

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

**HB 264**—"An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen," to Judiciary.

**HS 1** for **HB 548**—"An Act to Amend An Act Entitled, "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds", Being Chapter 212, Volume 25, Laws of Delaware, as Amended Relative to the Election of the Commisisoners of Bethany Beach," to Judiciary.

**HB 635**—"An Act to Require the State Highway Department to Install Traffic Light Controls for Certain Fire Companies," to Buildings and Highways.

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

**SB 512**—"An Act to Regulate and Control Milk Prices and Distribution in the State of Delaware," by Butler; to Agriculture.

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 470**, **HB 413**, 4 on merits, by Revised Statutes; **SB 512**, 2 favorably, 3 on merits, by Agriculture; **HB 582**, 2 favorably, 3 on merits, by Judiciary; **HB 542**, 3 favorably, 1 on merits, by Elections; **HB 263**, 4 on merits, **HB 101**, 5 on merits, **HB 610**, 4 on merits, **HB 167**, 4 on merits, **HB 435**, 5 on merits, by Finance.

Honorable John N. McDowell, Secretary of State delivered a message from the Governor to the Senate which was presented by the Chair to the members of the Senate and read into the record.

### GOVERNOR'S MESSAGE STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, June 23, 1954

To the Senate of the State of Delaware:

On June 13, 1955, I received Senate Bill No. 286 as amended by House Amendment No. 1, entitled:

AN ACT TO AMEND CHAPTER 3, TITLE 4 OF  
THE DELAWARE CODE RELATING TO THE  
DELAWARE LIQUOR COMMISSION BY ABOL-  
ISHING THAT COMMISSION AND CREATING  
A NEW COMMISSION TO BE KNOWN AS THE  
DELAWARE ALCOHOLIC BEVERAGE CONTROL  
COMMISSION; TRANSFERRING DUTIES, POW-  
ERS AND PROPERTY.

I respectfully return herewith this bill without my approval.

Primarily the purpose of this bill is to remove from office, by what is commonly referred to as the ripper method, the present Delaware Liquor Commission and to replace it with another commission created for partisan political reasons.

Legislative action having such a purpose is at no time justified and is especially unwise and undesirable in connection with the legal control of the distribution and sale of alcoholic beverages. The vigilant administration of the liquor laws is extremely important as a safeguard of the general well-being of all the people, and also protects an important source of State revenues.

Consequently it is of the greatest importance that the Delaware Liquor Commission be impartial, impersonal and that responsibility be definitely fixed for its acts. These requirements are being met by the present Commission.

This bill injects partisan politics into liquor control. Since the bill is purely political, it is not surprising to find another effort being made to deprive the Executive of the authority contemplated by our State Constitution by which the Governor shall make appointments to commissions and boards. The bill gives belated recognition that such authority is contemplated by the Constitution by returning the appointive power to the Executive in 1959.

Even after 1959 it provides, however, that the Commission itself shall fill vacancies which occur for any reason other than the expiration of the term of office. This provision is in direct violation of Section 9, Article 3 of the Delaware Constitutions which grants the Governor the power to fill all vacancies in offices to which he may make appointments, with certain exceptions not here pertinent.

The present Commission is unpaid whereas each of the five Commissioners named in this bill is eligible for compensation of \$600 per year plus expenses—a total in salaries alone of \$3,000. If such expenditures are authorized, the bill should include a supplementary appropriation.

This bill also provides that the terms of all members of the commission shall terminate simultaneously. It therefore eliminates the distinct advantages widely recognized and customarily accepted whereby the terms of commission members are staggered to provide continuity of personnel and policies and more effective administration of the laws in the public interest.

This bill deletes important provisions in the existing law whereby the members of the liquor commission are required to be citizens of the United States and qualified voters of the State of Delaware. Such deletions are considered undesirable.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Lammot, **SB 216**—"An Act to Amend Chapter 87, Title 9, of the Delaware Code in Relatin to the Collection of Delinquent Taxes," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—15.

