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JOURNAL
of the
HOUSE OF REPRESENTATIVES

REGULAR SESSION

of the

118TH GENERAL ASSEMBLY

Convened

Tuesday, January 4, 1955

Dover, Delaware

118TH GENERAL ASSEMBLY
JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
REGULAR SESSION
OF THE
118TH GENERAL ASSEMBLY
CONVENED
TUESDAY, JANUARY 4, 1955
DOVER, DELAWARE

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CONCLUSIONS

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OFFICERS OF THE HOUSE—REGULAR SESSION 1955

Speaker—JAMES R. QUIGLEY
Chief Clerk—JOHN E. BABIARZ
Assistant Chief Clerk—MELVILLE C. TATLOR
Chaplain—REV. FRANK G. BUCKLEY
Attorney—JAMES H. HUGHES, III
Attorney—ALBERT J. STIFTEL
Reading Clerk—JOHN WALMSLEY
Reading Clerk—ARNOLD EMORY
Document Clerk—EDNA BRASURE
Assistant Bill Clerk—CARL PRETTYMAN
Messenger—CHARLES FIGUN
Messenger—WILLIAM D. BURTON
Messenger—LEE WALLER
Messenger—CHARLES H. WOODWARD
Telephone Messenger—MILDRED V. HALL
Telephone Messenger—ANNA CHRISTOPHER
Speaker's Clerk—LEON BACON
Stenographer—MARY W. RAWLINS
Stenographer—CLARA CAMPESE
Stenographer—OLIVE ANN THORNTON
Machine Operator—HOWARD LANE, JR.
Machine Operator—JEANNETTE BROWN
Mail Clerk—ROBERT DAVIDSON
Mail Clerk—GROVER C. DILL
Sergeant-at-Arms—CHARLES DUKES
Sergeant-at-Arms—RONALD P. LYNCH
Sergeant-at-Arms—IRA P. MESSICK
Sergeant-at-Arms—ELLIS SARTIN
Sergeant-at-Arms—WOODROW W. McDONALD
Sergeant-at-Arms—MARTIN J. WALSH
Sergeant-at-Arms—WILLIS KATES
Door Tender—MICHAEL WATSON
Door Tender—I. GRIFFITH ALLISON
Door Tender—L. C. COVINGTON
File Clerk—HAROLD BUTLER
File Clerk—FRANCES C. GARVEY
File Clerk—SADIE S. LAFFERTY
File Clerk—WILLIAM A. ESHAM
Cloak Room Attendant—NELSON COVERDALE
Page—MACK E. HUDSON
Page—EDWARD ROBB
Attorney's Clerk—EDGAR DOWNES
Attorney's Clerk—ALMA L. STANT
Attorney's Messenger—JOHN SMITH
Majority Leader's Clerk—H. CARLETON CLIFTON
Minority Leader's Clerk—FRANCIS E. HOLLIDAY

MEMBERS OF THE HOUSE OF REPRESENTATIVES NEW CASTLE COUNTY

Wilmington

Dist.

- 1—PAUL F. LIVINGSTON, 511 Pine St., Wilmington
- 2—WILLIAM J. THORNTON, 24 W. 30th St., Wilmington
- 2—JAMES H. SNOWDEN, 3703 Washington St., Wilmington (Elected to complete the term of William J. Thornton, deceased)
- 3—HARRY G. LAWSON, 1406 Riverview Ave., Wilmington
- 4—PAUL E. SHOCKLEY, 731 W. 4th St., Wilmington
- 5—JOHN J. BROGAN, 1118 Pleasant St., Wilmington

Rural New Castle County

- 6—ROBERT R. WOOD, 501 Baynard Blvd., Wilmington
- 7—ROBERT P. MACLARY, 1207 W. Newport Pike, Newport
- 8—BENJAMIN E. HICKS, Orchard Road, Marshallton
- 9—HENRY H. WOLF, 231 Dallam Road, Newark
- 10—JAMES R. QUIGLEY, New Castle
- 11—B. WALTER JOHNSON, Bear
- 12—WILLIAM E. LESTER, St. Georges
- 13—EARL DEPUTY, Middletown
- 14—EDGAR ALEXANDER, Townsend
- 15—THOMAS C. ROWAN, Townsend

KENT COUNTY

- 1—ERNEST S. MATTIFORD, R. D. 1, Smyrna
- 2—DANIEL J. QUEEN, 631 Maple Parkway, Dover
- 3—H. CLIFFORD CLARK, Kenton
- 4—NELSON MASSEY, R. D. 2, Dover
- 5—IRVING H. GARTON, Dover
- 6—PETER NECHAY, Goldsboro, Md.
- 7—ROLAND WILKINSON, Wyoming
- 8—CHARLES W. BOSTICK, Felton
- 9—LEON E. DONOVAN, R. D. 3, Harrington
- 10—HARRY E. MAYHEW, Milford

SUSSEX COUNTY

- 1—GEORGE T. MACKLIN, Milford
- 2—EARL N. KEEL, Bridgeville
- 3—NORMAN A. ESKRIDGE, Bridgeville
- 4—EBE T. LAYTON, R. D. 1, Laurel
- 5—JAMES L. HASTINGS, Laurel
- 6—J. EARL PEPPER, Georgetown
- 7—TILGHMAN S. JOHNSON, Roxana
- 8—JOSEPH B. WALLS
- 9—MILDRED S. TUNNELL, Georgetown
- 10—RAYMOND M. LANK, Milton

COMMITTEES OF HOUSE OF REPRESENTATIVES

Accounts—Brogan, Chairman; Queen, Bostick, Eskridge, Lester.

Agriculture and Forestry — Walls, Chairman; Johnson, Clark, Massey, Hicks

Appropriations — Donovan, Chairman; Shockley, Keel, Nechay, Maclary.

Charities—Eskridge, Chairman; Rowan, Queen, Livingston, Wolf.

Claims—Deputy, Chairman; Pepper, Wilkinson, Shockley, Lester.

Corporations, Municipal — Garton, Chairman; Mayhew, Clark, Lawson, Deputy.

Corporations, Private—Queen, Chairman; Tunnell, Hastings, Brogan, Wood.

Education—Tunnell, Chairman; Mayhew, Rowan, Alexander, Wolf.

Elections—Johnson, Chairman; Shockley, Donovan, Garton, Lawson.

Federal Relations—Livingston, Chairman; Eskridge, Tunnell, Mattiford, Lank.

Fish, Oysters and Game—Rowan, Chairman; Walls, Wilkinson, Alexander, Wood.

Insurance and Banking — Mayhew, Chairman; Hastings, Clark, Johnson, Wood.

Judiciary and Crime—Massey, Chairman; Tunnell, Keel, Livingston, Wolf.

Labor — Shockley, Chairman; Nechay, Pepper, Lester, Johnson.

Manufacturers and Commerce — Wilkinson, Chairman; Nechay, Layton, Deputy, Lawson.

Military Affairs — Queen, Chairman; Walls, Livingston, Lawson, Snowden.

Miscellaneous—Bostick, Chairman; Pepper, Mayhew, Johnson, Alexander.

Passed Bills—Donovan, Chairman; Pepper, Hicks.

Printing—Layton, Chairman; Garton, Brogan, Bostick, Wood.

Public Health—Clark, Chairman; Alexander, Massey, Layton, Johnson.

Public Buildings and Highways—Nechay, Chairman; Donovan, Brogan, Keel, Johnson.

Revenue and Taxation — Mattiford, Chairman; Massey, Hastings, Deputy, Lawson.

Revised Statutes—Pepper, Chairman; Walls, Deputy Mayhew, Lank.

Rules—Keel, Chairman; Johnson, Mattiford, Rowan, Lawson.

Supplies—Hastings, Chairman; Eskridge, Garton, Mattiford, Hicks.

Temperance—Alexander, Chairman; Wilkinson, Bostick, Layton, Wood.

HOUSE RULES OF ORDER

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

Section 2—The House shall not convene in session, nor shall any session of the House continue after ten o'clock P. M., Eastern Standard Time.

Rule 2—Every day, before the House proceeds to other business, the Clerk of the House shall call the names of the members in alphabetical order and shall read the Journal of the preceding legislative day.

Rule 3—In accordance with the provisions of the Constitution, eighteen of the members elected to the House shall constitute a quorum to do business, but a less number may recess or adjourn from day to day.

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

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

DUTIES OF THE SPEAKER

Rule 5—He shall take the presiding officer's chair at the hour to which the House shall have adjourned and call the members to order.

Rule 6—He shall have general direction of the House Chamber and shall preserve order and decorum. In debate he shall prevent personal reflection and confine the members to

the question under discussion. No member shall have the floor except when recognized by the Speaker.

Rule 7—He shall decide all questions of order or may submit the question to the House. An appeal from his decision may be made by any member, if properly seconded.

Rule 8—He may name a member to perform the duties of presiding officer, but such substitution shall not extend beyond an adjournment, except when the Speaker obtains leave of absence, in which case he may depute a member as Speaker Pro Tempore during such leave, which leave shall not exceed five days.

Rule 9—He shall sign all bills and resolutions requiring the signature of the Speaker in the presence of the House, after their titles shall have been publicly read immediately before signing, and the facts of the signing shall be entered upon the Journal; all writs, warrants and subpoenas issued by the House shall be signed by him and attested by the Clerk.

Rule 10—He shall determine the principal object of a bill or joint resolution and assign such bill or joint resolution to a committee to which such subject matter is appropriate.

Rule 11—He shall appoint all committees unless otherwise ordered by the House.

Rule 12—Every member shall be in his seat at the hour to which the House shall have been adjourned, but any member desiring to be absent from a session may be excused by the presiding officer.

Rule 13—A member shall not be permitted to make a motion or address the Speaker unless such member be at his own desk and when about to communicate any matter to the House or to speak in debate, he shall rise and respectfully address himself to "Mr. Speaker," confining his remarks to the subject before the House and avoiding personal reflections. No member shall speak more than twice on the same subject without leave of the House.

Rule 14—While the Speaker is putting the question or addressing the House or while a member is speaking, no member or other person shall engage in private conversation or be permitted to walk across or out of the House or pass between the Speaker and the member addressing the House.

Rule 15—If any member, in speaking or otherwise transgress the rules of the House, the Presiding Officer shall, or any member may, call him to order; and when a member shall be called to order he shall sit down, and not proceed without leave of the House, which if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

Rule 16—A member shall not be interrupted when speaking, except to a call to order by the Speaker, or by a member through the Speaker, or by a member to explain, or by a motion for the previous question or to adjourn; nor shall any member be referred to by name in debate, unless for transgression of the rules of the House and then by the Speaker only.

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

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

Rule 18—Committee meetings shall be held as far as possible where the House is not in session and committee meetings shall not be held while the House is in session without the consent of the Speaker.

Rule 19—Committee reports shall be printed, written or typewritten, and if so desired the minority of a Committee may make a report.

Rule 20—The Committee of the Whole shall proceed under the rules of the House as far as the same may be applicable.

Rule 21—The Committee on Rules shall have supervision of and give instruction as to their duties to the attaches of the House and shall keep a record of the attendance of said

attaches; shall be responsible for the seating of members; shall make assignments of offices and committee rooms, and shall have charge of the furniture and fittings of the House Chamber, offices and committee rooms.

BILLS AND RESOLUTIONS

Rule 22—Every bill and resolution shall be introduced by a member or by order of the House or by report of a committee.

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

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

Rule 25—A bill or joint resolution shall not be passed upon the same day it has been reported to the House by the Committee having charge of such bill or resolution, nor in the absence of the member who introduced the same, without his written consent.

Rule 26—Any resolution carrying an appropriation or disposal of public moneys shall not be passed by the House on the same day that it shall have been introduced and read, excepting resolutions for House expenses.

Rule 27—Every bill and resolution may be amended at any time before final action is taken, and in the substitution of a bill or resolution after it has been referred to a committee, the original bill or resolution shall receive its third reading before any action is taken on the substitute, if so requested by the member who introduced the original bill or resolution.

Rule 28—Every bill or joint resolution which shall have been in committee for a period of ten days or more, shall, upon request of eighteen members of the House, in writing, be reported to the House for a decision as to its further disposal.

Rule 29—Every bill and resolution, to which the concurrence of both Houses of the General Assembly may be necessary, shall upon its passage in the House be certified to by the Clerk of the House and the date of the passage of the same noted at the foot of the backing thereof. Said bill or resolution shall then be delivered by the Clerk as soon as possible into the custody of the Senate.

MOTIONS

Rule 30—No Bill or Joint Resolution shall be received by the House unless it be prefaced by a brief statement of the purpose of the Bill or Resolution, which shall be known as the title, and shall also contain the text of the Bill or Resolution in full. The original of all Bills and Resolutions shall be typewritten or printed, properly backed and shall contain no erasures or interlineations.

Rule 31—A substitute bill may be introduced under new business or by permission of the Speaker at which time it shall be given a first and second reading. The member introducing the substitute bill must explain briefly wherein the substitute bill differs from the original bill, after which it shall be referred to the proper committee.

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

Rule 33—Every motion, except for leave to introduce a bill or resolution or for reading of the same, the daily adjournment of the House or to refer or postpone any subject, shall, if required by the Speaker or requested by any member, be reduced to writing by the mover, or may be typewritten as the mover may prefer.

Rule 34—Every motion shall be repeated by the Speaker, or presiding officer, before debate or discussion thereon; and if there has been any debate or discussion, the motion shall again be repeated distinctly by the Speaker or presiding officer before putting the question in the following terms: "As many as are in favor of the question say Aye," and, after the affirmative is expressed, "As many as are opposed, say No."

Rule 35—Every motion shall be decided in a fair and impartial manner by the Speaker or presiding officer, and the vote of a majority of the members present and voting shall prevail, unless contrary to these rules or in conflict with the provisions of The Constitution. The Speaker or presiding officer, if necessary for a fair decision, may cause, or any member may call for, a division, and the members voting in the affirmative shall be required to rise, and after the Clerk has

counted and noted those so voting, the question shall be reversed. Excepting when provided by the Constitution, the yeas and nays shall be taken, only on motion that the names of those so voting be entered on the Journal.

Rule 36—Every motion to adjourn shall be in order (unless such motion has just immediately been decided, or the House is voting on another question) and shall be decided without debate.

Rule 37—The only motions, except as otherwise provided, that shall be permitted to interrupt the business regularly before the House, are as follows:

A motion to amend, commit or postpone

A motion to lay on the table

A motion for the previous question

Rule 38—A motion for the previous question shall not be entertained except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained, it shall not cut off any pending amendment. The vote shall be taken without debate, first on the amendments in their order and then on the main question.

Rule 39—A motion for the reconsideration of a question which has been decided shall be made and seconded by a member who voted with the majority on the original question; and no motion for reconsideration shall be in order unless made on the same day or one of the three next succeeding days of actual session of the House thereafter. In the application of this rule the word "Majority" shall be construed to mean the number of votes that were sufficient to prevail in the decision of the original question.

Section 2—When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the House and been communicated to the Senate, the motion to reconsider shall be accompanied by a motion to request the Senate to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

CALENDAR

Rule 40—The Clerk of the House shall keep a calendar of business on which shall be placed the number and subject of all bills and resolutions referred to committee and the name of the introducer thereof; and, if reported from committee, the action of the committee thereon. Said bills and resolutions shall be kept on the Calendar until final action is taken there-

on, and such as lie over and other matter undisposed of, shall be placed in the order in which they are presented, and a printed copy of the calendar of both houses placed on the desk of each member at the opening of the morning session.

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

MISCELLANEOUS

Rule 42—Messages from the House shall be conveyed by the Clerk or a member, as the Speaker may direct, and when messages are conveyed to the House by a messenger from the Governor or by a member of the State Senate, the members of the House shall rise. Messages to the House shall not be received while the House is voting on a question or a member is speaking.

Rule 43—Before any petition or memorial addressed to the House shall be presented, a brief statement of the contents shall be made by the introducer, and, upon motion, shall be received at the Clerk's table and read; unless the reference is objected to by a member at the time the petition or memorial is read, it shall be referred without further motion.

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

Rule 45—A question of order may be raised at any stage of the proceedings, and, unless submitted to the House, shall be decided by the Presiding Officer without debate, subject to an appeal to the House. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. The Presiding Officer may submit any question of order for the decision of the House.

Rule 46—When a skeleton bill is introduced it shall not be assigned to a committee, but it shall be listed on the Calendar as a "Skeleton Bill unassigned." When it has been filled in, it shall be assigned to a committee and take the usual course of other bills. Skeleton bills will not be accepted until three days preceding the deadline for the acceptance of new business.

Committee on Rules

Earl M. Keel, Chairman
B. Walter Johnson
Ernest Mattiford
Thomas C. Rowan
Harry C. Lawson

JOINT RULES—1955

Rule 1—Messages from one House of the General Assembly to the other shall be conveyed by such person as a sense of propriety in each House may determine. Announcements shall be made by the Sergeant-at-Arms of the House to which the message is being conveyed, and the message shall be respectfully communicated to the presiding officer by the person or persons conveying the same.

Rule 2—Every bill and resolution upon being messaged from one House to the other shall be receipted for by the Chief Clerk of the House receiving same, and all papers on which the said bill or resolution may be based shall be transmitted at the same time.

Rule 3—Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary shall upon its final passage in both Houses be delivered by the Chief Clerk of the House and/or the Secretary of the Senate, as the case may be, in which such bill or resolution originated, into the custody of the Bill Clerk of said House, and it shall be the duty of the Bill Clerk of the Senate and the Bill Clerk of the House of Representatives jointly to see that such bill or resolution has attached to it a proper parchment backing and that each and every page of the said bill or resolution has been properly initialed, sealed, or stamped, unless otherwise ordered, and, upon being assured that such is the case, shall immediately, if the Houses be in session, and, if not, at the earliest opportunity, present the said bill or resolution to the presiding officer of each House for his signature, the presiding officer of the House in which the bill or resolution originated signing first. Said Bill Clerks shall then certify with the Secretary of the Senate and the Clerk of the House on the backing of said bill or resolution that such bill or resolution is the same as that which passed both Houses of the General Assembly, and the said bill or resolution shall then be delivered

by the Bill Clerk of the House in which such bill or resolution originated to the Chairman of the Committee on Passed Bills of said House.

Rule 4—Disagreement between the two Houses on a bill or resolution, or an amendment to a bill or resolution or over any other matter shall be made subject for conference at the request of either House. A committee, composed of members who voted in the majority on the point or points of difference, shall be appointed in each House, and, at a convenient hour agreed on by their chairman, shall meet in the conference chamber and state to each other, verbally or in writing, the reasons of their respective House for and against the substitution, amendment or other matter of disagreement, and confer freely thereon. Conferences shall not have power or control over any part of the bill or resolutions or other matter save such point or points over which the Houses disagree.

Rule 5—Every bill and/or resolution, which shall have passed one House and been rejected by the other, shall be returned to the House which had approved it and notice given of its rejection and the same entered on the Journal.

Rule 6—Neither the Senate nor the House shall be permitted to substitute a bill or joint resolution for a bill or joint resolution originating in the other House of the General Assembly.

House Rules Committee

Earl M. Keel, Chairman
B. Walter Johnson
Ernest S. Mattiford
Thomas C. Rowan
Henry G. Lawson

Senate Rules Committee

John E. Reilly, Chairman
Clifford Pryor
Curtis W. Steen
Calvin R. McCullough
Elwood Frank Melson, Jr.

APPENDAGE

Votes Required to Enact Bills, Resolutions and Rules

1. Three-fourths vote of all the members elected to each House required.
 - a. To borrow money or create a debt by or on behalf of the State.

Exceptions: (Required majority vote of elected members)

1. To supply casual deficiencies of revenue
2. Repel invasion
3. Suppress insurrection
4. Defend the State in war
5. Pay existing debt

Article VIII, Section 3

- b. To appropriate public money to any county, municipality or corporation.

Article VIII, Section 4

- c. To issue or loan bonds of this State to any county, municipality or corporation.

Article VIII, Section 4

- d. To pledge the credit of the State by guaranteeing or endorsing the bonds of other undertakings of any county, municipality or corporation.

Article VIII, Section 4

2. Two-thirds vote of all the members elected to each House required:

- a. To expel a member for disorderly conduct.

Article II, Section 9

- b. To lay out, open, alter or maintain roads and highways which form continuous roads or highway through at least a portion of the three counties. (Local laws of this nature cannot be enacted.)

Article II, Section 19

- c. To create courts other than constitutional courts.

Article IV, Section 1

- d. To grant jurisdiction over additional misdemeanors to inferior courts.

Article IV, Section 28

- e. To initiate impeachment proceedings.

Article VI, Section 1

- f. To enact or amend the general corporation law.

Article IX, Section 1

- g. To enact any special act of incorporation.

Article IX, Section 1

- h. To amend the Constitution.

Article XVI, Section 1

3. Three-fifths of all the members elected to each House required:

- a. To override the Governor's veto of any bill or resolution requiring the concurrence of both Houses, except on a question of adjournment.

Article III, Section 18

4. In all other bills and resolutions a majority vote of all the members elected to each House required.

Article II, Section 10

5. Rules

“Each House may determine the rules of its proceedings”
(The vote required is not stated in the Constitution.)

Article II, Section 9

ABBREVIATIONS

HB	House Bill
HR	House Resolution
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HA	House Amendment
SB	Senate Bill
SR	Senate Resolution
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SA	Senate Amendment

All Bills and Resolutions are set in **Bold Face** type with their respective number, e.g., **HB 437** with **HA 1**.

The word **signed** is used to indicate signing by the Speaker. The word **approved** is used to indicate the signature of approval by the Governor.

after the adjournment *Sine Die*, are indicated by the date of approval only in the History of Bills Index.

Mr. Quigley was **presiding** except when temporarily absent from the Chamber, except where it is indicated that another member presided.

The original **Committee Reports** are on file with the original bills in the Archives, and are indicated in the Journal in brief only as reported by the majority. (Minority reports indicating dissenting members' names could be etnered on request.)

1ST LEGISLATIVE DAY

The House assembled in biennial session in Dover, Delaware, Tuesday, January 4th, 1955, at 11:40 A. M.

The House was called to order by Mr. Shockley.

Prayer by the Rev. Mr. Buckley.

Mr. Shockley called the names of the members-elect who had taken their seats as follows:

WILMINGTON

Representative District No. 1—Paul F. Livingston
 Representative District No. 2—William J. Thornton
 Representative District No. 3—Harry G. Lawson
 Representative District No. 4—Paul E. Shockley
 Representative District No. 5—John J. Brogan

RURAL NEW CASTLE COUNTY

Representative District No. 6—Robert R. Wood
 Representative District No. 7—Robert P. Maclary
 Representative District No. 8—Benjamin E. Hicks
 Representative District No. 9—Henry H. Wolf
 Representative District No. 10—James R. Quigley
 Representative District No. 11—B. Walter Johnson
 Representative District No. 12—William E. Lester
 Representative District No. 13—Earl Deputy
 Representative District No. 14—Edgar Alexander
 Representative District No. 15—Thomas C. Rowan

KENT COUNTY

Representative District No. 1—Ernest Mattiford
 Representative District No. 2—Daniel J. Queen
 Representative District No. 3—H. Clifford Clark
 Representative District No. 4—Nelson Massey
 Representative District No. 5—Irving H. Garton
 Representative District No. 6—Peter Nechay
 Representative District No. 7—Roland H. Wilkinson
 Representative District No. 8—Charles W. Bostick
 Representative District No. 9—Leon E. Donovan
 Representative District No. 10—Harry Mayhew

SUSSEX COUNTY

Representative District No. 1—George T. Macklin
 Representative District No. 2—Earl N. Keel
 Representative District No. 3—Norman A. Eskridge
 Representative District No. 4—Ebe T. Layton
 Representative District No. 5—James L. Hastings
 Representative District No. 6—Joseph Earl Pepper
 Representative District No. 7—Tilghman S. Johnson
 Representative District No. 8—Joseph B. Walls
 Representative District No. 9—Mrs. James M. Tunnell, Jr.
 Representative District No. 10—Raymond M. Lank
 All members present except Paul F. Livingston.

Mr. Macklin nominated Mr. Shockley for Temporary Speaker. Mr. Bostick seconded the nomination. Motion prevailed and Mr. Shockley was elected Temporary Speaker.

Mr. Macklin nominated Mr. Donovan for Temporary Clerk. Mr. Bostick seconded the nomination. Motion prevailed and Mr. Donovan was elected Temporary Clerk.

Mr. Macklin moved that a committee of two be appointed to notify the Judges of the Superior Court of the several counties that the House of Representatives was ready to receive the Certificates of Election of its members. Mrs. Tunnell seconded the motion. Motion prevailed.

The Temporary Speaker appointed Mr. Macklin and Mr. Maclary to wait on the Judges for the above purpose.

At this point, Houston Wilson, an attorney, came forward to state he had a petition in behalf of James W. Smith, contesting the election of Raymond M. Lank.

**BEFORE THE HOUSE OF REPRESENTATIVES OF THE
GENERAL ASSEMBLY OF THE STATE OF DELAWARE
JAMES W. SMITH v. RAYMOND M. LANK**

CONTESTED ELECTION

PETITION

To the Honorable, the House of Representatives of the General Assembly of the State of Delaware.

The Petition of James W. Smith respectfully represents:

(1) The petitioner was the duly nominated candidate of the Democratic Party for the office of Representative in the General Assembly of Delaware from Representative District Number Ten in Sussex County at the general election held November 2, 1954.

(2) Raymond M. Lank, a sitting member of this Honorable House, was the duly nominated candidate of the Republican Party for the same office at said election.

(3) Both the petitioner and the sitting member were then and are now residents of such Representative District and possessed of all the qualifications of a candidate for said office and if elected thereto each is fully qualified to serve therein.

(4) There were no other candidates for such office at said general election.

(5) Such Representative District is Broadkiln Hundred and Lewes and Rehoboth Hundred of Sussex County.

(6) For the purpose of holding such election therein said Representative District was duly divided into three Election Districts.

(7) The following polling places, situate in the respective Election Districts thereof, were duly designated for each such Election District:

Election District	Polling Place
First	Fire Hall, Milton, Delaware
Second	Fire Hall, Lewes, Delaware
Third	Fire Hall, Rehoboth, Delaware

(8) The general election was duly conducted at the respective polling places in the several Election Districts of said Representative District by the Election Officers thereof duly constituted pursuant to 15 Del. C., Ch. 47.

(9) All ballots given and cast thereat by qualified electors at the respective polling places in the several Election Districts thereof were given and cast by the medium of voting machines.

(10) At the close of such election the results of the votes given and cast, as aforesaid, were duly tabulated, proclaimed and certified by the several respective Election Officers thereof pursuant to 49 Laws of Delaware, Ch. 18.

