to Amend Section 4 of Article 2 of the Constitution of the State of Delaware Relating to the Time of Meetings of the General Assembly," to Rules.

SA 1 to **HB 457**—"An Act Amending Chapter 152, Volume 48, Laws of Delaware, Being An Act Entitled "An Act Changing the Name of the 'Town of Newark' to the 'City of Newark' and Establishing a Charter Therefor" by Amending the Pro-

visions Pertaining to the Fiscal Year, Budget, Audit, and Financial Statement, and by Providing a Deadline for the Establishment of the Tax Rate and Adoption of the Budget in Each Year," by Wolf; to Municipal Corporations.

SCR 17—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of Certain Bills," to Rules.

The House recessed at 3:00 P. M.

The Speaker called the House to order at 4:05 P. M.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following concurrent resolution, which was presented by the Chair, given first and second readings, by title only, and referred to committee as follows:

SCR 18—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," to Rules.

The Chair announced he is about to sign the following Senate Bills and Joint Resolution: **SJR 3** with **HA 1**, **SB 28**, **SB 75**, **SB 156** with **HA 1** and **HA 2**, **SB 302** with **HA 1**, **SB 323**, **SB 324**, **SB 325**, **SB 358**, **SB 360**, **SB 361**, **SB 362**, **SB 364**, **SB 467**.

On motion of Mr. Keel, **HB 178** was stricken from the calendar.

Mr. Pepper moved that **SB 414**—"An Act to Amend Chapter 65, Title 29 of the Delaware Code Relating to Expenditures by State Agencies in Excess of Appropriations," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Pepper, action was deferred.

Mr. Pepper moved that **SB 425**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to the Right of the General Assembly to Require Attendance and Production of Records and to Administer Oaths and Affirmations and Providing Penalties for Failure to Comply," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—25.

NAYS—None.

ABSENT — Messrs. Alexander, Donovan, Hicks, B. W. Johnson, T. S. Johnson, Livingston, Massey, Mayhew, Rowan, Wilkinson—10.

SB 425 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Pepper moved that **SB 430**—"An Act to Amend Chapter 89, Title 10 of the Delaware Code Relating to Jurors and Witnesses," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Livingston, Massey, Rowan, Wilkinson—8.

SB 430 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Queen moved that **HB 402**—"An Act to Amend Title 9, Delaware Code, Entitled "Counties" in Regard to Appropriations by the Levy Court of Kent County for the Indigent Sicks," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Hastings, Nechay, Queen—3.

NAYS—Messrs. Alexander, Bostick, Garton, Keel, Layton, Macklin, Mattiford, Mayhew, Pepper, Smith, Walls—11.

NOT VOTING — Messrs. Brogan, Eskridge, Maclary, Shockley, Snowden, (Mrs.) Tunnell, Wolf, Wood—8.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Livingston, Massey, Rowan, Wilkinson—8.

PRESENT—Messrs. Clark, Deputy, Lawson, Lester, Mr. Speaker Quigley—5.

HB 402 not having received the constitutional majority, was lost.

Mr. Queen moved that **HB 515**—"An Act to Amend Chapter 7, Title 19, Delaware Code, Relating to Employment Practices by Forbidding Employers to Charge Individuals a Fee for Medical Examination and Records as a Condition of Employment," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Livingston, Queen—3.

NAYS — Messrs. Alexander, Bostick, Clark, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—22.

NOT VOTING—Mr. Shockley—1.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Lester, Massey, Rowan, Wilkinson—8.

PRESENT—Mr. Deputy—1.

HB 515 not having received the constitutional majority, was lost.

Mr. Lawson moved that **HB 316**—"An Act Authorizing the Mayor and Council of Wilmington to Create a Department of Motor Vehicles, Outlining the Powers and Duties Thereof, and providing Personnel Therefor," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—27.

NAYS—Mr. Brogan—1.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Massey, Rowan, Wilkinson—7.

HB 316 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Deputy moved that **SB 49**—"An Act Authorizing a Rebate of an Overpayment by Murray's Feed Service, Inc., of the Feed Tonnage Tax in the Years 1951 and 1952," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Massey, Rowan, Snowden, Wilkinson—8.

SB 49 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Deputy moved that **SB 89**—"An Act Authorizing the Payment of the Sum of \$150.00 to Louis Slater for Expenses Incurred as a Result of an Injury Received at the Harrington School," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Keel, Pepper, Snowden, Walls—8.

NAYS — Messrs. Deputy, Eskridge, Garton, Hastings, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Nechay, Queen, Shockley, Smith, (Mrs.) Tunnell, Wolf, Mr. Speaker Quigley—17.

NOT VOTING—Mr. Mattiford—1.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Massey, Mayhew, Rowan, Wilkinson, Wood—9.

SB 89 not having received the constitutional majority, was lost.

The House recessed at 5:05 P. M.

Mr. Queen, upon request of Mr. Speaker Quigley, called the House to order at 7:30 P. M.

The following bill was reported by the Committee on Fish, Oysters and Game: HB 632, favorably.

Mr. Pepper moved that SB 214 with SA 1—"An Act to Amend Title 24, Delaware Code of 1953 by Providing for a State Licensing Board for General Building Contractors," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Pepper, HA 2 was adopted.

On motion of Mr. Pepper, action was deferred until Thursday, June 23, 1955, and it will be first on the agenda for consideration.

The House adjourned at 8:50 P. M. until 1:00 P. M., Thursday, June 23, 1955.

110TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:20 P. M., on Thursday, June 23, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—30.

Members absent — Messrs. Alexander, Garton, Keel, (Mrs.) Tunnell, Wood—5.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Mr. Pepper moved that SB 214 with SA 1 and HA 2—"An Act to Amend Title 24, Delaware Code of 1953 by Providing for a State Licensing Board and General Building Contractors," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Clark, Eskridge, Hastings, Lawson, Layton, Macklin, Queen, Rowan, Shockley, Snowden, Walls, Wolf—12.

Messrs. Brogan, Maclary and Pepper changed from yea to nay for purpose of reconsideration.

NAYS—Messrs. Bostick, Brogan, Donovan, Hicks, Livingston, Maclary, Massey, Mayhew, Nechay, Pepper, Smith—11.

NOT VOTING—Mr. T. S. Johnson—1.

ABSENT — Messrs. Alexander, Deputy, Garton, B. W. Johnson, Keel, Lester, Mattiford, (Mrs.) Tunnell, Wilkinson, Wood—10.

PRESENT—Mr. Speaker Quigley—1.

SB 214 with SA 1 and HA 2 not having received the constitutional majority, was lost.

On motion of Mr. Pepper, SB 214 with SA 1 and HA 2 was restored to the calendar.

The Secretary of the Senate informed the House that the Senate had concurred in HS 1 for HB 115, HB 215, HB 389 and HB 474; and that the Senate had passed and requested the concurrence of the House in the following bills and concurrent resolution, which were presented by the Chair, given first and second readings by title only and referred to committees as follows:

SB 383—"An Act to Amend Chapter 21, Title 19 of the Delaware Code Relating to Payments by the Industrial Accident Board to Physicians," to Labor.

SS 1 for SB 438—"An Act to Amend Title 19, Delaware Code, Entitled "Labor" by Providing for a Department of Labor, Outlining Its Powers and Duties; Abolishing the Labor Commission of Delaware, and Appropriating Funds," to Labor.

SCR 19—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," to Miscellaneous.

Mr. Donovan moved that SB 271—"An Act Appropriating Funds to the Trustees of the Absalom Jones School, District 106, for the Current Fiscal Year on Account of Unanticipated Expenses for Fuel, Electric and Miscellaneous Expenses," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Eskridge, Hastings, Hicks, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wolf, Mr. Speaker Quigley—25.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Garton, B. W. Johnson, Keel, Mattiford, (Mrs.) Tunnell, Wilkinson, Wood—9.

PRESENT—Mr. Donovan—1.

SB 271 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Macklin, HS 1 for HB 548 was adopted.

Mr. Macklin moved that **HS 1** for **HB 548**—"An Act to Amend An Act Entitled, "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds", Being Chapter 212, Volume 25, Laws of Delaware, as Amended Relative to the Election of the Commissioners of Bethany Beach," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Donovan, Eskridge, Hastings, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wolf, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Garton, Hicks, B. W. Johnson, Keel, Mattiford, Pepper, (Mrs.) Tunnell, Wilkinson, Wood—11.

HS 1 for **HB 548** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Donovan moved that **SB 452**—"An Act to Appropriate Certain Funds to the Trustees of the Hockessin School District," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Eskridge, Hastings, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Walls, Wolf, Mr. Speaker Quigley—23.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Garton, Hicks, B. W. Johnson, Keel, Mattiford, (Mrs.) Tunnell, Wilkinson, Wood—10.

PRESENT—Messrs. Donovan and Smith—2.

SB 452 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Donovan moved that **SB 297**—"An Act to Appropriate Funds to the Delaware Commission of Shell Fisheries for the Purchase of a Motorboat," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Donovan, Eskridge, Hastings, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, Wolf, Mr. Speaker Quigley—23.

NAYS—Messrs. Smith and Walls—2.

ABSENT — Messrs. Alexander, Deputy, Garton, Hicks, B. W. Johnson, Keel, Mattiford, (Mrs.) Tunnell, Wilkinson, Wood—10.

SB 297 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Donovan moved that **SB 269**—"An Act Making an Emergency Appropriation to the State Park Commission of Delaware to Enable the Said Commission to Open Brandywine Springs Park," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Donovan, Eskridge, Hastings, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wolf, Mr. Speaker Quigley—26.

NAYS—None.

ABSENT — Messrs. Alexander, Deputy, Garton, Hicks, B. W. Johnson, Keel, (Mrs.) Tunnell, Wilkinson, Wood—9.

SB 269 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Donovan moved that **SB 443** with **SA 1**—"An Act to Appropriate Certain Funds to the Delaware Commission of Shell Fisheries for the Payment of Salary Increases to Oyster Wardens," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Donovan, **HA 1** was adopted.

On motion of Mr. Macklin, action was deferred.

Mr. Donovan moved that **SB 268**—"An Act Appropriating Money to the State Park Commission of Delaware for Capital Improvements and Equipment at Brandywine Springs Park," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Macklin, action was deferred.

On motion of Mr. Rowan, **SB 489** with **HA 1** was restored to the calendar.

The House recessed at 3:30 P. M.

The Speaker called the House to order at 5:10 P. M.

The following bills and concurrent resolution were reported by the Committee on Judiciary: **HB 631**, 2 on merits, 1 favorable; by the Committee on Temperance: **SB 390**, 3 favorable, 1 on merits; **SCR 19**, on merits.

The House recessed at 5:20 P. M.

The Speaker called the House to order at 7:55 P. M.

Mr. Maclary moved that **HB 635**—"An Act to Require the State Highway Department to Install Traffic Light Controls for Certain Fair Companies," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Donovan, Eskridge, Hastings, B. W. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—23.

NAYS—None.

ABSENT — Messrs. Alexander, Clark, Deputy, Garton, Hicks, T. S. Johnson, Keel, Mattiford, Mayhew, Nechay, (Mrs.) Tunnell, Wood—12.

HB 635 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Donovan, on behalf of the Committee on Passed Bills, reported having delivered to the Governor for his approval, the following: June 22, 1955—HB 534, HB 278 with HA 1, HB 347 with HA 1, SB 19, HB 69, HB 154 with HA 1, HB 156 with HA 1, HB 157, HB 158 with HA 1, HB 175 with HA 1, HB 186 with HA 1 and HA 2, HB 252, HB 254, HB 280, HB 281, HB 298 with SA 1, HB 397, HB 406, HB 468, HB 478, HS 1 for HB 558, HB 583, HB 598, HB 609, HB 617, HB 620, HS 1 for HB 361 passed over veto and returned to Governor; HCR 34 with SA 1.

The following bills were reported by the Committee on Appropriations: SB 232, on merits; SB 270, 2 favorable, 1 on merits.

On motion of Mr. Walls, HB 394 was returned to committee.

On motion of Mr. Bostick, House rules were suspended.

Mr. Bostick moved that SCR 19—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Donovan, Eskridge, Hastings, B. W. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Clark, Deputy, Garton, Hicks, T. S. Johnson, Keel, Mattiford, Mayhew, (Mrs.) Tunnell, Wood—11.

SCR 19 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Bostick, House rules were restored.

Mr. Queen moved that HB 264—"An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Donovan, Eskridge, Hastings, B. W. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Clark, Deputy, Garton, Hicks, T. S. Johnson, Keel, Mattiford, Mayhew, (Mrs.) Tunnell, Wood—11.

HB 264 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House adjourned at 9:20 P. M. until 1:00 P. M., Friday, June 24, 1955.

111TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:00 P. M., on Friday, June 24, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—29.

Members absent — Messrs. Garton, Hicks, Livingston, Massey, Rowan, Wilkinson—6.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in **HB 261**, and that the Senate had passed and requested the concurrence of the House in **SB 292**.

The Chair announced he is about to sign the following House Bills: **HS 1** for **HB 115**, **HB 215**, **HB 261**, **HB 389**, **HB 450** with **HA 1**, **HB 474**, **HS 1** for **HB 559**.

GOVERNOR'S MESSAGE STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, June 23, 1955

To the House of Representative of the State of Delaware:

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

June 21, 1955, House Bill No. 459—An Act to Regulate the Expansion of Facilities and Services of Water Companies Doing Business in New Castle County.

June 23, 1955, House Bill No. 19—An Act Appropriating Money to The Woods Haven School for Girls.

June 23, 1955, House Bill No. 69—An Act Appropriating Certain Moneys to Historical Society of Delaware for Operation Expenses.

June 23, 1955, House Bill No. 154 with H. A. No. 1—An Act Making an Appropriation to the Delaware Commission for the Feeble Minded to Build and Equip an Infirmary at the Delaware Colony for the Feeble Minded at Stockley.

June 23, 1955, House Bill No. 156 with H. A. No. 1—An Act Making an Appropriation to the Delaware Commission for the Feeble Minded to Equip the New Central Kitchen at the Delaware Colony for the Feeble Minded at Stockley.

June 23, 1955, House Bill No. 158 with H. A. No. 1—An Act Making an Appropriation to the Delaware Commission for the Feeble Minded to Convert Present Decentralized Kitchens Into Service Pantries at the Delaware Colony for the Feeble Minded at Stockley.

June 23, 1955, House Bill No. 175 with H. A. No. 1—An Act to Amend Chapter 31, Title 24, Delaware Code, Relating to Undertakers, by Raising the Fees for Certificate Renewals.

June 23, 1955, House Bill No. 252—An Act to Amend Chapter 51, Title 16, Delaware Code, by Making Provisions for the Care of Mentally Ill Persons in State Institutions Applicable to Commitment, Transfer, Care and Release of Persons Entitled to Such Services in Hospitals of the Veterans Administration.

June 23, 1955, House Bill No. 534—An Act to Amend Chapter 3, Title 9, of the Delaware Code Relating to Staggered Terms of Office of Levy Court Commissioners of New Castle County.

June 23, 1955, House Bill No. 583—An Act to Amend Chapter 27, Title 29, Delaware Code, Relating to State Treasurer by Providing Changes in the Bond Servicing Procedure.

June 23, 1955, House Bill No. 598—An Act Making Appropriations for the Expenses of the State Government for Each of the Two Fiscal Years Ending June 30, 1956 and June 30, 1957.

June 23, 1955, House Bill No. 609—An Act to Amend Section 40 of the Charter of the City of Wilmington, as Amended, by Changing the Provisions Relative to the Salary of the City Solicitor.

June 23, 1955, House Bill No. 617—An Act Providing for the Use of the Unexpended Portions of Certain Funds Appropriated to Delaware State College and Amending Chapter 408, Volume 47, and Chapter 231, Volume 48, Laws of Delaware to the Extent of Any Inconsistency.

June 23, 1955, Senate Bill No. 45—An Act to Amend Chapter 7, Title 24, Delaware Code, Regarding Chiropractic.

June 23, 1955, Senate Bill No. 57—An Act to Amend Title 29 of the Delaware Code Entitled "State Government" in Respect to the Printing Needs of the General Assembly.

June 23, 1955, Senate Bill No. 83—An Act to Appropriate Certain Monies to the Board of School Trustees of Millsboro School No. 23 for the Purpose of Restoring Certain Monies That Reverted to the General Fund.

June 23, 1955, Senate Bill No. 154—An Act to Amend Chapter 69, Title 11, of the Delaware Code Relating to the Formulation of Rules and Regulations of the Kent County Jail.

June 23, 1955, Senate Bill No. 165 with S. A. No. 1—An Act to Amend Chapter 31, Title 24, of the Delaware Code Relating to the Qualifications and Apprenticeship Requirements for a Certificate to Engage in the Undertaking Business.

June 23, 1955, Senate Bill No. 226—An Act to Permit Disposal of Garments Left With Dry Cleaners and Launderers and Which are Unclaimed.

June 23, 1955, Senate Bill No. 227—An Act to Amend Chapter 25, Title 9 of the Delaware Code Relating to Appropriations to the Regional Planning Commission of New Castle County.

June 23, 1955, House Bill No. 278 with H. A. No. 1—An Act to Amend An Act Entitled "An Act Changing the Name of the 'Town of Newark' to the 'City of Newark' and Establishing a Charter Therefor" by Adding to the Provisions for Which Indebtedness May be Incurred by the Issue of Bonds.

June 23, 1955, House Bill No. 280—An Act to Amend Chapter 1, Title 16, Delaware Code, Relating to the State Board of Health by Increasing the Power of the Board in Reference to Sewage Disposal.

June 23, 1955, House Bill No. 281—An Act to Amend Chapter 31y, Title 16, Delaware Code, Relating to Vital Statistics; Fees for Issuance of Certificates and Searches.

June 23, 1955, House Bill No. 298 with S. A. No. 1—An Act to Reincorporate the City of New Castle and to Repeal Chapter 216 Volume 27, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" and Repealing Certain Other Acts Concerning the City of New Castle Inconsistent Herewith Relating to the Board of Education, Elections, City Clerk, Board of Water and Light Commissioners, Sewers and Disposal Works.

June 23, 1955, House Bill No. 347 with H. A. No. 1 and H. A. No. 2—An Act to Amend An Act Entitled "An Act Changing the Corporate Name of 'The Commissioners of Wyoming' to 'The Town of Wyoming' and Establishing a Charter Therefor", Being Chapter 189, Volume 43, Laws of

Delaware, 1941, as Amended by Chapter 87, Volume 47, Laws of Delaware, 1949, by Increasing the Amount of Money Which May be Raised Each Year in Taxes.

June 23, 1955, House Bill No. 397—An Act to Amend Subchapter I, Title 24, Delaware Code, Entitled "State Board of Dental Examiners", by Increasing the Compensation of Members of the Board.