**NAYS**—None.

**ABSENT**—Messrs. Melson and Wilgus—2.

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

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

On motion of Mr. Johnson that **HB 634** be deferred, the motion was lost.

Mr. Hoey introduced **SA 1**, which was read and on his further motion adopted.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—15.

**NAYS**—Mr. Covey—1.

**ABSENT**—Mr. Wilgus—1.

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

The President announced he was about to sign: **HB 389**, **HS 1** for **HB 115**, **HB 215**, **HB 474**, **HB 450** with **HA 1**, **HS 1** for **HB 559**, **HB 261**.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 3:57 P. M.

On motion of Mr. Pryor, **HB 277**—"An Act to Amend Chapter 19, Title 7, Delaware Code, With Respect to the Leasing of Acreage for Shell Fisheries in Rehoboth Bay and Indian River Bay," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Williams, Mr. President Pro Tem—13.

NAYS—Messrs. Covey and Steen—2 .

NOT VOTING—Mr. McCullough—1.

ABSENT—Mr. Wilgus—1.

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

On motion of Mr. Johnson, **SB 196**—"An Act Providing for Protecting the Beach or Strand from Erosion Opposite, or in front of, or Near the Town of Lewes, Along the Delaware Bay Shore, in Sussex County," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Johnson, **SS 1** for **SB 196** was accepted in lieu of the original.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Wilgus—1.

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

On motion of Mr. Behen, **HB 483**—"An Act Proposing an Amendment to Article IV of the Constitution of the State of Delaware, Relating to Appointments by State Judges," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Pryor, Reilly, Mr. President Pro Tem—9.

NAYS—Messrs. Covey, Johnson, Melson, Steen, Williams—5.

NOT VOTING—Messrs. Hoey and Paradee—2.

ABSENT—Mr. Wilgus—1.



So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

Mr. Behen changed his vote from yea to nay in order that he might move for reconsideration of **HB 448**.

Mr. Camper introduced the following resolution, which on further motion by him was adopted: **SR 92**—"Authorizing the Payment of the Sum of One Thousand Nine Hundred Ninety-Four Dollars Forty Cents (\$1,994.40) for Printing of Calendars."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware that the State Treasurer be and he is hereby authorized and directed to pay out of the General Fund unto Milford Chronicle Publishing Company, Milford, Delaware, the sum of One Thousand Nine Hundred Ninety-four Dollars Forty Cents (\$1,994.40) to cover cost of printing Daily Calendars in accordance with the following statement:

To Printing Daily Calendars for 1955 Session—  
300 Copies each day—

104th Legislative Day 68 pages @ \$3.60 per page..	\$ 244.80
105th Legislative Day 70 pages @ \$3.60 per page..	252.00
106th Legislative Day 70 pages @ \$3.60 per page..	252.00
107th Legislative Day 70 pages @ \$3.60 per page..	252.00
108th Legislative Day 68 pages @ \$3.60 per page..	244.80
109th Legislative Day 68 pages @ \$3.60 per page..	244.80
110th Legislative Day 70 pages @ \$3.60 per page..	252.00
111th Legislative Day 70 pages @ \$3.60 per page..	252.00

Total for printing Calendars from 104th Legislative

Day to 111th Legislative Day inclusive.....\$1,994.40

On motion of Mr. Butler, Senate Rule 22 was suspended.

On motion of Mr. Butler, **SB 512**—"An Act to Regulate and Control Milk Prices and Distribution in the State of Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Melson that **SB 512** be deferred, the motion was lost.

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

**YEAS**—Messrs. Behen, Butler, Camper, Lammot, McCullough, Paradee, Pryor, Reilly, Williams, Mr. President Pro Tem—10.

**NAYS**—None.

**NOT VOTING**—Messrs. Covey, Harrison, Hoey, Johnson, Melson, Steen—6.

**ABSENT**—Mr. Wilgus—1.

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

The following message from the Governor was delivered to the Senate:

**GOVERNOR'S MESSAGE  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT**

Dover, June 23, 1955

To The Senate of the State of Delaware

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

June 23, 1955, House Bill No. 298 with S. A. No. 1—An Act to Reincorporate the City of New Castle and to Repeal Chapter 216 Volume 27, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" and Repealing Certain

Other Acts Concerning the City of New Castle Inconsistent Herewith Relating to the Board of Education, Elections, City Clerk, Board of Water and Light Commissioners, Sewers and Disposal Works.