(11) On November 4, 1954, at 12:00 o'clock noon, in the County Court House, in Georgetown, Georgetown Hundred, Sussex County (which Hundred is Representative District Number Nine of said County), the Superior Court of Sussex County convened as the Board of Canvass of said County, pursuant to Section 6 of Article V of the Constitution of the State of Delaware.

(12) The several Certificates of the Election of the several Election Officers of the several Election Districts of said Representative District Number Ten were duly delivered unto the Superior Court.

(13) Therefrom the Court publicly calculated the aggregate amount of all the votes for the office of Representative in question that had been given and cast at the respective polling places in the several Election Districts of Representative District Number Ten for every person voted for for such office to be as follows:

FOR JAMES W. SMITH 2,484 votes; and
FOR RAYMOND M. LANK 2,478 votes,

(14) The calculation of all such votes by the Court, as aforesaid, was and is correct.

(15) The petitioner received a plurality of six (6) votes of all the votes for the office of Representatives in question that had been given and cast at the respective polling places in the several Election Districts of Representative District Number Ten of Sussex County.

(16) At the same time and place the Prothonotary also presented unto the Superior Court a locked, sealed box containing all the absentee ballots in sealed voucher envelopes

which had been returned unto the Department of Elections of Sussex County, at Georgetown, prior to the time when the election in question had closed on November 2, 1954.

(17) The said Department had theretofore delivered such box unto the Prothonotary, with locks and seals unbroken, within an hour after the election in question had closed.

(18) The Prothonotary had retained the same in like condition until the time the Court convened, as aforesaid.

(19) At the time and place the Department presented the keys to said box unto the Court.

(20) The box contained, among others, voucher envelopes purportedly bearing the respective affidavits and purportedly containing the respective ballots of certain of the persons who had duly registered as qualified voters in the several Election Districts of Representative District Number Ten.

(21) None of the ballots in question had been given or cast, either in person or absentee, by the duly registered voters whose ballots they purported to be, at the election in question conducted by the several respective Election Districts, at the several, respective polling places, in Representative District Number Ten.

(22) None of the ballots in question had been counted in any of the said Election Districts.

(23) None of the ballots in question had been included in the several Certificates of the several, respective Election Officers of the several Election Districts, aforesaid.

(24) By virtue of the foregoing facts, the petitioner is advised, believes and states that it was then and is now the duty of the Superior Court, sitting as the Board of Canvass of Sussex County:

- (a) to publicly ascertain the state of the election in question with respect to the office of Representative in question by limiting and restricting the canvass thereof solely to the votes given and cast in the several Election Districts of Representative District Number Ten at the respective polling places thereof during the election in question;
- (b) to reject and delete from the total votes given and cast, as aforesaid, any and all ballots contained in the box mentioned and described in paragraphs (16) to (23), inclusive, of this Petition; and
- (c) to make and issue, under the seal of said Court, duplicate Certificates or Returns of the general election held in Representative District Number Ten in Sussex County on November 2, 1954, which certify that the petitioner is the duly elected Representative for Representative District Number Ten in Sussex County in General Assembly, evidencing the title of the petitioner to such office.

(25) Notwithstanding its duty aforesaid, the Superior Court took the following actions, pursuant to the purported power conferred upon it by 49 Laws of Delaware, Ch. 294, Section 20, so to do, viz:

- (a) with representatives of each of the two principal political parties appointed by it, the Court caused all such voucher envelopes contained in the box afore-described to be opened, the official envelopes containing such ballots to be taken therefrom, the ballots to be taken from the official envelopes and the following additional or further votes to be accredited to the petitioner and the sitting member, respectively:

TO JAMES W. SMITH 126 votes; and
TO RAYMOND M. LANK 257 votes;

- (b) it caused such additional or further votes to be added to the total, calculated votes given and cast for them, respectively, as mentioned and described in paragraphs (8) to (15), inclusive, of this Petition;
- (c) it thereby publicly ascertained the state of the election for the office in question to be that the petitioner and the sitting member, respectively, received the following total number of votes:

FOR JAMES W. SMITH 2,610 votes; and
FOR RAYMOND M. LANK 2,735 votes; and

- (d) it made and issued, under the seal of said Court, duplicate Certificates or Returns of the general election held in Representative District Number Ten in Sussex County on November 2, 1954, which certify that Raymond M. Lank, rather than the petitioner, is the duly elected Representative for Representative District Number Ten in Sussex County in General Assembly, solely by evidence of which does he, the said Raymond M. Lank, hold his seat in this Honorable House.

(26) The petitioner is advised, believes and states that the actions taken by the Superior Court in pursuance of its purported power, as mentioned and described in paragraph (25) of this Petition, are invalid in that they contravene the provisions of the Constitution of the State of Delaware in such case made and provided.

(27) The question of whether or not said actions taken by the Superior Court are in contravention of the provisions of the Constitution, as aforesaid, is presently before the Supreme Court of the State of Delaware, for determination upon issue joined between the petitioner here, as relator there, and the sitting member here, as intervenor there, in a certain Mandamus Action entitled The State of Delaware, ex rela-

tion James W. Smith, v. James B. Carey, resident Associate Judge in Sussex County, and Daniel L. Herrmann, Associate Judge, who constitute the Superior Court of Sussex County and the oBard of Canvass thereof under Section 6 of Article V of the Constitution of the State of Delaware, and Raymond M. Lank, Intervenor, being No. 31, 1954, of said Supreme Court.

(28) On December 11, 1954, the petitioner served upon the sitting member a written Notice of Intention to Contest his election to the office in question as returned by the Superior Court, aforesaid; which Notice, together with proof of service thereof, accompany this Petition and are made a part thereof by express reference thereto.

(29) On December 17, 1954, the petitioner served upon the sitting member, a written Specification of the several grounds upon which the petitioner's contest of the election of such sitting member is based, to which is attached and made a part thereof as Exhibit I thereof, a copy of the petitioner's Petition for a Writ of Mandamus filed in the Mandamus Action pending before the Supreme Court, as aforesaid, together with copies of Schedule A-1, A-2 and A-3 thereof which set forth particularly the names of each alleged illegal voter; which Specification, as well as Exhibit I and Schedules A-1, A-2 and A-3 thereof, together with proof of service thereof accompany this Petition and are made a part thereof by express reference thereto.

(30) By virtue of the foregoing facts, the petitioner is advised, believes and states that he, the petitioner, and not the sitting member, Raymond M. Lank, is entitled to the office of Representative in the General Assembly of Delaware from Representative District Number Ten in Sussex County and to the seat of such Representative in this Honorable House, **SUBJECT, ALWAYS, TO THIS EXCEPTION AND NONE OTHER:** In the event the Supreme Court, aforesaid, should hold that the absentee ballots in question were lawfully and legally given, accredited and added to the total, calculated vote by the Superior Court of Sussex County, as aforesaid, then and in such event, the petitioner shall withdraw this contest of the election of the sitting member, Raymond M. Lank, in this present proceeding.

WHEREFORE, James W. Smith, the petitioner, respectfully prays as follows:

(A) That this contested election shall be tried by this Honorable House, according to the Rules and practice thereof in such case made and provided.

(B) That this Honorable House judge the election held for the office of Representative in the General Assembly of

Delaware from Representative District Number Ten in Sussex County on November 2, 1954, and the return thereof.

(C) That this Honorable House render judgment thereon in favor of the petitioner, James W. Smith, and against the sitting member, Raymond M. Lank, that said petitioner and not said sitting member was and is duly elected to such office at the election aforesaid, and that the petitioner and not the sitting member, is entitled to the seat of such office of Representative in this Honorable House.

(D) That pursuant to such judgment, this Honorable House, by appropriate action, shall unseat the said Raymond M. Lank and seat the petitioner, James W. Smith, as such Representative herein.

(E) That the petitioner may have such other and further relief as the nature of this action may require and to this Honorable House may seem just.

AND, as in duty bound, the petitioner will ever pray, &c.

JAMES W. SMITH

Houston Wilson, Attorney for Petitioner
W. Market at Front Street, Georgetown, Delaware

AFFIDAVIT

State of Delaware, Sussex County, ss.

BE IT REMEMBERED that on this third day of January, A. D. 1955, personally appeared before me, the Subscriber, a Notary Public for the State and County, aforesaid, JAMES W. SMITH, who being by me first duly sworn according to law, doth depose and say:

(1) That he is the petitioned named in the foregoing Petition;

(2) That the facts set forth therein, so far as they concern his own acts and deeds, are true of his own knowledge, and so far as they relate to the acts and deeds of any other person, he believes them to be true.

(3) That the grounds of objection set forth in the written Specification, as well as Exhibit I and Schedules A-1, A-2 and A-3 thereto attached and made a part thereof, all as served upon Raymond M. Lank December 17, 1954, and accompanying the foregoing Petition and made a part thereof by express reference thereto, are substantially true, and that the voters specified therein as illegal voters were not entitled by law to vote in absente at the election in question, according to the information and belief of the affiant.

JAMES W. SMITH

SWORN TO AND SUBSCRIBED before me the day and year first abovewritten.

(Seal)

Margaret Dunning, Notary Public

BEFORE THE HOUSE OF REPRESENTATIVES OF THE
GENERAL ASSEMBLY OF THE STATE OF DELAWARE
JAMES W. SMITH v. RAYMOND M. LANK

CONTESTED ELECTION

NOTICE OF INTENTION TO CONTEST

To: Raymond M. Lank, Esq., R. F. D. 1, Milton, Delaware
Sir:

Pursuant to the provisions of 15 Del. C. § 5901, you are hereby notified of my intention to contest your election to the office of Representative in the General Assembly of the State of Delaware from Representative District Number Ten in Sussex County at the General Election held November 2, 1954, as returned by James B. Carey, Resident Associate Judge in Sussex County, and Daniel L. Herrmann, Associate Judge, constituting the Superior Court of Sussex County, and the Board of Canvass thereof under Section 6 of Article V of the Constitution of the State of Delaware, on November 4, 1954.

Dated this 11th day of December, A. D. 1954.

JAMES W. SMITH

This is to certify that on the 11th day of December, A. D. 1954, I did serve the above and foregoing Notice of Intention to Contest upon Raymond M. Lank, and delivered unto him a true copy thereof, in the presence of the witness who has countersigned this certification.

JAMES W. SMITH

Countersigned: Woodrow Dickerson, Witness

BEFORE THE HOUSE OF REPRESENTATIVES OF THE
GENERAL ASSEMBLY OF THE STATE OF DELAWARE
JAMES W. SMITH v. RAYMOND M. LANK

CONTESTED ELECTION

SPECIFICATION

To: Raymond M. Lank, Esq., R. F. D. 1, Milton, Delaware
Sir:

Pursuant to 15 Del. C. § 5901, I hereby give you a written specification of the several grounds upon which my intention to contest your election to the office of Representative in the General Assembly of the State of Delaware from Representative District Number Ten in Sussex County is based, which is to say:

(1) In the case of The State of Delaware, ex relatione James W. Smith, vs. James B. Carey, resident Associate Judge in Sussex County, and Daniel L. Herrmann, Associate Judge, who constitute the Superior Court of Sussex County and the Board of Canvass thereof under Section 6 of Article V of the

Constitution of the State of Delaware, now pending in the Supreme Court of the State of Delaware, I have filed a certain verified Petition for a Writ of Mandamus, with Schedules A-1, A-2 and A-3 thereto attached; copies of which Petition and Schedules are hereto attached, designated as Exhibit I and made a part hereof by express reference thereto.

(2) The grounds upon which my intention to contest your election, as aforesaid, is based, are as more fully set forth in Exhibit I hereto attached.

(3) The several names of the several voters were illegal, absentee ballots were given, accredited and added to the total, calculated votes cast for you and for me, respectively, at the general election held November 2, 1954, by the Superior Court of Sussex County, sitting as the Board of Canvass thereof under Section 6 of Article V of the Constitution of the State of Delaware, at Georgetown, Delaware, November 4, 1954, are the same voters whose ballots were received in absentee and whose names and addresses appear upon Schedule A-1, A-2 and A-3 of Exhibit I hereof, excepting only those thereof who may not have indicated any choice for the office in question or whose absentee ballots may have been rejected by such Court and Board of Canvass for reasons sufficient unto it, as the same may appear.

(4) The several objections to the vote of each alleged illegal voter specified in paragraph (3) above by reference, are in each such instance the same objections more fully set forth in Exhibit I hereto attached.

(5) In the event the Supreme Court of Delaware should hold that the absentee ballots in question were unlawfully and illegally given, accredited and added to the total, calculated vote by the Superior Court of Sussex County, as aforesaid, then and in such event this present proceeding in contest of your election before the House of Representatives of the General Assembly of the State of Delaware will be pursued by me to final conclusion and determination.

(6) In the event the Supreme Court, aforesaid, should hold that the absentee ballots in question were lawfully and legally given, accredited and added to the total, calculated vote by the Superior Court of Sussex County, as aforesaid, then and in such event, I shall withdraw my contest of your election in this present proceeding.

DATED this 17th day of December, A. D. 1954.

JAMES W. SMITH

This is to certify that on the 17th day of December, A. D. 1954, I did serve the above and foregoing Specification upon Raymond M. Lank, and delivered unto him a true copy thereof, in the presence of the witness who has countersigned this certification.

JAMES W. SMITH

Countersigned: Woodrow Dickerson, Witness

(Exhibit I)

IN THE SUPREME COURT OF THE STATE OF
DELAWARE

THE STATE OF DELAWARE, ex relatione No. 31, 1954

JAMES W. SMITH

V.

JAMES B. CAREY, resident Associate Judge MANDAMUS
in Sussex County, and DANIEL L. HERR-
MANN, Associate Judge, who constitute the
Superior Court of Sussex County and the
Board of Canvass thereof under Section 6
of Article V of the Constitution of the State
of Delaware.

PETITION

To the Honorable, the Chief Justice and Associate Jus-
tices of the Supreme Court of the State of Delaware:

(1) James W. Smith, the relator, and Raymond M.
Lank, respectively, were the duly nominated and opposing
candidates of the principal political parties for the office of
Representative in the General Assembly of Delaware from
Representative District Number Ten, in Sussex County at the
general election held November 2, 1954. There were no other
candidates for that office.

(2) Both of said candidates were then, and are now,
possessed of all the qualifications required of a candidate for
said office and, if elected thereto, each is fully qualified to serve
therein.

(3) Representative District Number Ten in Sussex
County is Broadkilm Hundred and Lewes and Rehoboth Hun-
dred. For the purpose of holding the general election, afore-
said, said Representative District was duly divided into three
Election Districts, and the following polling places situate
within the respective Election Districts, were duly designated
for each such Election District:

Election District

Polling Place

First	Fire Hall, Milton, Delaware
Second	Fire Hall, Lewes, Delaware
Third	Fire Hall, Rehoboth Beach, Delaware

(4) At the respective polling places situate in each such
Election District, as aforesaid, the general election in ques-
tion was conducted by Election Officers duly constituted pur-
suant to 15 Del. C. Ch. 47. All ballots of qualified electors cast
at said general election in each such Election District, at the
respective polling place thereof, were cast by the medium of
voting machines. At the close of such general election the
results of the votes cast, as aforesaid, were duly tabulated,
proclaimed and certified to by the several Election Boards,
aforementioned, pursuant to 49 Laws of Delaware, Ch. 18.

(5) On November 4, 1954, following said general election, these defendants duly convened the Superior Court of Sussex County at 12:00 o'clock noon in the County Court House, at Georgetown, which is situated in Representative District Number Nine in Sussex County, which is Georgetown Hundred, to perform the duty of publicly ascertaining the state of the election throughout Sussex County, pursuant to Section 6 of Article V of the Constitution of the State of Delaware.

(6) At the time and place aforementioned, the several Certificates of the Election, duly made and certified by the Election Officers of the several respective Election Districts of Representative District Number Ten in Sussex County, aforementioned, were duly delivered unto said Superior Court and therefrom the Court ascertained that of the total votes cast in the several Election Districts, at the respective polling places thereof, as aforesaid, James W. Smith, the relator, received two thousand four hundred eighty-four (2,484) votes and Raymond M. Lank received two thousand four hundred seventy-eight (2,478) votes, for the office of Representative in the General Assembly of Delaware from Representative District Number Ten in Sussex County.

(7) At the time and place aforementioned, there was also presented unto said Superior Court by the Prothonotary thereof, a locked, sealed box which contained all of the absentee ballots in sealed voucher envelopes returned unto the Department of Election of Sussex County, at Georgetown, prior to the time when the general election in question had closed on November 2, 1954; which locked, sealed box said Department of Elections had theretofore delivered unto the Prothonotary of said Superior Court, with locks and seals unbroken, within one hour after the general election in question had closed, and which said Prothonotary had retained in like condition until the convening of said Superior Court on November 4, 1954, at 12:00 o'clock noon. At the same time and place the Department of Elections, aforementioned, presented the keys to said box unto the Superior Court, aforesaid. All of these acts were done pursuant to 15 Del. C., Ch. 55, as amended by 49 Laws of Delaware Ch. 278.

(8) Among others, the aforementioned box contained voucher envelopes purportedly bearing the respective verified Affidavits and purportedly containing the respective ballots of those persons duly registered as qualified voters in the several Election Districts of Representative District Number Ten in Sussex County whose names and addresses appear upon a list thereof hereto attached as SCHEDULE A-1, A-2 and A-3, which are made a part hereof by express reference thereto.

(9) None of the ballots aforementioned, on the day of the general election in question, had been cast or voted, either in person or in absente, by the duly registered voters, aforementioned, at the general election in question conducted by the

several Election Officers in the several, respective Election Districts, at the several, respective polling places thereof, in Representative District Number Ten in Sussex County, nor had any of such ballots been counted in such Election Districts nor included in the several Certificates of the Election delivered by the Election Officers of the several, respective Election Districts, aforementioned.

(10) Acting pursuant to the purported powers conferred upon it by 49 Laws of Delaware, Ch. 294, Section 20, the said Superior Court and oBard of Canvass of Sussex County, on November 4, 1954, after 12:00 o'clock noon, at the County Court House, in Georgetown, aforesaid, with its appointed representatives of each of the two principal political parties, caused all such voucher envelopes to be opened, the official envelopes containing the ballots to be taken therefrom, the ballots to be taken from such official envelopes and the following addittional or further votes accredited to James W. Smith, the relator, and Raymond M. Lank, respectively, and the same to be added to the total, calculated voes cast for such persons, viz:

(a) To James W. Smith, the relator, 126 additional votes;
and

(b) To Raymond M. Lank, 257 additional votes.

(11) By virtue of the foregoing, said Superior Court, constituting the Board of Canvass of Sussex County, ascertained the state of the election throughout Representative District Number Ten in Sussex County, for the office of Representative in the General Assembly of Delaware from said District to be that James W. Smith, the relator, received two thousand six hundred ten (2,610) votes and Raymond M. Lank received two thousand seven hundred thirty-five (2,735) votes.

(12) After the state of election had been ascertained by calculating the votes, as aforesaid, the said Superior Court made, under the seal of the Court, Certificates of the results of the election, signed by these defendants, certifying that Raymond M. Lank was duly elected Representative for Representative District Number Ten in Sussex County in the General Assembly and did transit and deliver one such Certificate in the office of the Prothonotary for Kent County and, so the relator believes, proposes to deliver the other such Certificate to the House of Representatives of the General Assembly on the first day of the meeting thereof after such general election.

(13) The relator is advised, believes and states that the actions of the Superior Court of Sussex County and Board of Canvass thereof which are complained of in paragraph (10) to (12), inclusive, of this Petition, and the purported powers thereof so to do as provided by 49 Laws of Delaware, Ch. 294, Section 20, are invalid, in that they contravene the provisions of the Constitution of the State of Delaware in the following respects:

- (a) The absentee ballots in question were not cast or voted, nor does the Statute provide that they shall be cast or voted, at the general election in question on the day prescribed by Section 1 of Article V of said Constitution.
- (b) The absentee ballots in question were not cast or voted, nor does the Statute provide that they shall be cast or voted, at the polling places where the general election in question was held, as prescribed by Section 2 of Article V of said Constitution.
- (c) The several registered voters of the several Election Districts in question did not offer to vote in absente, nor does the Statute provide that they shall offer to vote in absente, in the respective Election Districts of their residence, as prescribed by Section 2 of Article V of said Constitution.
- (d) In providing for voting by absentee ballots, the Statute fails to preserve or protect the right of challenge for bribery or like offense, or for identity of person, as required by Section 3 and 4 of Article V of said Constitution.
- (e) In providing for voting by absentee ballot, the Statute fails to preserve or provide any method whereby an elector so challenged for bribery or like offense may meet such challenge by the oath or affirmation prescribed by Section 3 of Article V of said Constitution.
- (f) In providing for voting by absentee ballot, the Statute fails to provide any reasonable method or procedure whereby the Superior Court, sitting as a Board of Canvass, may resolve any challenge based upon identity of person, as is required by Section 4 of Article V of said Constitution.
- (g) The absentee ballots in question were not counted in the respective Election Districts of the several absentee electors in question, nor does the Statute provide that they shall be counted in such Election Districts, as prescribed by Section 4A of Article V of said Constitution.
- (h) The powers vested in and exercised by the Superior Court, sitting as the Board of Canvass, in respect of the absentee ballots in question, pursuant to 49 Laws of Delaware, Ch. 294, Section 20, exceed the bounds and confines of the jurisdiction and powers of such Court, as prescribed by Section 6 of Article V of said Constitution.
- (i) 49 Laws of Delaware, Ch. 294, Section 20, unlawfully delegates unto the Superior Court, sitting as a Board of Canvass, jurisdiction and powers which Article V of said Constitution delegates to the Election Officers of the several Election Districts in this state.

(14) By virtue of the foregoing, the relator is advised and believes that he is entitled to the office of Representative in the General Assembly from Representative District Number Ten in Sussex County and is about to enter into a contest for such office with the said Raymond M. Lank before the House of Representatives of said General Assembly.

(15) By virtue of the foregoing, the relator is advised, believes and therefore states that he is entitled to have the defendants, under the seal of the Superior Court of Sussex County, sitting as the Board of Canvass thereof, to issue duplicate Certificates of the results of the general election held in Representative District Number Ten in Sussex County on November 2, 1954, which certify that James W. Smith, the relator, was duly elected Representative for Representative District Number Ten in said County in General Assembly, as evidence of his election to said office in his said contest therefor.

WHEREFORE, James W. Smith, the relator, respectfully prays as follows:

(A) That a Writ of Mandamus issue out of this Honorable Court directed to the defendants, commanding them as follows:

- (1) To reconvene the Superior Court of Sussex County, as the Board of Canvass thereof under Section 6 of Article V of the Constitution of the State of Delaware, at such time and in such manner as this Court shall order and direct;
- (2) To re-canvass the vote for the office of Representative in the General Assembly of Delaware, from Representative District Number Ten in Sussex County;
- (3) In making such re-canvass to reject and delete from the total votes cast for James W. Smith, the relator, and for Raymond M. Lank, the absentee ballots heretofore included by them in said total and to include only the votes given and cast at the polling places in the several Election Districts of said Representative Districts at the general election on November 2, 1954, on the ground that all absentee ballots accredited to the total vote cast for such persons in their prior canvass thereof are invalid and illegal; and
- (4) If it should then appear that James W. Smith received a plurality of all the votes cast for said office of Representative in the General Assembly of Delaware from Representative District Number Ten in Sussex County, that the Certificates of the results of such Election heretofore issued by them on November 4, 1954, certifying that Raymond M. Lank was duly elected to said office, thereupon shall be adjudged null and void and cancelled and new Certificates be issued accordingly.

(B) That the relator may have such other and further relief as the nature of this cause may require.

AND, as in duty bound, the relator will ever pray, &c.

JAMES W. SMITH

Houston Wilson, Attorney for Relator
West Market at Front Street, Georgetown, Delaware

AFFIDAVIT

State of Delaware, Sussex County, ss.

BE IT REMEMBERED, That on this tenth day of December, A. D. 1954, personally appeared before me, the subscriber, a Notary Public for the State and County aforesaid, JAMES W. SMITH, who being by me first duly sworn according to law, doth depose and say: That he is the relator named in the foregoing petition; and that the facts set forth therein, so far as they concern his own acts and deeds, are true of his own knowledge, and so far as they relate to the acts and deeds of any other person, he believes them to be true.

JAMES W. SMITH

SWORN TO AND SUBSCRIBED before me, the day and year first above written.

(Seal)

Margaret Dunning, Notary Public

Schedule A-1

ABSENTEE BALLOTS

Tenth Representative District, Sussex County
First Election District

Voucher Envelope No.	Name	Address
226	Bell, Norris	Milton, Del.
227	Burton, Margaret	Milton, Del.
228	Cirwithian, Cordelia	Milton, Del.
229	Coverdale, Alice M.	Milton, Del.
230	Coverdale, Jennie	Milton, Del.
231	Coverdale, Harry M.	Milton, Del.
232	Coverdale, Frank A.	Milton, Del.
233	Jones, Nancy W.	Milton, Del.
234	Richardson, Eliza	Milton, Del.
235	Walker, Evelyn N.	Milton, Del.
236	Walker, Charles E.	Milton, Del.
237	Wright, Robert J.	Milton, Del.
341	Clifton, Sallie P.	Milton, Del.
342	Stout, Mary E.	Milton, Del.
343	Workman, Virgie	Milton, Del.
344	Clendaniel, James A.	Milton, Del.
345	Welsh, William H.	Milton, Del.
346	Richards, Alice	Milton, Del.

347	Workman, Robert H.	Milton, Del.
348	Welsh, Ida N.	Milton, Del.
349	Calloway, Virginia	Milton, Del.
350	Carey, Estella M.	Milton, Del.
351	Martin, Annie M.	Harbeson, Del.
352	Hickman, Annias	Harbeson, Del.
353	McColley, Elmer	Harbeson, Del.
354	Wagamon, Lottie E.	Milton, Del.
381	Lank, Helena	Milton, Del.
382	Jefferson, Elsie N.	Milton, Del.
383	Dickerson, Ida Jane	Milton, Del.
561	Davidson, Lida J.	Milton, Del.
562	Hurley, Floyd	Milton, Del.
563	Rust, Hester	Milton, Del.
667	Dodd, Arthur B.	Milton, Del.
668	King, Roy C.	Milton, Del.
669	Dodd, Elizabeth	Milton, Del.
670	Clendaniel, Henry D.	Milton, Del.
671	King, Emma J.	Milton, Del.
672	Leverage, Fannie	Milton, Del.
673	Leverage, N. R.	Milton, Del.
674	Linthicum, Elizabeth	Milton, Del.
675	Mentzenger, Irene C.	Milton, Del.
676	Reed, Anna A.	Milton, Del.
677	Dodd, Hazel E.	Milton, Del.
678	Reed, Ida D.	Milton, Del.
679	Heavelow, John H.	Milton, Del.
680	Thackery, Melvins	Milton, Del.
681	Wilson, Clara	Milton, Del.
682	Wyatt, Anna B.	Milton, Del.
683	Wyatt, James T.	Milton, Del.
740	Davidson, Fannie	Milton, Del.
744	Malcom, Lydia M.	Milton, Del.
756	Brittingham, Ralph	Milton, Del.
757	Clifton, Clarence E.	Milton, Del.
758	Roach, Alfred E.	Milton, Del.
759	Johnson, Lucinda	Milton, Del.
760	Walls, Lydia Hester	Milton, Del.
893	Frame, Margaret	Milton, Del.
894	Johnson, Eunice G.	Milton, Del.
895	Pride, Gus	Milton, Del.
896	Pride, Una E.	Milton, Del.
941	Jenson, Ruth L.	Milton, Del.
980	Cirwithian, Robert A.	Milton, Del.
981	Mosley, Sallie	Milton, Del.
982	Marshall, Carrie A.	Milton, Del.
983	Prettyman, Mayme A.	Milton, Del.
984	Waples, Helen D.	Milton, Del.
985	Watson, Gladys	Milton, Del.
1019	Davidson, Emma	Milton, Del.