June 23, 1955, House Bill No. 406—An Act to Appropriate Funds for a Fire Alarm System and Fire Fighting Equipment at the Delaware Colony for the Feeble Minded at Stockley.

June 23, 1955, House Bill No. 468—An Act to Amend Chapter 71, Title 15, Delaware Code, to Provide the Necessary Costs and Expenses in Special Elections Shall be Paid by the State Treasurer Out of the State Treasury.

June 23, 1955, House Bill No. 478—An Act to Amend Chapter 47 Title 10, Delaware Code, in Relation to the Lien of Judgments.

June 23, 1955, Senate Bill No. 230—An Act to Legalize and Validate Acts Done or Proceedings Taken to Establish Sanitary Sewer Districts in New Castle County and to Provide Therein Facilities for the Collection, Treatment and Disposal of Sewage, and Bonds Issued by New Castle County to Finance the Cost Thereof.

June 23, 1955, Senate Bill No. 278—An Act to Amend Section 3112 of Title 10 of the Delaware Code Relating to Service of Process on Non-Resident Owners, Operators or Drivers of Motor Vehicles.

June 23, 1955, Senate Bill No. 284—An Act to Amend Chapter 67, Title 11 of the Delaware Code Relating to the New Castle County Workhouse, by Providing for the Sale or Lease of Property and Disposition of Proceeds.

June 23, 1955, Senate Bill No. 317—An Act to Amend Chapter 17, Title 11 of the Delaware Code Relating to Bonds and Recognizances.

June 23, 1955, Senate Bill No. 370—An Act to Amend Chapter 5, Title 17 of the Delaware Code Relating to Highways, Roads and Bridges With Regard to Trash in the Vicinity of Highways; Penalty.

June 23, 1955, Senate Bill No. 411 with S. A. No. 1—An Act to Transfer a Certain Tract of Public Land to Tide Water Associated Oil Company.

June 23, 1955, Senate Bill No. 412 with S. A. No. 1—An Act to Amend Title 18, Delaware Code, Relating to Accident and Sickness Insurance; to Add a New Chapter Entitled "Accident and Sickness Insurance" Providing for Accident and Sickness Policy Provisions, and to Amend and Repeal Sections in Conflict Therewith.

June 23, 1955, Senate Bill No. 448 with H. A. 1, H. A. 2, H. A. 3, H. A. 4 and S. A. 1—An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation.

June 23, 1955, Senate Bill No. 469—An Act to Amend Chapter 65, Volume 19, Laws of Delaware, Concerning St. Andrews Church, Wilmington, Delaware, by Removing the Upper Limitation of the Number of Vestrymen.

June 23, 1955, Senate Bill No. 504—An Act to Amend Chapter 23, Title 29, Delaware Code, Entitled "Secretary of State" to Permit the Secretary of State to Purchase New Seals of Office and Requiring That the Old Seals be Destroyed.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Pepper moved that **HB 400**—"An Act to Amend Part III, Title 6, Delaware Code, Entitled, "Weights, Measures and Standards" by Repealing Most of the Present Provisions and Substituting New Administrative and Substantive Provisions, Defining Certain Crimes and Appropriating Funds," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Pepper, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Deputy, Lester, Nechay, Snowden, (Mrs.) Tunnell, Walls—7.

NAYS—Messrs. Bostick, Clark, Hastings, B. W. Johnson, Keel, Lawson, Layton, Macklin, Mayhew, Pepper, Queen, Smith, Mr. Speaker Quigley—13.

Messrs. Macklin and Pepper changed from yea to nay for purpose of reconsideration.

NOT VOTING — Messrs. Brogan, Eskridge, Mattiford, Wolf, Wood—5.

ABSENT—Messrs. Donovan, Garton, Hicks, Livingston, Massey, Rowan, Shockley, Wilkinson—8.

PRESENT—Messrs. T. S. Johnson and Maclary—2.

HB 400 with **HA 1** not having received the constitutional majority, was lost.

Mr. B. W. Johnson moved that **SB 334** with **SA 1**, **SA 2**, and **SA 3**—"An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections and Nominations of Candidates," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. B. W. Johnson, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Macklin, Maclary, Mattiford, Mayhew,

Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—27.

NAYS—Mr. Lester—1.

ABSENT — Messrs. Garton, Hicks, Livingston, Massey, Rowan, Wilkinson—6.

PRESENT—Mr. Donovan—1.

SB 334 with SA 1, SA 2, SA 3 and HA 1 having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

Mr. Donovan moved that SB 268—"An Act Appropriating Money to the State Park Commission of Delaware for Capital Improvements and Equipment at Brandywine Springs Park," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Donovan, HA 1 was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT—Messrs. Alexander, Garton, Hicks, Livingston, Massey, Mayhew, Rowan, Wilkinson—8.

SB 268 with HA 1 having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

Mr. Mattiford moved that SB 326—"An Act to Amend Title 14, Delaware Code, in Respect to High School Attendance Districts and to Provide for More Equitable Distribution of School Taxes," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Mattiford, action was deferred.

Mr. Lawson moved that HB 454—"An Act to Amend Chapter 237, 46, Laws of Delaware, as Amended, Relating to Pension Benefits to Employees of the Mayor and Council of Wilmington," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Botick, Garton, Hicks, B. W. Johnson, Livingston, Massey, Mattiford, Rowan, Smith, Wilkinson—11.

HB 454 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Queen moved that **HB 463**—"An Act to Amend Chapter 11, Title 31, Delaware Code, Relating to Welfare Agencies and Recipients of Assistance," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Deputy, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Lester, Macklin, Maclory, Mattiford, Mayhew, Nechay, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—19.

NAYS—Messrs. Eskridge, Layton, Pepper, Smith—4.

NOT VOTING—Mr. Brogan—1.

ABSENT — Messrs. Bostick, Donovan, Garton, Hicks, Livingston, Massey, Rowan, Wilkinson—8.

PRESENT—Messrs. Alexander, Clark, Keel—3.

HB 463 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House recessed at 3:45 P. M.

The Speaker called the House to order at 4:55 P. M.

On motion of Mr. Macklin, House rule No. 1 was suspended.

On motion of Mr. Macklin, the House will meet from 7:00 P. M. to 11:00 P. M. every night during the week of June 27.

The House adjourned at 5:00 P. M. until 7:00 P. M., Monday, June 27, 1955.

112TH LEGISLATIVE DAY

House met pursuant to adjournment at 7:10 P. M., on Monday, June 27, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—30.

Members absent — Messrs. Alexander, Garton, Keel, Livingston, Wood—5.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

On motion of Mr. Pepper, **HB 400** with **HA 1** was restored to the calendar.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 277** and **HB 56** with **SA 1** over the Governor's veto, and that the Senate had passed and requested the concurrence of the House in the following: **HB 634** with **SA 1**, **SS 1** for **SB 196**, **SB 210**, **SB 216**, **SB 512**, and **SB 286** with **HA 1** over the Governor's veto; and also that the Senate had sustained the Governor's veto of **HB 203**.

Mr. Deputy moved that **HB 152**—"An Act to Amend Chapter 41, Title 16 of the Delaware Code, Regulating the Milk Fat Content of Ice Cream and Ice Cream Mixtures and Compounds," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Layton, Macklin, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—22.

NAYS—Messrs. Lawson, Snowden, Wolf—3.

NOT VOTING—Messrs. Maclary and Shockley—2.

ABSENT — Messrs. Alexander, Garton, Keel, Lester, Livingston, Nechay, Wood—7.

PRESENT—Mr. Smith—1.

HB 152 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Pepper moved that **HB 369** with **HA 1**—"An Act to Amend Chapter 1, Title 15 of the Delaware Code Relating to the Department of Elections for Sussex County," be taken up in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Layton, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—23.

NAYS—Messrs. Hicks, Lawson, Maclary, Snowden, Wolf—5.

ABSENT — Messrs. Alexander, Garton, Keel, Lester, Livingston, Wood—6.

PRESENT—Mr. T. S. Johnson—1.

HB 369 with **HA 1** having received the constitutional three-fifths majority, passed the House and was ordered to the Senate for concurrence.

The following bills were reported by the Committee on Private Corporations: **HB 236**, on merits; **HS 1** for **HB 560**, favorably; by the Committee on Labor: **SB 383**, 3 favorable, 2 on merits; **SS 1** for **SB 438**, 2 favorable, 2 on merits.

The Chair presented the following Senate Bill, which was given first and second readings by title only and referred to committee as follows:

SB 512—"An Act to Regulate and Control Milk Prices and Distribution in the State of Delaware," to Miscellaneous.

The Chair presented **SA 1** to **HB 634** and it was adopted.

Mr. Donovan moved that **HB 634** with **SA 1**—"An Act to Amend Chapter 11, Title 12, Delaware Code, Entitled "Escheats", Declaring Abandoned Certain Money and Personal Property Held by Courts and Banking Organizations Which Have Been Unclaimed for Certain Periods of Time and Appropriating the Same for the Use of the State of Delaware; Providing for the Return of Certain Such Property to the Person Entitled Thereto and the Assumption of Liability Therefor by the State of Delaware; Providing for the Publication of the Names of the Persons Entitled Thereto; Providing for the Suspension of Interest on Such Property and Requiring Certain Reports; Providing for the Suspension of the Statute of Limitations in Certain Cases; Providing for the Assessment of Certain Service Charges; Providing for Penalties and Making an Appropriation," be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Hastings, B. W. Johnson, T. S. Johnson, Layton, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—23.

NAYS—Messrs. Lawson, Lester, Smith, Snowden, Wolf—5.

ABSENT—Messrs. Alexander, Eskridge, Garton, Hicks, Keel, Livingston, Wood—7.

HB 634 with **SA 1** having received the constitutional majority, passed the House.

Mr. Donovan, on behalf of the Committee on Passed Bills, reported having delivered to the Governor for his approval, the following: June 27, 1955—**HB 215**, **HS 1** for **HB 559**, **HB 450** with **HA 1**, **HS 1** for **HB 115**, **HB 389**, **HB 574**, **HB 261**.

Mr. Donovan moved that **HB 628**—"An Act Appropriating Money for the Observance of Memorial Day in Honor of the Grand Army of the Republic," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Nechay, Pepper, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—24.

NAYS—Messrs. Bostick and Donovan—2.

Messrs. Bostick and Donovan changed from yea to nay for purpose of reconsideration.

ABSENT — Messrs. Alexander, Garton, Hicks, Keel, Livingston, Mayhew, Queen, Wolf, Wood—9.

HB628 not having received the constitutional majority, was lost.

On motion of Mr. Donovan, **HB 628** was restored to the calendar.

On motion of Mr. Massey, **SB 312**—"An Act to Amend Chapter 21, Title 12 of Delaware Code Relating to Order of Preference of Claims Against Estates," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Massey, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—28.

NAYS—None.

ABSENT — Messrs. Alexander, Garton, Hicks, Keel, Livingston, Queen, Wood—7.

SB 312 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

Mr. Mayhew moved that **SB 393**—"An Act to Amend Title 5, Delaware Code, Relating to Regulations Governing Business of Banks and Trust Companies by Providing That Any Banking Corporation May in Its Certificate of Incorporation, Confere Upon the Directors the Power to Make, Alter or Repeal By-Laws Subsequent to the Adoption of Its First Set of By-Laws at the Meeting of Its Incorporators," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT — Messrs. Alexander, Bostick, Garton, Hicks, Keel, Livingston, Queen, Wood—8.

SB 393 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Lawson moved that **HB 419**—"An Act to Amend Section 2103, Title 30, Delaware Code, Relating to Duties of the Tax Department as to Licenses," was taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Clark, Deputy, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—24.

NAYS—None.

NOT VOTING—Mr. Brogan—1.

ABSENT — Messrs. Alexander, Bostick, Garton, Hicks, Keel, Livingston, Queen, Wood—8.

PRESENT—Messrs. Donovan and Smith—2.

HB 419 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Lawson moved that **HB 420**—"An Act to Amend Section 363, Title 30, Delaware Code, Relating to List of Income Tax Taxables," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Clark, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker—25.

NAYS—None.

NOT VOTING — Messrs. Brogan, Deputy, Donovan, Eskridge—4.

ABSENT—Messrs. Alexander, Garton, Keel, Livingston, Queen, Wood—6.

HB 420 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Macklin moved that **HB 268**—"An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing Civil Defense Equipment and for Other Purposes Authorized by the Federal Civil Defense Matching Fund Program," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Maclary, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Eskridge, Hicks, T. S. Johnson, Lester, Macklin, Mattiford, Pepper, Snowden, (Mrs.) Tunnell, Walls, Wolf—14.

NAYS — Messrs. Bostick, Donovan, Lawson, Layton, Maclary, Nechay, Rowan, Shockley, Smith, Mr. Speaker Quigley—10.

Messrs. Lawson and Maclary changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Massey and Mayhew—2.

ABSENT — Messrs. Alexander, Garton, Hastings, Keel, Livingston, Queen, Wood—7.

PRESENT—Messrs. B. W. Johnson and Wilkinson—2.

HB 268 with **HA 1** not having received the constitutional majority, was lost.

On motion of Mr. Maclary, **HB 268** with **HA 1** was restored to the calendar.

Mr. Donovan moved that **SB 270**—"An Act Appropriating Money to the State Park Commission of Delaware for the Improvement of the House at Brandywine Springs Park," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Donovan, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Maclary, Massey, Mayhew, Nechay, Pepper, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Wilkinson, Mr. Speaker Quigley—22.

NAYS—None.

NOT VOTING—Messrs. Macklin, Mattiford, Wolf—3.

ABSENT—Messrs. Alexander, Garton, Hastings, Hicks, Keel, Livingston, Queen, Smith, Walls, Wood—10.

SB 270 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

The Chair announced he is about to sign: **HB 277** and **HB 393**.

The House recessed at 8:45 P. M.

The Speaker called the House to order at 9:15 P. M.

Mr. Smith moved that **HCR 37**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Layton, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Mrs. Tunnell, Mr. Speaker Quigley—19.

NAYS—None.

NOT VOTING—Mr. Maclary—1.

ABSENT — Messrs. Alexander, Bostick, Garton, Hicks, Keel, Livingston, Rowan, Walls, Wilkinson, Wood—10.

PRESENT — Messrs. T. S. Johnson, Lawson, Lester, Snowden, Wolf—5.

HCR 37 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Queen, **HS 1** for **HB 541** was adopted.

Mr. Queen, on behalf of Mr. Quigley, moved that **HS 1** for **HB 541**—"An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Eskridge, Hastings, B. W. Johnson, Lawson, Layton, Macklin, Massey, Mayhew, Pepper, Queen, Rowan, Smith, (Mrs.) Tunnell, Walls, Wilkins, Mr. Speaker Quigley—19.

NAYS—None.

NOT VOTING—Messrs. T. S. Johnson, Maclary, Mattiford, Snowden, Wolf—5.

ABSENT — Messrs. Alexander, Bostick, Garton, Hicks, Keel, Lester, Livingston, Wood—8.

PRESENT—Messrs. Donovan, Nechay, Shockley—3.

HS 1 for **HB 541** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House adjourned at 9:30 P. M. until 7:30 P. M., Tuesday, June 28, 1955.

113TH LEGISLATIVE DAY

House met pursuant to adjournment at 7:45 P. M., on Tuesday, June 28, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

Members absent — Messrs. Alexander, Donovan, Hicks, Keel—4.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

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

HS 1 for HB 488—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Relative to Procedures to Extend the Boundaries Thereof," by Garton; to Municipal Corporations.

HS 1 for HB 490—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, by Extending the Boundaries Thereof," by Garton; to Municipal Corporations.

The following bills were reported by the Committee on Miscellaneous: **SB 513**, 3 on merits, 1 favorable; by the Committee on Municipal Corporations: **HB 457** with **SA 1**, favorably.

Mr. Lawson moved that **HB 243**—"An Act Proposing an Amendment in the Constitution of the State of Delaware by Inserting at the End Thereof an Article Providing for Municipal Home Rule," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Clark, Deputy, Hastings, T. S. Johnson, Lester, Macklin, Nechay, Queen, (Mrs.) Tunnell, Wilkinson, Wolf, Wood—12.

NAYS — Messrs. Bostick, Brogan, Lawson, Layton, Maclary, Pepper, Shockley, Snowden, Mr. Speaker Quigley—9.

Messrs. Lawson, Maclary and Snowden changed from yea to nay for purpose of reconsideration.

NOT VOTING—Mr. Massey—1.

ABSENT—Messrs. Alexander, Donovan, Eskridge, Hicks, Keel, Livingston, Mattiford, Mayhew, Rowan—9.

PRESENT — Messrs. Garton, B. W. Johnson, Smith, Wilkinson—4.

HB 243 not having received the constitutional majority, was lost.

On motion of Mr. Lawson, **HB 243** was restored to the calendar.

Mr. Pepper moved that **SB 214** with **SA 1** and **HA 2**—"An Act to Amend Chapter 13, Title 13, Delaware Code, by Removing the Monetary Limits Relative to the Support of and Relative to the Medical and Lying-In Expenses Incident to the Birth of an Illegitimate Child," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Clark, Deputy, Garton, Hastings, B. W. Johnson, Lawson, Lester, Macklin, Maclary, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—21.

NAYS—Messrs. Bostick and Layton—2.

NOT VOTING—Messrs. T. S. Johnson, Massey, Mattiford—3.

ABSENT—Messrs. Alexander, Donovan, Eskridge, Hicks, Keel, Livingston, Mayhew, Rowan—8.

PRESENT—Mr. Speaker Quigley—1.

SB 214 with **SA 1** and **HA 2** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

Mr. Nechay, on behalf of Mr. Alexander, moved that **SB 390**—"An Act to Amend Chapter 11, Title 4, Delaware Code Relating to Alcoholic Liquors," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Nechay, action was deferred.

Mr. Lawson moved that **HB 251**—"An Act Creating a Traffic Engineering Bureau in the Street and Sewer Department of the Mayor and Council of Wilmington, Prescribing the Rights and Duties of Said Bureau, Providing for the Employment of Personnel Within Said Bureau and Authorizing the Council of the Mayor and Council of Wilmington to Dispose of Parking Meter Collections," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Garton, T. S. Johnson, Lester, Livingston, Macklin, Maclary, (Mrs.) Tunnell, Wolf, Wood—9.

NAYS—Messrs. Bostick, Brogan, Clark, Deputy, B. W. Johnson, Lawson, Layton, Mattiford, Pepper, Shockley, Snowden, Walls, Wilkinson, Mr. Speaker Quigley—14.

Messrs. Lawson and Snowden changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Eskridge and Nechay—2.

ABSENT—Messrs. Alexander, Donovan, Hicks, Keel, Massey, Mayhew, Queen—7.

PRESENT—Messrs. Hastings, Rowan, Smith—3.

HB 251 not having received the constitutional majority, was lost.