June 23, 1955, House Bill No. 347 with H. A. No. 1 and H. A. No. 2—An Act to Amend An Act Entitled "An Act Changing the Corporate Name of 'The Commissioners of Wyoming' to 'The Town of Wyoming' and Establishing a Charter Therefor", Being Chapter 189, Volume 43, Laws of Delaware, 1941, as Amended by Chapter 87, Volume 47, Laws of Delaware, 1949, by Increasing the Amount of Money Which May be Raised Each Year in Taxes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Melson, SB 210—"An Act to Amend Title 12, Delaware Code, Section 2316, (b) Relating to Payment of Legacy, Distributive Share or Trust Fund Where Person Entitled is Out of State, Unknown, Incompetent or Shares Uncertain and the Proceedings for Same," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Wilgus—1.

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

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 5:30 P. M.

On motion of Mr. Behen, Senate Rule 28 was suspended for remainder of day.

Requests that the following be restored to the calendar were granted to members as follows: HB 483, by Behen; SB 483, by Pryor.

On motion of Mr. Lammot, the Senate adjourned until Monday, June 27, 1955, at 4:00 P. M.

## 112TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 5:25 P. M., on Monday, June 27, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—15.

Members absent—Messrs. McCullough and Wilgus—2.

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

Mr. McCullough asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 268** with **HA 1**, **SB 334** with **SA 1**, **SA 2**, **SA 3**, **SA 4** and **HA 1**, and that the House had passed and requested the concurrence of the Senate in the following bills, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 454**—"An Act to Amend Chapter 237, 46, Laws of Delaware, as Amended, Relating to Pension Benefits to Employees of the Mayor and Council of Wilmington," to Labor.

**HB 463**—"An Act to Amend Chapter 11, Title 31, Delaware Code, Relating to Welfare Agencies and Recipients of Assistance," to Revised Statutes.

**HB 605**, **HB 606**, **HB 607**, which had passed the House over the Governor's veto.

The Governor's veto message, which had been delivered to the Senate along with **HB 605**, **HB 606** and **HB 607**, was presented by the Chair and read into the record:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 13, 1955

To The House of Representatives of The State of Delaware:

On June 8, 1955, I received House Bill No. 605, entitled:

AN ACT TO AMEND SUBCHAPTER II OF CHAPTER 75 OF THE DELAWARE CODE, MAKING ALL THE PROVISIONS OF TITLE 15 APPLICABLE TO MUNICIPAL ELECTIONS HELD IN THE CITY OF WILMINGTON, DEFINING POLITICAL PARTIES, PROVIDING CERTIFICATION OF NOMINATIONS, DEVICE OF PARTY, BALLOTS, VACANCIES AFTER PRINTING OF BALLOTS AND CONTESTS OF ELECTION.

On the same date I received House Bill No. 606, entitled:

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON AS AMENDED BY CHANGING THE TERM OF OFFICE OF MAYOR AND CERTAIN OTHER ELECTED OFFICERS OF THE SAID CITY OF WILMINGTON, BY RECONSTITUTING "THE COUNCIL" AND BY CHANGING THE NUMBER OF ELECTIVE OFFICERS OF SAID CITY OF WILMINGTON.

On the same date I also received House Bill No. 607, entitled:

AN ACT TO REPEAL CHAPTER 727, VOLUME 19, LAWS OF DELAWARE, AND ANY AND ALL LAWS AMENDATORY THERETO, AND PERTAINING TO THE HOLDING AND CONDUCTING OF MUNICIPAL ELECTIONS IN THE CITY OF WILMINGTON.

I respectfully return herewith these three Bills; namely, House Bill No. 605, 606 and 607, without my approval.