1021	Reed, Mary E.	Milton, Del.
1022	Rogers, Ira B.	Milton, Del.
1023	Simpler, Ray D.	Milton, Del.
1026	Burton, Susie M.	Milton, Del.
1027	Godwin, Elizabeth M.	Milton, Del.
1028	Griffin, Eddie Lee	Milton, Del.
1029	Joyner, Alvernia	Milton, Del.
1030	Moore, Lida F.	Milton, Del.
1031	Lockwood, Joshua	Milton, Del.
1032	Lockwood, Bertha	Milton, Del.
1068	Pepper, Fred W.	Milton, Del.
1069	Clark, Maggie	Milton, Del.
107	Clark, John	Milton, Del.
1159	Bailey, Anna C.	Milton, Del.
1160	Morgan, Mary K.	Milton, Del.
1161	Pettyjohn, Ivory	Milton, Del.

Schedule A-2

ABSENTEE BALLOTS

Tenth Representative District, Sussex County
Second Election District

Voucher Envelope No.	Name	Address
2	Wilson, Harry T.	108 Dewey Ave., Lewes, Del.
28	Collins, William D.	324 Savannah Rd., Lewes, Del.
35	Carter, L. L.	Lewes, Del.
36	Egan, William R. . .	R. D. Pilottown Rd., Lewes, Del.
37	Richardson, John M.	406 Kings Hwy., Lewes, Del.
38	Downs, Clara.	410 Savannah Rd., Lewes, Del.
46	Albertson, Benjamin S. .	2 W. Fourth St., Lewes, Del.
48	McDaniel, George.	Bunker Row, Lewes, Del.
52	Ingram, William S., Jr.	Cedar St., Lewes, Del.
56	Poole, Earl I.	326 Pillottown Rd., Lewes, Del.
62	Adams, Roosevelt.	Bunker Row, Lewes, Del.
63	Coon, Robert.	Bunker Row, Lewes, Del.
64	Brown, Arthur.	Bunker Row, Lewes, Del.
65	Clayton, Andrews.	Bunker Row, Lewes, Del.
66	Cradell, William.	Bunker Row, Lewes, Del.
67	Dumes, Samuel.	Bunker Row, Lewes, Del.
68	Ellington, Clarence.	Bunker Row, Lewes, Del.
69	Gentry, Zack.	Bunker Row, Lewes, Del.
70	Goulden, Amos.	Bunker Row, Lewes, Del.
71	Jefferiss, Bryan.	Bunker Row, Lewes, Del.
72	Kamp, Guss.	Bunker Row, Lewes, Del.
73	Latimer, Ralph.	Bunker Row, Lewes, Del.
74	Mathis, Fred.	Bunker Row, Lewes, Del.
75	McDuffy, Spencer.	Bunker Row, Lewes, Del.
76	Robinson, Johnnie.	Bunker Row, Lewes, Del.
77	Smith, Otis H.	Gills Neck Rd., Lewes, Del.

78	Thomason, James	Bunker Row, Lewes, Del.
79	Turner, Eddie	Bunker Row, Lewes, Del.
80	Walls, F. Irving	Second St., Lewes, Del.
81	Waters, Albert	Bunker Row, Lewes, Del.
82	Wililams, Eugene	Bunker Row, Lewes, Del.
83	Wililams, Willis	Bunker Row, Lewes, Del.
99	Roulhac, Charlie	Bunker Row, Lewes, Del.
100	Evans, Robert B.	204 Bay iVew, Lewes, Del.
115	Alburttton, Joe	Bunker Row, Lewes, Del.
116	Bryant, Albert	Bunker Row, Lewes, Del.
117	Cannady, Jasper	Bunker Row, Lewes, Del.
118	Dickins, Richard	Bunker Row, Lewes, Del.
119	Dmetruck, John	Bunker Row, Lewes, Del.
120	Ellison, K. D.	Bunker Row, Lewes, Del.
121	Harvey, Charles	Bunker Row, Lewes, Del.
122	Haywood, Robert	Bunker Row, Lewes, Del.
123	Hill, Paul	Bunker Row, Lewes, Del.
124	Horne, Willie Marion	Bunker Row, Lewes, Del.
125	Tucks, Ureah	Bunker Row, Lewes, Del.
126	Jones, Wilele	Bunker Row, Lewes, Del.
127	Kennedy, Charles	Bunker Row, Lewes, Del.
128	Latimer, John	Bunker Row, Lewes, Del.
129	Mays, Willie	Bunker Row, Lewes, Del.
130	Mitchell, Thomas	Bunker Row, Lewes, Del.
131	McCloud, Angus	Bunker Row, Lewes, Del.
132	McCroe, Charles	Bunker Row, Lewes, Del.
133	Phillips, Peter	Bunker Row, Lewes, Del.
134	Price, Leon	Bunker Row, Lewes, Del.
135	Randolph, Archie	Bunker Row, Lewes, Del.
136	Randolph, Clifford	Bunker Row, Lewes, Del.
137	Richardson, Junious	Bunker Row, Lewes, Del.
138	Roper, Walter	Bunker Row, Lewes, Del.
139	Sims, Luther	Bunker Row, Lewes, Del.
140	Strand, Eddie Lee	Bunker Row, Lewes, Del.
141	Strand, Elijah	Bunker Row, Lewes, Del.
142	Suddath, William	Bunker Row, Lewes, Del.
143	Sumlin, Willie	Bunker Row, Lewes, Del.
144	Tate, George	Bunker Row, Lewes, Del.
145	Thomas, Samuel	Lewes, Del.
146	Timmons, Christopher	Lewes, Del.
147	Wade, Lancy	Lewes, Del.
148	Ware, Albert	Lewes, Del.
149	Wyatts, Willie	Lewes, Del.
172	Wilson, Harriett M., Jr.	Milford, Del.
205	Marshall, Arthur J.	Lewes, Del.
206	Marshall, Katherine L.	Lewes, Del.
241	Joseph, John P.	Lewes, Del.
263	Rowland, J. Wright	Lewes, Del.
278	Argo, Rebecca	Lewes, Del.
280	Barton, Heddie A.	Lewes, Del.
281	Chambers, George E.	Lewes, Del.

282	Dunning, Mary	Lewes, Del.
283	Harris, Charles	Lewes, Del.
284	Ingram, William S.	Lewes, Del.
285	Lamb, Elizabeth	Lewes, Del.
286	Lamb, Thomas	Lewes, Del.
287	Morris, Charles	Lewes, Del.
288	Poole, Margaret C.	Lewes, Del.
289	Purnell, Bertha M.	Lewes, Del.
290	Thompson, James M.	Lewes, Del.
291	Wielbank, Laura	Lewes, Del.
292	Wolfe, Mary H.	Lewes, Del.
309	Bryan, George	Lewes, Del.
311	Conwell, Sarah	Lewes, Del.
312	Faust, Robert B.	Lewes, Del.
314	Hoffer, Andrew	Lewes, Del.
316	Jones, Charles V.	Lewes, Del.
317	Layton, Anna R.	Lewes, Del.
318	Layton, Oliver M.	Lewes, Del.
319	Papciak, Edmund	Lewes, Del.
320	Wallerstein, John	Lewes, Del.
321	Wallerstein, Eleanor	Lewes, Del.
361	Arterbridge, John T.	Lewes, Del.
362	Marshall, Cornelius C.	Lewes, Del.
363	Marshall, Edith B.	Lewes, Del.
364	Mauil, Emma W.	Lewes, Del.
413	Mauil, James S.	Lewes, Del.
421	Allen, William	Lewes, Del.
422	Anderson, Salomon	Lewes, Del.
423	Bagby, John	Lewes, Del.
424	Baymum, Henrietta	Lewes, Del.
425	Beal, George	Lewes, Del.
426	Baymum, William	Lewes, Del.
427	Bendschein, John Edwards	Lewes, Del.
428	Buckaloo, Matilda M.	Lewes, Del.
429	Carr, William	Lewes, Del.
430	Cunningham, Sam	Lewes, Del.
431	Drillock, John	Lewes, Del.
432	Ellis, Rover T.	Lewes, Del.
433	Dashields, Thomas	Lewes, Del.
434	Eldridge, Hezekial	Lewes, Del.
435	Fisher, Walter	Lewes, Del.
436	Franks, Clifton	Lewes, Del.
437	Grant, Wesley	Lewes, Del.
438	Hauil, Clave	Lewes, Del.
439	Hauil, Robert	Lewes, Del.
440	Heal, Robert	Lewes, Del.
441	Hodge, W. W.	Lewes, Del.
442	Hook, Simon	Lewes, Del.
443	Mayo, Columbus	Lewes, Del.
444	Meaux, Richard C.	Lewes, Del.
445	Montcalm, Annie M.	Lewes, Del.

446	Montigue, Joe	Lewes, Del.
447	McMillian, A.	Lewes, Del.
448	McMillian, John W.	Lewes, Del.
449	Morris, Frank T.	Lewes, Del.
450	Roe, Frank	Lewes, Del.
451	Roper, Melvin	Lewes, Del.
452	Silver, Oliver	Lewes, Del.
453	Skipwith, William	Lewes, Del.
454	Williams, Amos	Lewes, Del.
455	Wilson, Benjamin	Lewes, Del.
456	Wilson, Ella	Lewes, Del.
457	Wilson, Roy	Lewes, Del.
481	Bayles, Katherine A.	Lewes, Del.
482	Beebe, Ruth V.	Lewes, Del.
483	Bookhammer, Winifrid J.	Lewes, Del.
484	Bookhammer, William H.	Lewes, Del.
485	Clifton, Cora M.	Lewes, Del.
486	Collins, Lida V.	Lewes, Del.
487	Coverdale, James G.	Lewes, Del.
488	Amundsen, Algo	Lewes, Del.
489	Hazzard, Nellie M.	Lewes, Del.
490	Ingram, Elverson W.	Lewes, Del.
491	Ingram, E. W., Sr.	Lewes, Del.
492	Ross, Ella	Lewes, Del.
493	Tracy, Elizabeth	Lewes, Del.
494	Virden, Margie F.	Lewes, Del.
495	Virden, Thomas	Lewes, Del.
496	Walsh, William E.	Lewes, Del.
497	West, Isabelle F.	Lewes, Del.
498	Wilson, George W.	Lewes, Del.
499	Wiltbank, DeLinia	Lewes, Del.
517	Burton, Elizabeth	Lewes, Del.
518	Burton, Leland	Lewes, Del.
538	Maull, Franklin C.	Lewes, Del.
548	Maull, George C., Jr.	Lewes, Del.
624	Beauchamp, William A.	Lewes, Del.
649	Brittingham, Lydia Bell	Lewes, Del.
651	Copelant, Bert	Lewes, Del.
652	Edgens, Kilkemlina B.	Lewes, Del.
653	Johnson, Frank	Lewes, Del.
657	Riley, Lettie L.	Lewes, Del.
658	Riley, Eva M.	Lewes, Del.
659	Ross, Joseph D.	Lewes, Del.
660	Schmierer, Hettie	Lewes, Del.
661	Sweigert, Thelma	Lewes, Del.
662	West, Elizabeth E.	Lewes, Del.
723	Cartwright, Sara Lizzie	Lewes, Del.
724	Ennis, Mazie W.	Lewes, Del.
725	Fisher, George W.	Lewes, Del.
726	Fisher, Cora L.	Lewes, Del.
727	Hanison, Dollie V.	Lewes, Del.

728	Hill, Hannah R.	Lewes, Del.
729	Holland, Mary S.	Lewes, Del.
730	Lockwood, Edith	Lewes, Del.
731	Lowe, Laurie E.	Lewes, Del.
732	McCabe, Margie	Lewes, Del.
733	Riley, Harry	Lewes, Del.
734	Ridder, Sara J.	Lewes, Del.
735	Reed, Sara J.	Lewes, Del.
736	Smith, Virgie	Lewes, Del.
737	Wyatt, Walter E.	Lewes, Del.
738	Wyatt, Anna M.	Lewes, Del.
741	Hill, Fannie M.	Lewes, Del.
742	Paynter, Elizabeth M.	Lewes, Del.
779	Burton, Hanna Mary	Lewes, Del.
780	Burton, Harry B.	Lewes, Del.
781	Castle, Bertha M.	Lewes, Del.
782	Jones, Daniel	Lewes, Del.
783	Hontcalm, Charles E.	Lewes, Del.
784	Riley, Elizabeth	Lewes, Del.
785	Yerley, Willie	Lewes, Del.
827	Cooper, Margaret B.	Lewes, Del.
828	Maull, Louis	Lewes, Del.
829	Maull, Grace	Lewes, Del.
830	Mosley, James E.	Lewes, Del.
831	Stockley, Georgia	Lewes, Del.
832	Streamen, Mary Frances	Lewes, Del.
907	Adamozyz, Mary	Lewes, Del.
908	Adamozyz, Valentz	Lewes, Del.
909	Johnston, Joseph A.	Lewes, Del.
923	Jones, W. Sterling	Lewes, Del.
924	Richards, Lydia R.	Lewes, Del.
925	Spooner, Ida V.	Lewes, Del.
926	Webb, Tabitha	Lewes, Del.
927	Webb, Martin L.	Lewes, Del.
928	Wright, John L.	Lewes, Del.
929	Wenyon, Forest P.	Lewes, Del.
930	Joseph, Wilmer C.	Lewes, Del.
931	Wilson, Maggie B.	Lewes, Del.
932	Wilson, Loda	Lewes, Del.
933	Joseph, Winnie K.	Lewes, Del.
934	Wallace, Alice G.	Lewes, Del.
935	Murray, Louis E.	Lewes, Del.
936	Egan, Roberta C.	Lewes, Del.
937	Peck, David S.	Lewes, Del.
938	Bayman, Virden	Lewes, Del.
939	Bayman, Martha	Lewes, Del.
940	Pase, Joseph	Lewes, Del.
958	Parker, Alfred T.	Lewes, Del.
1010	Bramhall, Howard W.	Lewes, Del.
1011	Bradley, Rose E.	Lewes, Del.
1012	Friend, Hettie Evelyn	Lewes, Del.

1013	Friend, Cecil R.	Lewes, Del.
1084	Fields, Mary E.	Lewes, Del.
1152	King, Susie Hudson	Lewes, Del.
1164	Barber, Bennie	Lewes, Del.
1165	Beebe, Edna	Lewes, Del.
1168	Fisher, Joanna	Lewes, Del.
1169	Frozer, Estella B.	Lewes, Del.
1170	Joseph, Beatrice	Lewes, Del.
1171	Joseph, Smith	Lewes, Del.
1172	Lord, Jackson	Lewes, Del.
1173	Palmer, Sallie	Lewes, Del.
1174	Lubker, George S.	Lewes, Del.
1196	Shelp, Anna	Lewes, Del.
1197	Shelp, Joseph	Lewes, Del.
1198	Shelp, Alfred	Lewes, Del.
1199	White, Elva N.	Lewes, Del.
1216	McMillian, Margaret E.	Lewes, Del.
1217	Marvel, Minnie	Lewes, Del.
1218	Brittingham, Grace R.	Lewes, Del.

Schedule A-3

ABSENTEE BALLOTS

Tenth Representative District, Sussex County
Third Election District

Voucher Envelope No.	Name	Address
8	McQuay, William S., Jr.	47 Rehoboth Avenue Rehoboth, Delaware
14	Yardley, Virginia G.	1 Pennsylvania Avenue Rehoboth, Delaware
18	Irons, Mamie S.	R. F. D., Rehoboth, Del.
19	Irons, Fred S.	R. F. D., Rehoboth, Del.
29	White, Jane N.	25 Henlopen Avenue Rehoboth, Delaware
39	Nevins, Victor	Moore Building, Rehoboth, Del.
40	Coady, Catherine G. ...	Dewey Beach, Rehoboth, Del.
41	Coady, Charles P.	Dewey Beach, Rehoboth, Del.
42	Key, Eugene W.	212 Laurel St., Rehoboth, Del.
43	Wolfe, Doris	7 County Road, Rehoboth, Del.
44	Sesley, Gladys S. ...	24 Stockley St., Rehoboth, Del.
45	Wolfe, William P. ...	7 County Road, Rehoboth, Del.
47	Hancock, Ellis E. ...	2 Christian St., Rehoboth, Del.
53	Cooper, Samuel J. ...	New Castle St., Rehoboth, Del.
55	Becker, Harry A. ...	17 James M. Ave., Rehoboth, Del.
84	Martin, Carolyn H.	48 Surf Ave., Rehoboth, Del.
86	Ciconte, Teresa	First & Wilmington Avenue Rehoboth, Delaware
87	Ciconte, Joseph	First & Wilmington Avenue Rehoboth, Delaware

90	Miller, Roberta T. . . . 8 Dover Ave., Rehoboth, Del.
91	Hayden, Ray 83 Rehoboth Ave., Rehoboth, Del.
92	Miller, Charles R., Jr. . . 8 Dover St., Rehoboth, Del.
93	Auld, Robert 213 Hickman St., Rehoboth, Del.
108	Huntley, Nancy D. Lake Ave., Rehoboth, Del.
109	Stewart, Henry S. A. . . Second & Columbia Avenue Rehoboth, Delaware
110	Stewart, Elizabeth Wales . . Second & Columbia Ave. Rehoboth, Delaware
162	Bing, Effie M. Rehoboth, Del.
163	Cowgill, Elizabeth H. Rehoboth, Del.
164	Ewing, Catherine H. Rehoboth, Del.
165	Lynch, Hiram C. Rehoboth, Del.
166	Lynch, Mary L. Rehoboth, Del.
167	Smith, George V. Rehoboth, Del.
168	Vansant, Gordon Rehoboth, Del.
169	Knapp, Ronald K. Rehoboth, Del.
170	Knapp, Mathilda E. Rehoboth, Del.
171	Warrington, Elsie M. Rehoboth, Del.
215	Kraft, Dorothy C. . . Dewey Beach, Rehoboth, Del.
216	Egan, Clara W. Rehoboth, Del.
217	McCoy, Matilda S. Rehoboth, Del.
218	Bushler, Bela Rehoboth, Del.
219	Bushler, Dora Rehoboth, Del.
220	Jensen, Ada Rehoboth, Del.
221	Pettyjohn, Ella M. Rehoboth, Del.
322	Burton, Irving D. Rehoboth, Del.
323	Lenderman, Myrtle H. Rehoboth, Del.
365	Degan, Roy E. Rehoboth, Del.
366	Marshall, Earl B. Rehoboth, Del.
387	Millman, Howard E., Jr. Rehoboth, Del.
397	Miller, Anna L. Rehoboth, Del.
398	Crommelin, Lillian Rehoboth, Del.
399	Joseph, Gertha Rehoboth, Del.
410	Warrington, Beauford H. Nassau, Del.
401	Harmon, Maggie Lewes, Del.
402	Morris, Alfred Lewes, Del.
403	Brandel, Clarence Rehoboth, Del.
404	Brandel, Elizabeth Rehoboth, Del.
460	Allen, Charles H. Lewes, Del.
461	Bivens, John H. Rehoboth, Del.
462	Clark, Charles Rehoboth, Del.
463	Clark, Liza Rehoboth, Del.
464	Clark, Sidney Rehoboth, Del.
465	Harmon, Martha J. Rehoboth, Del.
520	Miller, Otto H. Rehoboth, Del.
524	Robinson, Walter C., Jr. Rehoboth, Del.
626	Cambridge, Alfred Rehoboth, Del.
627	Cowgill, Hettie W. Rehoboth, Del.
628	Ennis, Howard T. Rehoboth, Del.
629	Holland, Charles Lewes, Del.

630	Jackson, Harry	Rehoboth, Del.
631	Piner, Lena C.	Rehoboth, Del.
632	Parker, Lula M. C. D.	Rehoboth, Del.
633	Sparrow, Frank W.	Lewes, Del.
634	Webster, Charlotte E.	Rehoboth, Del.
772	Paynter, Lina	Rehoboth, Del.
773	Pepitone, Nicholas J.	Rehoboth, Del.
774	Pepitone, Thelma R.	Rehoboth, Del.
775	Rollins, O. Wayne	Rehoboth, Del.
776	Saff, Anna B.	Rehoboth, Del.
774	Saff, Jack	Rehoboth, Del.
804	Pachides, Thomas	Rehoboth, Del.
903	Raughley, Eva E.	Rehoboth, Del.
904	Torbert, Mary Rigglin	Rehoboth, Del.
970	Murray, Della M.	Rehoboth, Del.
972	Engstorm, Mildred	Rehoboth, Del.
973	Hudson, Anthony L.	Rehoboth, Del.
974	Hudson, Delaware	Lewes, Del.
975	Hudson, Dorothy	Lewes, Del.
977	Wharton, Augustus	Rehoboth, Del.
1016	Dennie, William J.	Rehoboth, Del.
1017	Hammond, William A.	Rehoboth, Del.
1018	Palmer, Theodore W., Jr.	Rehoboth, Del.
1085	Burton, William O.	Rehoboth, Del.
1111	Cannon, John R.	Rehoboth, Del.
1112	Harmon, Ardella	Lewes, Del.
1113	Harguest, Mary E.	Lewes, Del.
1114	Huntley, Ann	Rehoboth, Del.
1115	Lacey, Robert	Lewes, Del.
1116	Long, George H.	Rehoboth, Del.
1117	Maull, Helen H.	Rehoboth, Del.
1118	Rhodes, Sallie M.	Lewes, Del.
1156	Nelson, Ernest L.	Rehoboth, Del.
1157	Nelson, Linda M.	Rehoboth, Del.

Mr. Lank immediately offered a counter certification supporting his election.

BEFORE THE HOUSE OF REPRESENTATIVES OF THE
GENERAL ASSEMBLY OF THE STATE OF DELAWARE
JAMES W. SMITH

v. CONTESTED ELECTION
RAYMOND M. LANK

COUNTER SPECIFICATION

To: JAMES W. SMITH, ESQ., Milton, Delaware
Sir:

Pursuant to 15 Del. C. Section 3902, I hereby give you a written specification of objections to your right to be seated in the House of Representatives of the General Assembly of the State of Delaware as the elected representative from Representative District No. 10 in Sussex County, which are:

1. That I, Raymond M. Lank, was duly elected to the office of representative in the General Assembly of the State of Delaware for Representative District No. 10 in Sussex County, for the reason that all absentee ballots cast for said office were in fact valid in that they were cast and counted pursuant to the requirement of the Constitution and Statutes of the State of Delaware in such case made and provided, all of which is more particularly set out in my answer, as intervenor, to your petition for writ of mandamus, a copy of which is attached, and incorporated herein by reference.

s/ RAYMOND M. LANK

s/ D. J. LAYTON, JR.

s/ W. HOWARD THOMPSON
Attorneys for Raymond M. Lank
The Circle, Georgetown, Del.

AFFIDAVIT

State of Delaware, County of Sussex, ss.

BE IT REMEMBERED, That on this 27th day of December, A. D. 1954, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, RAYMOND M. LANK, who being by me first duly sworn according to law, doth depose and say: That he is the respondent in the foregoing contested election; and that the facts set forth therein, so far as they concern his own acts and deeds, are true of his own knowledge, and so far as they relate to the acts and deeds of any other person, he believes them to be true.

s/ RAYMOND M. LANK

SWORN TO AND SUBSCRIBED before me, the day and year first above written.

s/ GEORGE COLLINS, Notary Public

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THE STATE OF DELAWARE,
ex rel JAMES W. SMITH

vs.

No. 1954

JAMES B. CAREY, resident Associate Judge in Sussex County, and DANIEL HERRMANN, Associate Judge, who constitute the Superior Court of Sussex County and the Board of Canvass thereof under Section 6 of Article V of the Constitution of the State of Delaware, and RAYMOND M. LANK, intervenor

MOTION TO
DISMISS AND
ANSWER

MOTION TO DISMISS

AND NOW, TO WIT, this 29th day of December, A. D. 1954, comes Raymond M. Lank, the above named intervenor;

by W. Howard Thompson and Daniel J. Layton, Jr., his attorneys, and moves that the relator's petition for a writ of mandamus be dismissed for the reasons:

1. The petition fails to state a cause of action upon which relief can be granted.

2. The relator is estopped to deny the validity of the intervenor's election to the office of representative in the General Assembly of Delaware from Representative District No. 10 in Sussex County for the reason that neither he nor any representative of his political party challenged or otherwise made objection to the registering of any absentee voters of Representative District No. 10 in Sussex County, nor to the casting of any absentee ballot of any such voter, nor to the accrediting of any such ballot to the total calculated vote cast for said intervenor.

3. The relator has been guilty of laches in the bringing of this action.

ANSWER

1. The intervenor admits the allegations contained in Paragraph 1 of the relator's petition.

2. The intervenor admits the allegations contained in Paragraph 2 of the relator's petition.

3. The intervenor admits the allegations contained in Paragraph 3 of the relator's petition.

4. The several election boards in each of the districts aforementioned pursuant to 49 Delaware Laws, Chapter 18, tabulated, proclaimed and certified the totals of the votes registered on the voting machines in each of the aforesaid districts.

5. The intervenor admits the allegations contained in Paragraph 5 of the relator's petition.

6. The intervenor admits the allegations contained in Paragraph 6 of the relator's petition except that the Superior Court and Board of Canvass of Sussex County ascertained from said certificates of election only the total votes cast by voting machines.

7. The intervenor admits the allegations contained in Paragraph 7 of the relator's petition.

8. The intervenor admits the allegations contained in Paragraph 8 of the relator's petition.

9. The intervenor admits that the absentee ballots herein complained of were not included in the several certificates of the election delivered to the Superior Court and Board of Canvass for Sussex County by the election officials of the several respective election districts of Representative District No. 10 of Sussex County. However, the intervenor states that all such absentee ballots were cast and voted pursuant to the requirements of the relevant provisions of the Constitution of the State of Delaware and the statutes pertaining thereto.