On motion of Mr. Lawson, **HB 251** was restored to the calendar.

Mr. Pepper moved that **SB 414**—"An Act to Amend Chapter 65, Title 29 of the Delaware Code Relatoing to Expenditures by State Agencies in Excess of Appropriations," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Lawson, action was deferred.

Mr. Macklin moved that **HB 268** with **HA 1**—"An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing Civil Defense Equipment and for Other Purposes Authorized by the Federal Civil Defense Matching Fund Program," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputwy, Eskridge, Hastings, T. S. Johnson, Lawson, Macklin, Maclary, Massey, Mattiford, Mayhew, Pepper, Queen, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—20.

NAYS — Messrs. Garton, Layton, Livingston, Nechay, Smith—5.

NOT VOTING—Mr. Bostick—1.

ABSENT—Messrs. Alexander, Donovan, Hicks, B. W. Johnson, Keel, Lester, Rowan, Shockley—8.

PRESENT—Mr. Speaker Quigley—1.

HB 268 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Macklin moved that **HB 270**—"An Act to Amend Chapter 31, Title 20, Delaware Code, Entitled "Civil Defense", by Increasing the Salary of the Director of Civil Defense," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Lawson, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, T. S. Johnson, (Mrs.) Tunnell, Walls, Wood—5.

NAYS — Messrs. Eskridge, Garton, B. W. Johnson, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Smith, Wolf, Mr. Speaker Quigley—18.

Messrs. Lawson and Wolf changed their votes from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Snowden and Wilkinson—2.

ABSENT — Messrs. Alexander, Donovan, Hicks, Keel, Lester, Shockley—6.

PRESENT—Messrs. Bostick, Clark, Deputy, Garton—4.

HB 270 with **HA 1** not having received the constitutional majority, was lost.

On motion of Mr. Lawson, **HB 270** with **HA 1** was restored to the calendar.

Mr. Pepper moved that **SB 169** with **HA 1**—"An Act Amending Title 20, of the Delaware Code by Providing for Compensation for Civil Defense Workers While in Training," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Pepper, Walls—3.

NAYS — Messrs. Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Layton, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Queen, Shockley, Smith, Snowden, Wolf, Wood, Mr. Speaker Quigley—19.

NOT VOTING—Messrs. Bostick and T. S. Johnson—2.

ABSENT — Messrs. Alexander, Donovan, Hicks, Keel, Lester, Livingston—6.

PRESENT — Messrs. Clark, Lawson, Rowan, (Mrs.) Tunnell, Wilkinson—5.

SB 169 with HA 1 not having received the constitutional majority, was lost.

Mr. Rowan moved that HB 632—"An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Regulations and Prohibitions Concerning Hunting and Trapping Devices and Methods," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—28.

NAYS—None.

ABSENT — Messrs. Alexander, Donovan, Hicks, Keel, Lester, Nechay, Smith—7.

HB 632 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Massey moved that HB 631—"An Act Proposing a Certain Amendment to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mrs. Tunnell, HA 1 was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Pepper, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—27.

NAYS—Mr. Wolf—1.

ABSENT — Messrs. Alexander, Donovan, Hicks, Keel, Lester, Nechay, Queen—7.

HB 631 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Garton, on behalf of Mr. Quigley, moved that **HB 588**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to Specific Organizations Exempt from Certain Taxation and Assessment on Real Property," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Garton, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Alexander, Donovan, Hicks, Keel, Lester, Nechay—6.

HB 588 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Deputy introduced the following resolution, which upon further motion by him was adopted: **HR 99**—"Authorizing the Payment of Certain Expenses for Telephone Service."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the hereinafter named amount is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, on account of expenses connected with the present session and necessary to the work of the session, as follows:

The Diamond State Telephone Company, 124 So. State Street, Dover, Delaware, for local service and equipment and calls on telephone numbered Dover 9636, covering the period from May 11th, 1955 to and including June 10th, 1955	\$22.88
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The House recessed at 9:15 P. M.

The Speaker called the House to order at 10:40 P. M.

The following communication from the Governor was delivered to the House:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 23, 1955

To the Senate of the State of Delaware:

On June 13, 1955, I received Senate Bill No. 286 as amended by House Amendment No. 1, entitled:

AN ACT TO AMEND CHAPTER 3, TITLE 4 OF
THE DELAWARE CODE RELATING TO THE
DELAWARE LIQUOR COMMISSION BY ABOL-
ISHING THAT COMMISSION AND CREATING A
NEW COMMISSION TO BE KNOWN AS THE
DELAWARE ALCOHOLIC BEVERAGE CONTROL
COMMISSION; TRANSFERRING DUTIES, POW-
ERS AND PROPERTY.

I respectfully return herewith this bill without my approval.

Primarily the purpose of this bill is to remove from office, by what is commonly referred to as the ripper method, the present Delaware Liquor Commission and to replace it with another commission created for partisan political reasons.

Legislative action having such a purpose is at no time justified and is especially unwise and undesirable in connection with the legal control of the distribution and sale of alcoholic beverages. The vigilant administration of the liquor laws is extremely important as a safeguard of the general well-being of all the people, and also protects an important source of State revenues.

Consequently it is of the greatest importance that the Delaware Liquor Commission be impartial, impersonal and that responsibility be definitely fixed for its acts. These requirements are being met by the present Commission.

This bill injects partisan politics into liquor control. Since the bill is purely political, it is not surprising to find another effort being made to deprive the Executive of the authority contemplated by our State Constitution by which the Governor shall make appointments to commissions and boards. The bill gives belated recognition that such authority is contemplated by the Constitution by returning the appointive power to the Executive in 1959.

Even after 1959 it provides, however, that the Commission itself shall fill vacancies which occur for any reason other than the expiration of the term of office. This provision is in direct violation of Section 3, Article 3 of the Delaware Constitution which grants the Governor the power to fill all vacancies in offices to which he may make appointments, with certain exceptions not here pertinent.

The present Commission is unpaid whereas each of the five Commissioners named in this bill is eligible for compensation of \$600 per year plus expenses—a total in salaries alone of \$3,000. If such expenditures are authorized, the bill should include a supplementary appropriation.

This bill also provides that the terms of all members of the commission shall terminate simultaneously. It therefore eliminates the distinct advantages widely recognized and customarily accepted whereby the terms of commission members are staggered to provide continuity of personnel and policies and more effective administration of the laws in the public interest.

This bill deletes important provisions in the existing law whereby the members of the liquor commission are required to be citizens of the United States and qualified voters of the State of Delaware. Such deletions are considered undesirable.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chair announced he is about to sign the following Senate Bills: SB 49, SB 248, SB 268 with HA 1, SB 269, SB 270 with HA 1, SB 271, SB 297, SB 393, SB 419 with HA 1 and HA 2, SB 425, SB 428 with SA 1, SB 430, SB 442 with SA 1, SB 452 and SCR 19.

The Secretary of the Senate informed the House that the Senate had concurred in: HB 67 with HA 1, HB 189 with HA 1, HB 269, HB 322, HB 348, HB 355, HB 384, HB 435, HB 542, HB 610 with HA 1, and over the Governor's veto HB 605, HB 606, HB 607; and that the Senate had passed and requested the concurrence of the House in: HB 344 with HA 1 and HA 2 and SA 1.

Mr. Maclary introduced the following resolution, which upon further motion by him, was adopted: **HR 100**—"Extending the Sympathy of the House of Representatives to Representative William E. Lester Upon the Death of His Brother-in-Law, John B. Nelson."

WHEREAS, the Members of the House of Representatives have learned with deep regret of the death of John B. Nelson, brother-in-law of Representative William E. Lester; and

WHEREAS, the Members of the House wish to express sincere and heartfelt sympathy to Representative William E. Lester; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the sincere and heartfelt sympathy of all members of the House be and it is hereby extended to Representative William E. Lester and all the members of his family and the family of John B. Nelson upon the loss of their relative John B. Nelson; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be spread upon the Journal of the House and a copy thereof sent to Representative William E. Lester and the family of John B. Nelson.

On motion of Mr. Shockley, Section 2 of Rule 1 was suspended.

Mr. Shockley moved that pursuant to his motion, **HS 1** for **HB 223** with **SA 1**—"An Act to Re-Incorporate the Town of Elsmere, New Castle County," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Brogan, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Layton, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—22.

NAYS—Messrs. T. S. Johnson, Lawson, Lester, Maclary, Snowden, Wood—6.

NOT VOTING—Mr. Mattiford—1.

ABSENT—Messrs. Alexander, Donovan, Hicks, Keel, Wolf—5.

PRESENT—Mr. Clark—1.

HS 1 for **HB 223** with **SA 1** having received the constitutional three-fifths majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley, Section 2, Rule 1 of House rules was restored.

The House adjourned at 11:15 P. M. until 7:30 P. M., Wednesday, June 29, 1955.

114TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:10 P. M., on Wednesday, June 29, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

Members absent, Messrs. Alexander, Lester, Mattiford, Mrs. Tunnell—4.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The following messages from the Governor were delivered to the House.

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

Dover, June 29, 1955

To the House of Representatives of the State of Delaware:

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

June 27, 1955, House Bill No. 215—An Act Making an Appropriation to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna to Make Capital Improvements and to Purchase Equipment for the State Welfare Home.

June 27, 1955, House Bill No. 261—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of White's Creek Between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply With the Requirements of the United States Government Relative to the State's Contribution to Said Government.

June 27, 1955, House Bill No. 389—An Act Authorizing the State of Delaware to Borrow Five Hundred Thousand Dollars (\$500,000.00) and Issue Bonds and Notes Therefor, to Provide for the Acquisition of Lands and the Construction, Reconstruction, Repair, Improvement and Purchase of Buildings for the Use of the Delaware National Guard and Improvements Incidental Thereto, and Providing the Form of Such Bonds and Notes as Well as the Procedure for the Sale Thereof, and Providing for the Payment of Principal and Interest of Such Bonds and Notes, and Appropriating the Sum or Sums Received Therefrom to the Delaware National Guard.

Respectfully submitted,

J. CALEB BOGGS, Governor

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

Dover, June 28, 1955

To the House of Representatives of the State of Delaware:

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

June 27, 1955, Senate Bill No. 75 with H. A. No. 1—An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Qualifications and Selection of Auditors.

June 27, 1955, Senate Bill No. 178—An Act Authorizing the Payment of the Sum of \$3,000.00 to William Austin Tydings for Expenses and Damages Incurred as a Result of Injuries Received by the Negligence of a Delaware National Guardsman.

June 27, 1955, Senate Bill No. 219—An Act Appropriating Funds to the Trustees of the Frankford School No. 206 for the Current Fiscal Year on Account of Unanticipated Expenses for Fuel as the Result of the Construction of a New School Building.

June 27, 1955, Senate Bill No. 261 with S. A. No. 1—An Act to Appropriate Funds to the Board of Game and Fish Commissioners for the Purpose of Operating and Maintaining the Newly Acquired Youth Center at Petersburg and to Provide for Personnel, Programming and Public Education.

June 27, 1955, Senate Bill No. 300—An Act Making a Deficiency Appropriation to the Lord Baltimore School District.

June 27, 1955, Senate Bill No. 306—An Act to Appropriate Certain Funds to the Selbyville School District to Enable It to Purchase Certain Lands Adjoining the Selbyville School Property.

June 27, 1955, Senate Bill No. 364—An Act to Appropriate Certain Funds to the Board of Game and Fish Commissioners to Purchase Certain Lands Under Haven Lake in or Near Milford, Delaware.

June 27, 1955, Senate Bill No. 365—An Act to Appropriate Certain Funds to the Bridgeville Special School District to Enable It to Purchase Certain Lands for Recreational Purposes.

June 27, 1955, H. S. No. 1 for House Bill No. 115—An Act to Amend Section 731, Title 4, Delaware Code, Relating to the Retaliatory Beer Tax.

June 27, 1955, House Bill No. 157—An Act to Appropriate Funds to the Delaware Commission for the Feeble Minded for the Care of Abnormal Infants Until Space is Available at the Delaware Colony, Stockley.

June 27, 1955, House Bill No. 186 with H. A. No. 1 and H. A. No. 2—An Act Appropriating a Certain Sum of Money to Lida Gruwell in Payment of a Claim Against the State of Delaware.

June 27, 1955, House Bill No. 224—An Act Appropriating Money to the State Highway Department for the Purpose of Repairing and Maintaining Certain Public Works.

June 27, 1955, H. S. No. 1 for House Bill No. 558—An Act to Appropriate a Sum of Money to the State Building and Ground Commission for the Construction of Water Mains and Associated Equipment on State Lands at Dover.

June 27, 1955, H. S. No. 1 for House Bill No. 559—An Act to appropriate a Sum of Money to the State Building and Ground Commission for Construction of Sidewalks and Street Lights on State Lands at Dover.

June 27, 1955, House Bill No. 620—An Act Making an Appropriation to the Board of Trustees of the Milton Consolidated School Number 8 for the Purchase of Equipment for Certain Departments of the School.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 240, HB 264, HB 316, HB 470, HS 1 for HB 497, HB 520; HS 1 for HB 541, HB 582**; and that the Senate had passed and requested the concurrence of the House in: **SCR 20, SCR 21 and SCR 22**.

The following concurrent resolution were introduced, given first and second readings by title only and referred to committees as follows:

HCR 38—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introduced Four New Bills," by Macklin; to Miscellaneous.

HCR 39—"Authorizing and Directing the Secretary of the Senate and the Chief Clerk of the House to Deposit Certain Senate and House Records With the Public Archives Commission for Preservation," by Macklin; to Miscellaneous.

The Chair announced he is about to sign the following House Bills: **HB 67 with HA 1, HB 189 with HA 1, HB 269, HB 322, HB 348, HB 355, HB 384, HB 435, HB 542, HB 610 with HA 1, HB 621 and HB 634 with SA 1**.

The following bills were reported by the Committee on Municipal Corporations: **HS 1 for HB 488**, favorably; **HS 1 for HB 490**, favorably; by the Committee on Rules: **SS 1 for SB 51**, on merits; **SB 62**, favorably.

On motion of Mr. Bostick, the House Rules were suspended.

The following concurrent resolution was reported by the Committee on Miscellaneous: **HCR 38**, favorably.

On motion of Mr. Macklin, House rules were restored.

Mr. Donovan moved that **SB 237**—"An Act Providing for Repairs, Replacements and Additions to the Boardwalk in the City of Rehoboth Beach, in Sussex County, and Appropriating Money Therefore," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Clark, Deputy, Garton, Hastings, Hicks, T. S. Johnson, Lawson, Layton, Maclary, Massey, Mayhew, Pepper, Smith, Walls, Wolf, Wood—16.

NAYS — Messrs. Bostick, Eskridge, B. W. Johnson, Macklin, Nechay, Shockley, Snowden, Wilkinson—8.

Messrs. Macklin and Snowden changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Brogan and Livingston—2.

ABSENT—Messrs. Alexander, Lester, Mattiford, Mrs. Tunnell—4.

PRESENT—Messrs. Donovan, Keel, Queen, Rowan, Mr. Speaker Quigley—5.

SB 237 not having received the constitutional majority, was lost.

On motion of Mr. Macklin, SB 237 was restored to the calendar.

Mr. Pepper moved that HB 400 with HA 1—"An Act to Amend Part III, Title 6, Delaware Code, Entitled, "Weights, Measures and Standards" by Repealing Most of the Present Provisions and Substituting New Administrative and Substantive Provisions, Defining Certain Crimes and Appropriating Funds," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Wood—17.

NAYS—Messrs. Garton, Keel, Macklin, Mayhew, Pepper, Queen, Mr. Speaker Quigley—7.

NOT VOTING—Messrs. Eskridge and Massey—2.

ABSENT — Messrs. Alexander, Hicks, Lester, Maclary, Mattiford, Nechay, Mrs. Tunnell—7.

PRESENT—Messrs. Livingston and Rowan—2.

HB 400 with HA 1 not having received the constitutional majority, was lost.

Mr. Massey moved that SB 81—"An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" by Establishing Qualifications for Certain Special Constables and by Providing for Two Year Appointments at Increased Fees," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mayhew, Pepper, Rowan, Smith, Snowden, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—25.

NAYS—None.

NOT VOTING—Mr. Shockley—1.

ABSENT—Messrs. Alexander, Hastings, Hicks, Lester, Maclary, Mattiford, Nechay, Queen, Mrs. Tunnell—9.

SB 81 having received the constitutional majority, passed the House and was ordered returned to the Senate.

The following bills were reported by the Committee on Labor: **HS 1** for **HB 497**, 1 favorable, 3 on merits; by the Committee on Judiciary: **SB 494**, on merits.

The Chair announced he is about to sign the following House Bills: **HB 240**, **HB 265**, **HB 316**, **HB 470**, **HS 1** for **HB 497**, **HS 1** for **HB 520**, **HS 1** for **HB 541**, **HB 582**.

Mr. Lawson moved that **HB 90**—"An Act to Amend Title 9, Delaware Code, by Providing for the Fixing of Taxes for the Cost and Expense of the New Castle County Police System," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Lawson, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Donovan, Eskridge, Hastings, T. S. Johnson, Macklin, Massey, Shockley, Smith—9.

NAYS—Messrs. Deputy, Lawson, Livingston, Snowden, Wolf, Mr. Speaker Quigley—6.

Messrs. Lawson, Livingston, Snowden and Wolf changed from yet to nay for purpose of reconsideration.

NOT VOTING—Messrs. Bostick, Pepper, Queen, Wood—4.

ABSENT — Messrs. Alexander, Clark, Hicks, B. W. Johnson, Keel, Layton, Lester, Maclary, Mattiford, Mayhew, Nechay, (Mrs.) Tunnell, Wilkinson—13.

PRESENT—Messrs. Garton, Rowan, Walls—3.

HB 90 with **HA 1** not having received the constitutional majority, was lost.

On motion of Mr. Lawson, **HB 90** with **HA 1** was restored to the calendar.

Mr. Garton moved that **SB 130**—"An Act to Amend Chapter 96, Title 9 of the Delaware Code Relating to the Salary of the Recorder of Kent County," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Garton, action on **SB 130** was deferred.

Mr. T. S. Johnson moved that **HB 290** with **HA 1**—"An Act Making an Appropriation to the State Board of Health for the Purpose of Providing the Payment of Salaries and Wages of Employees Over and Above the Present Appropriations Available to the State Board of Health at Emily P. Bissell Sanatorium," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mayhew,

Nechay, Pepper, Queen, Rowan, Smith, Snowden, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—26.

NAYS—Messrs. Donovan, Keel, Shockley—3.

NOT VOTING—Mr. Bostick—1.

ABSENT—Messrs. Alexander, Hicks, Lester, Mattiford, Mrs. Tunnell—5.

HB 290 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Upon request of Mr. Speaker Quigley, Mr. Macklin took over the Chair.