House Bills Nos. 605, 606 and 607 have been prepared, introduced and passed in an effort to overcome the objections which I submitted in disapproving House Bill No. 258. The purpose of House Bill No. 258 was the same as the purpose of the three Bills which are now returned without my approval; namely, to cause the City of Wilmington elections to be held on the same day as the General Elections.

Although the three Bills at hand may overcome the questions of constitutionality and administrative practicability which existed in House Bill No. 258 and to which I directed attention, these Bills have the same purpose as their predecessor and therefore fail to overcome the fundamental objections which I expressed relative to House Bill No. 258.

These objections are considered significant enough to merit reiteration.

Municipal elections should be held at such a time and under such conditions as to enable and encourage the people to express, by use of the secret ballot, their views and wishes on local issues. At General Elections, National or State issues are predominant. The proposed legislation would confuse or obliterate local issues in Wilmington and thus defeat an important purpose of municipal elections.

Any arguments in favor of these Bills should apply with equal force to all other municipalities of the State. Yet these Bills apply only to Wilmington. Thus it seems clearly apparent that there are other motivating factors in connection with these Bills which have not been publicly announced.

These Bills seek to establish a principle inconsistent with the premise that municipal home rule is desirable. Under home rule it will be possible for the citizens of Wilmington, and of our other municipalities, to determine for themselves

the date of their municipal election without intervention by those living outside the municipality. Home rule has been endorsed by both major political parties and is provided for in legislation now before the General Assembly which I have recommended. These Bills therefore ignore and are contrary to a specific platform pledge of the Party supporting this proposed legislation.

Under these Bills officials elected in November 1956 would not take office until eight months thereafter. Such a long time lag is wholly undesirable and not in the interest of the public or effective government.

No evidence has been submitted and none is believed to exist to support a contention that these Bills reflect the wishes or preference of a majority—or even a substantial minority—of the people of the City of Wilmington.

Respectfully submitted,

J. CALEB BOGGS, Governor

The President announced he was about to sign: **SCR 19, SB 49, SB 248, SB 269, SB 271, SB 297, SB 425, SB 428 with SA 1, SB 430, SB 442 with SA 1, SB 452.**

Communications: One to Mr. Camper from Delaware School Custodians Association thanking Senate for pay raise voted by it.

On motion of Mr. Butler, **HB 56 with SA 1**—"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," which had been returned to the House by the Governor without his approval, passed the House with three-fifths vote of its membership and ordered to the Senate for concurrence together with a copy of the Governor's objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Butler made the following statement and requested that it be filed with the Journal:

House Bill No. 56 with Senate Amendment No. 1 has been returned to the House of Representatives without the Governor's approval. The House has passed it over his veto and the measure is now before us.

The citizens of this state, who reside in that area, have indicated that they deem the removal of this gate necessary for their welfare. As members of the Legislature it is our duty to respect the wishes of these citizens and taxpayers if at all possible.

I therefore move, Mr. President, that House Bill No. 56 with Senate Amendment No. 1 be passed over the Governor's veto.

The Governor's objections were again read to the Senate.



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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lamot, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—Messrs. Covey, Johnson, Melson, Williams—4.

ABSENT—Messrs. McCullough and Wilgus—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

On motion of Mr. Camper, SB 286 with HA 1—"An Act to Amend Chapter 3, Title 4 of the Delaware Code Relating to the Delaware Liquor Commission by Abolishing That Commission and Creating a New Commission to be Known as the Delaware Alcoholic Beverage Control Commission; Transferring Duties, Powers and Property," which had been returned to the Senate by the Governor without his approval together with his objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

The objections of the Governor were read to the Senate:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 23, 1955

To the Senate of the State of Delaware:

On June 13, 1955, I received Senate Bill No. 286 as amended by House Amendment No. 1, entitled:

AN ACT TO AMEND CHAPTER 3, TITLE 4 OF  
THE DELAWARE CODE RELATING TO THE  
DELAWARE LIQUOR COMMISSION BY ABOL-  
ISHING THAT COMMISSION AND CREATING A  
NEW COMMISSION TO BE KNOWN AS THE  
DELAWARE ALCOHOLIC BEVERAGE CONTROL  
COMMISSION; TRANSFERRING DUTIES, POW-  
ERS AND PROPERTY.