10. The said Superior Court and Board of Canvass of Sussex County on November 4, 1954 in strict accordance with the provisions of 49 Delaware Laws, Chapter 294, Section 20, counted the absentee ballots cast on November 2, 1954 in each of the election districts of Representatives District No. 10 for the office of representative and added to the total calculated votes of each of the candidates for said office a total of 126 additional votes for James W. Smith, the relator, and a total of 257 additional votes for Raymond M. Lank, the intervener.

11. The intervener admits the allegations contained in Paragraph 11 of the relator's petition.

12. The intervener admits the allegations contained in Paragraph 12 of the relator's petition.

13. The intervener denies the allegations contained in Paragraph 13 of the relator's petition and in further answer to Paragraph 13 of the relator's petition the intervener states that all absentee ballots cast for the office of representative in Representative District No. 10 as in the relator's petition complained of were in fact valid in that they were cast and counted pursuant to the requirements of the Constitution and statutes of the State of Delaware in such case made and provided.

14. The intervener possesses insufficient knowledge upon which to base an answer to Paragraph 14 of the relator's petition.

15. The intervener denies the allegations contained in Paragraph 15 of the relator's petition.

Wherefore, the intervener respectfully prays that the relator's petition for writ of mandamus be dismissed with his costs and that he have such other and further relief as is just and proper.

W. HOWARD THOMPSON

DANIEL J. LAYTON, JR.

Attorneys for Intervener

Since Mr. Wilson had not been elected to the House and had no right to the floor, Mr. Macklin moved that action be deferred on resolution until after all the members were sworn in. Mr. Deputy seconded the motion. Motion prevailed.

Mr. Macklin, reporting for the committee, reported that the Certificates for the Members-elect for the several counties had been delivered.

Mr. Macklin moved that the Certificates of Election of Mr. Shockley, Temporary Speaker, and Mr. Donovan, Temporary Clerk, be read. Mrs. Tunnell seconded the motion. Motion prevailed.

The Temporary Speaker directed the Temporary Clerk to read the Certificates of Election of Mr. Shockley, as a Member-elect of the House of Representatives, and of Mr. Donovan, as a Member-elect of the House of Representatives.

THE STATE OF DELAWARE
NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and fifty-four, for New Castle County, according to the Constitution and Laws of the State of Delaware, PAUL SHOCKLEY was duly elected Representative for Representative District Number Four in said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court of New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 5th day of November, A. D. 1954.

(Seal)

CHARLES S. RICHARDS
President Judge
C. R. LAYTON, 3rd
Resident Associate Judge

THE STATE OF DELAWARE
KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and fifty-four for Kent County, according to the Constitution and Laws of the State of Delaware, LEON E. DONOVAN was duly elected Representative for the 9th Representative District for said County in the General Assembly; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, Collins J. Seitz and Charles L. Terry, Jr., constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4th day of November, A. D. 1954.

(Seal)

COLLINS J. SEITZ
Chancellor
CHARLES L. TERRY, JR.
Resident Associate Judge

Mr. Macklin moved that a Notary Public of Kent County, State of Delaware, administer the Oaths of Office to both Mr. Shockley and Mr. Donovan as Representatives of the General Assembly of the State of Delaware and as Temporary Speaker and Temporary Clerk, respectively. Mr. Queen seconded the motion. Motion prevailed.

Harry C. McSherry, a Notary Public of Kent County, State of Delaware, administered the Oaths of Office to both Mr. Shockley and Mr. Donovan as Representatives of the General Assembly of the State of Delaware and as Temporary Speaker and Temporary Clerk respectively.

Mr. Macklin moved that Certificates of the remainder of the Representatives-elect be read. It had been found out meantime that the statements for the members to sign were not available.

Mr. Quigley moved for a recess to the call of the Chair. Mr. Rowan seconded the motion. Motion prevailed.

The Temporary Speaker declared a recess at 12:01 P. M.

The Temporary Speaker called the House to order at 3:10 P. M.

Mr. Macklin moved that the Temporary Speaker be authorized and directed to have read the Certificates of Election of all the Representatives of the 118th General Assembly of the State of Delaware. Mr. Bostick seconded the motion. Motion prevailed.

Mr. Donovan, Temporary Clerk, read the Certificates of Elections of the Members hereinbefore listed, the form of which was the same as that previously read for Mr. Shockley and Mr. Donovan.

Mr. Macklin moved that the Temporary Speaker administer Oath of Office to Members-elect. Mr. Rowan seconded the motion. Motion prevailed.

The Temporary Speaker administered the Oath of Office to the Members-elect, the form of which follows:

OATH OF REPRESENTATIVE

Kent County, The State of Delaware, ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Delaware from Representative District No. 1 in Wilmington, New Castle County (to which office I was elected at the General Election held in said State in the year A. D. 1954)), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration

or reward for the giving or withholding a vote at the election at which I was elected to said office.

PAUL F. LIVINGSTON

Sworn to this 4th day of January A. D. 1955, before me.

PAUL E. SHOCKLEY

OATH OF REPRESENTATIVE

Kent County, The State of Delaware, ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Delaware from Representative District No. 1 in Kent County (to which office I was elected at the General Election held in said State in the year A. D. 1954), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

ERNEST S. MATTIFORD

Sworn to this 4th day of January A. D. 1955, before me.

PAUL E. SHOCKLEY

OATH OF REPRESENTATIVE

Kent County, The State of Delaware, ss.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Delaware from Representative District No. 1 in Sussex County (to which office I was elected at the General Election held in said State in the year A. D. 1954), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

GEORGE T. MACKLIN

Sworn to this 4th day of January A. D. 1955, before me.

PAUL E. SHOCKLEY

Mr. Shockley called the permanent roll: 35 present, none absent.

Mr. Macklin nominated for Speaker of the House of Representatives of this 118th General Assembly of the State of Delaware, the Hon. James R. Quigley. Mr. Deputy seconded the nomination of Mr. Quigley for Speaker of the House. Mr. Livingston also seconded Mr. Quigley's nomination for Speaker of the House.

Mr. Rowan moved that the nominations for Speaker of the House be closed. Motion prevailed.

The Temporary Speaker directed the Temporary Clerk to cast an unanimous ballot.

The Temporary Clerk cast the ballot.

There being no other nominations, Mr. James R. Quigley was then declared by the Temporary Speaker elected Speaker of the House of Representatives of this, the 118th General Assembly of the State of Delaware.

Mr. Macklin moved that a committee of two be appointed to escort the Speaker-elect to the Chair. Mrs. Tunnell seconded the motion. Motion prevailed.

The Temporary Speaker appointed Mr. Macklin and Mr. Maclary as a committee, said committee escorted Speaker-elect Quigley to his chair.

Mr. Macklin moved that the Temporary Speaker administer the Oath of Office to the Hon. James R. Quigley as Speaker. Mr. Bostick seconded the motion. Motion prevailed.

The Employee's Oath was administered to the Hon. James R. Quigley as Speaker, the form of which is the same as that administered to the Temporary Speaker and the Temporary Clerk, as follows:

OATH OF EMPLOYEES

The State of Delaware, County of Kent, ss.

I, James R. Quigley, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Speaker for the House of Representatives in the General Assembly of the State, according to the best of my ability.

JAMES QUIGLEY

Sworn and subscribed to this 4th day of January, A. D. 1955.

PAUL E. SHOCKLEY

Temporary Speaker of the House of Representatives

Mrs. Tunnell introduced the following resolution, which on further motion by her was adopted: **HR 1**—"In Reference to Rules of the House of Representatives.

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly that the Rules of the House of Representatives at the regular session of 1953 be and they hereby are adopted as the temporary rules for the government of the present Session.

Mr. Shockley moved for a recess to the call of the Chair.

The Speaker ordered a 15 minute recess.

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

Mrs. Tunnell moved that **HR 1** be rescinded. Mr. Macklin seconded the motion. Motion prevailed.

Mr. Shockley introduced **HR 1**—"In Reference to the Seating of the Representative of the Tenth District of Sussex County."

RESOLVED, that Raymond M. Lank, who has been certified and returned by the Superior Court of Sussex County, sitting as the Board of Canvass thereof, as elected to the office of Representative in the General Assembly of the State of Delaware from Representative District Number Ten in Sussex County, shall retain his seat as a member of this House upon taking and subscribing the prescribed oath: SUBJECT, ALWAYS, to the Contested Election this day filed against his election and return by James W. Smith and to the right and power of this House, upon final hearing, determination and judgment in the matter of such Contested Election, to unseat him, the said Raymond M. Lank, and to seat the contestant, James W. Smith, in his place and stead; and, further,

RESOLVED, that such Contested Election be referred unto the Committee on Elections, when formed, for its report and advice upon the manner in which this House shall proceed further in the matter.

Mr. Maclary moved that action be deferred on **HR 1**. Mr. Wolf seconded the motion.

Mr. Maclary requested a roll call. On the question, "Shall Action be Deferred on this Resolution," the roll call revealed:

YEAS — Messrs. Hicks, T. S. Johnson, Lank, Lawson, Lester, Maclary, Wolf, Wood—8.

NAYS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wiilkinson, Mr. Speaker—26.

ABSENT—Mr. Rowan—1.

So the question was decided in the negative.

On further motion of Mr. Shockley, the resolution was adopted.

Mrs. Tunnell introduced the following resolution, which on further motion by her was adopted: **HR 2**—"In Reference to Rules of the House of Representatives."

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly that the Rules of the House of Representatives at the regular session of 1953 be and they hereby are adopted as the temporary rules for the government of the present Session.

Mr. Shockley introduced **HR 3**. Mr. Shockley moved to withdraw **HR 3**. Mrs. Tunnell seconded the motion. Motion prevailed.

The Secretary of the Senate delivered the following message to the House: **SR 9**—"Notifying the House that the Senate is Organized and Ready for Business.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following resolution, which was presented by the Chair and on the motion of Mr. Maclary was adopted and returned to the Senate: **SCR 1**—"Authorizing the Adjournment of the Senate and the House of Representative of the 118th General Assembly Until Monday, January 10, 1955."

BE IT RESOLVED by the Senate of the 118th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:

1. That the Senate and House of Representatives adjourn at the close of business on Tuesday, January 4, 1955, until Monday, January 10, 1955 at 1:00 P. M.

On motion of Mr. Shockley, the House adjourned until 1:00 P. M., January 10, 1955, in accordance with **SCR 1**.

2ND LEGISLATIVE DAY

House met pursuant to adjournment at 1:15 P. M., on January 10, 1955.

Prayer by Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker—34.

Member absent—Mr. Livingston—1.

The Temporary 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.

At this point the Speaker recessed until 2:15 P. M.

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

Mr. Shockley introduced the following resolution, which on further motion by him was adopted: **HR 3**—"In Reference to the Election of Officers of the House.

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly of the State of Delaware that the said House proceed with the nomination and election of the following officers and do elect those whose names appear hereafter in this Resolution to serve in the offices placed opposite their respect names during the pleasure of the 118th General Assembly of the State of Delaware:

Chief Clerk—John E. Babiarz
 Assistant Chief Clerk—Melville C. Taylor
 Chaplain—Rev. Frank G. Buckley
 Attorney—James H. Hughes, III
 Attorney—Albert J. Stiftel
 Reading Clerk—John Walmsley
 Reading Clerk—Arnold Emory
 Document Clerk—Edna Brasure
 Assistant Bill Clerk—Carl Prettyman
 Messenger—Charles Figun
 Messenger—William D. Burton
 Messenger—Lee Waller
 Messenfier—Charles H. Woodward
 Telephone Messenger—Mildred V. Hall
 Telephone Messenger—Anna Christopher
 Speaker's Clerk—Leon Bacon
 Stenographer—Mary W. Rawlins
 Stenographer—Clara Campese
 Stenographer—Olive Ann Thornton
 Machine Operator—Howard Lane, Jr.
 Machine Operator—Jeanette Brown
 Mail Clerk—Robert Davidson
 Mail Clerk—Grover C. Dill
 Sergeant-at-Arms—Charles Dukes
 Sergeant-at-Arms—Ronald P. Lynch
 Sergeant-at-Arms—Ira P. Messick
 Sergeant-at-Arms—Ellis Sartin
 Sergeant-at-Arms—Woodrow W. McDonald
 Sergeant-at-Arms—Martin J. Walsh
 Sergeant-at-Arms—Willis Kates
 Door Tender—Michael Watson
 Door Tender—I. Griffith Allison
 Door Tender—L. C. Covington
 File Clerk—Harold Butler
 File Clerk—Frances C. Garvey
 File Clerk—Sadie S. Lafferty
 File Clerk—William A. Esham
 Cloak Room Attendant—Nelson Coverdale
 Page—Mack E. Hudson
 Page—Edward Robb
 Attorney's Clerk—Edgar Downes
 Attorney's Clerk—Alma L. Stant
 Attorney's Messenger—John Smith

Majority Leader's Clerk—H. Carleton Clifton
 Minority Leader's Clerk—Francis E. Holliday

The Speaker administered the Employees Oath to the Attaches named in **HR 3**, the form of oath is as follows:

OATH OF EMPLOYEES

The State of Delaware, County of Kent, ss.

I, John E. Babiartz, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Chief Clerk for the House of Representatives in the General Assembly of the State, according to the best of my ability.

JOHN E. BABIARZ

Sworn and subscribed to this 10th day of January, A. D. 1955.

JAMES R. QUIGLEY

Speaker of the House of Representatives

Mr. Macklin moved that the following Attaches' names be spelled correctly: W. Carlton Clifton, I. Griffith Ellison, William A. Easom. Motion prevailed.

The Speaker directed the Reading Clerk to read the Committee appoints. Mr. Bostick moved the approval. Motion prevailed.

ACCOUNTS—John J. Brogan, Chairman; Daniel J. Queen, Jr., Charles W. Bostick, Norman A. Eskridge, William E. Lester.

AGRICULTURE AND FORESTRY—Joseph B. Walls, Chairman; B. Walter Johnson, H. Clifford Clark, Nelson Mass-ey, Benjamin E. Hicks.

APPROPRIATIONS—Leon E. Donovan, Chairman; Paul E. Shockley, Earl M. Keel, Peter Nechay, Robert P. Maclary

CHARITIES—Norman A. Eskridge, Chairman; Thomas C. Rowan, Daniel J. Queen, Jr., Paul F. Livingston, Henry H. Wolf.

CLAIMS—Earl Deputy, Chairman; Joseph Earl Pepper, Roland H. Wilkinson, Paul E. Shockley, William E. Lester.

CORPORATIONS, MUNICIPAL—Irving H. Garton, Chairman; Harry Mayhew, William J. Thornton, H. Clifford Clark, Harry G. Lawson.

CORPORATIONS, PRIVATE—Daniel J. Queen, Jr., Chairman; Mrs. James M. Tunnell, Jr., James L. Hastings, John J. Brogan, Robert R. Wood.

EDUCATION—Mrs. James M. Tunnell, Jr., Chairman; Harry Mayhew, Thomas C. Rowan, Edgar Alexander, Henry H. Wolf.

ELECTIONS—B. W. Johnson, Chairman; Paul E. Shockley, Leon E. Donovan, Irving H. Garton, Harry G. Lawson.

FEDERAL RELATIONS—Paul F. Livingston, Chairman; Norman A. Eskridge, Mrs. James M. Tunnell, Jr., Ernest Mattiford, Raymond M. Lank.

FISH, OYSTERS AND GAME—Thomas C. Rowan, Chairman; Joseph B. Walls, Roland H. Wilkinson, Edgar Alexander, Robert R. Wood.

INSURANCE AND BANKING—Harry Mayhew, Chairman; James L. Hastings, H. Clifford Clark, B. Walter Johnson, Robert R. Wood.

JUDICIARY—Nelson Massey, Chairman; Mrs. James M. Tunnell, Jr., Earl M. Keel, Paul F. Livingston, Henry R. Wolf.

LABOR—Paul E. Shockley, Chairman; Peter Nechay, William J. Thornton, Joseph Earl Pepper, William E. Lester.

MANUFACTURERS AND COMMERCE—Roland H. Wilkinson, Chairman; Peter Nechay, Ebe T. Layton, Earl Deputy, Harry G. Lawson.

MILITARY AFFAIRS—William J. Thornton, Chairman; Daniel J. Queen, Jr., Joseph B. Walls, Paul F. Livingston, Harry G. Lawson.

MISCELLANEOUS—Charles W. Bostick, Chairman; Joseph Earl Pepper, William J. Thornton, Harry Mayhew, Tilghman S. Johnson.

PASSED BILLS—Leon E. Donovan, Chairman; Joseph Earl Pepper, Benjamin E. Hicks.

PRINTING—Ebe T. Layton, Chairman; Irving H. Garton, John J. Brogan, Charles W. Bostick, Robert R. Wood.

PUBLIC HEALTH—H. Clifford Clark, Chairman; Edgar Alexander, Nelson Massey, Ebe T. Layton, Tilghman S. Johnson.

PUBLIC BUILDINGS AND HIGHWAYS—Peter Nechay, Chairman; Leon E. Donovan, John J. Brogan, Earl M. Keel, Tilghman S. Johnson.

REVENUE AND TAXATION—Ernest Mattiford, Chairman; Nelson Massey, James L. Hastings, Earl Deputy, Harry G. Lawson.

REVISED STATUTES—Joseph Earl Pepper, Chairman; Joseph B. Walls, Earl Deputy, Harry Mayhew, Raymond M. Lank.

RULES—Earl M. Keel, Chairman; B. Walter Johnson, Ernest Mattiford, Thomas C. Rowan, Harry G. Lawson.

SUPPLIES—James L. Hastings, Chairman; Norman A. Eskridge, Irving H. Garton, Ernest Mattiford, Benjamin E. Hicks.

TEMPERANCE—Edgar Alexander, Chairman; Roland H. Wilkinson, Charles W. Bostick, Ebe T. Layton, Robert R. Wood.

Mrs. Tunnell introduced the following resolution, which after first and second reading, the second by title only, was referred to the Committee on Miscellaneous: **HJR 1**—"Appointing a Bill Clerk for the House of Representatives and a Bill Clerk for the Senate to Serve During the 118th Session of the General Assembly."

BE IT RESOLVED by the House of Representatives and the Senate of the 118th Session of the General Assembly of the State of Delaware that S. Ellwood Veasey be and he is hereby appointed Bill Clerk for the House of Representatives to serve during the present session of the House of Representatives; and that Clarence Reihm be and he is hereby appointed Bill Clerk for the Senate to serve during the present session of the Senate, in accordance with Section 903, Title 29, Delaware Code.

The House recessed at 3:45 P. M. to the call of the Chair.

The Speaker called the House to order at the expiration of the recess at 5:25 P. M.

After a motion to suspend the rules had prevailed, the following resolution was reported favorably by unanimous vote of the respective committee as follows: **HJR 1**, by Miscellaneous.

Mrs. Tunnel moved adoption of **HJR 1**.

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

YEAS—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Layton and Wilkinson—2.

The Resolution was declared adopted.

The Secretary of the Senate informed the House that the Senate had passed and requested the concurrence of the House in the following resolution, which was presented by the Speaker, and on motion of Mr. Macklin adopted: **SCR 2**—"In Reference to a Joint Session to Hear the Message of the Governor."

BE IT RESOLVED by the Senate of the 118th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the two Houses of the General Assembly meet in Joint Session in the Senate Chamber at twelve o'clock on the 11th day of January, A. D. 1955, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present or any message that he may choose to deliver.

The Chief Clerk informed the Senate that the House had passed **SCR 2**.

The House adjourned at 5:45 P. M., until 11:00 A. M., Tuesday, January 11, 1955.

3RD LEGISLATIVE DAY

The House met pursuant to adjournment at 11:17 A. M., on Tuesday, January 11, 1955.

Prayer by Chaplain, Rev. Buckley.

Members present—Messrs. Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker—34.

Member absent—Mr. Alexander—1.

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

Mr. Macklin introduced the following resolution, which on further motion by him was adopted: **HR 4**—"Authorizing the State Treasurer to Pay to the State Librarian Money for Postage Stamps for Use of the Mail Clerk."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, that the State Treasurer be and he hereby is authorized and directed to pay to the State Librarian, upon warrant duly signed by him, the sum of Five Hundred Dollars (\$500.00) for the purpose of postage stamps for the use of the Mail Clerk of the House of Representatives, as a part of the expenses of the House in the present Session thereof.

Mr. Donovan introduced the following resolution, which on further motion by him was adopted: **HR 5**—"Authorizing the State Librarian to Furnish Stationery and Supplies to Certain Officers and Attaches of the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the State Librarian be and she hereby is authorized and directed to furnish to all those officers and attaches of the House of Representatives other than those specifically provided for in other Resolutions, stationery and other supplies as ordered by them respectively, the cost of which shall not exceed the sum of Ten Dollars (\$10.00) for each such officer or attache during the first thirty (30) legislative days of the present session.

Mr. Macklin and Mr. Maclary reported that they had informed the Senate that the House was organized and ready to receive business.

Mr. Shockley introduced the following resolution, which on further motion by him was adopted: **HR 6**—"Authorizing the State Librarian to Furnish Stationery and Other Supplies."

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly of the State of Delaware, that the State Librarian be and she hereby is authorized and directed to furnish to the Members of the House of Representatives, the Speaker's Clerk, the Chief Clerk, the assistant Chief Clerk, the Attorneys for the House of Representatives, the Reading Clerks and the Bill Clerks, stationery and other supplies, the cost of which shall not exceed the sum of Twenty-five Dollars (\$25.00) for each.

Mr. Macklin introduced the following resolution, which on further motion by him was adopted: **HR 7**—"Extending the Privilege of the Floor to Certain Persons."

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly, that the privilege of the Floor be accorded to ex-members of the House, members and ex-members of the Senate, members and ex-members of the United States Senate and the United States House of Representatives, the Governor, other State Officers, and Representatives of the Press, and the privilege of the Floor to address the House or to confer with members may be granted to others by a majority vote of the House.

Mr. Donovan requested the House Attaches to meet in the House caucus room to be instructed in their duties.

The House recessed at 11:35 A. M.

The House met at the expiration of the recess at 11:45 A. M., and the Speaker directed the members to file into the Senate Chamber for a Joint Session to hear a message from the Governor.

JOINT SESSION

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

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

Mr. Reilly moved that Senate Rule 36 be suspended during the Joint Session. Motion prevailed.

Mr. Lammot moved that the Chair appoint a Joint Committee to notify the Governor that a Joint Session is organized and to escort the Governor to the Senate. Motion prevailed.

The Chair appointed Messrs. Macklin, Maclary, Johnson and Lammot to the Joint Committee.

The Sergeant-at-Arms announced the presence of His Excellency, The Hon. James Caleb Boggs, Governor of the State of Delaware.

The Joint Committee escorted the Governor to the Senate Rostrum, where he delivered the following message:

GOVERNOR'S MESSAGE

Message of The Honorable J. Caleb Boggs, Governor of Delaware, to the One Hundred and Eighteenth General Assembly of the State of Delaware convening in Regular Session at Dover, January 11, 1955.

Mr. President, Mr. Speaker, Members of the One Hundred and Eighteenth General Assembly of the State of Delaware:

Thank you for the privilege of meeting with you today in joint session.

I assure you of my fullest cooperation during the present legislative session with respect to the formulation and enactment of legislation in the best interests of good government and the people of Delaware.

REPORT PROGRESS

In general, the state of affairs in Delaware is good. There has been continuing and extensive growth, development, and progress during the past two years.

Through public and private efforts much has been done to promote and encourage industrial and agricultural pursuits, as well as employment opportunities. The future in these important areas is bright.

In all fields of public health substantial improvement has been made as the result of intelligent utilization of additional funds which were made available for health services.

Education, likewise, has moved forward in our never-ending effort to fulfill educational requirements adequately and to maintain highest standards.

Welfare programs, highway programs, and our natural resources programs reflect improvements and progress in the face of ever-pressing demands.

Much has been accomplished in strengthening the financial soundness of the state. This is of fundamental importance because all progress in the rendering of public services is ultimately dependent on fiscal ability to do so. I urge that there be a constant awareness of that fact.

MUCH TO BE ACCOMPLISHED

Although much has been achieved, there is yet much to be accomplished.

Our state government, because of unprecedented population and industrial growth, has and will continue to have many problems. Satisfactory solutions to them must be found within the scope of our ability and resources. Various studies, to which I will refer, show that the ability and resources of Delaware and its people are extensive.

FISCAL AFFAIRS

I am submitting to the General Assembly the Budget Report, the Budget Appropriations Bill, the Contingency Fund Bill, and various other usual supplementary appropriation bills.

In spite of what you may have heard or read recently, these provide for appropriation increases approximating 10-1/4 million dollars for the next biennium over the present biennium or increases of more than 12 per cent. The recommended appropriations for the next biennium total about 89-1/2 million dollars as compared with about 79-1/4 million dollars for the present biennium.

In preparing the budget being submitted, the Budget Commission and I have been cognizant of the following provisions of the Delaware Code of 1953 to which your attention is also respectfully directed. The Code provides that "The total budget appropriation items may not be increased in the aggregate to a point where they would exceed the state revenue from all sources as estimated in the budget." And furthermore it states that "No supplementary appropriation bill shall be passed, if when added to the appropriations already authorized, the aggregate appropriations exceed in amount the state revenues from all sources for the ensuing biennial period as set forth in the budget".

Therefore, the budget I have submitted is within the total anticipated revenue available for the next biennium. This is estimated as being approximately 83-1/2 million dollars in anticipated revenue, a cash balance of about 4 million dollars and based on previous experience about 2 million dollars in reversions.

This, as you will note, is a tight budget. However, I point out again, it does provide for substantially increased appropriations for the next biennium. For the most part, these increases are mandatory under existing laws, principally for education, retirement pensions including social security and debt service. Otherwise, the level for the present biennium has been almost uniformly maintained.

The budget submitted does also contain, to the extent of about 1-1/2 million dollars, provision for anticipated extended services and increases in teachers' salaries, which will be presented for your consideration.

With this tight squeeze between anticipated expenditures and estimated revenue, it is obvious that little remains available for a working cash balance. In fact the cash balance at times may well be so low as to make necessary, again, short-term borrowing by the state to meet current obligations.

I must also call to your attention the fact that capital improvements are necessary for new educational and institutional facilities, as well as for highways and state agency office buildings.

With the state's bonded indebtedness already at a record 84 million dollars, and with 7 million dollars presently authorized but unissued, a further increase in our bonded debt is cause for concern and careful long-range fiscal planning. I must call to your attention the fact that every increase in our bonded debt automatically increases the biennial appropriations until such debt is liquidated. Already the estimate for the next biennium is 13- $\frac{1}{2}$ million dollars—or about 15 per cent of total expenditures.

It is fully recognized that these recommended appropriation items, capital improvement requests and revenue potentials are subject to the legislature's will and wisdom. That is why I have also submitted to you an excellent, unbiased, professional fiscal study, prepared by a widely recognized management consultant firm. It is my hope that this study and its recommendations will provide for your consideration the basis upon which Delaware's growing needs may be met while the state continues to develop a sound fiscal program.