Mr. Bostick moved that **SB 134**—"An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to the Salary of the Prothonotary of Kent County," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Brogan, Clark, Eskridge, Hastings, B. W. Johnson, Layton, Livingston, Macklin, Massey, Nechay, Rowan, Walls, Wilkinson—14.

NAYS—Messrs. Donovan, Garton, Mayhew, Queen—4.

Messrs. Garton, Mayhew and Queen changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. T. S. Johnson, Lawson, Maclary, Pepper, Shockley, Smith, Snowden, Wolf, Wood—9.

ABSENT—Messrs. Alexander, Hicks, Lester, Mattiford, Mrs. Tunnell, Mr. Speaker Quigley—6.

PRESENT—Messrs. Deputy and Keel—2.

SB 134 not having received the constitutional majority, was lost.

On motion of Mr. Queen, **SB 134** was restored to the calendar.

Mr. Eskridge introduced the following resolution, which upon further motion by him was adopted: **HR 101**—"Expressing the Sympathy of the House to Representative Tilghman S. Johnson on the Illness of His Wife."

WHEREAS, the members of the House of Representatives have learned with deep concern of the serious illness of Mrs. Tilghman S. Johnson, wife of Representative Tilghman S. Johnson; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the members thereof do hereby express their sincere wishes for the speedy and complete recovery of Mrs. Johnson and their sympathy for Representative Johnson during these hours of anxiety; and

BE IT FURTHER RESOLVED that this Resolution shall be spread upon the Journal, that a copy hereof be sent to Representative Johnson, and that copies be delivered to the press.

The following substitute bill was introduced, given first and second readings by title only and referred to committee as follows:

HS 1 for HB 587—"An Act Making Appropriations for Certain Contingencies, for the Respective Years of the Bien-nium July 1, 1955, to June 30, 1957, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of Budget Commission in Relation Thereto," by Donovan; to Appropriations.

Mr. Nechay moved that **SB 390**—"An Act to Amend Chapter 11, Title 4, Delaware Code Relating to Alcoholic Liquors," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Nechay, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Pepper, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Wood—27.

NAYS—None.

ABSENT—Messrs. Alexander, Hicks, Lester, Mattiford, Queen, Rowan, Mrs. Tunnell, Mr. Speaker Quigley—8.

SB 390 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

The House recessed at 10:10 P. M.

The Speaker called the House to order at 10:30 P. M.

Mr. Clark moved that **SB 447**—"An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to the Definition of Optometry, the Board of Examiners of Optometrists, the Internship and the Filling of Prescriptions," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Clark, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Layton, Livingston, Macklin, Maclary, Massey, Nechay, Pepper, Shockley, Snowden, Walls, Wilkinson—19.

NAYS—None.

ABSENT—Messrs. Alexander, Hicks, Lester, Mattiford, Queen, Smith, Snowden, Mrs. Tunnell, Mr. Speaker Quigley—9.

PRESENT—Messrs. Bostick, Deputy, Donovan, Lawson, Mayhew, Rowan, Wood—7.

SB 447 with **HA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

The House adjourned at 10:45 P. M. until 7:30 P. M., Thursday, June 30, 1955.

115TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:35 P. M., on Thursday, June 30, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—32.

Members absent—Messrs. Hicks, Maclary, Mrs. Tunnell—3.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 122**, **HB 142**, **HB 290** with **HA 1**, and **HB 469**; and that the Senate had passed and requested the concurrence of the House in: **SJR 1**.

On motion of Mr. Pepper, **HB 400** with **HA 1** was restored to the Calendar.

Mr. Mayhew introduced the following resolution, which upon further motion by him was adopted: **HR 102**—"Expressing the Sympathy of the House of Representatives to the House Majority Leader, George T. Macklin on the Illness of His Brother, James H. Macklin."

WHEREAS, the members of the House of Representatives have learned of the serious illness of James H. Macklin, brother of House Majority Leader, George T. Macklin; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the members hereby express their sincere desire that James H. Macklin, brother of House Majority Leader, George T. Macklin, has a rapid and complete recovery; and

BE IT FURTHER RESOLVED that this Resolution be spread upon the Journal and that a copy be sent to House Majority Leader, George T. Macklin.

Mr. Pepper moved that **HB 513**—"An Act Authorizing and Directing the State Highway Department to Pay Thirty-Five Hundred Dollars to Carey D. Sapp for Damage to Property in Milton, Sussex County, Delaware, Widening Union and Federal Streets in Said Town," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Snowden, **HB 513** was tabled.

Mr. Layton introduced the following resolution, which upon further motion by him was adopted: **HR 103**—"Relative to the Payment on Account for Collecting Data, Compiling, Editing and Publishing the Daily Calendar for the House of Representatives of the 118th General Assembly of the State of Delaware."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the sum of Six Thousand Seven Hundred Sixty-Six Dollars (\$6,766.00) is hereby appropriated out of the moneys of the State Treasury, not otherwise appropriated, for part payment to The Sussex Countian, Inc., of Georgetown, Delaware, the lowest and responsible bidder, for collecting data, compiling, editing and publishing the daily calendar for the House of Representatives of the State of Delaware, from June 2nd to and including June 30th, 1955, said calendar being necessary to the business of the House and the expense thereof being a necessary expense connected with this Session.

The Chair announced he is about to sign: **HB 290** with **HA 1**.

The following concurrent resolution was reported by the Committee on Rules: **SCR 18**, favorably; the following by the Committee on Appropriations: **HS 1** for **HB 587**, favorably.

Mr. Queen moved that **SB 286** with **SA 1**—"An Act to Amend Chapter 3, Title 4 of the Delaware Code Relating to the Delaware Liquor Commission by Abolishing That Commission and Creating a New Commission to be Known as the Delaware Alcoholic Beverage Control Commission; Transferring Duties, Powers and Property," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Walls, Wilkinson—23.

NAYS—Messrs. T. S. Johnson, Lawson, Lester, Livingston, Wolf, Wood—6.

ABSENT—Messrs. Hicks, Maclary, Snowden, Mrs. Tunnell—4.

PRESENT—Mr. Rowan and Mr. Speaker Quigley—2.

SB 286 with **HA 1** having received the constitutional three-fifths majority, passed the House and was ordered returned to the Senate.

Mr. Garton moved that **HB 604**—"An Act to Amend Subchapter XXXV, Chapter 3, Title 11, Delaware Code, Pertaining to Lotteries, Gambling and Betting and Relating to Bingo Games Conducted by Volunteer Fire Companies, Veter-

ans' Organization, Religious or Charitable Organizations or Fraternal Societies," be taken up for consideration in order to pass the House over the Governor's veto.

On the question, "Shall the Bill pass the House?" the roll call revealed:

After the roll was called and before the vote was announced, the House recessed at 9:45 P. M.

The Speaker called the House to order at 10:25 P. M.

On motion of Mr. Garton, the result of the roll call on **HB 604** to override the Governor's veto was deferred.

The House adjourned at 10:26 P. M. until 1:00 P. M., Friday, July 1, 1955, which was to be a skeleton session.

116TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Friday, July 1, 1955.

Prayer by Mr. Queen.

Members present—Messrs. Garton and Queen—2.

Members absent—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclory, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—33.

There being no quorum present, the House adjourned at 1:45 P. M. until 7:30 P. M., Tuesday, July 5, 1955.

117TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:00 P. M., on Tuesday, July 5, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker—28.

Members absent—Messrs. Alexander, B. W. Johnson, Maclary, Mattiford, Rowan, Wolf, Wood—7.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Mr. Garton moved that **SB 385**—"An Act Relating to Limitations of Law, Affecting the Amount of Bonds Which May be Issued or Bonded Debt Which May be Incurred by "The Mayor and Council of Wilmington", Specifically Excepting from Bonded Debt in Connection with the Slum Clearance

and Redevelopment Program and the Urban Renewal Program, and Repealing Inconsistent Acts or Parts of Acts," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Deputy, Eskridge, Hicks, T. S. Johnson, Lawson, Lester, Macklin, Mrs. Tunnell—8.

NAYS—Messrs. Layton, Lvingston, Shockley, Snowden, Walls—5.

Messrs. Shockley and Snowden changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Bostick, Brogan, Garton, Massey, Pepper, Wilkinson—6.

ABSENT—Messrs. Alexander, Hastings, B. W. Johnson, Maclary, Mattiford, Nechay, Rowan, Wolf, Wood—9.

PRESENT — Messrs. Clark, Donovan, Keel, Mayhew, Queen, Smith, Mr. Speaker Quigley—7.

SB 385 not having received the constitutional majority, was lost.

On motion of Mr. Shockley, SB 385 was restored to the calendar.

Mr. Garton moved that SB 408 with SA 1—"An Act to Authorize the Mayor and Council of Wilmington to Borrow and Issue Bonds of the City for the Purpose of Aiding the Wilmington Housing Authority as the Slum Clearance and Redevelopment Authority of Slum Clearance and Redevelopment Agency, or the Local Public Agency of the City of Wilmington, Delaware, in Carrying Out Its Purposes and Functions Under 31 Del. C. c. 45, and to Further Enable the Mayor and Council of Wilmington to Comply With the Provisions of the Housing Act of 1949 as Amended and the Housing Act of 1954 as the Last Two Acts Have Been Approved by the Congress of the United States of America," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Clark, Deputy, Eskridge, Hicks, T. S. Johnson, Layton, Lester, Nechay, Pepper, Mr. Tunnell—10.

NAYS — Messrs. Garton, Lawson, Livingston, Macklin, Massey, Shockley, Smith, Snowden, Walls, Mr. Speaker Quigley—10.

Messrs. Lawson, Macklin, Shockley and Snowden changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Brogan and Wilkinson—2.

ABSENT—Messrs. Alexander, Hastings, B. W. Johnson, Maclary, Mattiford, Rowan, Wolf, Wood—8.

PRESENT — Messrs. Bostick, Donovan, Keel, Mayhew, Queen—5.

SB 408 with SA 1 not having received the constitutional majority, was lost.

On motion of Mr. Shockley, SB 408 with SA 1 was restored to the calendar.

Mr. Garton moved that SB 466—"An Act to Amend Chapter 162, Volume 37 Laws of Delaware Relating to City Taxes Upon Farm Lands in the City of Milford, Delaware," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Donovan, Livingston, Massey, Mayhew, Wilkinson, Mr. Speaker Quigley—8.

NAYS—Messrs. Eskridge, Garton, T. S. Johnson, Lawson, Layton, Lester, Macklin, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls—14.

Messrs. Garton and queen changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Brogan, Deputy, Hastings—3.

ABSENT—Messrs. Alexander, Hicks, B. W. Johnson, Maclary, Mattiford, Rowan, Wolf, Wood—8.

PRESENT—Messrs. Keel and Nechay—2.

SB 466 not having received the constitutional majority, was lost.

At the request of Mr. Speaker Quigley, Mr. Livingston took over the Chair.

The following substitute bill was introduced, given first and second readings by title only and referred to committee as follows:

HS 1 for HB 466—"An Act to Amend Chapter 3, Title 17, Delaware Code Entitled "The Delaware Memorial Bridge" by Reorganizing and Reconstituting the Delaware Memorial Bridge Division of the State Highway Department as the Delaware Interstate Highway Division; by Authorizing Said Division to Issue Revenue Bonds to Finance the Construction and Reconstruction of Highways in the Interstate System, Including Express Highways, for the Construction of Toll Crossings Over and Under the Delaware River, and for Refunding Purposes; and by Vesting in the Delaware Interstate Highway Division the Maintenance, Repair and Operation of the Delaware Memorial Bridge," by Queen; to Insurance and Banking.

The House recessed at 9:00 P. M.

The Speaker called the House to order at 10:10 P. M.

On motion of Mr. Garton, the vote on HB 604, taken on June 30, 1955, and referred at that time, was announced and the Governor's veto was sustained as follows:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, B. W. Johnson, Keel, Massey,

Nechay, Pepper, Queen, Rowan, Shockley, Smith, Walls, Wilkinson, Mr. Speaker Quigley—19.

NAYS—Messrs. Lawson, Layton, Lester, Livingstone, Macklin, Mayhew, Snowden, Wolf, Wood—9.

ABSENT—Messrs. Hicks, Maclary, Mrs. Tunnell—3.

PRESENT—Messrs. Donovan, Hastings, T. S. Johnson, Mattiford—4.

HB 604 not having received the constitutional three-fifths majority, was lost, and the Governor veto was sustained.

Mr. Lester and Mr. Quigley introduced the following resolution, which upon further motion by Mr. Lester, was adopted: **HR 104**—"Extending the Sympathy of the House of Representatives of the 118th General Assembly to the Wife, Children, Parents, Brothers and Sisters of Marry P. Cloud, Deceased."

WHEREAS, the Members of the House of Representatives of the 118th General Assembly have learned with deep regret of the untimely death of Harry P. Cloud, while in line of duty as a Delaware Memorial Bridge Patrolman last Saturday morning; and

WHEREAS, the Members of the House of Representatives wish to express their deep sympathy to his wife, children, parents, brothers and sisters in their time of sorrow; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the sympathy of every Member of the House is extended to the wife, children, parents, brothers and sisters of Harry P. Cloud, deceased, on the loss of their loved one; and

Be IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

Mrs. Dorothy Minner Cloud, widow;

Dennis Cloud and Dwight Cloud, his sons;

Emmor T. Cloud and Ida T. Cloud, his parents;

Mrs. Sarah Malloy, Mrs. Dorothy Pierce, Miss Anna Mae Cloud and Mrs. Lysbeth Guthrie, his sisters; and

Robert Cloud, Edward Cloud and Wallace Cloud, brothers; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be spread upon the Journal and a copy delivered to the Press.

On motion of Mr. Garton, **HB 245** was returned to committee.

On motion of Mr. Clark, **HB 116** was returned to committee and then upon further motion by him, was stricken from the calendar.

Mr. Bostick moved that **SB 135**—"An Act to Amend Chapter 95, Title 9 of the Delaware Code Relating to the Salary of the Coroner of Kent County," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Layton, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—21.

NAYS—None.

NOT VOTING—Mr. Shockley—1.

ABSENT—Messrs. Alexander, Donovan, B. W. Johnson, Lester, Maclary, Mattiford, Rowan, Wolf, Wood—9.

PRESENT — Messrs. Hicks, T. S. Johnson, Lawson, Snowden—4.

SB 135 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Bostick moved that **SB 139** with **SA 1**—"An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Salary of the Commissioners of the Levy Court of Kent County and Sussex County," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, T. S. Johnson, Keel, Layton, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—20.

NAYS—None.

NOT VOTING—Mr. Shockley—1.

ABSENT — Messrs. Alexander, Donovan, Garton, Hicks, B. W. Johnson, Lester, Livingston, Maclary, Mattiford, Rowan, Wolf, Wood—12.

PRESENT—Messrs. Lawson and Snowden—2.

SB 139 with **SA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Bostick moved that **SB 149**—"An Act to Amend Chapter 25, Title 10 of the Delaware Code Relating to the Salary of the Register in Chancery and Clerk of the Orphans' Court of Kent County," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Layton, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—20.

NAYS—None.

NOT VOTING—Mr. Shockley—1.

ABSENT — Messrs. Alexander, Donovan, Hicks, B. W. Johnson, Lester, Livingston, Maclary, Mattiford, Rowan, Wolf, Wood—11.

PRESENT—Messrs. T. S. Johnson, Lawson, Snowden—3.

SB 149 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Bostick moved that **SB 134**—"An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to the Salary of the Prothonotary of Kent County," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Layton, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—20.

NAYS—None.

NOT VOTING—Mr. Shockley—1.

ABSENT — Messrs. Alexander, Donovan, Hicks, B. W. Johnson, Lester, Livingston, Maclary, Mattiford, Rowan, Wolf, Wood—11.

PRESENT—Messrs. T. S. Johnson, Lawson, Snowden—3.

SB 134 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Keel moved that **SCR 18**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Donovan, Hicks, B. W. Johnson, Lester, Livingston, Maclary, Mattiford, Rowan, Wolf, Wood—11.

SCR 18 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Brogan moved that **HB 119** with **HA 1**—"An Act to Amend Chapter 29, Title 29, Delaware Code, Relating to the "State Treasurer", by Providing That the Salaries of State Officials and Employees be Paid Semi-Monthly," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Brogan, action was deferred on **HB 119** with **HA 1**.

Mr. Wilkinson moved that **HB 553**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Providing for Payments to the Surviving Spouse of an Eligible Employee," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Wilkinson, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—25.

NAYS—None.

ABSENT — Messrs. Alexander, Donovan, Hicks, B. W. Johnson, Lester, Maclary, Mattiford, Rowan, Wolf, Wood—10.

HB 553 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Pepper moved that **SB 150**—"An Act to Amend Chapter 93, Title 9 of the Delaware Code Relating to the Salary of the County Comptroller of All Counties," be taken up for consideration and read for the third time in order to pass the House.

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—22.

NAYS—None.

NOT VOTING—Mr. Shockley—1.

ABSENT — Messrs. Alexander, Donovan, Hicks, B. W. Johnson, Lester, Maclary, Mattiford, Rowan, Wolf, Wood—10.

PRESENT—Messrs. Lawson and Snowden—2.

SB 150 having received the constitutional majority, passed the House and was ordered returned to the Senate.

The House adjourned at 11:00 P. M. until 7:30 P. M., Wednesday, July 6, 1955.

118TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:15 P. M., on Wednesday, July 6, 1955.

Prayer by the Chaplain, Rev. Buckley.

Member present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden,

(Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Member absent—Mr. Hicks—1.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 312, HB 455**, and that the Senate had passed and requested the concurrence of the House in the following: **SB 437, SS 1 for SB 474 with SA 1**.

The following communications were delivered to the House:

GOVERNOR'S MESSAGES

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

Dover, July 6, 1955

To the House of Representatives of the State of Delaware:

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

June 30, 1955, House Bill No. 290 with H. A. No. 1—An Act Making an Appropriation to the State Board of Health for the Purpose of Providing the Payment of Salaries and Wages of Employees Over and Above the Present Appropriations Available to the State Board of Health at Emily P. Bissell Sanatorium.

June 30, 1955, Senate Bill No. 271—An Act Appropriating Funds to the Trustees of the Absalom Jones School, District 106, for the Current Fiscal Year on Account of Unanticipated Expenses for Fuel, Electric and Miscellaneous Expenses.

June 30, 1955, Senate Bill No. 297—An Act to appropriate Funds to the Delaware Commission of Shell Fisheries for the Purchase of a Motorboat.

June 30, 1955, Senate Bill No. 419 with H. A. No. 1 and H. A. No. 2—An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" by Abolishing the Delaware Commission for the Feeble Minded and Transferring Its Functions and Facilities of the State Board of Trustees of the Delaware State Hospital at Farnhurst.

June 30, 1955, Senate Bill No. 452—An Act to appropriate Certain Funds to the Trustees of the Hockessin School District.