I respectfully return herewith this bill without my approval.

Primarily the purpose of this bill is to remove from office, by what is commonly referred to as the ripper method, the present Delaware Liquor Commission and to replace it with another commission created for partisan political reasons.

Legislative action having such a purpose is at no time justified and is especially unwise and undesirable in connection with the legal control of the distribution and sale of alcoholic beverages. The vigilant administration of the liquor laws is extremely important as a safeguard of the general well-being of all the people, and also protects an important source of State revenues.

Consequently it is of the greatest importance that the Delaware Liquor Commission be impartial, impersonal and that responsibility be definitely fixed for its acts. These requirements are being met by the present Commission.

This bill injects partisan politics into liquor control. Since the bill is purely political, it is not surprising to find another effort being made to deprive the Executive of the authority contemplated by our State Constitution by which the Governor shall make appointments to commissions and boards. The bill gives belated recognition that such authority is contemplated by the Constitution by returning the appointive power to the Executive in 1959.

Even after 1959 it provides, however, that the Commission itself shall fill vacancies which occur for any reason other than the expiration of the term of office. This provision is in direct violation of Section 3, Article 3 of the Delaware Constitution which grants the Governor the power to fill all vacancies in offices to which he may make appointments, with certain exceptions not here pertinent.

The present Commission is unpaid whereas each of the five Commissioners named in this bill is eligible for compensation of \$600 per year plus expenses—a total in salaries alone of \$3,000. If such expenditures are authorized, the bill should include a supplementary appropriation.

This bill also provides that the terms of all members of the commission shall terminate simultaneously. It therefore eliminates the distinct advantages widely recognized and customarily accepted whereby the terms of commission members are staggered to provide continuity of personnel and policies and more effective administration of the laws in the public interest.

This bill deletes important provisions in the existing law whereby the members of the liquor commission are required to be citizens of the United States and qualified voters of the State of Delaware. Such deletions are considered undesirable.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Camper made the following statement and requested that it be filed with the Journal:

The Governor has seen fit to veto Senate Bill No. 286 with House Amendment No. 1.

The Democratic Party has for years advocated the abolition of the "one-man" liquor commission. The results of having a "one-man" commission have become obvious that there is no need to repeat them at this time. The Governor's accusation that this Bill is political is, I feel, rather naive.

The people of this State spoke through the polls at the last election and we must heed that mandate.

I, therefore, move you, Mr. President that this Senate Bill No. 286 with House Amendment No. 1 be passed over the Governor's veto.

Mr. McCullough made the following remarks, which by a later motion by Mr. Melson, were voted by the Senate to be filed with the Journal. These remarks taken from a newspaper reporter's stenographic transcript, are recorded as follows:

The Senate, amid charges that liquor dealers offered to buy enough Democratic votes to kill the bill, today voted to over-ride Governor J. Caleb Boggs' veto on the proposal to reorganize the Delaware Liquor Commission.

Senator Calvin R. McCullough (D-Holloway Terrace) dropped a bombshell during debate by charging that he had been "enticed to a back room meeting" where he was told:

"We only need two of you boys. What's your price?"

"I told those boys 'you can't get me,'" he said, "and I speak for the other 11'" Democrat members. He identified John H. Hickman, Jr., president of the Delaware Retail Liquor Association, as one of the men at the meeting.

Senator Elwood F. Melson, Jr. (R-Claymont), suggested that it might be in order for the General Assembly to investigate "a matter of this serious nature." He moved that Senator McCullough's remarks be included in the Senate Journal "as an indication of what happens to any one who attempts to influence a member's vote in any way," and the 16 members present approved the motion unanimously.

Senator Melson did not put his suggestion for an investigation in the form of a motion, and it was not immediately clear whether such a probe will ever materialize.

The over-ride was approved by a straight party vote of 12-4. Senator Robert E. Wilgus (R-Frankford) was absent. The liquor control bill, abolishing the present one-man commission and replacing it with a five-member, Democrat-controlled Alcoholic Beverage Control Commission, was one of two measures passed this evening over the Governor's veto.