From the beginning of this administration, I recognized that our state was in a serious fiscal plight with a high bonded indebtedness and expenditures exceeding revenues. That is why my primary efforts at the last session of the General Assembly were directed toward improving that situation and re-establishing a sound basis upon which needed state services and capital improvements might be supported.

This effort, however, must be a continuous one if in these times of great growth and development, with heavy demands upon the state, we are to meet our necessary requirements soundly and without undue burden on the taxpayer.

You will see from many of my recommendations which follow, that every possible consideration has been given to finding ways and means of relieving the tax burden and at the same time meeting increased demands for needed services to the public.

FISCAL ADMINISTRATION

Real and substantial economies are to be obtained from improved administration of fiscal affairs. This can be brought about through better controls, greater availability of current information, modern accounting methods, and well-trained fiscal personnel. I have already submitted to the members of the General Assembly a survey report on this subject prepared by Public Administration Service of Chicago. I asked that the study be made in the hope it would be useful to the General Assembly in its consideration of appropriate action to effect economies and greater efficiency in the operation of our state government. As a result of this study, recommendations will be submitted for your further consideration embodying the suggestion that there be established a new Department of Administration and/or Finance.

PURCHASING SYSTEM

On another effort to ascertain the opportunities for real and substantial economies and at the same time to effect savings for the taxpayer, I also requested the same consultant service to study the feasibility and desirability of establishing in Delaware a centralized purchasing system. The same subject was also studied by a well-qualified citizen's committee. Both bodies concluded that centralized purchasing is now generally accepted as one of the earmarks of a modern, economical and efficient administration, and that the scope and volume of purchasing by the State of Delaware are such as to make centralized purchasing practical and, thereby, to render improved service with substantial dollar savings. The report of the citizen's committee states that centralized purchasing in Delaware will provide lower unit cost of commodities, reduction in the overhead cost of buying, standardization of specifications and savings in discounts through prompt payment of invoices.

In view of the conclusion reached by both groups, I shall submit for your consideration recommendations for the establishment of a central purchasing system in Delaware.

CIVIL SERVICE

Another of the major areas for economy and improved efficiency in our state government is in personnel administration. The absence of any merit system or job classification for state employees in the various agencies results not only in less efficient operation, but also in salary inequities and high turnover of personnel. Operation of our state government on such a basis is not in the best interest of the taxpayers.

I therefore recommend, as I have done before, that civil service legislation for state employees be enacted, excluding therefrom those who hold policy-making positions. A specific recommendation for the creation of a civil service system will be presented for your consideration.

DELAWARE MEMORIAL BRIDGE

I concur with the recommendation made to me by the State Highway Department that legislation be enacted which would permit the construction of an enlarged approach system to the Delaware Memorial Bridge from income derived from the bridge tolls.

I am informed by that department that the bridge has such a high rate of income that its bonded indebtedness will be liquidated many years ahead of schedule and probably by 1960. Under the terms of existing legislation, as you know, this bridge must be free of tolls when its bonds are retired or at the end of thirty (30) years after its completion, whichever occurs first. Thereafter, the entire cost of maintenance and operation of the bridge will fall upon the taxpayers of Delaware.

On the other hand, we know that the existence of the bridge has caused and will continue to create the need for new highways serving for many miles as approaches to the bridge.

In view of these circumstances, I consider it urgent that the General Assembly give fullest consideration to legislation rectifying this problem and simultaneously enabling the state to construct sorely needed approach highways without adding a heavy additional burden upon our taxpayers. I recommend the enactment of legislation which will clear the way for the solution of this problem.

Also, I call to your attention that legal obstacles have prevented the accomplishment of an appropriate memorial to those who gave their lives during World War II. I most urgently recommend that this bridge legislation provide appropriately for this long-awaited memorial.

COMMUNICATIONS DIVISION

Following an extensive study of the subject, a well-qualified citizen's committee, comprised in part of public officials from various departments, has recommended the establishment of a central communications division. Such a division would be responsible for the supervision and maintenance of all of the state's radio communications equipment and facilities. The committee and its technical advisers state that such a communications division would vastly improve the effectiveness of those charged with maintaining law and order, effect long-range economies and would also be of inestimable value to the many volunteer fire companies throughout Delaware.

After a careful review of the report submitted to me in this matter, I concur with the conclusions reached by the committee and plan to submit to you for your consideration, legislation providing for the establishment of a central communications division in the State Highway Department.

PENSIONS

As I recommended, the 117th General Assembly adopted legislation under which Delaware became one of the first states in the Union to provide for its employees, in its pension system, the retirement and survivors' benefits of the federal social security system. This has had the dual advantage of permitting the state to increase greatly the liberality of pensions to employees while at the same time reducing very substantially the long-range costs to the taxpayers of the state.

The 117th General Assembly also provided for the first comprehensive study of all state pension plans by a State Employees' Pension Study Commission. Its report, just published, points out that by accepting social security coverage the state is relieved of considerable of the financial responsibility for past services of persons currently employed, regard-

les of prior service. It states that within a very few years 75 per cent of the gross pension amounts due will be paid as social security.

The commission report contains many well-considered recommendations for further improvement of our pension system. I commend it to you for careful study and such action as you may deem appropriate.

WATER RESOURCES

Much concern is being expressed about the fresh water supply in Delaware. Various organizations have been considering the seriousness of this problem to industry, agriculture, and the citizens of our state. At the request of some organizations and various citizens, I recently appointed a committee to review this entire problem. I hope this committee will be in a position to submit recommendations during this session as to what, if any, legislative action should be taken concerning the use and conservation of our water resources.

WEIGHTS AND MEASURES

Here again I have asked a citizen's committee, composed primarily of public officials within the different agencies, to review the problem of weights and measures and make recommendations. As you know, our present system was not designed to meet the problems which exist today. The recommendations of this committee will be presented to you for your consideration and such action as you may deem in the best interest of the state.

STATE PENAL SYSTEM

I am sure that all of you have read of the work of the citizen's committee which I appointed sometime ago to review and study carefully the present penal system and existing prison facilities. This committee also has accomplished an outstanding job. Its report and recommendations are available to you, and I recommend your most careful consideration of legislative action looking toward the establishment of a State Penal System.

HUMAN RELATIONS COMMISSION

Sometime ago I appointed a committee to study human relations problems in the State of Delaware from the standpoint of what the state can do to encourage understanding among all of our people. This committee has recommended legislation for the establishment of a State Human Relations Commission on a permanent basis. I hope that you will give this recommendation your full consideration.

EDUCATION

I have previously commented on the fact that Delaware is growing industrially with a resultant sharp increase in population. The state also is improving the general welfare of the ever-large number of people who have decided to make Delaware their home.

The brunt of the effect of our great growth and influx of population is being felt acutely in the field of education.

Reports indicate that enrollment at all levels of education will continue to increase for years to come. Therefore, within the limitations which confront us, action should be taken with a view toward long-range planning, rather than in terms of expedencies which will complicate the problem and thereby create additional difficulties in the years to come.

Education is indeed one of the greatest responsibilities of our state. Not only must we maintain highest standards and provide adequate facilities in the well-established educational fields, but we must also make provision for special educational and training opportunities and facilities for handicapped children.

Among the several bills which will be presented for your consideration in the field of public education, will be one providing for an increase in the salaries of public school teachers. In my budget recommendations I have made provision for an increase in teachers' salaries.

I further recommend that for retirement purposes recognition be given to our teachers for accredited professional services rendered elsewhere. I also recommend favorable consideration of fair dismissal legislation.

In the interest of high educational standards accompanied by economical and efficient administration in the public school system, I also recommend that all reasonable steps be taken toward the consolidation of many of our school districts.

With respect to higher education, studies and reports made by persons competent to do so reflect a sharp and continuing increase in college enrollments in Delaware and elsewhere. It is our responsibility to meet this challenge and to provide adequately for the facilities necessary in the area of higher education. In order to do so, it is clearly apparent that capital funds are urgently needed for the construction of new buildings at the University of Delaware, and I therefore recommend legislation to make such construction possible at an early date.

In regard to Delaware State College, I find that I concur in principle with the conclusions reached by the college's Board of Trustees and submitted to me. The Board concludes that with enrollments increasing constantly in all areas of education, it would be unwise to discontinue any educational facili-

ties. The report I received further reflects that Delaware State College has received only limited financial support with respect to capital improvements.

In view of these circumstances and others which merit equally careful consideration, I recommend adequate operating appropriations for Delaware State College and consider it necessary that funds for the construction of new facilities at the institution be made available by this session of the General Assembly, so as to provide the college with an unhampered opportunity to meet in the years ahead a high standard of education for all those who desire to attend Delaware State College.

HEALTH, WELFARE AND INSTITUTIONAL CARE

Good health is a matter of topmost importance to all our people. Continuation of efforts to further the enjoyment of good health, speed rehabilitation, and aid the less fortunate will, I am confident, receive your most understanding consideration.

I wish also to make special mention of mental health. Through medical science and a greater awareness of the problem by the general public, real progress is being made in the care, treatment and rehabilitation of those suffering from mental illnesses. Specific mention should be given to our state mental health authority, Dr. M. A. Tarumianz, who has served the State of Delaware for over a third of a century with great ability as an administrator and with national distinction as a psychiatrist. Under his leadership, Delaware has acquired an outstanding reputation in the mental health field. To the best of our ability we should continue to provide the support which will enable Delaware to improve its program and facilities for the prevention and treatment of mental illnesses.

I commend the State Board of Health for its excellent progress in all fields and especially for its outstanding statewide tuberculosis x-ray program. This represents a great step forward toward the eventual eradication of this dreadful disease. Careful and continuous attention to our public health program is essential and desirable.

Aid to the less fortunate is, as I have said, one of our important objectives. The State Department of Public Welfare is generally charged with this responsibility. There are several suggestions which will aid that department in the administration of its welfare program and likewise benefit the State of Delaware and the taxpayers.

These proposals, which I recommend for your consideration, include improvement in the method of collection and disbursement of public welfare funds; authority for reciprocal agreements with other states in certain welfare cases; the establishment of a clear-cut residence requirement applicable

to all types of cases; and the establishment of a reimbursement requirement, frequently called a lien law, for application in proper cases.

At Delaware Colony the Board has wisely selected a competent physician-psychiatrist as superintendent. It has also completed a careful study of administration and personnel problems. These steps were essential to the establishment of a sound and proper administration of the institution. I am informed that the minimum immediate requirements at the Delaware Colony are for capital improvements in the form of new facilities and delayed maintenance, especially for the care of infants. I recommend to you for favorable consideration the needs of this institution in order that it may fulfill its mission adequately.

In spite of inadequate facilities, the Welfare Home at Smyrna for the care of the aging has fulfilled its public mission very capably under its Board and very able superintendent, Dr. C. J. Prickett. The minimum need at the Welfare Home is for additional space to accommodate the ever-increasing institutional population. This has also been pointed out by the Grand Jury report of New Castle County. I recommend your favorable consideration of this need.

HIGHWAYS

We have long been proud of Delaware's leadership in highways. I am confident we desire to make further needed progress and develop a good modern highway system to include interstate, metropolitan and rural routes. Good highways in the country, in the cities, and between our states are essential to the economic well-being of our people.

In addition to the Memorial Bridge legislation, which I have discussed, a long-range highway improvement program is necessary to meet the needs of the public in this continued period of growth and development. I have therefore requested the State Highway Department to prepare a comprehensive study of highway needs which will be available for your consideration and guidance.

I have no doubt that we can move forward at even a greater rate in meeting our highway improvement needs throughout the State of Delaware. It is my hope that within the course of the next ten years or so all of our dirt roads will be hard-surfaced and, with increased federal aid, the interstate system greatly improved. Our city and suburban areas should likewise derive benefits from such an overall, long-range highway program as is contemplated.

I recommend your most favorable consideration of a good highway program, including increased efforts for highway safety.

I especially recommend the enactment of a Constitutional amendment requiring that all revenues derived from axes and fees paid by highway users be made available for highway purposes only.

LABOR

It is my desire that we continue to strive for full employment of all employables. The State Department of Development and the Industrial Development Committee, which I appointed last year, have given real impetus to a program for increased employment opportunities. The greatest inducement for full employment and prosperity comes from the mutual cooperation of industry, labor and government in creating the type of atmosphere so necessary for a healthy economy. I have before recommended that a State Department of Labor be established—and I now do so again.

In the course of the past year unemployment compensation payments in excess of 3-1/2 million dollars were a major bulwark in supplying support to the economy of our state. At my request, the Unemployment Compensation Commission has conducted studies to determine where needed improvements may be made to our Unemployment Compensation Law.

As a result, I recommend that the weekly benefit amount be raised so that it may approximate 50 per cent of the weekly wage of the average worker. This would make the maximum weekly benefit amount approximately 35 dollars. However, it is important that the weekly benefit amount retain at 1/25th of highest quarterly earnings in order that it may in effect approximate 50 per cent of the weekly wage. It would be a serious mistake to raise the fraction to such a point that the weekly benefit amount would be so high as to deter actual employment. This same problem was before me at the last session of the General Assembly and because of unwise changes in this fractional point I was unable to approve the measure submitted to me.

I further recommend that the tax base on which unemployment compensation taxes are levied should be raised from the first 3 thousand dollars paid to a worker in a given year to 36 hundred dollars. This is necessary if the basic formula, now in effect, is to accomplish the end of permitting a worker to receive the increased weekly benefit amount.

I also recommend that because of the increase in tax base, and as a further incentive to employers to maintain a stable work force, the present minimum payroll tax be reduced from 0.2 per cent to 0.1 per cent and that the schedule of rates now maintained from 0.2 per cent to 3.0 per cent in 0.2 per cent brackets be changed to 0.1 per cent brackets. For most stable employers in Delaware this change will result in a reduction in taxes greater than the increase resulting from a change in tax base.

NATURAL RESOURCES

Agriculture, and especially our great broiler industry, needs whatever encouragement we are able to give it. Continued cooperation between the State Board of Agriculture and the University of Delaware is very important. Agricultural research and marketing assistance are essential to a healthy and prosperous agriculture.

Good soil, fresh water, forestry preservation and wild-life conservation all are important to the well-being of agriculture and our whole economy. I recommend your support of such measures as will encourage agriculture and provide for the wise use and conservation of our natural resources.

I believe the laws applicable to the Shell Fish Commission should be given careful review from the standpoint of needed revision and modernization.

The Game and Fish Commission very wisely secured the Wildlife Management Institute to make a complete administrative survey of the commission's responsibilities and operation. This survey and its recommendations will be made public and available to the members of the General Assembly.

I recommend that your careful consideration be given to matters which will improve the game and fish management and administration in our state.

I further recommend that the Delaware Geological Survey, the Water Pollution Commission, the program for study of beach erosion, and activities pertaining to mosquito control be continued and encouraged. All of these efforts are working out well and contributing to the protection and well-being of our people.

PARKS AND RECREATION

As our population continues to increase, parks and recreational areas become increasingly important. Insofar as we are able I recommend continued development of park and recreational areas, including some state-owned ocean-front beach lands.

The areas set aside for picnic purposes by the State Forestry Department, the Highway Department and the Game and Fish Commission have become an important aspect of our recreational facilities. Our people are using them extensively and with great enjoyment. I recommend more of these picnic areas wherever possible.

ZONING

With the air base in Kent County and the rapid growth which also is apparent in Sussex County, it is increasingly urgent to secure timely zoning authority for the two counties not now having such authority. I recommend, as I have before, appropriate legislation to accomplish this purpose

MUNICIPAL

There will undoubtedly be many measures offered by way of amendment to municipal charters. I am sure they will for the most part deserve your favorable consideration. I believe, however, that it is of utmost importance for a Constitutional amendment to be enacted providing for home rule. This would indeed relieve the legislature of a great volume of time-consuming legislation and enable the municipalities to meet more responsibly the needs of their citizens in local matters.

ADMINISTRATION OF JUSTICE

In order to improve further the administration of justice, I recommend an amendment to the Constitution of the State of Delaware giving the Chief Justice of the Supreme Court administrative control of all courts of the state, including the justices of the peace courts.

I also recommend that courts of justices of the peace be limited to disputes involving not more than 200 dollars in civil jurisdiction; that the number of justices of the peace be reduced; and that the fee system be abolished and a salary basis established.

The Attorney General's Office is one of the most important state offices. In my opinion it needs a full-time chief deputy. Consequently, I recommend that a full-time career chief deputy be provided and that the number of other deputies then be held to an established minimum.

DEFENSE

An adequate civil defense program is essential and necessary. I recommend your most favorable consideration to the continuance of our civil defense program and the inclusion under it of disaster authority.

Our National Guard has always been a source of pride to the state and has established a fine record. I recommend your most favorable consideration to the maintenance of an adequate National Guard program.

KOREAN WAR VETERANS BONUS

It now seems proper and timely to enact bonus legislation for Korean War Veterans similar to that enacted in 1949 for veterans of World War II—and I recommend the passage of appropriate legislation of this nature.

BINGO

I recommend immediate enactment of an appropriate Constitutional amendment permitting bingo games to be conducted by non-profit charitable, religious and patriotic organizations.

REAPPORTIONMENT

For many years the reapportionment of representation in the General Assembly has received more and more public interest and consideration. The great population growth in the state has resulted in a widely disproportionate distribution of population among the representative districts. Consequently, it seems only right and fair that a Constitutional amendment be enacted providing for additional representation in heavily populated areas. I believe that the state senatorial districts should remain unchanged, but that reapportionment should be provided for with respect to the House of Representatives.

ANNUAL SESSION OF GENERAL ASSEMBLY

The population, governmental problems and the budget of the State of Delaware have grown to such an extent that it now seems desirable for the General Assembly to meet annually in order to act adequately and in a responsible manner on behalf of all of the people. I recommend, therefore, that a Constitutional amendment be enacted providing for a regular session of not more than 60 days in the odd years and for a session of not more than 30 days in the even years, the latter to be limited to fiscal matters and only such other matters as the governor may suggest.

CHILDREN AND YOUTH

The Delaware Commission on Children and Youth directs its attention to urgent problems and needs of the children of Delaware. As a result of a successful state-wide conference held by the commission this past year, it has developed many noteworthy recommendations—some of an administrative nature and others requiring legislation. I recommend that the Commission's legislative recommendations be given your most careful consideration in the interest of a well-conducted youth program in our state.

OUR OLDER CITIZENS

Public and private agencies and many individuals have properly directed attention to the problems of our older citizens. A state-wide conference held at the University of Delaware focussed attention upon many of these problems which are both economic and social. These older citizens are an important human resource of our state, but their problems are all too little understood. The General Assembly, I am sure, is already cognizant of this growing problem and therefore will certainly give full consideration to such proposals as may be submitted for the benefit of this group.

CONCLUSION

The problems of the State of Delaware continue to be many and difficult. They extend the full range of our economic and social affairs. Items of importance and concern which may not have been specifically mentioned here today will be brought to your attention if they arise.

Yet, as I stated in my opening remarks, much progress has been made in the past two years for the public good. Consequently, I am confident that our joint efforts will lead to further progress and new solutions in the best interests of all of our people if we proceed cooperatively.

It is my hope and prayer that we may move forward, meeting the challenges before us with faith in our people and with the guidance of a Divine Providence.

The Joint Committee, previously appointed, escorted the Governor back to his office.

Upon return to the House Chamber, Mr. Macklin moved that the House recess until 2:30 P. M. Motion prevailed.

The House met at the expiration of the recess at 3:45 P. M.

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

HS 1 for HJR 1—"Appointing a Bill Clerk for the House of Representatives and a Bill Clerk for the Senate to Serve During the 118th Session of the General Assembly," by Mrs. Tunnell; to Miscellaneous.

HJR 2—"Constituting a Commission to Consider the Preservation of the Old Court House at New Castle and Report Its Recommendations to the General Assembly," by Macklin; to Miscellaneous.

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

HB 1—"An Act Authorizing the State of Delaware to Transfer a Portion of Certain Public Lands in the Town of Georgetown to the Town of Georgetown" by Tunnell; to Municipal Corporations.

HB 2—"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," by Maclary; to Appropriations.

HB 3—"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," by Maclary; to Appropriations.

The report of the Printing Committee was as follows:

Bids accepted for printing:

- (1) House Calendar
400 Copies @ \$4.25 per page
To: The Sussex Countian
 - (2) Bill Backers—\$183.68
Rule Books—\$398.50
To: The State Register
 - (3) Roll Call Books
5 Copies for \$50.00
To: The Harrington Journal
- Printing Committee, House of Representatives
EBE T. LAYTON, Chairman

On motion of Mr. Macklin, the House adjourned until 1:00 P. M., Wednesday, January 12, 1955.

4TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:10 P. M., on Wednesday, January 12, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker—34.

Member absent—Mr. Lester—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.

On motion of Mr. Macklin, the House recessed at 1:15 P. M.

The House met at the expiration of the recess at 2:30 P. M.

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

HB 4—"An Act Making an Appropriation to the State Board of Agriculture to Provide for the Payment of State Indemnities for Cattle Condemned and Slaughtered as Brucellosis or Tuberculosis Reactors," by Maclary; to Appropriations.

HB 5—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware," by Maclary; to Appropriations.

HB 6—"An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware," by Maclary; to Appropriations.

HB 7—"An Act Appropriating Money to the United Spanish War Veterans Department of Delaware," by Maclary; to Appropriations.

HB 8—"An Act Appropriating Money to the Delaware Society for the Prevention of Cruelty to Animals," by Maclary; to Appropriations.

HB 9—"An Act Appropriating Money to the State Highway Department for the Purpose of Carrying Out the Provisions of Laws Relating to State Police Retirement Fund," Maclary; to Appropriations.

HB 10—"An Act Appropriating Funds to The American Legion and American Legion Auxiliary for Expenses to be Incurred in Connection with the Holding of Boy's State and Girl's State," by Lester; to Appropriations.

HB 11—"An Act Appropriating Money to The American Legion, Department of Delaware," Lester; to Appropriations.

HB 12—"An Act Appropriating Money to the Disabled American Veterans of Delaware," by Lester; to Appropriations.

HB 13—"An Act Appropriating Certain Moneys to Kent and Sussex County Fair, Incorporated, for Prizes," by T. S. Johnson; to Appropriations.

HB 14—"An Act to Appropriate Funds to the State Development Department for the Preparation and Publication of a State Information Booklet," by T. S. Johnson; to Appropriations.

HB 15—"An Act Appropriating Certain Money to Palmer Home, Incorporated," by T. S. Johnson; to Appropriations.

HB 16—"An Act Making Appropriations to The American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," by Hicks; to Appropriations.

HB 17—"An Act Appropriating Money for the Burial of Indigent Soldiers, Sailors, Marines, Members of the Air Forces and Coast Guard," by Hicks; to Appropriations.

HB 18—"An Act Appropriating Certain Moneys to the State Highway Department to Conduct an Educational Campaign on Street and Highway Safety," by Hicks; to Appropriations.

HB 19—"An Act Appropriating Money to the Woods Haven School for Girls," by Wood; to Appropriations.

HB 20—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate an Ambulance," by Wood; to Appropriations.

HB 21—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck," by Wood; to Appropriations.

HB 22—"An Act Appropriating Money to Layton Home for Aged Colored Persons," by Lawson; to Appropriations.

HB 23—"An Act Appropriating Certain Moneys to Historical Society of Delaware for Operation Expenses," by Lawson; to Appropriations.

HB 24—"An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing and Acquiring Extensive Civil Defense Equipment," by Lawson; to Appropriations.

HB 25—"An Act Making an Appropriation to the State Board of Agriculture for the Vaccination of Calves and Testing of Cattle for Bang's Disease," by Lawson; to Appropriations.

HB 26—"An Act Making an Appropriation to the State Building and Grounds Commission for Repairs, Alteration, Furnishing and Equipping of State Buildings in the State Capitol Group and for Landscaping and Planting State Lands at Dover," by Lank; to Appropriations.

HB 27—"An Act Appropriating Money to American Legion, Sussex Post Number 8, in Sussex County, with Which to Operate and Maintain an Ambulance," by Lank; to Appropriations.

HB 28—"An Act Appropriating Money for the Observance of Memorial Day in Honor of the Deceased Members of the Grand Army of the Republic," by Lank; to Appropriations.

HB 29—"An Act Making Appropriations to the Veterans of Foreign Wars Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," by Lank; to Appropriations.

HB 30—"An Act to appropriate Funds to the Delaware Code Revision Commission for the Preparation of Pocket Parts to Bring the Delaware Code Up-to-Date," by Wolf; to Appropriations.

HB 31—"An Act Appropriating Money to the Veterans of Foreign Wars, Department of Delaware," by Wolf; to Appropriations.

HB 32—"An Act Appropriating Moneys for Education and Training of Children of Veterans of World War I, World War II and Korean Conflict Who Died While in the Service of the Army, Navy, Marine Corps, Air Forces or Coast Guard of the United States or Who Died from Disease, Wounds or Disabilities Resulting from Such Service," by Queen; to Appropriations.

The following resolution was reported favorably by unanimous vote of respective committee as follows: **HS 1** for **HJR 1**.

Mrs. Tunnell moved adoption of **HS 1** for **HJR 1**—"Appointing a Bill Clerk for the House of Representatives and a Bill Clerk for the Senate to Serve During the 118th Session of the General Assembly."

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

YEAS—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—32.

NAYS—None.

ABSENT—Messrs. Layton, Lester, Pepper—3.

The Resolution was declared adopted.

The Speaker directed the Chief Clerk to inform the Senate that the House had passed **HS 1** for **HJR 1**, and the House recessed at 3:30 P. M.

The House was called to order at the expiration of the recess at 3:45 P. M.

The Chief Clerk reported to the Speaker that **HS 1** for **HJR 1** had been delivered to the Secretary of the Senate.

The House adjourned at 3:50 P. M., until 1:00 P. M., Thursday, January 13, 1955.

5TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Thursday, January 13, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Member absent—Mr. T. S. Johnson—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.

Mr. Donovan moved that the House recess until 2:00 P. M.

The Speaker called the House to order at the expiration of the recess at 2:20 P. M.

The following bill was reported favorably by the majority of the respective committee as follows: **HB 1**, by Miscellaneous.

Mrs. Tunnell moved that action be deferred. Mr. Macklin seconded. Motion prevailed.

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

HB 33—"An Act to Amend Title 30, Delaware Code, Entitled "State Taxes" by Exempting a Portion of the Income of Members of the Armed Services from Taxation Under the State Income Tax Law," by Maclary; to Revised Statutes.

HB 34—"An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General," by Shockley; to Military Affairs.

Mr. Speaker Quigley administered the Employee's Oath to the Bill Clerk of the Senate.

The House adjourned at 2:30 P. M., until 1:00 P. M., Friday, January 14, 1956.

6TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Friday, January 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, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (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.