July 1, 1955, House Bill No. 474—An Act Appropriating Certain Money to Delaware Day School for Handicapped Children, Inc.

July 1, 1955, Senate Bill No. 28—An Act to Amend Title 24, Delaware Code, Entitled "Professions and Occupations" by Providing for the Examination and Registering of Physical Therapists.

July 1, 1955, Senate Bill No. 49—An Act Authorizing a Rebate of an Overpayment by Murray's Feed Service, Inc., of the Feed Tonnage Tax in the Years 1951 and 1952.

July 1, 1955, Senate Bill No. 258—An Act to Amend Title 29, Chapter 25 of the Delaware Code Relating to Attorney General by Increasing the Salaries of the Attorney General, Chief Deputy Attorney General and Deputy Attorney Generals and to Provide for Additional Deputies.

July 1, 1955, Senate Bill No. 260 with S. A. No. 1—An Act to Amend Chapter 87, Title 11 of the Delaware Code Relating to State Detectives by Providing for Their Appointment by the Attorney General, Fixing Their Salaries and Their Duties With Members of Police Forces to Serve Requisitions and be Paid Actual Expenses.

July 1, 1955, Senate Bill No. 268 with H. A. No. 1—An Act Appropriating Money to the State Park Commission of Delaware for Capital Improvements and Equipment at Brandywine Springs Park.

July 1, 1955, Senate Bill No. 269—An Act Making an Emergency Appropriation to the State Park Commission of Delaware to Enable the Said Commission to Open Brandywine Springs Park.

July 1, 1955, Senate Bill No. 270 with H. A. No. 1—An Act Appropriating Money to the State Park Commission of Delaware for the Improvement of the House at Brandywine Springs Park.

July 1, 1955, Senate Bill No. 309—An Act Authorizing and Directing the Board of Game and Fish Commissioners to Pay the Sum of \$418.90 to Arthur S. Hanby and Louise B. Hanby.

July 1, 1955, Senate Bill No. 323—An Act to Amend Chapter 21, Title 12 of the Delaware Code, Relating to Limitations of Claims Against Estates.

July 1, 1955, Senate Bill No. 324—An Act to Amend Chapter 23, Title 12 of the Delaware Code, Relating to Widows' Allowance.

July 1, 1955, Senate Bill No. 325—An Act to Amend Chapter 3, Title 10, Delaware Code, Relating to the General Jurisdiction and Powers of the Court of Chancery With Reference to Compelling Appearance of Non-Resident Defendants.

July 1, 1955, Senate Bill No. 387—An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Jurisdiction, Powers and Duties of the State Highway Department.

July 1, 1955, Senate Bill No. 393—An Act to Amend Title 5, Delaware Code, Relating to Regulations Governing Business of Banks and Trust Companies by Providing That Any Banking Corporation May in Its Certificate of Incorporation Confer Upon the Directors the Power to Make, Alter or Repeal By-Laws Subsequent to the Adoption of Its First Set of By-Laws at the Meeting of Its Incorporators.

July 1, 1955, Senate Bill No. 425—An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to the Right of the General Assembly to Require Attendance and Production of Records and to Administer Oaths and Affirmations and Providing Penalties for Failure to Comply.

July 1, 1955, Senate Bill No. 426 with H. A. No. 1—An Act to Appropriate Certain Funds to the Trustees of the Hartly School District to Enable It to Build an Addition to the Hartly School.

July 1, 1955, Senate Bill No. 428 with S. A. No. 1—An Act to Amend Chapter 96, Title 9 of the Delaware Code Relating to Fees Charged by the Recorder of Deeds in Kent and Sussex Counties.

July 1, 1955, Senate Bill No. 430—An Act to Amend Chapter 89, Title 10 of the Delaware Code Relating to Jurors and Witnesses.

July 1, 1955, Senate Bill No. 467—An Act to Amend Chapter 3, Title 14 of the Delaware Code Relating to School Board Elections.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 6, 1955

To the House of Representatives of the State of Delaware:

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

July 1, 1955, Senate Bill No. 156 with H. A. 1 and H. A. 2—An Act to Amend Chapter 17, Title 24, Delaware Code, Entitled, "Medicine, Surgery and Osteopathy" by Consolidating the Boards of Medical Examiners and Generally Revising the Provisions of the Said Chapter.

July 1, 1955, Senate Bill No. 302 with H. A. 1—An Act to Appropriate Certain Funds to the State Board of Education for the Education, Training or Transportation of Handicapped Children.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE
OFFICE OF AUDITOR OF ACCOUNTS

Dover, July 6, 1955

Subject: Report on Senate Bill No. 8 by the Auditor of
Accounts

To: Honorable Members of the 118th General Assembly

1. Senate Bill No. 8 was an act appropriating the sum of \$350,930.78 to the State Board of Education for an unanticipated increase in the school population. House Amend-

ment No. 1 to Senate Bill No. 8 was an amendment which directed the State Auditor to audit all invoices chargeable against these funds at their source. This act as amended was approved by the Governor April 27th, 1955.

2. Please be advised that the Auditor of Accounts or the Deputy Auditor of Accounts has made a person visit to every school in the State of Delaware concerned with the provisions of the above mentioned Senate Bill No. 8, as required by House Amendment No. 1. With the exception of one or two instances, it was found that the funds were, indeed, necessary expenditures required to pay and maintain the various schools. The cooperation of the State Board of Education, the Permanent Budget Commission and the Superintendents and Principals of the schools contacted was outstanding, and greatly appreciated by this office.

3. For your information, I am pleased to report that the provisions of Senate Bill No. 8 have been complied with; that each school has received its correct proportionate share, and the sum of \$52,283.91 has been reverted to the General Fund.

CLIFFORD E. HALL, Auditor of Accounts

The Chair ordered the following spread upon the Journal:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

July 6, 1955

To the House of Representatives of the State of Delaware:

On June 24, 1955, I received House Bill No. 450 as amended with House Amendment No. 1, entitled:

AN ACT TO AMEND CHAPTER 23, TITLE 30,
DELAWARE CODE, RELATIVE TO LICENSE
FEES PAYABLE BY CIGARETTE VENDING
MACHINE OWNERS AND STAMPS FOR SUCH
MACHINES.

I respectfully return herewith this Bill without my approval.

This Bill increases the annual tax on cigarette vending machines from two dollars for each machine to at least ten dollars for each machine and requires that the owners of such machines pay an additional merchant's license tax.

Cigarettes purchased through vending machines must at present bear the cost of two different State taxes. Each package of twenty cigarettes is taxed at the rate of three cents. Each owner also pays a merchant's license tax computed at the rate of one-seventh of one per cent or else is subject to a tax of two dollars for each vending machine. If this Bill becomes law, the cigarette vending machine business will

be responsible for the payment of the following State taxes: three cents per package, the merchant's license tax, a cigarette vending machine owner's license fee of ten dollars and a tax of ten dollars on each vending machine.

This Bill does not specifically exempt cigarette machines from the existing tax paid in connection with all vending machines. Thus, this Bill creates an ambiguity because of which each cigarette vending machine might be subject to a tax of two dollars in addition to the taxes listed above.

The net result of the proposed changes will be a tax increase of at least 400 per cent to be paid in connection with the sale of cigarettes if they are sold by machine. Taxes on the sale of cigarettes and on merchants and on vending machines were increased as part of an overall tax increase two years ago.

No valid reason has been brought to my attention for such an unusual increase in the tax burden on one segment of business. Since there are comparatively small number of cigarette vending machines in this State, the increased income to the State would be a relatively small sum.

Delaware, however, should seek to maintain a tax program that spreads the necessary cost of government equitably between the citizens and the businesses of the State. Delaware offers opportunity and not tax discrimination to small industries and merchants. To single out one small segment of Delaware's mercantile structure for a 400 per cent tax increase is a sharp departure from Delaware's traditional policy of opportunity for small business. The implications of such treatment go far beyond the particular business here immediately involved. Bills such as this could create for Delaware a reputation for unfair taxation and tax discrimination which would be detrimental to business and industry, the wage earner and the citizenry.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Macklin moved that **HB 629**—"An Act to Provide for Payments to Persons Who Served in the Armed Forces of the United States During the Period Beginning June 25, 1950, and Ending January 31, 1955, and to Designated Beneficiaries of Such Persons; to Recreate and Reestablish The Delaware Veterans' Military Pay Commission to Carry Out Certain Provisions of This Act; to Authorize the Selection of Assistants to Said Commissions; to Provide for a Review of Decisions Affecting Claims Made Under the Act; to Make Appropriations and to Authorize the Issuance of Bonds and Bond Anticipation Notes of the State of Delaware to Carry Out the Provisions of This Act; to Accept Federal Supplementaory Funds for Said Purpose; and to Prescribe Penal-

ties for Violations of the Provisions of This Act," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Hicks and Wolf—2.

HB 629 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Lester, on behalf of Mr. Hicks, moved that **HB 232**—"An Act to Provide That Any Unused Funds Appropriated for Maintenance and Construction to the State Highway Department in the Budget Appropriation Act for the Biennium Ending June 30, 1957 Shall be Credited by the State Treasurer for the Use of the State Highway Department for the Purpose for Which They Were Originally Appropriated," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Donovan and Hicks—2.

HB 232 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Wolf moved that **HB 457** with **SA 1**—"An Act Amending Chapter 152, Volume 48, Laws of Delaware, Being An Act Entitled "An Act Changing the Name of the 'Town of Newark' to the 'City of Newark' and Establishing a Charter Therefor" by Amending the Provisions Pertaining to the Fiscal Year, Budget, Audit, and Financial Statement, and by Providing a Deadline for the Establishment of the Tax Rate and Adoption of the Budget in Each Year," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Wolf, **SA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Hicks and Lester—2.

HB 457 with **SA 1** having received the constitutional majority, passed the House.

Mr. Deputy introduced the following resolution, which upon further motion by him was adopted: **HR 105**—"Authorizing Payment on Account to Attaches and Employees of the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly that the State Treasurer is hereby authorized and directed to pay to each attache and employee of the House, upon order of the Speaker and Chief Clerk of the House, the sum of Ten Dollars (\$10.00) for each legislative day of service by such employee since June 23rd, 1955, the one hundred and tenth legislative day.

The following bill was reported by the Committee on Revised Statutes: **HB 213**, favorably.

The following substitute bill was introduced, given first and second readings by title only, and referred to committee as follows:

HS 1 for **HB 245**—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware Relating to Lotteries," by Garton; to Municipal Corporations.

Mr. Donovan moved that **HB 628**—"An Act Appropriating Money for the Observance of Memorial Day in Honor of the Grand Army of the Republic," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Hicks and Wood—2.

HB 628 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House recessed at 9:05 P. M.

The Speaker called the House to order at 10:05 P. M.

Mr. Deputy introduced the following resolution, which upon further motion by him was adopted: **HR 106**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 118th General Assembly."

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly of the State of Delaware, that the following amounts are appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present session of the 118th General Assembly of the State of Delaware, up to and including the One Hundred and Twentieth Legislative Day, which expenses are declared proper and reasonable expenses actually incurred by the respective members of the House of Representatives for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and in returning from Dover to their respective homes in the performance of their duties as members of the House of Representatives, during the present Legislative Session thereof, and the Auditor of Accounts is directed to approve and properly execute warrants for, and the State Treasurer is directed to pay to the respective members of the House of Representatives hereinafter named, the respective amounts set opposite their respective names, viz.:

Mrs. Mildred Tunnell	\$230.40
Mr. George T. Macklin	108.00
Mr. Leon E. Donovan	151.80
Mr. Charles W. Bostick	75.00
Mr. Ernest S. Mattiford	90.00
Mr. Joseph B. Walls	291.00
Mr. J. Earl Pepper	276.00
Mr. B. Walter Johnson	210.00
Mr. Roland H. Wilkinson	30.00
Mr. Earl N. Keel	198.00
Mr. Peter Nechay	99.00
Mr. Paul F. Livingston	300.00
Mr. Daniel J. Queen, Jr.	6.00
Mr. James L. Hastings	300.00
Mr. Ebe T. Layton	300.00
Mr. Irving H. Garton	12.00
Mr. Nelson Massey	30.00
Mr. Harry E. Mayhew	128.00
Mr. H. Clifford Clark	66.00
Mr. Thomas C. Rowan	150.00
Mr. Edgar Alexander	150.00
Mr. Earl Deputy	180.00
Mr. Norman A. Eskridge	210.00
Mr. John J. Brogan	300.00
Mr. Paul E. Shockley	330.00

Mr. James R. Quigley	288.00
Mr. James H. Snowden	300.00
Mr. Henry H. Wolf	270.00
Mr. Tilghman S. Johnson	339.00
Mr. Benjamin E. Hicks	300.00
Mr. William E. Lester	204.00
Mr. Harry G. Lawson	300.00
Mr. Robert R. Wood	360.00
Mr. Robert P. Maclary	330.00
Mr. James W. Smith	222.00

The following concurrent resolution was introduced, given first and second readings by title only and referred to committee as follows:

HCR 40—"Fixing the Time for Temporary Adjournment by the Senate and House of Representatives of the 118th General Assembly and Providing for Skeleton Sessions During the Temporary Adjournment," by Macklin; to Rules.

Mr. Queen moved that **HB 517**—"An Act Appropriating Certain Moneys to Mary B. Maybee, Widow of Lyle T. Maybee, in the Death of Her Husband While in Performance of Official Duties in Line of Service of the State of Delaware," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Queen, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Pepper, Queen, Rowan, Smith, Snowden, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—26.

NAYS—Messrs. Donovan and Shockley—2.

NOT VOTING—Messrs. Massey and Mayhew—2.

ABSENT — Messrs. Hicks, Livingston, Nechay, Mrs. Tunnell—4.

PRESENT—Mr. Walls—1.

HB 517 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Donovan, **HS 1** for **HB 587** was adopted.

Mr. Donovan moved that **HS 1** for **HB 587**—"An Act Making Appropriations for Certain Contingencies, for the Respective Years of the Biennium July 1, 1955, to June 30, 1957, and Prescribing Limitations Upon Use Thereof and the Powers and Duties of Budget Commission in Relation Thereto," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Shockley, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Keel, Layton, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Smith, Walls, Wilkinson, Mr. Speaker Quigley—23.

NAYS — Messrs. Lawson, Lester, Maclary, Snowden, (Mrs.) Tunnell, Wolf, Wood—7.

ABSENT—Mr. Hicks—1.

PRESENT—Messrs. Garton, T. S. Johnson, Livingston, Rowan—4.

HS 1 for HB 587 with HA 1 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Bostick moved that SB 450 with SA 1—"An Act to Regulate Professional Portrait Photographers," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Bostick, HA 1 was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Brogan, Deputy, Donovan, Garton, B. W. Johnson, Keel, Livingston, Shockley, Wilkinson—9.

NAYS—Messrs. Alexander, Clark, Eskridge, Hastings, T. S. Johnson, Lawson, Layton, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Smith, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—20.

Messrs. Rowan, Smith and Mr. Speaker Quigley changed from yea to nay for purpose of reconsideration.

NOT VOTING—Messrs. Bostic, Snowden, Wolf—3.

ABSENT—Messrs. Hicks, Lester, Queen—3.

SB 450 with HA 1 and HA 1 not having received the constitutional majority, was lost.

The House adjourned at 10:55 P. M. until 7:30 P. M., Thursday, July 7, 1955.

119TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:40 P. M., on Thursday, July 7, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

Members absent—Messrs. Clark, Hicks, Mayhew, Snowden—4.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The following bills were reported by the Committee on Appropriations: **HB 219**, 2 favorable, 2 on merits; **HB 275**, 3 favorable, 1 on merits; by the Committee on Rules: **HCR 40**, favorably; by the Committee on Municipal Corporations: **HS 1** for **HB 245**, 3 favorable, 1 on merits.

The Secretary of the Senate informed the House that the Senate had concurred in **HB 483** and **HS 1** for **HB 223** with **SA 1** over the Governor's veto; and that the Senate had passed and requested the concurrence of the House in: **SCR 23**, **SB 513**, and over the Governor's veto: **SB 241**, **SB 280**, **SB 283**, **SB 319**, **SB 358**, **SB 360**, **SB 361**, **SB 362**.

The Chair announced he is about to sign the following Senate Bills: **SCR 18**, **SB 81**, **SB 134**, **SB 135**, **SB 139** with **SA 1**, **SB 149**, **SB 150**, **SB 312** with **HA 1**, **SB 334** with **SA 1**, **SA 2**, **SA 3** and **HA 1**, **SB 390** with **HA 1**.

The Chair presented the following Senate Bill, which was given first and second readings by title only and referred to committee as follows:

SB 513—"An Act to Amend Chapter 196, Volume 22, Part One, Laws of Delaware, Being An Act Establishing a Board of Public Works for the Town of Lewes and Defining Its Powers, by Repealing Senate Bill No. 213, Which Was Passed by 118th General Assembly and Approved by the Governor on May 5, 1955, and by Granting to the Said Board the Authority to Make Certain Additions and Improvements to the Municipal Electric Light Plant and Distribution System and to the Water Pumping and Distribution Facilities, on Credit, Pledging the Revenues from Those Two Utilities for the Payment of the Cost Thereof," to Municipal Corporations.

Mr. Macklin moved that **HCR 38**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four News Bills," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Donovan, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT—Messrs. Clark, Eskridge, Hicks, Lester, Mayhew, Snowden—6.

HCR 38 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Macklin, House rules were suspended. Mr. Macklin moved that **HCR 40**—"Fixing the Time for Temporary Adjournment by the Senate and House of Representatives of the 118th General Assembly and Providing for Sketon Sessions During the Temporary Adjournment," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Donovan, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—26.

NAYS—Messrs. Maclary and Wolf—2.

ABSENT—Messrs. Clark, Eskridge, Hicks, Lester, Mayhew, Snowden—6.

PRESENT—Mr. T. S. Johnson—1.

HCR 40 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Macklin, the House rules were restored.

Mr. Lawson moved that **HB 90** with **HA 1**—"An Act to Amend Title 9, Delaware Code, by Providing for the Fixing of Taxes for the Cost and Expense of the New Castle County Police System," having had its third reading, be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Donovan, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Nechay, Pepper, Queen, Shockley, Smith, (Mrs.) Tunnell, Walls, Wolf—25.

NAYS — Messrs. B. W. Johnson, Rowan, Mr. Speaker Quigley—3.

NOT VOTING—Mr. Wood—1.

ABSENT—Messrs. Clark, Hicks, Lester, Mayhew, Snowden—5.

PRESENT—Mr. Wilkinson—1.

HB 90 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Wilkinson introduced the following resolution, which upon further motion by him was adopted: **HR 107**—"Expressing the Best Wishes of the House of Representatives of the 118th General Assembly to Representative Daniel J. Queen, Jr., on His Birthday."