On motion of Mrs. Tunnell, **HB 1**—"An Act Authorizing the State of Delaware to Transfer a Portion of Certain Public Lands in the Town of Georgetown to the Town of Georgetown," was taken up for consideration.

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, Lank, Layton, Lester, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT—Messrs. Hicks, T. S. Johnson, Lawson, Livingston, Rowan, Wood—6.

HB 1 passed the House with a constitutional majority and was ordered to the Senate for concurrence.

The House recessed at 1:10 P. M. until 2:00 P. M.

The Speaker called the House to order at 3:20 P. M., at the expiration of the recess.

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

HB 35—"An Act to Authorize the Register of Wills in and for New Castle County to Procure a New Press and Seal of Office," by Brogan; to Miscellaneous.

HB 36—"An Act to Amend Chapter 17, Title 9, Delaware Code Relating to Employees' Pensions; Disability Pension Benefits; Employees Receiving Compensation from New Castle County and City of Wilmington; Pension Benefits," by Lester and Shockley; to Revised Statutes.

HB 37—"An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Employees' Pensions; Retirement Pension Benefits; Disability Pension Benefits; Employees Receiving Compensation from New Castle County and City of Wilmington; Pension Benefits," Lester and Shockley; to Revised Statutes.

HB 38—"An Act to Amend Chapter 230, Volume 49, Laws of Delaware, as Amended, Entitled "City of Wilmington Employees' Retirement Act"; Pension Benefits," by Lester and Shockley; to Revised Statutes.

Mr. Donovan introduced the following resolution, which on further motion by him was adopted: **HR 8**—"Authorizing the Committee on Supplies to Purchase a Filing Cabinet for the Use of the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, that the Committee on Supplies be and it is hereby authorized and directed to purchase a filing cabinet for use of the House of Representatives of the 118th General Assembly.

HJR 2 was reported favorably by entire Committee on Miscellaneous.

After the third reading, the Speaker ordered **HJR 2** placed on calendar.

The House adjourned until Monday, January 17, 1955, at 8:00 A. M.

7TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:00 A. M., on Monday, January 17, 1955.

Prayer by Representative Bostick.

Members present—Messrs. Bostick, Garton, Queen, Wilkinson—4.

Members absent — Messrs. Alexander, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—31.

The House was on visitation to State Institutions.

There being no quorum present, Mr. Garton moved that the House adjourn until 8:00 A. M., Tuesday, January 18, 1955.

8TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:00 A. M., on Tuesday, January 18, 1955.

Prayer by Representative Garton.

Members present—Messrs. Bostick, Garton, Queen, Wilkinson—4.

Members absent — Messrs. Alexander, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—31.

The House was on visitation to State Institutions.

There being no quorum present, Mr. Queen moved that the House adjourn until 8:00 A. M., Wednesday, January 19, 1955.

9TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:00 A. M., on Wednesday, January 19, 1955.

Prayer by Representative Queen.

Members present—Messrs. Bostick, Garton, Queen, Wilkinson—4.

Members absent — Messrs. Alexander, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—31.

The House was on visitation to State Institutions.

There being no quorum present, Mr. Wilkinson moved that the House adjourn until 8:00 A. M., Thursday, January 20, 1955.

10TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:00 A. M., on Thursday, January 20, 1955.

Prayer by Representative Wilkinson.

Members present—Messrs. Bostick, Garton, Queen, Wilkinson—4.

Members absent — Messrs. Alexander, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—31.

The House was on visitation to State Institutions.

There being no quorum present, Mr. Bostick moved that the House adjourn until 8:00 A. M., Friday, January 21, 1955.

11TH LEGISLATIVE DAY

House met pursuant to adjournment at 8:00 A. M., on Friday, January 21, 1955.

Prayer by Representative Bostick.

Members present—Messrs. Bostick, Garton, Queen, Wilkinson—4.

Members absent — Messrs. Alexander, Brogan, Clark, Deputy, Donovan, Eskridge, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wolf, Wood, Mr. Speaker Quigley—31.

The House was on visitation to State Institutions.

There being no quorum present, Mr. Garton moved that the House adjourn until 1:00 P. M., Monday, January 24, 1955.

12TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Monday, January 24, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—35.

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 bill was introduced, given first and second reading, the second by title only and referred to committee as follows:

HB 39—"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 Maclary; to Revised Statutes.

The House recessed at 1:15 P. M. until 2:30 P. M.

The Speaker called the House to order at the expiration of the recess at 2:50 P. M.

Mrs. Tunnell introduced the following resolution: **HR 9**—"Authorizing the Committee on Printing to Purchase Name Cards for Use of Members and Identification Cards for Use of Members and Attaches of the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the Committee on Printing is directed to purchase name cards for the use of members and identification cards for the use of the members and attaches of the House of Representatives.

Mrs. Tunnell moved that **HR 9** be adopted, seconded by Mr. Pepper. Motion prevailed.

Mr. Deputy introduced the following resolution **HR 10**—"Authorizing Payments on Account to Attaches and Employees."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that the Treasurer of the State of Delaware, be and he is hereby authorized and directed to pay from the General Fund of the State Treasury of the State of Delaware upon the order of the Speaker of the House of Representatives, up to the sum of One Hundred Dollars (\$100.00) to each attache and employee of the House of Representatives as a part payment and compensation to such attache or employee of the House of Representatives, and such payment or payments constituting a necessary expense of the Session.

Mr. Deputy moved that **HR 10** be adopted, seconded by Mr. Bostick. Motion prevailed.

Mr. Queen introduced the following resolution: **HR 11**—"Authorizing the State Librarian to Supply the Delaware Code and Pocket Parts Thereto and a Copy of Volume 49 Laws of Delaware to Members of the House of Representatives and Certain Officers Thereof."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly that the State Librarian is instructed to furnish one copy of the Delaware Code, pocket parts thereto and a copy of Volume 49 Laws of Delaware, to each member, the Speaker's Clerk, the Chief Clerk and the two attorneys of said House respectively.

Mr. Queen moved that **HR 11** be adopted, seconded by Mr. Bostick. Motion prevailed.

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

HB 40—"An Act to Amend Title 14, Delaware Code, by Increasing and Revising the State Supported Salary Schedules for School Employees," by Macklin; to Revised Statutes.

HB 41—"An Act to Amend Title 14, Delaware Code, by Providing for the Election of Members of All Boards of School Trustees and Boards of Education Outside the Wilmington Consolidated School District," by Macklin; to Revised Statutes.

HB 42—"An Act to Amend Title 14, Delaware Code, by Providing for the Establishment and Administration of Kindergartens in the Public Schools of Delaware, and to Appropriate Funds for Kindergarten Teachers," by Macklin; to Revised Statutes.

HB 43—"An Act to Amend Title 14, Delaware Code, Relating to "Education" by Increasing the Average Number of Pupils Required to Attend Single One-Room Schools," by Macklin; to Revised Statutes.

HB 44—"An Act to Amend Title 14, Delaware Code, Entitled "Education" in Regard to the Condemnation of Land for Public Schools," by Macklin; to Revised Statutes.

HB 45—"An Act to Appropriate Funds to the State Board of Education for the Employment of a State Supervisor of School Libraries and to Provide Secretarial Assistance and Traveling Allowance Therefor," by Macklin; to Appropriations.

HB 46—"An Act to Appropriate Funds to the State Board of Education for the Maintenance and Improvement of School Buildings of the State of Delaware," by Macklin; to Appropriations.

HB 47—"An Act to Amend Chapter 33, Title 14, Delaware Code, Entitled "Vocational Rehabilitation and Education" to Clarify the Duties of the State Board of Vocational Education and to Facilitate Federal Aid," by Macklin; to Revised Statutes.

Mr. Macklin moved that **HJR 2**—"Constituting a Commission to Consider the Preservation of The Old Court House at New Castle and Report Its Recommendations to the General Assembly," be taken up for consideration.

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

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lank, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Queen, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Donovan, Keel, Maclary, Nechay, Rowan, Shockley—6.

The resolution having received the required constitutional majority was ordered to the Senate for concurrence.

The House recessed at 3:20 P. M.

At the expiration of the recess, the Speaker called the House to order at 4:15 P. M.

Mr. Livingston introduced the following resolution:
HR 12—"Authorizing Payment for One Invincible File Cabinet 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 Ninety-Three Dollars and Seven Cents (\$93.07) is hereby appropriated to Capital Office Equipment Co., of Dover, Delaware, for supplying one Invincible Fire Cabinet to the House of Representatives.

The resolution was referred to the Committee on Appropriations.

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

HB 48—"An Act to Amend Chapter 23, Title 19, Delaware Code Entitled "Workmen's Compensation", by Adding to the Definition of "Child"; Compensation for Total Disability; Changing Maximum and Minimum Compensation; Injuries to the Hand; Compensation for Death; Increasing Age of Children Receiving Compensation; Compensation to Persons Other Than Relatives; Death Payments to Industrial Accident Board Second Injury Fund," by Brogan; to Revised Statutes.

HB 49—"An Act Providing for the Deposit of Motor Fuel Tax Receipts in a Special Fund and Appropriating the Same to the State Highway Department for the Uses and Purposes of Said Department," by Mayhew (by request); to Miscellaneous.

HB 50—"An Act Removing Limitations on the Size of the State Police Force," by Garton; to Miscellaneous.

HB 51—"An Act Directing the State Highway Department of the State of Delaware to Hard Surface All the Dirt Roads in the State and Authorizing the Issuance of Bonds to Finance the Cost Thereof," by Tunnell, Pepper and Walls; to Miscellaneous.

HB 52—"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," by Eskridge; to Revised Statutes.

The House adjourned at 4:45 P. M. until 1:00 P. M., Tuesday, January 25, 1955.

13TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Tuesday, January 25, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—35.

Members absent—None.

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

The House recessed at 1:05 P. M.

The Speaker called the House to order at 2:30 P. M.

Mr. Macklin requested that the following Concurrent Resolution by the Legislative Assembly of the Commonwealth of Puerto Rico be read:

COMMONWEALTH OF PUERTO RICO

LEGISLATIVE ASSEMBLY

CAPITOL

SAN JUAN, PUERTO RICO

We, Néstor Rigual Camacho and Julio C. Torres, Secretary of the House of Representatives and the Senate of the Commonwealth of Puerto Rico, respectively,

CERTIFY:

That in sessions held by the House of Representatives and the Senate of the Commonwealth of Puerto Rico the fourteen of January nineteen hundred and fifty-five, the following concurrent resolution was approved:

“CONCURRENT RESOLUTION

“To condemn the aggression which is being inflicted to democracy in Costa Rica, and for other purposes.

“WHEREAS, democracy is being attacked in one of its most prominent bastions in America, the Republic of Costa Rica;

“WHEREAS, the people of Costa Rica being an exemplary expression of democratic reality, the aggression which is being perpetrated against it there must of necessity put on the alert all Americans who profess the conviction that it is on the democratic reality that the foundations of the freedom and the security of the peoples of the New World are settled;

“WHEREAS, the people of Puerto Rico firmly believe in the great virtue of democracy as well as in friendship and peace among peoples;

“WHEREAS, the Costa Rican people and the Puerto Rican people are fully identified by their common belief in the principles of democracy and by their mutual earnest desire that those principles be not impaired, so that they may contribute towards guaranteeing the subsistence and integrity of democracy in America;

“WHEREAS, any attempt at destroying by violence a government established by the free will of the governed constitutes a menace which makes it imperative, for the preservation of democracy in America, to mobilize, in a militant moral force, the conscience of the free peoples of the New World;

“WHEREAS, we Puerto Ricans firmly believe that any aggression against the democratic institutions in this hemisphere constitutes a serious danger to the integrity of these institutions in America.

“BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF THE COMMONWEALTH OF PUERTO RICO:

“1. To condemn, as it does hereby condemn, the aggression which is being inflicted to democracy in Costa Rica;

“2. To express the respect and admiration of the Puerto Rican people for the men who in Costa Rica uphold, with a high spirit and a profound devotion, the integrity of the democratic principles against the aggression of those who pretend to destroy by force of arms a government established by the strength of the popular will;

“3. To ratify before the democratic peoples of the world its expression of solidarity with the people of Costa Rica, exhorting them to convey that same expression of solidarity, with their faith placed in the divine justice of Almighty God;

“4. To send a copy of this Resolution to the Congress of the United States, the Parliaments of all the Republics of Latin America, the Legislative Assemblies of all the States of the United States, the United Nations Organization, the Organization of American States and to the free press of America.”

In order to certify this, we give this certificate signed by us in our offices at the Capitol, in San Juan, Puerto Rico, this fifteenth day of January nineteen hundred and fifty-five.

JULIO C. TORRES

Secretary, Senate of Puerto Rico

NESTOR RIGUAL CAMACHO

Secretary House of Representatives

(Seal)

The Speaker order it filed by the Chief Clerk.

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

HB 53—"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," by Lester; to Revised Statutes.

Mrs. Tunnell requested that **HB 51** be stricken from the calendar. Request granted.

The House recessed at 2:45 P. M.

The Speaker called the House to order at 4:00 P. M.

Mr. B. W. Johnson introduced the following resolution:

HR 13—"In Reference to the Election of a Certain Officer of the House of Representatives of the 118th General Assembly and the Transfer of a Certain Other Officer of the said House."

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly of the State of Delaware that Charles W. Daly be elected to serve as machine operator beginning January 25th, 1955 at the pleasure of the House.

BE IT FURTHER RESOLVED, that Jeanette Brown previously elected as a machine operator for the House of Representatives is hereby elected to serve as a stenographer for the House of Representatives beginning January 25th, 1955 at the pleasure of the House.

Mr. B. W. Johnson moved that **HR 13** be adopted, seconded by Mr. Garton. Motion prevailed.

Mr. Livingston introduced the following concurrent resolution: **HCR 1**—"Directing the Appointment of a Joint Committee to Arrange for a Suitable Program for the Observance of Lincoln's Birthday."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, the Senate concurring therein:

That the Speaker of the House of Representatives and the President of the Senate of the 118th General Assembly be and they are hereby authorized and directed to appoint two (2) members each from their respective Houses to constitute a Joint Committee to arrange for a suitable program for the observance of Lincoln's Birthday.

Mr. Macklin moved that the rules be suspended and that **HCR 1** be given its third and final reading. Motion prevailed.

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

YEAS—Messrs. Alexander, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lank, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Bostick, Donovan, Keel, Maclary, Nechay, Shockley—6.

HCR 1 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

HB 34 was reported favorably by the Military Affairs Committee.

The House was adjourned at 4:15 P. M. until 1:00 P. M., Wednesday, January 26, 1955.

14TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Wednesday, January 26, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Member absent—Mr. Deputy—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 House recessed at 1:05 P. M.

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

HB 54—"An Act to Amend Title 28, Delaware Code, by Providing for the Licensing, Regulation and Control of Dog Racing Within New Castle County in the State of Delaware," by Walls, Pepper, Quigley and Wilkinson; to Revised Statutes.

HB 55—"An Act Amending Chapter 3, Title 28, Delaware Code, Relating to Employees of the Delaware Racing Commission," by Wilkinson; to Revised Statutes.

The House adjourned at 3:25 P. M. until 8:00 P. M., Thursday, January 27, 1955.

15TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Thursday, January 27, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Weel, Lank, Lawson, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Member absent—Mr. Layton—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 passed and asked the concurrence of the House in SCR 3—"In Reference to the Election of an Accountant for the Joint Finance Committee.

The House recessed at 1:05 P. M.

The Speaker called the House to order at 2:40 P. M.

The Employee's Oath was administered to Charles W. Daly as machine operator, by the Speaker.

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

HB 56—"An Act Directing and Requiring the State Highway Department to Remove a Sluice Gate, Including Its Foundation, in the Canal at or Near Slaughter Beach Canal Bridge, Earth or Dirt Removed to be Used for Parking Accommodations," by Macklin and Mayhew; to Miscellaneous.

HB 57—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware," by Walls and Hastings; to Appropriations.

HB 58—"An Act Appropriating Money to the Disabled American Veterans in Delaware," by Bostick; to Appropriations.

HB 59—"An Act to Appropriate Funds to the Delaware Code Revision Commission for the Preparation of Pocket Parts to Bring the Delaware Code Up-to-Date," by Rowan; to Appropriations.

HB 60—"An Act to Amend Chapter 21, Title 18, Delaware Code Relating to Qualifications of Agents and Brokers, by Providing for Regulations and Examinations in Licensing of Agents and Brokers; Non-Resident Brokers; Appropriation," by Lawson; to Insurance and Banking.

HB 61—"An Act to Amend the Charter of the City of Wilmington as Amended by Changing the Term of Office of the Mayor and Other Elected City Officers, by Changing the Number of Elective Officers, and by Providing for the Election of Such Officers," by Thornton; to Revised Statutes.

HB 62—"An Act Appropriating Money to Layton Home for Aged Colored Persons," by Livingston; to Appropriations.

HB 63—"An Act Appropriating Money to the State Highway Department for the Purpose of Carrying Out the Provision of Law Relating to State Police Retirement Fund," by Alexander; to Appropriations.

The House adjourned at 3:00 P. M. until 1:00 P. M., Friday, January 28, 1955.

16TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Friday, January 28, 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, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

Members absent—Messrs. Hicks 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.

HR 12 was reported favorably, endorsed by the Appropriation Committee, Mr. Donovan, chairman.

The House recessed at 1:05 P. M.

The Speaker called the House to order at 2:45 P. M.

Mr. Lawson requested that **HB 60** be stricken from the calendar. Request granted.

Mr. Pepper introduced the following resolution, which upon further motion by him was adopted: **HR 14**—"In Reference to the Removal of a Sergeant-at-Arms and the Election of a Successor for the House of Representatives."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly that the resignation of Ronald P. Lynch as Sergeant-at-Arms for the said House, effective January 29, 1955, is accepted and the said Ronald P. Lynch is hereby removed from the said office as of the close of the legislative day on January 29, 1955;

BE IT FURTHER RESOLVED by the House of Representatives of the 118th General Assembly that Allen Layton is hereby elected to serve as Sergeant-at-Arms beginning January 31, 1955, at the pleasure of the House.

Mr. Garton introduced the following resolution, which upon further motion by him was adopted: **HR 15**—"Accepting the Lowest Responsible Bid for Printing Name Cards and Identification Cards for the House of Representatives."

BE IT RESOLVED, by the House of Representatives of the 118th General Assembly, that the bid of Capitol Fire Equipment Co., Inc., for printing name cards and identification cards for the House is hereby accepted and the said class of printing is hereby awarded to Capitol Fire Equipment Co., Inc. to be performed in strict compliance with the specifications therefor.

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

HB 64—"An Act Appropriating Funds to the American Legion and American Legion Auxiliary for Expenses to be Incurred in Connection with the Holding of Boy's State and Girl's State," by Thornton; to Appropriations.

HB 65—"An Act to Amend An Act Entitled, "An Act Amending, Revising, and Consolidating the Charter of the Town of Georgetown", Being Charter 166, Volume 43, Laws of Delaware, as Amended, by Dividing the Town Into Wards and Providing for the Election of the Members of the Town Council from Said Wards," by Tunnell; to Municipal Corporations.

The Speaker turned the Chair over to Mrs. Mildred S. Tunnell, who presided over the House for the balance of the day.

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

HB 66—"An Act Appropriating Certain Money to Palmer Home, Incorporated," by Clark; to Appropriations.

HB 67—"An Act to Amend Chapter 9, Title 28, Delaware Code, Relation to Miscellaneous Provisions Concerning Sports and Amusements; Regulation of Public Entertainment on Sundays," by Livingston; to Revised Statutes.

HB 68—"An Act Proposing an Amendment to Section 3 of Article IV of the Constitution of the State of Delaware Relating to the Appointment of Members of the State Judiciary by Requiring the Governor to Address a Public Letter to the President of the Senate Stating the Name of the Person He Intends to Appoint at Least Ten Days Prior to the Submission of Such Person's Name to the Senate for Confirmation," by Rowan; to Judiciary.

HB 69—"An Act Appropriating Certain Moneys to Historical Society of Delaware for Operation Expenses," by Mayhew; to Appropriations.

HB 70—"An Act to Amend Chapter 25, Title 7, Delaware Code, Relating to Crabs and Clams, by Prohibiting the Use of Shinnycok Rakes in Rehoboth and Indian River Bays," by Walls (by request); to Revised Statutes.

The House recessed at 3:10 P. M.

Mrs. Mildred S. Tunnell, Acting Speaker, called the House to order at 3:25 P. M.

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

SCR 3—"In Reference to the Election of an Accountant for the Joint Finance Committee," to Miscellaneous.

HCR 2—"Appropriation for Postage Stamps and Other Supplies for the 118th General Assembly," by Garton; to Appropriations.

The House adjourned at 3:30 P. M. until 1:00 P. M., Monday, January 31, 1956.

17TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:05 P. M., on Monday, January 31, 1955.

Prayer by the Chaplain, Rev. Buckley.

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, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—33.

Members absent—Messrs. Lank and Mattiford—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. Garton moved, Mr. Macklin seconded, that the members of the House of Representatives send an appropriate spray of flowers in memory of John C. Hazzard. Motion prevailed.

The following resolution was reported favorably by the majority of the respective committee, as follows: **HCR 2**, by Appropriations.

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

HB 71—"An Act to Amend Title 14, Delaware Code, by Adding Thereto a New Chapter Entitled "Procedures for the Termination of Services of Professional Employees", and by Repealing Certain Provisions of Title 14," by Macklin; to Education.

HB 72—"An Act to Repeal Chapter 71, Title 11, of the Delaware Code, Entitled "Sussex County Prison, Prison Farm, Court House and Court House Annex" by Placing Jurisdiction and Control of the Sussex County Prison, Prison Farm, Court House and Court House Annex in the Levy Court of Sussex County," by Tunnell, Walls, Macklin, Hastings, Layton, Keel and Pepper; to Revised Statutes.

HB 73—"An Act Appropriating Money to American Legion, Sussex Post Number 8, in Sussex County, with Which to Operate and Maintain an Ambulance," by Tunnell; to Appropriations.

HB 74—"An Act Appropriating Money to the American Legion, Department of Delaware," by Pepper; to Appropriations.

HB 75—"An Act to Amend Chapter 23, Title 19 of the Delaware Code, Relating to Review of Agreements or Awards by the Industrial Accident Board," by Tunnell; to Labor.

HB 76—"An Act Appropriating Money to the Delaware Society for the Prevention of Cruelty to Animals," by B. W. Johnson; to Appropriations.

HB 77—"An Act to Amend Subchapter XIII, Chapter 3, Title 11, Delaware Code, by Requiring Certain Precautions with Regard to Abandoned Refrigerators and Imposing Penalties for Violations," by Hastings and Layton; to Judiciary.

HB 78—"An Act Authorizing the State Highway Department to Execute Trust Indentures with Trustees Authorizing the Creation of a War Memorial Fund and the Transfer and Allocation of Monies Thereto and Directing the State Highway Department to Construct a Memorial Adjacent to the Delaware Memorial Bridge to Commemorate the Supreme Sacrifice of the Residents of the State of Delaware and of the State of New Jersey Who Died While Serving in the Armed Forces of the United States During World War II and During the Korean Campaign and to Honor the Persons Who Lost Their Lives in the Construction of the Delaware Memorial Bridge," by Livingston; to Miscellaneous.

HB 79—"An Act to Amend Subchapter III, Chapter II, Title 10, Delaware Code, Relating to the Juvenile Court of Kent and Sussex Counties," by Bostick; to Judiciary.

HB 80—"An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Hunting, Trapping and Fishing Licenses by Changing Certain License Fees and Exemptions," by Walls (by request); to Fish, Oysters and Game.

HB 81—"An Act Agreeing to the Proposed Amendment to Article Three of the Constitution of the State of Delaware," by Deputy; to Revised Statutes.

The Speaker administered the Oath of Employee to Allan Charles Layton as Sergeant-at-Arms.

The House recessed at 1:40 P. M.

The Speaker called the House to order at 2:45 P. M.

Mr. Macklin moved, and Mr. Pepper seconded, that **HR 12** be adopted. Motion prevailed.

The following bill was reported favorably by the majority of the respective committee as follows: **HB 65**, by Municipal Corporations.

The House recessed at 2:50 P. M.

The Speaker called the House back to order at 3:50 P. M.

The Secretary of the Senate informed the House that the Senate had passed **SCR 4** and requested the concurrence of the House.

The Chair presented **SCR 4**—"Extending the Sympathy of the Senate and the House of Representatives Upon the Death of John C. Hazzard, Prominent Businessman and Civic-minded Citizen, late of Wilmington and Dewey Beach, Delaware."

WHEREAS, It is with deep regret and profound sorrow that we, the members of the 118th General Assembly of the State of Delaware, have learned of the death of John C. Hazzard, one of Delaware's great public servants, late of Wilmington and Dewey Beach, Delaware, on January 29, A. D. 1955; and

WHEREAS, the said John C. Hazzard, during his lifetime, served the State of Delaware with outstanding ability and distinction and with unselfish devotion to the welfare of its citizens. He was elected President of the City Council of the City of Wilmington in 1933, and in 1934 he was the Democratic candidate for the office of U. S. Representative in Congress. Mr. Hazzard served as a member of the New Castle County Board of Assessment. In 1949 Mr. Hazzard became a member of Delaware's first Public Service Commission and served as its Chairman. During that year he was also appointed a member of the State Park Commisison. He was a member of many fraternal and social organizations in the State and a member of St. Andrews Episcopal Church. Mr. Hazzard was an active member of the Democratic Party of the State serving with distinction as Wilmington City Chairman for six years; he became State Chairman in 1944 and served faithfully and well for two years. In June 1954 he became Democratic National Committeeman and in that office has served his party and his State. His genial personality and his keen interest in the affairs of this State and the communities of which he was apartmade him many friends; and

WHEREAS, the members of the Senate and House of Representatives of the 118th General Assembly of the State of Delaware concur in expressing unto his widow, Mrs. Emma Hazzard, and other members of his family, their deep and sincere sympathy in their bereavement; NOW THEREFORE,

BE IT RESOLVED by the Senate of the 118th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:

(1) That the heartfelt sympathy of the General Assembly of the State of Delaware and of each member thereof, is hereby expressed and extended unto the widow, Mrs. Emma Hazzard, and other members of the family of John C. Hazzard, for the great loss which they have suffered by reason of his death on the 29th day of January, A. D. 1955; and, further

(2) That out of respect for a public servant whose job has been well done, the flag upon the flagpole in front of the State House in Dover, Delaware, be lowered to a position of "half-mast" for the day January 31, 1955 in his memory; and, further

(3) That we do humbly and reverently pray unto God to comfort his widow and the members of his family in this hour of their great bereavement; and, further

(4) That a copy of this Concurrent Resolution be spread upon the respective Journals of the Senate and House of Representatives of this 118th Session of the General Assembly of the State of Delaware, and a further copy be forwarded unto Mrs. Emma Hazzard of Wilmington, Delaware, and a further copy be delivered to the Public Press.