WHEREAS, the Members of the House of Representatives of the 118th General Assembly have learned that today is the birthday of Representative Daniel J. Queen, Jr., and

WHEREAS, the Members of the House of Representatives wish to express their best wishes to Representative Queen, NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, that the best wishes of its members are hereby extended to Representative Queen on his birthday, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered on the Journal of the House and a copy be given to Representative Daniel J. Queen, Jr.

The House recessed at 9:10 P. M.

The Speaker called the House to order at 9:50 P. M.

The Chair announced he is about to sign the following House Bills: **HB 122, HB 142, HB 312, HB 455, HB 457 with HA 1, HB 469, HB 483.**

The following bills were reported by the Committee on Municipal Corporations: **SB 513**, favorably; by the Committee on Revised Statutes: **HB 403**, favorably.

At the request of Mr. Speaker Quigley, Mr. Queen took over the Chair.

On motion of Mr. Rowan, **SB 450 with SA 1 and HA 1** was restored to the calendar.

Mr. Layton introduced the following resolution, which upon further motion by him was adopted: **HR 108**—"Authorizing Payment of Invoice for the House of Representatives of the 118th General Assembly."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the sum of Seventy-Two Dollars (\$72.00) is hereby appropriated to The State Register, Laurel, Delaware, for five hundred (500) extra Bill Backers, said expense being an expense connected with this session of the House.

On motion of Mr. Macklin, **HB 374** was stricken from the calendar.

On motion of Mr. Macklin, House rules were suspended.

Mr. Macklin moved that **HB 219**—"An Act to Appropriate Runds to the State Board of Education for Payment of Substitute Teachers," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

NAYS—None.

ABSENT—Messrs. Clark, Hicks, Mayhew, Snowden—4.

HB 219 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Macklin, the House rules were restored.

Mr. Deputy moved that **HB 254**—"An Act Directing the State Highway Department to Tar and Chip County Road Leading from Cantwell Avenue at Corporate Line of Odessa, St. Georges Hundred to U. S. Route 13," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Mr. Speaker Quigley—25.

NAYS—Mr. Wolf—1.

NOT VOTING—Messrs. Maclary and Wood—2.

ABSENT—Messrs. Clark, Hicks, Lester, Mayhew, Snowden, Wilkinson—6.

PRESENT—Mr. Lawson—1.

HB 254 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 318** with **HA 1**—"An Act to Amend Title 14, Delaware Code, by Providing for the Pay of Teachers and Other School Employees During Absences for Certain Reasons," having had its third reading, be taken up for consideration and read in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Hastings, T. S. Johnson, Lawson, Layton, Macklin, Massey, Mattiford, Nechay, Pepper, Queen, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—20.

NAYS—Messrs. Eskridge, B. W. Johnson, Rowan, Smith—4.

ABSENT—Messrs. Clark, Hicks, Lester, Maclary, Mayhew, Snowden, Mr. Speaker Quigley—7.

PRESENT—Messrs. Donovan, Garton, Keel, Livingston—4.

HB 318 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Wolf moved that **HB 236**—"An Act to Amend Title 17, Delaware Code, Entitled "Highways" by Granting the State Highway Department Purchasing Powers and the Power

of Eminent Domain in Connection With Authorized Public Works," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Pepper, Queen, Rowan, Shockley, Wolf, Wood—6.

NAYS — Messrs. Bostick, Brogan, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Layton, Macklin, Massey, Nechay, Walls, Wilkinson, Mr. Speaker Quigley—14.

NOT VOTING — Messrs. Deputy, T. S. Johnson, Keel, Lester, Livingston, Smith, Mrs. Tunnell—7.

ABSENT — Messrs. Alexander, Clark, Hicks, Maclary, Mattiford, Mayhew, Snowden—7.

PRESENT—Mr. Lawson—1.

HB 236 not having received the constitutional majority, was lost.

On motion of Mr. Garton, House rules were suspended.

Mr. Garton moved that SB 513—"An Act to Amend Chapter 196, Volume 22, Part One, Laws of Delaware, Being An Act Establishing a Board of Public Works for the Town of Lewes and Defining Its Powers by Repealing Senate Bill No. 213, Which Was Passed by 118th General Assembly and Approved by the Governor on May 5, 1955, and by Granting to the Said Board the Authority to Make Certain Additions and Improvements to the Municipal Electric Light Plant and Distribution System and to the Water Pumping and Distribution Facilities, on Credit, Pledging the Revenues from Those Two Utilities for the Payment of the Cost Thereof," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Deputy, Donovan, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—24.

NAYS—None.

ABSENT — Messrs. Alexander, Clark, Hicks, B. W. Johnson, Lester, Maclary, Mattiford, Mayhew, Smith, Snowden, Mr. Speaker Quigley—11.

SB 513 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Garton, House rules were restored.

The following bill was reported by the Committee on Charities: SB 386, 3 on merits, 1 favorable, 1 unfavorable.

The following substitute bill was introduced, given first and second readings by title only and referred to committee as follows:

HS 1 for HB 566—"An Act to Amend Title 14, Delaware Code, by Establishing Comprehensive High School Districts Within the State of Delaware and Providing for Construction, Finance, and Administration Thereof," by Bostick; to Appropriations.

The House adjourned at 11:00 P. M. until 7:30 P. M., Friday, July 8, 1955.

120TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:30 P. M., on Friday, July 8, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—29.

Members absent — Messrs. Alexander, Hicks, B. W. Johnson, Queen, Snowden, Wood—6.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in: **HCR 38, HCR 40, HB 268 with HA 1, HB 419, HB 420, HB 454, HB 517 with HA 1, HB 629, HB 631 with HA 1, HB 635**, and that the Senate had passed and requested the concurrence of the House in **SCR 24**.

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

HB 636—"An Act to Amend An Act Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor," by Garton; to Municipal Corporations.

HB 637—"An Act to Amend "An Act to Re-Incorporate the Town of "Smyrna" and Relating to the Establishment of a Police Pension Fund," by Mattiford; to Municipal Corporations.

HB 638—"An Act Authorizing the State Highway Department to Transfer Funds from the "Operations" Account of the Mosquito Control Budget to the "Salaries and Wages" Account," by Macklin; to Appropriations.

The following bill was reported by the Committee on Appropriations: **HB 293**, favorably.

The following communication from the Governor was delivered to the House:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 8, 1955

To the House of Representatives of the State of Delaware:

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

July 6, 1955, Senate Bill No. 442 with S. A. No. 1—An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to State Board of Health by Providing for Establishment of Optometric Clinics, and Providing for an Appropriation Therefore.

July 7, 1955, House Bill No. 67 with H. A. No. 1—An Act to Amend Chapter 9, Title 28, Delaware Code, Relating to Miscellaneous Provisions Concerning Sports and Amusements; Regulation of Public Entertainment on Sundays.

July 7, 1955, House Bill No. 189 with H. A. No. 1—An Act to Amend Chapter 27, Title 21, Section 2712, Delaware Code, Relating to the Special Examination of Persons Involved in More Than One Accident During Any Month Period.

July 7, 1955, House Bill No. 240—An Act Directing the State Highway Department to Carry Out an Accurate Survey and Permanent Marking of State-Owned Lands in Sussex County, Adjacent to the Atlantic Ocean; Appropriations Therefor.

July 7, 1955, House Bill No. 264—An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen.

July 7, 1955, House Bill No. 269—An Act to Amend Chapter 31, Title 20, Delaware Code, Relating to Civil Defense; Powers of the Governor.

July 7, 1955, House Bill No. 316—An Act Authorizing the Mayor and Council of Wilmington to Create a Department of Motor Vehicles, Outlining the Powers and Duties Thereof, and Providing Personnel Therefor.

July 7, 1955, House Bill No. 322—An Act Appropriating Certain Sums to the State Park Commission for Construction and Repair of Certain Facilities at Fort Delaware State Park.

July 7, 1955, House Bill No. 348—An Act Directing the State Highway Department to Erect and Construct a Spill Dam at Ingram Pond, Near Millsboro, in Sussex County; Appropriation.

July 7, 1955, House Bill No. 355—An Act to Amend Chapter 47, Title 7, Delaware Code, by Establishing Fort Delaware State Park and Providing for Fees and Charges to Make the Same Self-Supporting.

July 7, 1955, House Bill No. 384—An Act to Amend Chapter 31, Title 11, Delaware Code, by Providing That in Any Indictment or Information Where It is Necessary to Allege an Intent to Defraud It Shall be Unnecessary to Name the Person Intended to be Defrauded and That It Shall Not be a Variance and Shall be Sufficient If Intent to Defraud Any Person or Group of Persons or Legal Entity is Proved.

July 7, 1955, House Bill No. 435—An Act Appropriating Money to the State Board of Health for Services to Crippled Children.

July 7, 1955, House Bill No. 470—An Act to Amend Chapter 6, Title 9, Delaware Code, by Providing for a Maximum Annual Tax Rate for the Cost of Maintaining a Park or Recreation Area.

July 7, 1955, House Substitute No. 1 for House Bill No. 520—An Act to Permit the Use of Certain Funds for Capital Improvements at Delaware State College.

July 7, 1955, House Substitute No. 1 for House Bill No. 541—An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General.

July 7, 1955, House Bill No. 542—An Act to Amend Chapter 3, Title 14, Delaware Code, Relative to Notice of Annual School Elections.

July 7, 1955, House Bill No. 582—An Act to Amend the Charter of the Town of Delmar, Chapter 182, Volume 45, Laws of Delaware, Relative to the Compensation of Certain Officers.

July 7, 1955, House Bill No. 610 with H. A. No. 1—An Act to Provide for State Supported Salary Schedules for the Biennium Beginning July 1, 1955 and Ending June 30, 1957, for Employees of the State Board of Education, the State Board for Vocational Education, and the Board of Public Education in Wilmington Who are Not Covered by the Salary Schedules in Title 14, Chapter 13, Delaware Code, and to Provide Appropriation Therefor.

July 7, 1955, House Bill No. 621—An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles", Relating to Notice by Commissioner of Revocation or Suspension of Driving Privilege.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Brogan moved that **HB 119** with **HA 1**—"An Act to Amend Chapter 29, Title 29, Delaware Code, Relating to the "State Treasurer", by Providing That the Salaries of State Officials and Employees be Paid Semi-Monthly," having had its third reading, be taken up for consideration in order to pass the House.

HA 2 was withdrawn before adoption.

HA 3 was adopted on motion of Mr. Brogan.

HA 4 was adopted on motion of Mr. Hastings.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—28.

NAYS—None.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, Maclary, Queen, Snowden, Wood—7.

HB 119 with **HA 1**, **HA 3** and **HA 4** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mrs. Tunnell moved that **HB 275**—"An Act to Amend Chapter 55, Title 14, Delaware Code, Relative to Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, Maclary, Queen, Snowden, Wood—7.

JPRESENT—Mr. Smith—1.

HB 275 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mrs. Tunnell moved that **HB 213**—"An Act to Amend Chapter 16, Title 10 of the Delaware Code Relating to the Compensation of the Clerk and Other Officers of the Court of Common Pleas of Sussex County," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—24.

NAYS—Messrs. Donovan and Smith—2.

NOT VOTING—Mr. Wolf—1.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, Maclary, Queen, Snowden, Wood—7.

PRESENT—Mr. Garton—1.

HB 213 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Lawson moved that **HB 403**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Entitled "Employees' Pension Plan" by Altering Various Provisions Thereof," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Lawson, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—24.

NAYS—None.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, Maclary, Nechay, Queen, Smith, Snowden, Wood—9.

PRESENT—Messrs. Donovan and Garton—2.

HB 403 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House recessed at 9:15 P. M.

The Speaker called the House to order at 10:00 P. M.

The Chair presented the following Senate Concurrent Resolution, which was given first and second readings by title and and referred to committee as follows:

SCR 23—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," to Rules.

Mr. Keel moved that **SB 162**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government," in Respect to the Printing, Binding and Distribution of the Session Laws," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Mr. Speaker Quigley—23.

NAYS—None.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Lester, Maclary, Mattiford, Queen, Snowden, Wilkinson, Wolf, Wood—12.

SB 162 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Mayhew moved that **SB 371**—"An Act to Amend Title 1, Delaware Code, Relating to Legal Holidays by Amending the Provisions Governing the Validity of Certain Acts

Done on Specified Legal Holidays and by Providing for the Optional Opening of Banks on Such Holidays," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Livingston, Massey, Mayhew, Nechay, Pepper, Shockley, Smith, (Mrs.) Tunnell, Walls—20.

NAYS—Mr. Macklin and Mr. Speaker Quigley—2.

ABSENT — Messrs. Alexander, Hicks, B. W. Johnson, T. S. Johnson, Lester, Maclary, Mattiford, Queen, Rowan, Snowden, Wilkinson, Wolf, Wood—13.

SB 371 having received the constitutional majority, passed the House and was ordered returned to the Senate.

The House adjourned at 10:20 P. M. until 7:30 P. M., Monday, July 11, 1955.

121ST LEGISLATIVE DAY

House met pursuant to adjournment at 7:45 P. M., on Monday, July 11, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

Members absent—Messrs. Alexander and Wood—2.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 101, HB 165, HB 167** with **HA 1, HB 331, HB 370, HB 555** with **HA 1** and **HA 2, HB 588** with **HA 1, HB 632**, and had passed **HB 369** *with* **HA 1** over the Governor's veto.

The House recessed at 7:55 P. M.

The Speaker called the House to order at 8:40 P. M.

The following concurrent resolution was introduced, given first and second readings by title only and referred to committee as follows:

HCR 41—"Rescinding House Concurrent Resolution No. 40," by Macklin; to Miscellaneous.

The following bills were recommitted: **HB 132**, by Deputy; **HB 41**, by Macklin.

The following bills were reported by the Committee on Municipal Corporations: **HB 636**, favorably; **HB 637**, favorably; **HCR 41**, favorably.

Mr. Lawson moved that **HB 251**—"An Act Creating a Traffic Engineering Bureau in the Street and Sewer Department of the Mayor and Council of Wilmington, Prescribing the Rights and Duties of Said Bureau, Providing for the Employment of Personnel Within Said Bureau and Authorizing the Council of the Mayor and Council of Wilmington to Dispose of Parking Meter Collections," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Deputy, Garton, Hicks, T. S. Johnson, Lester, Macklin, Maclary, Massey, Mattiford, Rowan, (Mrs.) Tunnell, Wolf—12.

NAYS—Messrs. Bostick, Brogan, Lawson, Layton, Nechay, Pepper, Shockley, Snowden, Walls—9.

Messrs. Lawson and Snowden changed from yea to nay for purpose of reconsideration.

NOT VOTING—Mr. Donovan—1.

ABSENT—Messrs. Alexander, Clark, Livingston, Wood—4.

PRESENT—Messrs. Eskridge, Hastings, B. W. Johnson, Keel, Mayhew, Queen, Smith, Wilkinson, Mr. Speaker Quigley—9.

HB 251 not having received the constitutional majority, was lost.

Mr. Rowan moved that **SB 489** with **HA 1**—"An Act to Amend Chapter 5, Title 7 of the Delaware Code, Relating to Deer Hunting Licenses," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Garton, Hastings, Rowan, Smith, Wilkinson, Wolf—6.

NAYS—Messrs. Eskridge, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mayhew, Nechay, Pepper, Shockley, Snowden, (Mrs.) Tunnell, Walls, Mr. Speaker Quigley—15.

NOT VOTING—Messrs. Brogan and Deputy—2.

ABSENT—Messrs. Alexander, Clark, Donovan, Livingston, Wood—5.

PRESENT—Messrs. Bostick, Hicks, B. W. Johnson, T. S. Johnson, Massey, Mattiford, Queen—7.

SB 489 with **HA 1** not having received the constitutional majority, was lost.

Mr. Garton moved that **HB 487**—"An Act to Amend Chapter 33, Title 24, Delaware Code, Entitled "Veterinarians", Relating to Definitions, Powers of the State Board of Veterinary Examiners, Examinations, Applications, Suspension or

Revocation of Licenses, Appeals, Violations and Penalties," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Garton, **HA 1** was adopted

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Garton, Hastings, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Smith, Walls—10.

NAYS — Messrs. Clark, Donovan, Eskridge, B. W. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Queen, Shockley, Snowden, Mrs. Tunnell, Mr. Speaker Quigley—15.

NOT VOTING — Messrs. Brogan, Deputy, T. S. Johnson, Maclary, Wilkinson, Wolf—6.

ABSENT—Messrs. Alexander, Hicks, Wood—3.

PRESENT—Mr. Bostick—1.

HB 487 with **HA 1** not having received the constitutional majority, was lost.

On motion of Mr. Macklin, the House rules were suspended.

Mr. Macklin moved that **HCR 41**—"Rescinding House Concurrent Resolution No. 40," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—28.

NAYS—None.

NOT VOTING—Messrs. Lester, Maclary, Wolf—3.

ABSENT—Messrs. Alexander, Hicks, Wood—3.

PRESENT—Mr. Garton—1.

HCR 41 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Lawson moved that since we were working under a suspension of rules that **HB 153**—"An Act Proposing an Amendment to the Constitution of the State of Delaware to Permit the Game of Bingo in Those Counties Where a Favorable Referendum is Held and to Provide Further Safeguards in Connection Therewith," be taken up for consideration and read for the third time in order to pass the House.

Mr. Pepper moved that **HB 153** be tabled, and the motion was lost.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Deputy, Hicks, T. S. Johnson, Livingston, Maclary, Massey, Nechay, Queen, Rowan, Rowan, Shockley, Smith, Wilkinson, Wolf—15.

NAYS — Messrs. Eskridge, Garton, Hastings, Lawson, Layton, Lester, Macklin, Mayhew, Pepper, Snowden, (Mrs.) Tunnell, Walls, Mr. Speaker Quigley—13.

Messrs. Lawson and Lester changed from yea to nay for purpose of reconsideration.

ABSENT—Messrs. Alexander and Wood—2.

PRESENT—Messrs. Bostick, Donovan, B. W. Johnson, Keel, Mattiford—5.

HB 153 not having received the constitutional majority, was lost.

Mr. Lester's motion to restore **HB 153** to the calendar was tabled on motion of Mr. Shockley, and **HB 153** was not restored to the calendar.

On motion of Mr. Macklin, House rules were restored.

The following bills were recommitted: **HB 292**, **HB 351** and **HB 421**, by Mayhew.

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

HCR 42—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," by Garton; to Municipal Corporations.

HCR 43—"Request to the Governor of the State of Delaware to Return House Bill No. 634 as Amended for Reconsideration," by Donovan; to Appropriations.

HCR 44—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Two New Bills," by Donovan; to Private Corporations.

HS 1 for **HB 586**—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for Highway Improvements and for Buildings Under the Jurisdiction of the State Highway Department by Acquiring Lands and Rights-of-Way, Constructing and Reconstructing Highways, Bridges, by Providing Buildings and Improvements Incidental Thereto and to Issue Bonds and Notes Therefor and Appropriating Said Funds," by Donovan and Nechay; to Appropriations.