Mr. Macklin moved that the rules of the House be temporary suspended and on further motion by him **SCR 4** was adopted and returned to the Senate.

Mr. Lester introduced the following resolution, which on further motion by him was adopted: **HR 16**—"Wishing Governor Walter W. Bacon Good Health."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly that the Members of the House of Representatives wish Governor Walter W. Bacon a speedy recovery from his illness, and

BE IT FURTHER RESOLVED, the Members of the House of Representatives hope and pray that the future may hold for him many years of health and happiness.

Mr. Hick introduced the following resolution, which on further motion by him was adopted: **HR 17**—"Extending the Best Wishes of the Members of the House of Representatives to Isaac R. Brown."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly that the Members of the House of Representatives extend to Isaac R. Brown best wishes for a speedy recovery from his illness, and

BE IT FURTHER RESOLVED the Members of the House of Representatives wish him many years of good health and happiness.

The Speaker instructed the Chief Clerk to mail copies to respective individuals.

The following resolution was reported favorably by the respective committee as follows: **SCR 3**, by Miscellaneous.

The House adjourned at 4:10 P. M. until 10:30 A. M., Tuesday, February 1, 1955.

18TH LEGISLATIVE DAY

House met pursuant to adjournment at 11:00 A. M., on Tuesday, February 1, 1955.

Prayer by Mr. Macklin.

Members present—Messrs. Alexander, Bostick, Brogan, 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, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—33.

Members absent—Messrs. Clark and Lank—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 House recessed at 11:05 A. M. in order to permit the members to visit and inspect Delaware State College.

The Speaker called the House to order at 3:40 P. M.

Mr. Macklin requested that **HB 40** be stricken from the calendar. Request granted.

On motion of Mrs. Tunnell, **HB 65**—"An Act to Amend An Act Entitled, "An Act Amending, Revising, and Consolidating the Charter of the Town of Georgetown", Being Chapter 166, Volume 43, Laws of Delaware, as Amended, by Dividing the Town Into Wards and Providing for the Election of the Members of the Town Council from Said Wards," was taken up for consideration and read a 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, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Thornton, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—32.

NAYS—None.

ABSENT—Messrs. Alexander, Clark, Lank—3.

HB 65 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The following bill was reported favorably by the majority of the respective committee: **HB 35**, by Miscellaneous.

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

HB 82—"An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates, by Revising and Increasing the Rates for the Pilotage of Vessels," by Quigley; to Revised Statutes.

HB 83—"An Act Making an Appropriation to the State Board of Agriculture to Provide for the Payment of State Indemnities for Cattle Condemned and Slaughtered as Brucellosis or Tuberculosis Reactors," by Massey; to Appropriations.

HB 84—"An Act to Amend Title 9, Delaware Code, Relating to County Taxes in New Castle County," by Rowan; to Revenue and Taxation.

HB 85—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate an Ambulance," by Wilkinson; to Appropriations.

HB 86—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck," by Queen; to Appropriations.

HB 87—"An Act to Amend Title 9, Delaware Code, by Providing That No Part of the Taxes Fixed by the Levy Court for the Payment of Garbage Disposal Bonds Shall be Charged or Assessed to Real Estate Located in an Incorporated Municipality, the Garbage from Which is Not Disposed of or Treated by Any Garbage Disposal System of the County," by Lawson and Shockley; to Revenue and Taxation.

HB 88—"An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to Recorders; Compensation," by Livingston; to Miscellaneous.

HB 89—"An Act Appropriating a Certain Sum of Money to Ella M. Forrest in Payment of a Claim Against the State of Delaware," by Wilkinson; to Claims.

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," by Lawson and Shockley; to Revenue and Taxation.

The following resolution was introduced by Mr. Macklin, and upon further motion by him was adopted: **HR 18**—"Authorizing Payments 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 January 20th, 1955, the tenth legislative day.

The House adjourned at 4:20 P. M. until 1:00 P. M., Wednesday, February 2, 1955.

19TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Wednesday, February 2, 1955.

Members present — Messrs. Alexander, Bostick, Clark, Donovan, Eskridge, Garton, Hastings, Hicks, T. S. Johnson, Keel, Layton, Lester, Livingston, Macklin, Massey, Mayhew, Nechay, Pepper, Queen, Rowan, (Mrs.) Tunnell, Wolf, Wilkerson, Mr. Speaker Quigley—24.

Members absent—Messrs. Alexander, Brogan, Deputy, B. W. Johnson, Lank, Lawson, Maclary, Mattiford, Shockley, Wood—10.

Prayer by the Chaplain, Rev. Buckley.

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. Queen moved that the chair of the late Mr. Thornton be draped in his memory. Motion prevailed.

(Mr. William J. Thornton, member from the Second Representative District of New Castle County, died this morning at 11:45 o'clock, while leaving his home in Wilmington for the trip to Dover for today's session.)

The House adjourned at 1:05 P. M., until 1:30 A. M., Thursday, February 3, 1955.

20TH LEGISLATIVE DAY

House met pursuant to adjournment at 10:55 A. M., on Thursday, February 3, 1955.

Prayer by Senator Harrison.

Members present—Messrs. Bostick, Clark, Garton, Hicks, Keel, Layton, Lester, Livingston, Massey, Mattiford, Nechay, Queen, Rowan, Shockley, Wilkinson, Mr. Speaker Quigley—16.

Members absent — Messrs. Alexander, Brogan, Deputy, Donovan, Eskridge, Hastings, B. W. Johnson, T. S. Johnson, Lank, Lawson, Macklin, Maclary, Mayhew, Pepper, (Mrs.) Tunnell, Walls, Wolf, Wood.—18.

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

Mr. Queen introduced the following resolution: **HCR 3**—“Relative to the Death of William J. Thornton, a Member of the House of Representatives, of the 118th General Assembly of the State of Delaware.”

WHEREAS, the House of Representatives and the Senate of the 118th General Assembly of the State of Delaware have learned with deep regret of the sudden death of William J. Thornton on Wednesday, February 2, 1955; and

WHEREAS, the said William J. Thornton had attained a position of great respect and affection in his community and business circles of the City of Wilmington; and

WHEREAS, at the last General Election the said William J. Thornton was duly elected a member of the House of Representatives of the 118th General Assembly from the Second Representative District of New Castle County; and

WHEREAS, it is fitting and proper that the House of Representatives and the Senate should express their sympathy to the family and friends of a man who by the faithful performance of his duties had thus early in the 118th Session of the General Assembly earned the esteem of his associates; NOW THEREFORE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 118TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE, THE SENATE CONCURRING THEREIN, that the sincere sympathy of the General Assembly is hereby extended to the family of William J. Thornton, late member of the House of Representatives; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be spread upon the Journal, that a copy be sent to the family of the said William J. Thornton, and that copies hereof be delivered to the press.

The House adjourned at 11:00 A. M. until Tuesday, February 8, 1955, at 10:00 A. M.

21ST LEGISLATIVE DAY

House met pursuant to adjournment at 10:15 A. M., on Tuesday, February 8, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B.W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Members absent—None.

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. Queen moved that **HCR 3**—"Relative to the Death of William J. Thornton, a Member of the House of Representatives of the 118th General Assembly of the State of Delaware," be taken up for consideration and read for a third time, in order to pass the House.

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

YEAS—Messrs. Alexander, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

NAYS—None.

ABSENT—Messrs. Bostick, Hicks, Lester—3.

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

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

HB 91—"An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," by Garton; to Appropriations.

HB 92—"An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to "Motor Vehicles" by Prohibiting Parking Within Thirty Feet of an Intersection," by Macklin; to Revised Statutes.

HB 93—"An Act Appropriating Money to the United Spanish War Veterans, Department of Delaware," by Layton; to Appropriations.

HB 94—"An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Motor Vehicles by Providing a Speed Limit in School Zones," by Nechay; to Buildings and Highways.

HB 95—"An Act Appropriating Money to the Veterans of Foreign Wars Department of Delaware," by Shockley; to Appropriations.

HB 96—"An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," by Shockley; to Appropriations.

The House recessed at 10:45 A. M.

The Speaker called the House to order at 11:50 A. M.

A letter from Hon. Walter W. Bacon was read as follows:

Wilmington, Delaware, February 5, 1955

Mr. John E. Babiarz, Dover, Del.

Dear Mr. Babiarz—Wish to acknowledge your very kind House Resolution No. 16 and wish to express my sincere appreciation of same.

I have been released from the hospital and feel sure that I will be in good shape soon.

May I wish for the Legislature a very enjoyable and most successful session, and to the individual members much Happiness and Contentment.

Sincerely,

WALTER W. BACON

Mr. Bostick moved that **SCR 3**—"In Reference to the Election of an Accountant for the Joint Finance Committee," be taken up for consideration and read for a third time.

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

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

NAYS—None.

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

Mrs. Tunnell moved that **HB 72**—"An Act to Repeal Chapter 71, Title 11, of the Delaware Code, Entitled "Sussex County Prison, Prison Farm, Court House and Court House Annex" by Placing Jurisdiction and Control of the Sussex County Prison, Prison Farm, Court House and Court House Annex in the Levy Court of Sussex County," be taken up for consideration and read for a third time. After the third reading, Mr. Maclary moved and Mr. Rowan seconded, that the House defer action on **HB 72** until 2:00 P. M., Thursday, February 10, 1955.

On the question, "Shall the Bill be Deferred?" the roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Maclary, Massey, Mattiford, Mayhew, Nechay, Rowan, Shockley, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—Messrs. Macklin, Pepper, Queen, (Mrs.) Tunnell, Walls—5.

The motion prevailed, and the Speaker ordered action deferred on **HB 72** until 2:00 P. M., Thursday, February 10, 1955.

The Secretary of the Senate informed the House that the Senate had concurred in the following: **HCR 1**, **HCR 3**, **HB 65**.

The House adjourned at 1:10 P. M. until 1:00 P. M., Thursday, February 10, 1955.

22ND LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Thursday, February 10, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Members absent—None.

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.

Former Speager Harvey Lawson was introduced and invited to the Rostrum by Speaker Quigley.

The following communication and report was received from Miles L. Frederick, Commander, Department of Delaware, Veterans of Foreign Wars of the United States:

DEPARTMENT OF DELAWARE VETERANS OF FOREIGN WARS OF THE UNITED STATES

Dravo Bldg., Wilmington, Del., January 31, 1955

Hon. James R. Quigley
Speaker of the House of Representatives
State House, Dover, Delaware

Dear Mr. Quigley:

Enclosed is a report of our service officer and office covering the period January 1, 1953 to December 31, 1954, as required by law passed by the Legislature which appropriated monies to our Department for assisting veterans in their claims against the Federal Government, and in representing them before various boards of the Veterans Administration.

Verly truly yours,

MILES L. FREDERICK
Commander, Department of Delaware
Veterans of Foreign Wars

DEPARTMENT OF DELAWARE
VETERANS OF FOREIGN WARS OF THE
UNITED STATES

Disbursement for Period January 1, 1953 to December 31, 1954

Salaries	\$11,614.00
Office Expense	2,441.80
	<hr/>
	\$14,055.80
State Appropriations	\$ 8,000.00
Department of Delaware	6,055.80
	<hr/>
	\$14,055.80

VETERANS OF FOREIGN WARS OF THE
UNITED STATES

NATIONAL REHABILITATION SERVICE

610 Wire Building, Washington 5, D. C.

Regional Office—Wilmington, Delaware

Report for Period January 1, 1953 to December 31, 1954

Office Interviews	2,307
Letters Received	5,173
Letters Sent	14,198
Appearance before Rating Board	333
(Veterans assisted on Hospital, Out-Patient and Dental Treatment)	265
Appeals (1) Filed 35; (2) Favorable 10; (3) Remands 3; (4) Unfavorable 22	
Case Files Reviewed	811
New Claims Filed	192
New P-22's filed	302

	F.	Monthly Award or Increase	Total Recoveries 12 Months and Retroactive
Service Connected New Cases	35	4,532.19	35,520.09
Compensation, reopened cases	70	8,517.16	40,398.52
Part III Cases	57	8,216.95	55,615.75
		<hr/>	
Total Claims	162		
Burial Claims	23		3,500.00
Dependents Claims (534&535)	54	6,955.20	41,474.83
Insurance	7		40,059.35
		<hr/>	
Grand Total	246	28,221.50	216,559.54

Re-opened C & C ... 187 Annual Conserved .. 143,169.10

	F.	U.	C & C
VFW	246		
VA Total	640	826	1299
Other Activities			
Hospitalized veterans visited			287
Posts in Regional Office Area			31
Active Post Service Officers			12
Certified by National			12
Other Pertinent Information			
Dues Collected—Continuous Members			61
Dues Collected—Rejoiners			13
Dues Collected—New Members			26
Total.....			100

HERBERT WILLIS

Mr. Garton moved that **HCR 2**—"Appropriation for Postage Stamps and Other Supplies for the 118th General Assembly," be taken up for consideration and read for the third time, and upon further motion by him the resolution was adopted and ordered to the Senate for concurrence.

The House recessed at 1:15 P. M.

The Speaker called the House to order at 2:00 P. M.

On motion of Mrs. Tunnell, **HB 72**—"An Act to Repeal Chapter 71, Title 11, of the Delaware Code, Entitled "Sussex County Prison, Prison Farm, Court House and Court House Annex" by Placing Jurisdiction and Control of the Sussex County Prison, Prison Farm, Court House and Court House Annex in the Levy Court of Sussex County," was taken up for consideration in order to pass the House.

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

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, Keel, Layton, Livingston, Macklin, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Mr. Speaker Quigley—27.

NAYS—Mr. Lank—1.

NOT VOTING—Messrs. T. S. Johnson, Lawson, Lester, Maclary, Wolf, Wood—6.

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

At this point, Mr. Daniel J. Queen, Jr., occupied the Chair.

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

HB 97—"An Act to Amend An Act Entitled, "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown", Being Chapter 166, Volume 43, Laws

of Delaware, as Amended, by Increasing the Limitation Upon Borrowing for Current Expenses," by Tunnell; to Municipal Corporations.

HB 98—"An Act to Amend An Act Entitled, "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown", Being Chapter 166, Volume 43, Laws of Delaware, as Amended, by Authorizing the Town Council of Georgetown to Appoint a Vice-Mayor and Prescribing His Duties," by Tunnell; to Municipal Corporations.

HB 99—"An Act to Amend An Act Entitled, "An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown", Being Chapter 166, Volume 43, Laws of Delaware, as Amended, by Authorizing the Town Council of Georgetown to Raise by Taxation a Sum Not in Excess of Seventy-Five Thousand Dollars (\$75,000.00) Yearly to Carry on the Government of the Town and Defray the Expenses Thereof," by Tunnell; to Revenue and Taxation.

HB 100—"An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to Harness Racing," by Quigley; to Revenue and Taxation.

HB 101—"An Act to Appropriate Funds to the State Development Department for the Preparation and Publication of a State Information Booklet," by Mattiford; to Appropriations.

HB 102—"An Act to Amend Section 2706, Title 10, Delaware Code, by Specifically Providing That a Qualified Surety Company Shall be an Acceptable Surety on a Constable's Bond," by Mattiford; to Revised Statutes.

HB 103—"An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware," by Bostick, Garton, Macklin, Eskridge and Brogan; to Appropriations.

Garton introduced the following resolution, which upon further motion by him was adopted: **HR 19**—"Accepting the Lowest Responsible Bid for Printing Letterheads and Envelopes for the House of Representatives."

BE IT RESOLVED by the House of Representatives of 118th General Assembly that the bid of The Delaware State News for printing letterheads and envelopes for the House is hereby accepted, as follows:

Imprinting 250 sheets with name and address for each of 35 members on letterheads furnished by State Librarian	\$28.75
Imprinting 250 envelopes with name and address for each of 35 members on envelopes furnished by State Librarian	28.75
Total Cost	\$57.50

BE IT FURTHER RESOLVED that the said class of printing is hereby awarded to The Delaware State News to be performed in strict compliance with the specifications therefor.

Mr. Bostick introduced the following resolution, which was referred to the Committee on Appropriations: **HR 20**—“Relative to the Payment of a Printing Bill for Printing Bill Backers 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 One Hundred Eighty-three Dollars and Sixty-eight Cents (\$183.68) be and the same is hereby appropriated out of the monies of the State Treasury, no otherwise appropriated, for the payment to The State Register, Laurel, Delaware, the lowest responsible bidder, for printing one thousand (1000) original and eight thousand (8000) duplicate Bill Backers; one hundred (100) original and six hundred (600) duplicate Resolutions Backers; fifty (50) original and three hundred and fifty (350) duplicate Concurrent Backers; and four hundred (400) House Bills Passed Backers, said Backers being necessary to the business of the House and the expense thereof being a necessary expense connected with this session.

Mr. Layton introduced the following resolution, which was referred to the Committee on Appropriations: **HR 21**—“Authorizing Payment for Five Roll Books 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 Fifty Dollars (\$50.00) is hereby appropriated to Harrington Journal, Harrington, Delaware, for supplying five (5) Roll Books to the House of Representatives.

The House recessed at 3:00 P. M.

The Speaker called the House to order at 3:35 P. M.

The following resolutions were reported favorably by the majority of the Appropriations Committee: **HR 20** and **HR 21**.

The House adjourned at 3:40 P. M. until 1:00 P. M., Friday, February 11, 1955.

23RD LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Friday, February 11, 1955.

Prayer by the Chaplain, Rev. Buckley.

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

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 **HCR 2**, **HJR 2**, and **HB 1**, and that the Senate had passed and requested the concurrence of the House in the following bill, which was presented by the Chair, given first and second readings by title only, and referred to committee as follows:

SB 9—"An Act to Repeal Chapter 71, Title 11, of the Delaware Code Entitled "Sussex County Prison, Prison Farm, Court House and Court House Annex" by Placing Jurisdiction and Control of the Sussex County Prison, Prison Farm, Court House and Court House Annex in the Levy Court of Sussex County," to Miscellaneous.

Mr. Layton moved that **HR 21** be taken up consideration, and moved its adoption. Motion prevailed.

The House recessed at 1:15 P. M. until 1:30 P. M., at which time a Joint Session of the House and Senate will convene for the Lincoln Day program as provided for in **HCR 1**.

JOINT SESSION

The Speaker called the House to order at 1:30 P. M. and appointed Mr. Macklin and Mr. Maclary as a committee to inform the Senate that the House was ready for the Joint Session.

The Speaker invited Mr. Charles G. Moore, President Pro Tem of the Senate to the Rostrum.

Mr. Macklin moved that the House and Senate convene in Joint Session pursuant to **HCR 1**. Motion prevailed.

Mr. Macklin moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

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

The Speaker appointed Mr. Macklin, Mr. Lammot and Mr. Maclary as a committee to escort the Hon. James M. Tunnell, Jr., to the Rostrum.

The Speaker introduced the Hon. James M. Tunnell, Jr., who delivered the following address on Abraham Lincoln:

ABRAHAM LINCOLN

Abraham Lincoln was born a nonentity. Every circumstance of his birth suggested a life of little consequence. His parents had no standing, no money, few belongings. His father could sign his name; his mother could not. Even today, the place where he was born derives its sole importance from the fact of his birth there. It was remote in terms of travel time from all the social, economic and political centers of the day.

Shrouded as he was in utter obscurity, and trammelled by an environment of ignorance and poverty, it is remarkable that he attained any national prominence. That he did so is, of course, a great tribute to the force of his individual character,

but it is also a splendid illustration of the ability of free governments to make use of their available genius. That he achieved the pinnacle of authority at our country's most critical hour, and employed his powers as he did, saved this nation from destruction. Without Lincoln, the work of Washington, Madison, Jefferson, Dickinson, Franklin, and the rest would now be regarded as a well conceived but quite unsuccessful experiment in political science.

We tend to take Lincoln for granted. But it must have been astonishing to him that he was ever elected to the presidency. For his career was punctuated with disappointments.

At the age of 23, while he was clerking in a store, he first ran for the Illinois legislature. His first campaign statement is interesting. It reads in part thus:

"Every man is said to have his peculiar ambition. Whether it be true or not, I can say for one that I have no other so great as that of being truly esteemed of my fellow men, by rendering myself worthy of their esteem. How far I shall succeed in gratifying this ambition, is yet to be developed. I am young and unknown to many of you. I was born and have ever remained in the most humble walks of life. I have no wealthy or popular relatives to recommend me. My case is thrown exclusively upon the independent voters of this county, and if elected they will have conferred a favor upon me, for which I shall be unremitting in my labors to compensate. But if the good people in their wisdom shall see fit to keep me in the background, I have been too familiar with disappointments to be very much chagrined."

He was defeated, running eighth among thirteen candidates. Later he was elected. In fact, he served four terms in the Lower house of the Illinois General Assembly. He was twice the Whig candidate for Speaker, but he never attained that coveted honor.

After some years of unsuccessful maneuvering, Lincoln was elected to the Lower House of Congress in 1846. He served his term without special notice, and nobody took any particular interest in renominating him.

Undeterred by being set aside, as was his way, he simply aspired to higher honors. It was fitting that he did so, for the growth of his stature far outstripped his successes. This time he looked to the United States Senate.

In 1855, one hundred years ago this Tuesday past, he was defeated for the Senatorial nomination. Two years later he was nominated. During the campaign he debated the brilliant and popular Senator Douglas on the Negro question. His speeches reverberated throughout the land, but again he was defeated. This, he was certain, was the end of his career in politics. His disappointment was deep, but this is how he looked upon the adversity:

"I am glad I made the late race. It gave me a hearing on the great and enduring question of the age, which I could have had in no other way; and though I now sink out of view, and shall be forgotten, I believe I have made some marks which will tell for the cause of liberty long after I am gone."

We, of course, know that Providence—mercifully for millions—had decreed that he should not sink out of view. The iron of his character had only been forged and wrought now to begin its vast services to mankind.

We have learned these facts from childhood. I have here recited the political ones that you may be reminded how much each of you has in common with Abraham Lincoln.

Though we pause at times like this to review the drama of his life, we should fail his memory if we were to content ourselves with empty adulation.

For Abraham Lincoln did not stand for himself. He stood for principles. Therein lies the great difference between Lincoln and the multitude of ordinary politicians, who often owe their prominence to nothing more noble than their ability to predict waves of popular emotion, and to their willingness to be guided thereby—quite unhampered by concern for the vital questions of right and wrong.

For the most of Lincoln's life his dominating tenet was that clause in the Declaration of Independence which asserts that "all men are created equal." His ambition was to preserve and promote that union of free men which in his judgment promised most nearly to afford all men equal opportunities. At the age of 28, in the Illinois legislature, he denounced the institution of slavery, and until his death, though often in the minority, he maintained that stand. Thus, for decades, he publicly grappled with the gravest and most divisive issue which has ever confused our people.

He did not expect his ideal to be absolutely achieved. He hoped only to move our society a little closer to its intended pattern. The equality of mankind was, and is, a theoretical principle of perfection. Nobody realized better than he that politics is the science of the imperfect and the practical.

Consequently, he could not, and did not, solve the issues to which he devoted his life. You may catch overtones familiar to yourselves in this excerpt from a letter he wrote to his friend, Joshua Speed, in August, one hundred years ago:

"Our progress in degeneracy appears to me pretty rapid. As a nation we began by declaring that 'all men are created equal.' We now practically read it, 'all men are created equal, except negroes.' When the Know-Nothings get control, it will read 'all men are created equal, except negroes and foreigners and Catholics.' When it comes to this, I shall prefer emigrating to some country

where they make no pretense of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy.”

These, my friends, were the most sensitive of issues, often provocative of rancor, destructive of reason. They are to some extent so today. To some extent, I suppose, they will remain so when all of us are gone. For no statute, no constitution, no judicial decree can render the timid courageous or weave moral fibre into the fabric of our character.

Members of the 118th General Assembly, as millions pause in tribute to a mighty champion of the downtrodden, the occasion calls for self-examination and rededication. Let us renounce the temptation to do a thing for no better reason than because it happens at the moment to be popular. Let us search our consciences for the right solution.

Mr. Macklin moved that the Joint Session be dissolved and that the two Houses separate. Motion prevailed.

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

HB 104—“An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation by Increasing the Maximum Benefit Amount and Maximum Weekly Benefit Amount and Maximum Benefit Eligibility, by Increasing the Tax Base and Reducing the Minimum Tax Rate,” by Lester; to Revised Statutes.

Mr. Bostick moved that **HR 20** be taken up for consideration, and moved its adoption. Motion prevailed.

The following bills were reported favorably by the majority of the respective committee, as follows: **HB 57, HB 58, HB 59, HB 62, HB 63, HB 64, HB 66, HB 73, HB 74, HB 76, HB 85, HB 86, HB 91, HB 93, HB 96**, by Appropriations.

The House recessed at 2:15 P. M.

The Speaker called the House to order at 3:15 P. M.

Mr. Macklin introduced the following resolution, which upon further motion by him was adopted: **HR 22**—“Extending Thanks to Francis C. Gideon, Colonel, USAF, Commander, and His Officers and Enlisted Men at the Dover Air Force Base, Delaware.”

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, that the members of the House of Representatives, hereby extend our thanks to Colonel Francis C. Gideon, and his officers and enlisted men who made the recent tour of the Members of the House such a pleasure and source of information as to what extent our lives and property are being protected.

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to Colonel Gideon.

The House adjourned at 3:20 P. M., until 1:00 P. M., Monday, February 14, 1955.

24TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Monday, February 14, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Members absent—None.

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 introduced, given first and second reading, the second by title only, and referred to committees as follows:

HB 105—"An Act to Amend Chapter 140, Volume 48, Laws of Delaware, by Permitting Certain Funds to be Used for Additions to the Department of Public Welfare Facilities in Kent County," by Tunnell; to Public Health.

HB 106—"An Act to Appropriate Funds to the Department of Public Welfare for the Fiscal Year Ending June 30, 1955," by Tunnell; to Appropriations.

HB 107—"An Act to Amend Title 31, Delaware Code, Entitled "Welfare" in Regard to the Bringing or Sending of Non-Resident Children Into the State," by Tunnell; to Charities.

HB 108—"An Act to Amend Chapter 5, Title 13, Delaware Code, by Abolishing the Provision Dealing with Liability for Support of Grandparents and Grandchildren and by Adding a Provision Imposing Liability for Support on Spouses," by Tunnell; to Miscellaneous.

HB 109—"An Act to Amend Chapter 23, Title 12, Delaware Code, Relating to Widows' Allowance and the Settlement of Personal Estate," by Macklin; to Judiciary.

HB 110—"An Act Making a Deficiency Appropriation to the Industrial Accident Board for the Fiscal Year Ending June 30, 1955," by Donovan (by request); to Appropriations.

HB 111—"An Act Appropriating Certain Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County," by Donovan; to Appropriations.

HB 112—"An Act Authorizing and Directing the Levy Court of Kent County to Make Available to the Board of Soil District Supervisors of the Soil Conservation District of Kent County Certain Funds for the Employment of an Equipment Manager," by Donovan; to Miscellaneous.

HB 113—"An Act Appropriating Certain Moneys to Kent and Sussex County Fair, Incorporated, for Prizes," by Donovan; to Appropriations.

HB 114—"An Act to Amend Title 14, Delaware Code, Relating to "Education" by Regulating Public School Attendance," by Donovan; to Education.

HB 115—"An Act to Amend Section 731, Title 4, Delaware Code, Relating to the Retaliatory Beer Tax," by Garton; to Revenue and Taxation.

HB 116—"An Act Appropriating a Certain Sum of Money to the State Board of Education for the Medical and Hospital Expenses of Janet Dixon," by Clark; to Claims.

HB 117—"An Act Appropriating Certain Moneys to the State Highway Department to Conduct an Educational Campaign on Street and Highway Safety," by Nechay; to Public Buildings and Highways.

HB 118—"An Act Making an Appropriation to the State Building and Grounds Commission for Repairs, Alteration, Furnishing and Equipping of State Buildings in the State Capitol Group and for Landscaping and Planting State Lands at Dover," by Keel (by request); to Public Buildings and Highways.

HB 119—"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," by Brogan; to Revised Statutes.

Mr. Donovan, on behalf of the Committee on Passed Bills, reported that he had delivered to the Governor for his approval the following: **HB 68**.

The House recessed at 1:45 P. M.

The Speaker called the House to order at 3:50 P. M.

Mr. Macklin occupied the Chair.

The following concurrent resolution was introduced, given its first and second reading, the second by title only and referred to committee as follows:

HCR 4—"Expressing Appreciation to Justice James M. Tunnell for His Program Commemorating the Birthday of Abraham Lincoln," by Alexander; to Miscellaneous.

WHEREAS, for many years past it has been the custom of the General Assembly of the State of Delaware to meet in Joint Session for the purpose of Commemorating the Birthday of Abraham Lincoln; and

WHEREAS, the speech by Justice James M. Tunnell on Lincoln's Birthday was, in the opinion of all those who attended, especially appropriate and fitting for this occasion; and

WHEREAS, it is the desire of this Assembly to express its sincere thanks to Justice James M. Tunnell; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly, the Senate concurring, that this Assembly desires to express its sincere appreciation to Justice James M. Tunnell for his excellent speech and fine program on the occasion of Lincoln's Birthday on Febraury 12, 1955; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Justice James M. Tunnell.

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

HB 120—"An Act Making a Deficiency Appropriation to the Board of School Trustees of Louis L. Redding Comprehensive School," by Deputy; to Appropriations.

HB 121—"An Act Amending Chapter 7 and Chapter 13, Title 14, Delaware Code, by Providing an Optional Ten or Twelve Month Salary Payment Plan for Teachers Employed on Ten Month Contract," by Quigley; to Education.

HB 122—"An Act to Amend Chapter 59, Title 11, Delaware Code, Entitled "Justice of the Peace" by Increasing the Maximum Fine for Assaults and Batteries and Breaches of the Peace," by Rowan; to Judiciary.

HB 123—"An Act to Amend Chapter 22, Title 9, Delaware Code, by Providing That No Part of the Taxes Permitted by Said Chapter for the Payment of Sewer Bonds Shall be Charged or Assessed to Real Estate Located in an Incorporated Municipality, Sewage from Which is Not Disposed of or Treated by the County Sewer System," by Lawson; to Revenue and Taxation.

HB 124—"An Act to Amend Chapter 9, Title 28, Delaware Code, Relating to Miscellaneous Provisions Concerning Sports and Amusements; Regulation of Public Entertainment on Sundays," by Wilkinson and Garton; to Revised Statutes.

HB 125—"An Act to Amend Chapter 39, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Benefits," by Tunnell; to Education.

HB 126—"An Act Making an Appropriation to the State Board of Education to Provide for the Payment of Costs and Expenses of Transportation of School Pupils Over and Above the Present Appropriations Available to the State Board of Education for Such Purposes," by Garton and Wilkinson; to Appropriations.

HB 127—"An Act Authorizing the Governor to Enter Into a Compact on Behalf of the State of Delaware With Certain Other States for the Effective Prevention and Control of Forest Fires and for Mutual Aid in Fighting Forest Fires," by Mattiford; to Judiciary.

HB 128—"An Act to Amend Chapter 45, Title 10, Delaware Code, Pertaining to Juries, by Changing Number of Offenses for Which Panel of Not Less Than Sixty-Four (64) Jurors is Required," by Alexander; to Judiciary.

On motion of Mr. Brogan, **HB 35**—"An Act to Authorize the Register of Wills in and for New Castle County to Procure a New Press and Seal of Office," was taken up for consideration and read for a 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, Hicks, B. W. Johnson, T. S. Johnson, Lank, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—29.

NAYS—None.

ABSENT — Messrs. Donovan, Keel, Maclary, Nechay, Shockley—5.

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

HCR 4 was reported favorably by the majority of the Committee on Miscellaneous.

Mr. Bostick moved that House rules be suspended so that **HCR 4** could be taken up for consideration and read for a third time in order to pass the House. Motion prevailed.

Mr. Alexander moved adoption of **HCR 4**. Motion prevailed and **HCR 4** was ordered to the Senate for concurrence.

The House recessed at 4:25 P. M.

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

The Secretary of the Senate informed the House that the Senate had passed **SJR 2** and asks the concurrence of the House.

The Speaker presented the resolution, which had its first and second reading, the second by title only, and referred to committee as follows:

SJR 2—"In Reference to Government Loans to Poultry Growers," to Appropriations.

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

HB 129—"An Act to Amend Title 16, Delaware Code, In Regard to Offensive Use of Property Near the Governor Bacon Health Center," by Lester and Quigley; to Public Health.

HB 130—"An Act to Amend Title 21, Chapter 21, Sub-Chapter 4, Delaware Code, Relating to Motor Vehicles, Providing for Fee on Semi-Trailers," by Wilkinson; to Manufacturers and Commerce.

SJR 2 was reported favorably by the Committee on Appropriations.

Mr. Macklin moved that House rules be suspended so that **SJR 2** could be taken up for consideration and read for a third time in order to pass the House. Motion prevailed.

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

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lawson, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Rowan, (Mrs.) Tunnell, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—25.

NAYS—None.

ABSENT — Messrs. Donovan, Keel, Lank, Layton, Maclary, Nechay, Queen, Shockley, Walls—9.

SJR 2 having received the constitutional majority, passed the House and was returned to the Senate.

Mr. Wilkinson moved that **HB 55** be read for a third time and action deferred until February 15, 1955. Motion prevailed.

The House adjourned at 4:45 P. M., until 1:00 P. M., Tuesday, February 15, 1955.

25TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:05 P. M., on Tuesday, February 15, 1955.

Prayer by the Chaplain, Rev. Buckley.

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

Member absent—Mr. Maclery—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 following bills were reported favorably by the majority of the respective committee as follows: **HB 83** and **HB 95**; the following bill was reported unfavorably: **HB 103**, by Appropriations.

Mr. Deputy introduced the following resolution, which on further motion by him was adopted: **HR 23**—"Expressing the Best Wishes of the House of Representatives of the 118th General Assembly to Speaker of the House James R. Quigley on His Birthday."

WHEREAS, the House of Representatives of the 118th General Assembly is pleased to know that today is the birthday of Speaker of the House James R. Quigley, and

WHEREAS, the Members of the House of Representatives wish to express their best wishes to Speaker Quigley, **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 for the good health and happiness of Speaker James R. Quigley are hereby extended to Speaker Quigley on this his birthday, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered on the Journal of the House, a copy delivered to the press, a copy be given to Speaker James R. Quigley.

The Secretary of the Senate informed the House that the Senate had concurred in **SCR 4**, and that the Senate had passed and requested the concurrence of the House in the following bill, which was presented by the Chair, given first and second readings by title only, and referred to committee as follows:

SB 56—"An Act to Amend the Charter of the Town of Hartly, Chapter 152, Volume 29, Laws of Delaware, by Increasing the Amount Permitted to be Raised in Taxes," to Municipal Corporations.

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

HB 131—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Providing for a State Department of Finance, Transferring Certain Functions Thereto, Defining Its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds," by Wood; to Revised Statutes.

HB 132—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to "County Tax Levy" by Providing for a New Tax Rate in New Castle County," by Deputy; to Miscellaneous.

The following bill was reported favorably by the majority of the respective committee as follows: **SB 9**, by Miscellaneous.

Mr. Pepper moved that rules of House be suspended. Motion prevailed.

Mr. Bostick moved that **SB 9** be taken up for consideration and read for the third time.

The House recessed at 1:35 P. M.

The Speaker called the House to order at 2:10 P. M.

Mr. Pepper moved that action on **SB 9** be deferred. Motion prevailed.

Mr. Macklin introduced the following resolution, which on further motion by him was adopted: **HR 24**—"Declaring a Vacancy in the House of Representatives and Authorizing and Requesting the Speaker to Issue a Writ of Election."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware that by reason of the untimely death of William J. Thornton, the duly elected member from the Second Representative District of New Castle County, a vacancy in the said House of Representatives is hereby declared to exist while the General Assembly is in session, and the Speaker of the House is therefore authorized and requested to issue a writ of election to the Department of Elections of New Castle County, commanding the said Department of Elections to hold a special election to fill said vacancy, in accordance with the Constitution of the State of Delaware and Chapter 71, Title 15, Delaware Code; and

BE IT FURTHER RESOLVED that John Smith, an officer of the House of Representatives, is hereby authorized and appointed to serve the said writ of election upon the Department of Elections of New Castle County forthwith upon its issuance.

Mr. George G. Littleton was given Oath of Employee by the Speaker as Accountant for the Joint Finance Committee.

The Speaker was presented with a Birthday Cake and the House recessed at 2:20 P. M.

The Speaker called the House to order at 4:10 P. M.

Mr. Macklin and Mr. Lank were appointed as a committee to escort the Governor into the House for a personal message of birthday greetings to the Speaker.

The following bill was reported favorably by the majority of respective committee: **HB 129**, by Miscellaneous.

Mr. Rowan introduced the following resolution, which on further motion by him was adopted: **HR 25**—"Memorializing the Congress of the United States to Enact Legislation Providing for Exemption from Regulation Farms Growing Twenty-Five (25) Acres or Less Grain Under the Agricultural Adjustment Act."

WHEREAS the Federal Crop Control Program has certain limitations and restrictions pertaining to farmers growing less than fifteen (15) acres of grain, and

WHEREAS there are penalties provided by the Act against farmers growing more than fifteen (15) acres of grain on their land, and

WHEREAS the said farmers cannot participate in the price support program and cannot obtain Federal loans on their crop if they grow more than fifteen (15) acres of grain or if they grow more than their allotment, and

WHEREAS, the aforesaid limitations and restrictions create hardships on farmers resulting in inadequate feed for their farm stock; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein, that the 118th General Assembly of the State of Delaware hereby respectfully urges and requests the Congress of the United States to enact legislation which will provide that farms growing twenty-five (25) acres of grain or less be exempt from any restrictions or penalties under the Federal Crop Control Program and that farms growing twenty-five (25) acres of grain or less shall be eligible to participate in the Federal Farm Program as to loans and the sale of grain produced on twenty-five (25) acres or less.

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

HB 133—"An Act to Amend the Charter of the City of Wilmington as Amended by Changing the Term of Office of the Mayor and Other Elected City Officers, by Reconstituting Council, by Changing the Number of Elective Officers, and by Providing for the Election of Such Officers," by Shockley; to Municipal Corporations.

HB 134—"An Act to Amend Chapter 21, Title 24, Delaware Code, Relating to Optometry by Permitting the Use of 2% Butacaine to Diagnose Glaucoma and by Permitting First Aid Measures When Necessary, and by Providing for the Sale of Powered Spectacles or Powered Eyeglasses Only on Written Prescription," by Shockley; to Public Health.

HB 135—"An Act to Amend Chapter 21, Title 24, Delaware Code, Relating to Optometry," by Shockley; to Public Health.

HB 136—"An Act Proposing an Amendment of Section 17 of Article II of the Constitution of the State of Delaware Relating to Bingo, Wheels of Chance, the Sale of Raffle Tickets, Pool Selling and Other Forms of Gambling," by Shockley; to Miscellaneous.

HB 137—"An Act to Amend Title 14, Delaware Code, by Providing for the Pay of Teachers and Other School Employees During Absences for Certain Reasons," by Shockley; to Education.

HB 138—"An Act Amending Chapter 19, Title 9, Delaware Code, Relating to the Appointment of County Police by the Levy Court of New Castle County," by B. W. Johnson; to Municipal Corporations.

HB 139—"An Act to Amend Section 2710 (a), Title 10, Delaware Code, by Increasing the Term of Office of Constables, Appointed by the Levy Courts," by Mattiford; to Miscellaneous.

The House recessed at 4:40 P. M.

The Speaker called the House to order at 4:45 P. M.

The House adjourned at 4:46 P. M. until 1:00 P. M. Thursday, February 17, 1955.

26TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Thursday, February 17, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Members absent—None.

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

SB 22 with SA 1—"An Act to Amend Title 14, of the Delaware Code, Relating to "Education" by Providing for the Issuance of a Professional Status Certificate for Teachers and for Regulations Concerning Certificate Renewal," to Education.

SB 60—"An Act to Appropriate the Sum of Fifty Thousand Dollars to the State Board of Agriculture to be Used for the Purpose of Eradication of Brucellosis in Cattle and Paying Indemnities on Condemned Animals," to Appropriations.

Mr. Queen moved that **HB 86** be taken up for consideration and read for a third time. Motion prevailed.

Mr. Queen moved that action on **HB 86** be deferred. Motion prevailed.

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

HB 140—"An Act to Amend the Charter of the Town of Farmington by Increasing the Amount Authorized to be Raised by Taxation and by Changing the Tax Assessment Requirements," by Donovan; to Municipal Corporations.

HB 141—"An Act Making an Appropriation to the State Board of Education to Provide for the Payment of Costs and Expenses for the Transportation of School Children for the Year Ending June 30, 1954, Over and Above the Appropriations Which Were Available to the State Board of Education for That Purpose," by Garton, Massey, Mayhew, Walls, Pepper, Wilkinson and Queen; to Appropriations.

HB 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," by Maclary; to Miscellaneous.

HB 143—"An Act to Amend the Charter of the Town of Fenwick Island in Respect to Assessments and Collection of Taxes," by T. S. Johnson, Pepper, Tunnell and Macklin; to Revenue and Taxation.

HB 144—"An Act to Amend Chapter 212, Volume 25, Laws of Delaware, 1909, Entitled "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds", as Amended, Providing for an Increase in the Amount to be Raised by Taxation," by T. S. Johnson, Pepper, Tunnell and Macklin; to Municipal Corporations.

HB 145—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Permitting Unlimited Involuntary Interruptions of Employment for Certain Employees," by Garton; to Revised Statutes.

HB 146—"An Act Amending Chapter 67, Title 29, Delaware Code, Relating to Requirements for Printing for the State of Delaware," by Shockley; to Revised Statutes.

HB 147—"An Act to Amend Chapter 5, and Chapter 7, Title 4, Delaware Code, Providing for the Sale of Alcoholic Beverages Between the Hours of Twelve Midnight and Two A. M.; Special License Fee," by Shockley; to Temperance.

HB 148—"An Act Authorizing and Directing the State Highway Department to Erect and Maintain Signs at the Limits of the Village of Uhlerville in Sussex County," by Keel; to Public Buildings and Highways.

HB 149—"An Act to Amend Subchapter III, Chapter 11, Title 10, Delaware Code, Relating to the Juvenile Court of Kent and Sussex Counties," by Bostick; to Judiciary.

HB 150—"An Act to Amend Section 2712, Title 10, Delaware Code, by Authorizing Every Constable to Depute a Deputy," by Mattiford; to Revised Statutes.

The House recessed at 1:35 P. M.

The Speaker called the House to order at 3:55 P. M.

The following bill was reported favorably by majority of its respective committee with two members signing on its merits: **HB 54**, by Revised Statutes.

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

HB 151—"An Act to Provide for Payments to Veterans of the Korean War, and to Designated Beneficiaries of Such Persons; to Create the Delaware Korean Veterans' Military Pay Commission to Carry Out Certain Provisions of This Act; to Provide for a Review of Decisions; to Make Appropriations and to Authorize the Issuance of Bonds and Notes of

the State of Delaware; to Accept Federal Supplementary Funds for Said Purpose; and to Prescribe Penalties for Violations of the Provisions of This Act," by Lester; to Miscellaneous.

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," by Deputy; to Miscellaneous.

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," by Lawson; to Revised Statutes.

The House recessed at 4:05 P. M.

The Speaker called the House to order at 4:35 P. M.

The following resolution was introduced by Mr. Queen, who moved that House rules be suspended, and that action be taken: **HCR 5**—"Directing the Appointment of a Committee to Arrange a Suitable Program for the Observance of Washington's Birthday."

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, the Senate concurring therein, that the Speaker of the House of Representatives and the President of the Senate of the 118th Session of the General Assembly be and they hereby are authorized and directed to appoint three members from their respective Houses to constitute a Joint Committee to arrange a suitable program for the observance of Washington's Birthday.

The roll call revealed:

YEAS — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Hicks, G. W. Johnson, T. S. Johnson, Lank, Lawson, Layton, Lester, Livingston, Macklin, Massey, Mattiford, Mayhew, Pepper, Queen, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—28.

NAYS—None.

ABSENT — Messrs. Donovan, Keel, Maclary, Nechay, Rowan, Shockley—6.

The resolution having received a constitutional majority, passed the Senate and was ordered to the Senate for concurrence.

The House recessed at 5:45 P. M.

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

The Secretary of the Senate informed the House that the Senate had concurred in **HCR 5**.

The House adjourned until 10:00 A. M., Friday, February 18, 1955.

27TH LEGISLATIVE DAY

House met pursuant to adjournment at 10:25 A. M., on Friday, February 18, 1955.

Prayer by Mr. Donovan.

Members present—Messrs. Donovan, Keel, Nechay—3.

Members absent—Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—31.

There being no quorum present, Mr. Nechay moved that the House adjourn until 1:00 P. M., Monday, February 21, 1955. Motion prevailed.

28TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Monday, February 21, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingstone, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Members absent—None.

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 1:10 P. M.

The Speaker called the House to order at 3:40 P. M.

Mr. Deputy introduced the following resolution, which upon further motion by him was adopted: **HR 26**—"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 February 3rd, 1955, the twentieth legislative day.

Mr. Wilkinson introduced the following resolution, which upon further motion by him was adopted: **HR 27**—"Expressing Belated Best Wishes of the House of Representatives of the 118th General Assembly to Representative Earl Deputy for his Birthday."

WHEREAS, the House of Representatives of the 118th General Assembly is pleased to know that Friday, February 18, 1955 was the birthday of Representative Earl Deputy, and

WHEREAS, the Members of the House of Representatives wish to express their best wishes to Representative Deputy, NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 118th General Assembly of the State of Delaware, that the belated best wishes of its members is extended to Representative Earl Deputy, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered on the Journal of the House, a copy be given to Representative Earl Deputy.

At this time a messenger delivered the Certificate of Election of Mr. Snowden as a member-elect of the House of Representatives, to succeed the late Mr. Thornton as Representative from the Second Representative District of New Castle County (Wilmington). The certificate was read to the House.

Mr. Snowden was given the Oath of Representative by the Speaker.

The Speaker appointed Mr. Wolf and Mr. Maclary to escort Mr. Snowden to his seat.

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

SJR 3—"Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware," to Insurance and Banking.

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

HB 154—"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," by Tunnell; to Appropriations.

HB 155—"An Act Making an Appropriation to the Delaware Commission for the Feeble Minded to Remodel the Infirmary at the Delaware Colony for the Feeble Minded at Stockley and to Convert It Into a School and Shop and to Equip the Same," by Tunnell; to Appropriations.

HB 156—"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," by Tunnell; to Appropriations.

HB 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," by Tunnell; to Appropriations.

HB 158—"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," by Tunnell; to Appropriations.

HB 159—"An Act to Amend Chapter 11, Title 13, Delaware Code Relating to the Termination of Parental Rights," by Tunnell; to Judiciary.

HB 160—"An Act to Amend Chapter 1, Title 1, Delaware Code, Relating to the Delaware Code, by Providing for the Distribution of a Copy of Said Code to Delaware State College," by Livingston; to Revised Statutes.

HB 161—"An Act to Amend Title 30, Delaware Code, by Providing State Aid to Municipalities for Streets from the Proceeds of the State Motor Fuel Tax," by Lawson, Tunnell and Garton; to Miscellaneous.

HB 162—"An Act to Amend Chapter 13, Title 14, Delaware Code, Entitled "State Supported Salary Schedules for School Employees", and to Provide Appropriations Therefor," by Macklin; to Education.

HB 163—"An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" by Providing for the Appointment of an Additional Constable in the First Representative District of Sussex County," by Macklin (by request); to Judiciary.

HB 164—"An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles" by Providing for a Deputy Director of Safety Responsibility and Such Clerical Help as is Necessary," by Donovan (by request); to Miscellaneous.

HB 165—"An Act Providing for the Acquisition of Lands Constituting the Bottom of Horsey's Pond and Appropriating Certain Moneys to the State Highway Department for the Construction of a Dam and Sluiceway at the Old Dam Site," by Hastings, Layton and Pepper; to Fish, Oysters and Game.

HB 166—"An Act Proposing an Amendment of Section 17 of Article II of the Constitution of the State of Delaware by Permitting the Playing of Bingo for Charitable Purposes in Kent County," by Queen and Garton; to Revised Statutes.

The following bills were reported by respective committees: **HB 110** on merits, by Appropriations; **SB 60** favorably, by Appropriations.

Mr. Donovan, on behalf of the Committee on Passed Bills, reported having delivered to the Governor for his approval the following: **HB 1**.

Mr. Lester moved that **HB 129**—"An Act to Amend Title 16, Delaware Code, in Regard to Offensive Use of Property Near the Governor Bacon Health Center," 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, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

NAYS—None.

ABSENT—Mr. Shockley—1.

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

The following bill was reported favorably by its respective committee: **HB 99**, by Revenue and Taxation.

Mr. Garton moved that **HB 91**—"An Act Making Appropriations to the Veterans of Foreign Wars, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," 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, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—31.

NAYS—None.

ABSENT—Messrs. Donovan, Nechay, Rowan, Wood.—4.

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

Mr. Queen moved that **HB 86**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck," 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, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Rowan and Wood—2.

HB 86 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Pepper moved that **HB 74**—"An Act Appropriating Money to the American Legion, Department of Delaware," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Pepper, action on **HB 74** was deferred.

Mrs. Tunnell moved that **HB 73**—"An Act Appropriating Money to American Legion, Sussex Post Number 8, in Sussex County, With Which to Operate and Maintain an Ambulance," 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, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Rowan and Wood—2.

HB 73 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Garton moved that **HB 126**—"An Act Making an Appropriation to the State Board of Education to Provide for the Payment of Costs and Expenses of Transportation of School Pupils Over and Above the Present Appropriations Available to the State Board of Education for Such 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. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Rowan and Wood—2.

HB 126 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Hastings moved that **HB 57**—"An Act Appropriating Money to Certain Fire Companies in the State 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. Alexander, Bostick, Brogan, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Rowan and Wood—2.

HB 57 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Bostick moved that **HB 58**—"An Act Appropriating Money to the Disabled American Veterans in 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, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—33.

NAYS—None.

ABSENT—Messrs. Rowan and Wood—2.

HB 58 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Wilkinson moved that **HB 55**—"An Act Amending Chapter 3, Title 28, Delaware Code, Relating to Employees of the Delaware Racing Commission," be taken up for consideration and read for the third time in order to pass the House.

On motion of Mr. Wilkinson, action on **HB 55** was deferred.

Mr. Shockley moved that **HB 96**—"An Act Making Appropriations to the American Legion, Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," 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, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—32.

NAYS—None.

ABSENT—Messrs. Brogan, Rowan, Wood—3.

HB 96 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 95**—"An Act Appropriating Money to the Veterans of Foreign Wars, Department 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. Alexander, Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Mr. Speaker Quigley—32.

NAYS—None.

ABSENT—Messrs. Brogan, Rowan, Wood—3.

HB 95 having received the constitutional majority, passed the House and was ordered to the Senate for concurrence.

The House adjourned at 5:30 P. M. until Tuesday, February 22, 1955, at 1:00 P. M.

29TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:00 P. M., on Tuesday, February 22, 1955.

Prayer by the Chaplain, Rev. Buckley.

Members present — Messrs. Alexander, Bostick, Clark, Deputy, Donovan, Eskridge, Garton, Hastings, Hicks, B. W. Johnson, T. S. Johnson, Keel, Lank, Lawson, Layton, Lester, Livingston, Macklin, Maclary, Massey, Mattiford, Mayhew, Nechay, Pepper, Queen, Rowan, Shockley, Snowden, (Mrs.) Tunnell, Walls, Wilkinson, Wolf, Wood, Mr. Speaker Quigley—34.

Member absent—Mr. Brogan—1.

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

The House recessed at 1:05 P. M.

The Speaker called the House to order at 2:00 P. M.

A messenger from the Senate informed the House that the Senate was ready for the Joint Session in commemoration of George Washington's Birthday.

On motion of Mr. Macklin, the House recessed at 2:05 P. M. to meet in Joint Session with the Senate.

JOINT SESSION

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

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

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

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

Mr. Lammot moved that Senate Rule 36 be suspended during the Joint Session. Motion prevailed.

The Chair appointed Messrs. Lawson and Reilly to escort the speaker of the occasion to the Rostrum.

The Chair appointed Messrs. Hoey, Williams, Macklin and Maclary to escort the Governor to the Rostrum.

The committee escorted the speaker for the occasion, Judge Charles L. Terry to the Rostrum.

The Sergeant-at-Arms announced His Excellency, J. Caleb Boggs, Governor.

The committee escorted His Excellency, the Honorable J. Caleb Boggs, Governor of the State of Delaware, to the Rostrum.

Mr. Lammot introduced Mr. Wallace Pancoast, the band leader of the William Penn High School of New Castle, Delaware.

The band played several selections.

Mr. Moore introduced the Honorable Charles L. Terry, Judge of the Superior Court of Delaware, who gave the speech for Washington's Birthday.

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

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

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

The Speaker called the House to order at 4:59 P. M.

The House adjourned at 5:00 P. M., until 1:00 P. M., Wednesday, February 23, 1955.

30TH LEGISLATIVE DAY

House met pursuant to adjournment at 1:05 P. M., on Wednesday, February 23, 1955.

Prayer by the Chaplain, Rev. Buckley.

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

Members absent—Messrs. Brogan and Wood—2.