HB 639—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Departmental Supplies," by Nechay; to Revised Statutes.

On motion of Mr. Macklin, the House Clock was stopped at 10:45 P. M.

The following concurrent resolution was reported by the Committee on Private Corporations: **HCR 44**, favorably.

On motion of Mr. Queen, the House rules were suspended for purpose of acting on **HCR 44**.

Mr. Queen moved that **HCR 44**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Two New Bills," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—27.

NAYS—Mr. Wolf—1.

ABSENT — Messrs. Alexander, Hicks, T. S. Johnson, Lester, Maclary, Smith, Wood—7.

HCR 44 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Queen, the House rules were restored.

Mr. Garton moved that **SB 471** with **SA 1**—"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 Improvement of the Water Front and to Increase the Harbor Terminal and Shipping Facilities of the City of Wilmington; Authorizing and Regulating the Issuance of Bonds for Financing Such Undertakings; Providing for the Payment of Such Bonds and the Rights of the Holders Thereof," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—28.

NAYS—None.

ABSENT — Messrs. Alexander, Hicks, T. S. Johnson, Lester, Maclary, Smith, Wood—7.

SB 471 with **SA 1** having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Queen, **HS 1** for **HB 560** was adopted.

Mr. Queen moved that **HS 1** for **HB 560**—"An Act to Establish the State Fire Prevention Commission and Defining Its Powers and Duties," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—26.

NAYS—Messrs. Lawson and Snowden—2.

ABSENT — Messrs. Alexander, Hicks, T. S. Johnson, Lester, Maclary, Smith, Wood—7.

HS 1 for **HB 560** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Massey moved that **SB 221**—"An Act to Amend Title 13, of the Delaware Code by Removing the Monetary Limits Relative to the Support of and Relative to the Medical and Lying in Expenses Incident to the Birth of an Illegitimate Child," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—25.

NAYS—Mr. Shockley—1.

ABSENT — Messrs. Alexander, Garton, Hicks, T. S. Johnson, Lester, Maclary, Nechay, Smith, Wood—9.

SB 221 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Garton, **HS 1** for **HB 245** was adopted.

Mr. Garton moved that **HS 1** for **HB 245**—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware Relating to Lotteries," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Garton, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Walls, Wilkinson, Mr. Speaker Quigley—24.

NAYS—Messrs. Lawson, Snowden, Mrs. Tunnell—3.

ABSENT — Messrs. Alexander, Hicks, T. S. Johnson, Lester, Maclary, Smith, Wood—7.

PRESENT—Mr. Wolf—1.

HS 1 for **HB 245** with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Layton introduced the following resolution, which upon further motion by him was adopted: **HR 109**—"Relative to the Death of Former Representative Walter M. Hearn."

WHEREAS, the House of Representatives of the 118th General Assembly of the State of Delaware has learned with regret of the passing of Walter M. Hearn, a resident of Laurel and a former member of the House from the Third Representative District of Sussex County; and

WHEREAS, former State Representative Walter M. Hearn served his State faithfully and well both as a member of the House and as a reading clerk; and

WHEREAS, the members of the House 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 House of Representatives of the 118th General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Walter M. Hearn, a respected resident of Laurel and a former member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House, which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the House.

On motion of Mr. Macklin, the House Clock was started and upon further motion by him, the House adjourned at 11:26 P. M. until 7:30 P. M., Tuesday, July 12, 1955.

122ND LEGISLATIVE DAY

House met pursuant to adjournment at 8:50 P. M., on Tuesday, July 12, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

Members absent—Messrs. Donovan, Hicks, T. S. Johnson, Smith—4.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

Upon request of Mr. Speaker Quigley, Mr. Queen was in the Chair.

The Secretary of the Senate informed the House that the Senate had concurred in: **HCR 41, HB 219, HB 315 with SA 1, HB 318 with HA 1, HB 342, HB 343, HB 403 with HA 1, HS 1** for **HB 548**, and that the Senate had passed and requested the concurrence of the House in: **SB 186**.

The following communication from the Governor was delivered to the House:

GOVERNOR'S MESSAGE
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 12, 1955

To the House of Representatives of the State of Delaware:

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

July 11, 1955, Senate Bill No. 81—An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" by Establishing Qualifications for Certain Special Constables and by Providing for Two Year Appointments at Increased Fees.

July 11, 1955, Senate Bill No. 134—An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to the Salary of the Prothonotary of Kent County.

July 11, 1955, Senate Bill No. 135—An Act to Amend Chapter 95, Title 9 of the Delaware Code Relating to the Salary of the Coroner of Kent County.

July 11, 1955, Senate Bill No. 139 with S. A. 1—An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Salary of the Commissioners of the Levy Court of Kent County and Sussex County.

July 11, 1955, Senate Bill No. 149—An Act to Amend Chapter 25, Title 10 of the Delaware Code Relating to the Salary of the Register in Chancery and Clerk of the Orphans' Court of Kent County.

July 11, 1955, Senate Bill No. 150—An Act to Amend Chapter 93, Title 9 of the Delaware Code Relating to the Salary of the County Comptroller of All Counties.

July 11, 1955, Senate Bill No. 248—An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to License Fees for Sale of Alcoholic Liquors.

July 11, 1955, Senate Bill No. 312 with H. A. 1—An Act to Amend Chapter 21, Title 12 of the Delaware Code Relating to Order of Preference of Claims Against Estates.

July 11, 1955, Senate Bill No. 334 with S. A. 1, 2, 3 and H. A. 1—An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections and Nominations of Candidates.

July 11, 1955, Senate Bill No. 390 with H. A. 1—An Act to Amend Chapter 11, Title 4, Delaware Code Relating to Alcoholic Liquors.

July 11, 1955, House Bill No. 122—An Act to Amend Chapter 59, Title 11, Delaware Code, Entitled "Justice of the Peace" by Increasing the Maximum for Assaults and Batteries and Breaches of the Peace.

July 11, 1955, House Bill No. 142—An Act to Amend Title 20, Delaware Code, Entitled, "Military and Civil Defense" by Providing for Leave of Absence from Work for Employees Who are Members of the Reserve Components of the Armed Forces, While Engaged in Temporary Military Training With the Armed Forces of the United States.

July 11, 1955, House Bill No. 312—An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles Giving Right to Person Arrested to be Tried in the Municipal Court for the City of Wilmington or by the Nearest Available Justice of the Peace.

July 11, 1955, House Bill No. 455—An Act to Amend Title 12, Delaware Code, in Respect to the Escheator.

July 11, 1955, House Bill No. 457 with S. A. 1—An Act Amending Chapter 152, Volume 48, Laws of Delaware, Being An Act Entitled "An Act Changing the Name of the 'Town of Newark' to the 'City of Newark' and Establishing a Charter Therefor" by Amending the Provisions Pertaining to the Fiscal Year, Budget, Audit, and Financial Statement, and by Providing a Deadline for the Establishment of the Tax Rate and Adoption of the Budget in Each Year.

July 11, 1955, House Bill No. 469—An Act to Amend Title 4, Delaware Code, Relating to the Quantity of Beer That May be Sold to be Kept in Stock for Personal Use Without the Necessity of an Individual License to Purchase the Same: Permitting Purchase and Transportation of Greater Quantity of Beer.

Respectfully submitted,

J. CALEB BOGGS, Governor

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

SCR 22—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Bill," to Rules.

The following bill was reported by the Committee on Revised Statutes: **HB 639**, favorably.

On motion of Mr. Snowden, **HB 251** was restored to the calendar.

On motion of Mr. Keel, House rules were suspended for purpose of acting on **SCR 22**.

The following concurrent resolution was reported by the Committee on Rules: **SCR 22**, favorably.

Mr. Keel moved that **SCR 22**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Bill," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood—29.

NAYS—Mr. Wolf—1.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Smith, Mr. Speaker Quigley—5.

SCR 22 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Rowan introduced the following petition:

REQUEST FOR REPORT OF HOUSE BILL NO. 297

We, the undersigned members of the House of Representatives of the 118th Session of the General Assembly of the State of Delaware, do hereby request that House Bill No. 297, which was assigned to the Committee on Appropriations on March 16, 1955, be reported to the House for a decision as to its further disposal.

Messrs. Thos. C. Rowan, Irving N. Garton, Joseph B. Walls, Roland H. Wilkinson, Earl Deputy, John J. Brogan, James L. Hastings, Ernest S. Mattiford, Paul F. Livingston, H. C. Clark, H. E. Mayhew, Nelson Massey, James W. Smith, Daniel J. Queen, Ebe T. Layton, B. Walter Johnson, Edgar Alexander, James Snowden.

The Speaker ordered **HB 297** reported out by petition on the calendar.

Mr. Garton moved that **HB 636**—"An Act to Amend An Act Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—28.

NAYS—None.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Maclary, Smith, Mr. Speaker Quigley—6.

PRESENT—Mr. Lester—1.

HB 636 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Mattiford moved that **HB 637**—"An Act to Amend "An Act to Re-Incorporate the Town of "Smyrna" and Relating to the Establishment of a Police Pension Fund," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—28.

NAYS—None.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Lester, Maclary, Smith, Mr. Speaker Quigley—7.

HB 637 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Mayhew moved that **SB 58**—"An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Eligibility for Taking Examination to be Real Estate Broker," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Deputy, Hastings, B. W. Johnson, Layton, Massey, Mattiford, Mayhew, Nechay, Pepper, Shockley—11.

NAYS—Messrs. Clark, Eskridge, Garton, Keel, Lawson, Livingston, Macklin, Queen, Rowan, Snowden, (Mrs.) Tunnell, Walls, Wolf, Wood—14.

NOT VOTING—Mr. Brogan—1.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Lester, Maclary, Smith, Mr. Speaker Quigley—7.

PRESENT—Messrs. Alexander and Wilkinson—2.

SB 58 not having received the constitutional majority, was lost.

Mr. Rowan moved that **SB 417**—"An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Protection of Deer and Penalties for Violations of the Provisions Thereof," having had its third reading, be taken up for consideration in order to pass the House.

Mr. Rowan introduced **HA 1**, which was lost.

On motion of Mr. Rowan, action was deferred.

Mr. Speaker Quigley returned to the Chair.

Mr. Eskridge moved that **SB 386**—"An Act to Amend Section 15 of Article 2 of the Constitution of the State of Delaware Relating to Cost of Operation of the General Assembly With Reference to Salary and Expenses of the Members Thereof," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Eskridge, **HA 1** was adopted.

HA 2, introduced by Mr. Rowan, was tabled.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Brogan, Clark, Eskridge, Hastings, Livingston, Massey, Pepper, Shockley, Wood—9.

NAYS—Messrs. Bostick, Deputy, Garton, B. W. Johnson, Keel, Lawson, Layton, Lester, Macklin, Maclary, Mattiford, Nechay, Queen, Rowan, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—20.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Smith—4.

PRESENT—Messrs. Alexander and Mayhew—2.

SB 386 with **HA 1** not having received the constitutional majority, was lost.

Mr. Deputy moved that **SB 24**—"An Act to Amend Chapter 5, Title 31 of the Delaware Code, by Providing for an Increase in the Amount of Assistance Allowed to Aged Persons," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Layton, Lester, Smith—6.

SB 24 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Queen moved that **HB 293**—"An Act Appropriating a Sum of Money to the State Librarian for the Purchase and Installation of Additional Shelving and Lighting Fixtures for the State Library," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey,

Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Lester, Rowan, Smith—6.

HB 293 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Bostick, on behalf of Mr. Smith, introduced the following resolution, which upon further motion by him was adopted: **HR 110**—"Extending the Sympathy of the House of Representatives to Mrs. Edna Brasure, Document Clerk for the House of Representatives, Upon the Death of Her Sister, Mrs. Harry C. Macatee."

WHEREAS, the Members of the House of Representatives have learned with deep regret of the death of Mrs. Harry C. Macatee, sister of Mrs. Edna Brasure, Document Clerk for the House of Representatives; and

WHEREAS, the Members of the House wish to express their sympathy to Mrs. Brasure in a fitting and public manner; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the heartfelt sympathy of every member of the House of Representatives is hereby extended to Mrs. Edna Brasure and the members of her family upon the loss of her sister, Mrs. Harry C. Macatee; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be spread upon the Journal and a copy sent to Mrs. Brasure.

At request of Mr. Speaker Quigley, Mrs. Tunnell took over the Chair.

The following bills were stricken from the calendar: **HB 424** and **HB 425**, by Wilkinson; **HB 292**, **HB 351** and **HB 421**, by Mayhew; **HB 132**, by Deputy; **HB 124**, by Garton.

Mr. Mayhew moved that **SB 266**—"An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles" in Regard to the Fiscal Requirements of the Safety Responsibility Law," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—28.

NAYS—None.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Lester, Smith, Mr. Speaker Quigley—7.

SB 266 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Shockley moved that SB 122 with SA 1—"An Act Appropriating Money to the University of Delaware for Capital Improvements on the University Campus, and at the University's Agricultural Experimental Substation in Sussex County," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lawson, Layton, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood—27.

NAYS—None.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Lester, Livingston, Smith, Mr. Speaker Quigley—9.

SB 122 with SA 1 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Massey moved that SB 265—"An Act to Prohibit the Selling, Offering for Sale or Possession of Knives Whose Blade is Released by a Spring Mechanism Including Knives Known as "Switch-Blades"; Authorizing the Seizure, Confiscation and Destruction Thereof; and Providing Penalties," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Keel, Lester, Livingston, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood—25.

NAYS—Messrs. Layton and Wolf—2.

NOT VOTING—Mr. Macklin—1.

ABSENT—Messrs. Donovan, Hicks, B. W. Johnson, T. S. Johnson, Smith, Mr. Speaker Quigley—6.

PRESENT—Mr. Lawson—1.

SB 265 having received the constitutional majority, passed the House and was ordered returned to the Senate.

The following bill was reported by the Committee on Municipal Corporations: SB 307, favorably.

On motion of Mr. Macklin, the House Clock was stopped at 10:55 P. M.

Mr. Speaker Quigley returned to the Chair.

Mr. Bostick moved that **SB 450** with **SA 1** and **HA 1**—"An Act to Regulate Professional Portrait Photographers," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Bostick, **HA 2** was adopted.

HA 3, introduced by Mr. Snowden, was lost.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Deputy, Garton, Hastings, B. W. Johnson, Livingston, Macklin, Maclary, Massey, Mayhew, Nechay, Queen, Rowan, Shockley, Wilkinson, Mr. Speaker Quigley—18.

NAYS—Mr. Layton, Mrs. Tunnell, Mr. Wood—3.

NOT VOTING — Messrs. Eskridge, Lawson, Pepper, Snowden—4.

ABSENT — Messrs. Donovan, Hicks, T. S. Johnson, Keel, Lester, Mattiford, Smith, Walls, Wolf—9.

PRESENT—Mr. Clark—1.

SB 450 with **SA 1** and **HA 1** and **HA 2** having received the constitutional majority, passed the House and was ordered returned to the Senate for concurrence.

The Chair announced he is about to sign the following: **HCR 38, HCR 41, HB 101, HB 165, HB 167** with **HA 1**, **HB 219, HB 268** with **HA 1**, **HB 318** with **HA 1**, **HB 331, HB 340, HB 343, HB 370, HB 403, HB 419, HB 420, HB 454, HB 517** with **HA 1**, **HS 1** for **HB 548, HB 555** with **HA 1** and **HA 2**, **HB 588** with **HA 1**, **HB 629, HB 631** with **HA 1**, **HB 632, HB 635**.

On motion of Mr. Macklin, the clock was started at 11:10 P. M.

The House adjourned at 11:11 P. M. until 7:30 P. M., Wednesday, July 13, 1955.

123RD LEGISLATIVE DAY

House met pursuant to adjournment at 9:10 P. M., on Wednesday, July 13, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—30.

Members absent — Messrs. Alexander, Brogan, Hicks, Massey, Wolf—5.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 275**, and that the Senate had passed and requested the concurrence of the House in: **SB 366**.

The Chair announced he is about to sign the following Senate Bills: **SCR 22**, **SB 122** with **SA 1**, **SB 162**, **SB 221**, **SB 265**, **SB 266**, **SB 371**, **SB 471** with **A 1**, **SB 447** with **HA 1**, **SB 513**.

The following substitute bill was introduced, given first and second readings by title only and referred to committee as follows:

HS 1 for **HB 125**—"An Act to Amend Chapter 39, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Benefits," by Tunnell; to Education.

Veto message on **HB 277** was read and ordered spread upon Journal.

STATE OF DELAWARE EXECUTIVE DEPARTMENT

July 13, 1955

To the House of Representatives of the State of Delaware:

On July 6, 1955, I received House Bill No. 277, entitled:

**AN ACT TO AMEND CHAPTER 19, TITLE 7,
DELAWARE CODE, WITH RESPECT TO THE
LEASING OF ACREAGES FOR SHELL FISHER-
IES IN REHOBOTH BAY AND INDIAN RIVER
BAY.**

I respectfully return this Bill herewith without my approval.

This Bill seeks to reduce the present limit on the number of acres of Indian River oyster area which the State of Delaware may lease to any one firm or individual. The Bill would also prohibit subleasing of such areas. There is no provision to protect existing leases or the owners of the crops now under cultivation.

For many years annual leases have been available in that area to the oyster industry with the statutory guarantee that such leases may be renewed year after year. Oyster cultivation involves a considerable capital investment, and several years must pass before cultivated oysters may be properly harvested.

The thriving oyster business as it presently exists depends in no small part on the area now under cultivation, much of which would be confiscated under the provisions of this Bill without the due process of law. Large claims against the State would result in all probability.

It is undoubtedly desirable that the limited oyster areas of Delaware be leased as equitably as possible. Therefore, the objectives of this Bill may be desirable. For the protection of the industry and so as to preserve the rights of those who

are engaged in this important industry, it is suggested that the objectives of this Bill could be accomplished by appropriate legislation allowing the Shell Fisheries Commission a sufficient number of years to carry out such policy on an equitable basis.

Respectfully submitted,

J. CALEB BOGGS, Governor

Veto message on **HB 393** was read and ordered spread upon Journal.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

July 13, 1955

To the House of Representatives of the State of Delaware:

On July 6, 1955, I received House Bill No. 393, entitled:
AN ACT AUTHORIZING AND DIRECTING THE
STATE HIGHWAY DEPARTMENT TO INSTALL
A TRAFFIC CONTROL LIGHT AT THE INTER-
SECTION OF STATE HIGHWAY NO. 71 AND
COUNTY ROAD NO. 25 AT GINN'S CORNER
NEAR TOWNSEND, NEW CASTLE COUNTY.

I respectfully return this Bill herewith without my approval.

Throughout the State of Delaware there are a great number of intersections carrying varying volumes of vehicular and pedestrian traffic. In order to cope with the problem of installing traffic signals as may be necessary in the public interest, the Legislative Branch of our State government has in the past permitted broad authority to the Highway Department to meet these needs appropriately and properly.

The Highway Department has a uniform procedure to determine whether or not traffic signals are justified in light of the overall community interest, safety and proper flow of traffic. The Highway Department uses ten warrants, or criteria, that have been developed by the Institute of Traffic Engineers and the American Association of State Highway Officials. This procedure is in wide and general use throughout the nation. It is recognized as the best and approved way for meeting this problem.

It is my opinion that it is a better policy to have the Highway Department continue to administer this function on the basis of its surveys and nationally recognized criteria. As may be recalled, in the last session of the legislature several bills on this subject were passed which I was unable to approve for the same reasons which I am giving here.

If, however, the Legislative Branch wishes to take over this function, I would recommend that all the various bills carry necessary supplemental appropriations to meet the installation and maintenance costs.

I believe that upon reflection you will agree this is not a matter in which the Legislative Branch has the time nor the means to administer effectively.

In this particular case, I am advised by the State Highway Department that as recent as April, 1955, a survey was made at the intersection in question at Ginn's Corner near Townsend. This survey indicated that only three warrants were favorable to the installation of this proposed traffic signal and that seven warrants were unfavorable which conclusively establishes the fact that a traffic control light at this intersection would be a hazard to public safety.

In view of the above, I recommend that these highway traffic control signals and related problems be left to the careful study and consideration of the Highway Department and to be decided upon the merits of each case as they may appear after a proper and careful survey.

Respectfully submitted,

J. CALEB BOGGS, Governor

Veto message on SB 319 was read and ordered spread upon Journal.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

Dover, July 1, 1955

To The Senate of The State of Delaware:

On June 22, 1955, I received Senate Bill No. 319 entitled:
AN ACT TO AMEND CHAPTER 1, TITLE 5 OF
THE DELAWARE CODE RELATING TO THE
STATE BANK COMMISSIONER AFFECTING HIS
APPOINTMENT, REMOVAL, TERM AND BOND.

I respectfully return herewith this Bill without my approval.

This Bill seeks to deprive the Governor of the authority to appoint the State Bank Commissioner, subject to confirmation by the Senate, and to place this appointive power wholly in the hands of a seven-member group known as the Bank Advisory Board of which the Commissioner is not only a member but is also a chairman.

In addition to the Commissioner, the Bank Advisory Board consists of six members, three of whom must be from each major political party, and at least four of whom must be executive officers of banking organizations. The law sharply limits the Advisory Board's power and states that its purpose shall be to "aid and assist the Commissioner in an advisory capacity." It further provides that "no member of the board shall be liable or responsible in any manner whatever for any action taken by the Commissioner on the advice of such member." The Commissioner does not report to the Board, and he need reveal to the Board only such information as he "deems proper."

The State Bank Commissioner, whose post was created in 1919, has important supervisory authority over banks and other financial institutions in Delaware. It is the Commissioner's duty to conduct examinations into the resources, liabilities, investments and management of the banks and other financial institutions, and to report his findings to the Governor.

It is highly inappropriate that the chief bank examiner of the State be chosen by a group consisting principally of bank executives who have no responsibility in connection with the duties of the Commissioner and to whom the Commissioner does not answer. An undesirable situation is created when an examiner's appointment or reappointment may depend on the votes of officers of the very banks which he is to examine. This already undesirable situation is compounded by the fact that the Commissioner, under this Bill, is himself permitted to preside over and vote at a meeting of the Bank Advisory Board where a succeeding term for the Commissioner may be considered.

Through the years the various Governors, with whom the power to make this appointment has always properly rested, have selected capable Commissioners who have performed their duties impartially and efficiently. Simultaneously, the banks of Delaware have enjoyed an unusually good record of stability and sound financial management, even during periods when banks in other states have had fiscal difficulties. It is of importance to all that our banks continue to retain this enviable position, to which much can be contributed by the proper selection of an able, qualified Commissioner. This condition must not in any way be jeopardized.

I know of no valid reason why the present law should be changed. Neither the banks nor the citizens who use the banks have expressed any desire for this proposed change. The motive for this legislation must therefore be found elsewhere.

Paradoxically, even this Bill which seeks to deprive the Governor of his right to appoint the Bank Commissioner, recognizes the Executive's fundamental rights with respect to the State's executive officers by making no change in the existing provision of law that the Commissioner shall report to the Governor.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Macklin moved that **HB 375**—"An Act Appropriating Funds to the State Board of Education for Allocation to the School Districts of the State for the Purpose of Increasing the Appropriations to the Districts for Capital Outlay," be taken up for consideration and read for the third time in order to pass the House.

Action deferred on motion of Mr. Macklin.

Mr. Macklin moved that **HB 544**—"An Act to Amend Chapter 19, Title 14, Delaware Code, Relative to Notice of Special Elections for Local School Taxes," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT—Messrs. Alexander, Brogan, Hicks, Massey, Nechay, Wolf—6.

HB 544 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 310**—"An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Shockley, **HA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—27.

NAYS—None.

NOT VOTING—Mr. Smith—1.

ABSENT—Messrs. Alexander, Brogan, Hicks, Maclary, Massey, Wilkinson, Wolf—7.

HB 310 with **HA 1** having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Macklin moved that **HB 545**—"An Act to Amend Chapter 21, Title 14, Delaware Code, Relative to Local School Bond Elections," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Mattiford, Mayhew, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wood, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT—Messrs. Alexander, Brogan, Hicks, Maclary, Massey, Nechay, Wilkinson, Wolf—8.

HB 545 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

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

SJR 1—"Relating to an Investigation of State Supported Tuberculosis Sanatoria," to Miscellaneous.

SCR 20—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," to Rules.

SCR 24—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," to Rules.

SB 186—"An Act to Amend Chapter 51 of the Delaware Code Entitled "University of Delaware" for the Purpose of Granting Continuing Authority to Issue Revenue Bonds for Income Producing Capital Improvements of the University of Delaware," to Appropriations.

SS 1 for SB 196—"An Act Providing for Protecting the Beach or Strand from Erosion Opposite, or in Front of, or Near the Town of Lewes, along the Delaware Bay Shore, in Sussex County," to Appropriations.

SB 210—"An Act to Amend Title 12, Delaware Code, Section 2316, (b) Relating to Payment of Legacy, Distributive Share or Trust Fund Where Person Entitled is Out of State, Unknown, Incompetent or Shares Uncertain and the Proceedings for Same," to Revised Statutes.

SB 216—"An Act to Amend Chapter 87, Title 9, of the Delaware Code in Relation to the Collection of Delinquent Taxes," to Revenue and Taxation.

SB 292 with SA 1—"An Act to Amend Title 13, Delaware Code by Providing That the Superior Court of the State of Delaware in and for New Castle County May Within Its Discretion Refer Proceedings for Divorce or Annulment of Marriage to the Family Court for New Castle County for Attempted Reconciliation," to Private Corporations.

SB 366—"An Act Relating to the Interstate Compact on Juveniles," to Miscellaneous.

SB 437—"An Act Appropriating Certain Moneys to the State Highway Department for the Purpose of Aiding and Assisting in the Control and Eradication of Mosquitoes," to Appropriations.

SS 1 for SB 474 with SA 1—"An Act to Prescribe Minimum Wages for Certain Employees, to Provide for the Further Determination and Establishment of Certain Minimum Wages and Supporting Standards by Occupation and to Provide for Enforcement of Such Violations," to Labor.

The Chair presented SR 86, which upon motion of Mr. Deputy was adopted and SB 472 as amended, was returned to the Senate.

On motion of Mr. Pepper, **HB 513** was lifted from table and restored to the calendar.

On motion of Mr. Pepper, **HB 525** and **HB 538** were stricken from the calendar.

On motion of Mr. Garton, **HB 487** with **HA 1** was restored to the calendar.

Mr. Shockley moved that **HB 315** with **SA 1**—"An Act to Amend Chapter 5, Title 19, Delaware Code, Entitled "Child Labor", Omitting Obsolete Provisions and Changing Substantive and Administrative Provisions of the Chapter," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Clark, Deputy, Eskridge, Hastings, Layton, Livingston, Macklin, Mattiford, Nechay, Pepper, Queen, Rowan, Shockley, Smith, (Mrs.) Tunnell, Walls, Mr. Speaker Quigley—18.

NAYS—None.

NOT VOTING—Messrs. Lester, Maclary, Snowden, Wood—4.

ABSENT—Messrs. Alexander, Brogan, Garton, Hicks, B. W. Johnson, Massey, Wolf—7.

PRESENT—Messrs. Donovan, T. S. Johnson, Keel, Lawson, Mayhew, Wilkinson—6.

HB 315 with **SA 1** having received the constitutional majority, passed the House.

Mr. Maclary moved that **HB 341** with **HA 1**—"An Act to Amend Title 9 and Title 30 of the Delaware Code by Providing for a Municipal Street Aid Fund from the Proceeds of the State Motor Fuel Tax and the Proper Distribution of Such Fund to All Incorporated Cities and Towns for Street Purposes," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Maclary, **HA 2** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Clark, T. S. Johnson, Lawson, Lester, Shockley—5.

NAYS—Messrs. Eskridge, B. W. Johnson, Keel, Layton, Livingston, Macklin, Maclary, Mayhew, Nechay, Pepper, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—16.

NOT VOTING—Mr. Deputy—1.

ABSENT—Messrs. Alexander, Brogan, Garton, Hicks, Massey, Queen, Wolf—7.

PRESENT—Messrs. Bostick, Donovan, Hastings, Mattiford, Rowan, Wood—6.

HB 341 with **HA 1** and **HA 2** not having received the constitutional majority, was lost.

On motion of Mr. Maclary, **HB 341** with **HA 1** and **HA 2** was restored to the calendar.

The following concurrent resolution was introduced, given first and second readings by title only and referred to committee as follows:

HCR 45—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four New Bills," by Queen and Mattiford; to Miscellaneous.

The following bills were reported by the Committee on Appropriations: **HCR 43**, favorably; **HS 1** for **HB 586**, favorably; **HB 447**, 3 favorable, 2 on merits; **SB 267**, 4 on merits, 1 favorable.

The Chair announced he is about to sign: **HB 275**.

Mr. Nechay moved that **HB 344** with **HA 1** and **HA 2** and **SA 1**—"An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations," having had its third reading, be taken up for consideration in order to pass the House.

On motion of Mr. Nechay, **SA 1** was adopted.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—30.

NAYS—None.

ABSENT—Messrs. Alexander, Brogan, Hicks, Massey, Wolf—5.

HB 344 with **HA 1** and **HA 2** and **SA 1** having received the constitutional majority, passed the House.

Mr. Garton moved that **SB 130**—"An Act to Amend Chapter 96, Title 9 of the Delaware Code Relating to the Salary of the Recorder of Kent County," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Clark, Deputy, Eskridge, Garton, Hastings, Layton, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—19.

NAYS—Messrs. Donovan, Lester, Shockley—3.

NOT VOTING—Messrs. T. S. Johnson, Maclary, Wood—3.

ABSENT—Messrs. Alexander, Brogan, Hicks, Livingston, Massey, Snowden, Wolf—7.

PRESENT—Messrs. B. W. Johnson, Keel, Lawson—3.

SB 130 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Garton moved that SB 131—"An Act to Amend Chapter 94, Title 9 of the Delaware Code, Relating to the Salary of the Clerk of the Peace of Kent County," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Clark, Deputy, Eskridge, Garton, Hastings, Layton, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—19.

NAYS—Messrs. Donovan, B. W. Johnson, Keel, Lester, Shockley—5.

NOT VOTING—Messrs. Maclary and Wood—2.

ABSENT—Messrs. Alexander, Brogan, Hicks, Livingston, Massey, Snowden, Wolf—7.

PRESENT—Messrs. T. S. Johnson and Lawson—2.

SB 131 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Garton moved that SB 133—"An Act to Amend Chapter 21, Title 10 of the Delaware Code Relating to the Salary of the Sheriff of Kent County," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS—Messrs. Bostick, Clark, Eskridge, Garton, Hastings, Layton, Livingston, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—19.

NAYS—Messrs. Deputy, Donovan, B. W. Johnson, Keel, Lester, Shockley—6.

NOT VOTING—Messrs. Maclary and Wood—2.

ABSENT—Messrs. Alexander, Brogan, Hicks, Massey, Snowden, Wolf—6.

PRESENT—Messrs. T. S. Johnson and Lawson—2.

SB 133 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Garton presented the following:

REQUEST FOR REPORT OF SENATE BILL NO. 104
WITH SENATE AMENDMENT NO. 1

We, the undersigned members of the House of Representatives of the 118th Session of the General Assembly of the State of Delaware, do hereby request that Senate Bill No. 104 with Senate Amendment No. 1, which was referred to the Committee on Appropriations on May 16, 1955, be reported to the House for a decision as to its further disposal.

Messrs. Paul E. Shockley, Irving N. Garton, James L. Hastings, H. C. Clark, Edgar Alexander, Mildred S. Tunnell, Earl Deputy, Thos. C. Rowan, P. F. Livingston, John J. Brogan, Henry H. Wolf, Henry G. Lawson, James Snowden, Peter Nechay, H. E. Mayhew.

The Speaker ordered the bill, **SB 104** with **SA 1**, to appear in Daily Calendar as petitioned out.

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

HB 640—"An Act Making Certain Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1956, and June 30, 1957," by Nechay; to Appropriations.

On motion of Mr. Bostick, House rules were suspended for purpose of considering **HCR 45** and **HS 1** for **HB 125**.

The following was reported by the Committee on Miscellaneous: **HCR 45**, on merits; by the Committee on Education: **HS 1** for **HB 125**, on merits.

Mr. Queen moved that **HCR 45**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four New Bills," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Macklin, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT — Messrs. Alexander, Brogan, Hicks, Lester, Livingston, Maclary, Massey, Wolf—8.

HCR 45 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Macklin, House rules were restored.

On motion of Mr. Macklin, the House Clock was stopped at 10:50 P. M.

On motion of Mr. Queen, House rules were suspended for purpose of considering **SCR 20** and **SCR 24**.

The following were reported by the Committee on Rules: **SCR 20**, favorably; **SCR 24**, on merits.

Mr. Keel moved that **SCR 20**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—24.

NAYS—None.

NOT VOTING—Mr. Deputy—1.

ABSENT — Messrs. Alexander, Brogan, Garton, Hicks, Lester, Livingston, Massey, Queen, Rowan, Wolf—10.

SCR 20 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Keel moved that SCR 24—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill," be taken up for consideration and read in order to pass the House.

On the question, "Shall the Resolution pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Macklin, Maclary, Mattiford, Mayhew, Nechay, Pepper, Shockley, Smith, (Mrs.) Tunnell, Walls, Wilkinson, Woods, Mr. Speaker Quigley—24.

NAYS—Mr. Snowden—1.

ABSENT — Messrs. Alexander, Brogan, Garton, Hicks, Lester, Livingston, Massey, Queen, Rowan, Wolf—10.

SCR 24 having received the constitutional majority, passed the House and was ordered returned to the Senate.

On motion of Mr. Queen, House rules were restored.

Mr. Nechay moved that HB 639—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Departmental Supplies," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Mattiford, Mayhew, Nechay, Queen, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wood, Mr. Speaker Quigley—27.

NAYS—None.

ABSENT—Messrs. Alexander, Brogan, Hicks, Lester, Massey, Pepper, Rowan, Wolf—8.

HB 639 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The following bill was reported by the Committee on Miscellaneous: HB 88, on merits.

On motion of Mr. Queen, **HS 1** for **HB 466** was stricken from the calendar.

On motion of Mr. Macklin, the House Clock was started.

The House adjourned at 11:00 P. M. until 7:30 P. M., Thursday, July 14, 1955.

124TH LEGISLATIVE DAY

House met pursuant to adjournment at 9:00 P. M., on Thursday, July 14, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Member absent—Mr. Hicks.

The Clerk proceeded to read the Journal of the previous Session when Mr. Macklin moved that so much be considered the reading of the Journal, and the Journal be approved. Motion prevailed.

The Secretary of the Senate informed the House that the Senate had concurred in: **HB 225** with **HA 1**, **HA 2** and **HA 3**, **HS 1** for **HB 300**, **HS 1** for **HB 560**, **HB 636**, **HB 637**, **HB 639**, **HCR 45**, and that the Senate had passed and requested the concurrence of the House in: **SB 163**, **SB 514**, **SCR 25** and **SCR 26**.

The Chair announced he is about to sign: **HCR 40**, **HB 315** with **SA 1**, **HB 344** with **HA 1** and **HA 2** and **SA 1**.

Mr. Macklin moved that **HB 375**—"An Act Appropriating Funds to the State Board of Education for Allocation to the School Districts of the State for the Purpose of Increasing the Appropriations to the Districts for Capital Outlay," having had its third reading, be taken up for consideration in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—32.

NAYS—None.

ABSENT—Messrs. Donovan, Hicks, Lester—3.

HB 375 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Macklin moved that **HB 376**—"An Act Appropriating Funds to the State Board of Education for Allocation to the School Districts of the State for the Purpose of Increasing the Appropriations to the Districts," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Smith, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—32.

NAYS—None.

ABSENT—Messrs. Donovan, Hicks, Lester—3.

HB 376 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Massey moved that **SB 494**—"An Act to Amend Chapter 55, Title 16, Delaware Code by Providing for the Commitment of Certain Feeble Minded or Mentally Retarded Persons in a Penal Institution or Detention Home Upon Petition by the Superintendent of the Delaware Colony to the Superior Court," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Rowan, Snowden, (Mrs.) Tunnell, Wolf, Wood—21.

NAYS—Messrs. Donovan, Garton, Keel, Pepper, Queen, Shockley, Smith, Walls, Wilkinson—9.

ABSENT—Messrs. Hicks, Lester, Maclary—3.

PRESENT—Mr. Lawson and Mr. Speaker Quigley—2.

SB 494 having received the constitutional majority, passed the House and was ordered returned to the Senate.

Mr. Shockley moved that **SB 383**—"An Act to Amend Chapter 21, Title 19 of the Delaware Code Relating to Payments by the Industrial Accident Board to Physicians," be taken up for consideration and read for the third time in order to pass the House.

On the question, "Shall the Bill pass the House?" the roll call revealed:

YEAS — Messrs. Alexander, Clark, Deputy, Hastings, B. W. Johnson, T. S. Johnson, Layton, Livingston, Macklin, Pepper, Shockley, (Mrs.) Tunnell, Walls, Wolf—14.

NAYS — Messrs. Eskridge, Lawson, Lester, Massey, Nechay, Queen, Rowan, Snowden, Wood, Mr. Speaker Quigley—10.

NOT VOTING—Mr. Bostick—1.