The other, which went into law with Senate action, is a House bill requiring the State Highway Department to remove a sluice gate near Slaughter Beach. The Liquor Commission bill (SB 286) must be approved by a three-fifths vote in the House before it becomes law.

Senator Jehu F. Camper (D-Harrington), who co-sponsored the liquor control bill with Senator John E. Reilly (D-Wilmington), made the motion to over-ride the Governor's veto. He read this statement:

"The Democratic Party has for years advocated the abolition of the 'one-man' liquor commission. The results of having a 'one-man' commission have become (so) obvious that there is no need to repeat them at this time. The Governor's accusation that this bill is political is, I feel, rather naive.

"The people of this state spoke through the polls at the last election and we must heed that mandate.

"I therefore move you, Mr. President, that this Senate Bill No. 286 with House Amendment No. 1 be passed over the Governor's veto."

Governor Boggs' veto message, charging that the bill was an attempt to reorganize an executive agency "by the ripper method" and pronouncing such an attempt "especially unwise and undesirable" in the field of liquor control, had been read by a Senate clerk earlier.

Senator Melson, asking the Senate to sustain the veto, said that Senator Camper's reasons for reorganizing the Liquor Commission "may be obvious to him but they certainly aren't to me."

"I have heard the charge," he continued, "that the present one-man commission is primarily interested in helping his friends. I should add, certainly, that I have never heard this charge substantiated."

One might argue, Senator Melson said, that each of the members of the new commission will be equally interested in taking care of his friends. "I would venture to say that if five brand new commissioners are appointed, the state will be flooded with liquor licenses. The total number of licenses may double within the next couple of years."

He appealed to Democratic member "who are among those of interested in keeping the number of licenses down" to vote against the over-ride. "You should think very long before you cast this vote," he said.

Senator McCullough, who had been present since the start of the session but had refused to answer a previous roll call, took the floor at this point. His first step was to have himself recorded as present.

Then he read a letter opposing the bill. It was signed by Mr. Hickman, representing the Retail Liquor Association, and Harry Shaud, president of the Southern Delaware Retail Liquor Association.

The letter said it would be "a grave mistake" to replace the present commission for five reasons:

- "1. Delaware's single commissioner system, whether administered by a Democrat or a Republican, has been approved as a model form throughout the nation since its institution in 1933.
2. No sound basis nor reasons have been advanced publicly for changing the nature of our control in Delaware.
3. Continued adherence to the single commissioner system enables the Governor, as appointing officer, and all other appropriate officers and the public to fix responsibility most readily.
4. It would seem most inadvisable to alter the substance and form of our judicial and law enforcement agency which has functioned well and in the public interest.
5. Economy of administration is too sound an achievement to be jeopardized."

Senator McCullough slapped the letter down on his desk and demanded:

"Now what I want to know is why they didn't come out and oppose the bill a couple of months ago instead of enticing me to a back room meeting that supposedly was going to discuss something else.

"They told me at that meeting: 'We only need two of you boys. What's your price?'"

"All I can say is it must be awfully important to somebody that this thing be defeated."

Senator Curtis W. Steen (D-Dagsboro) said he had received an identical letter. He pointed out that it refers to "our control" and suggested that perhaps the liquor dealers thought they could dictate commission policies.

When he sat down, Senator McCullough was up again.

"Since I see the press is taking down everything that is said for a change," he said, "perhaps I'd better clarify what I just said. I don't want to be misunderstood. I don't want anybody to think that this meeting influenced me in any way. It didn't.

"At this meeting—and Mr. Hickman was one of the people there—I'd been told we were to discuss an entirely different thing. They enticed me there by saying we were to discuss the two liquor bills. We were going to try to decide which was better.

"Then they got me there and they made this offer. I told those boys 'You can't get me and I speak for the other 11.'"

Senator Melson said he wished Senator McCullough had spoken for all 16 other members instead of just the Democrats.

"There is no doubt in my mind," he said, "that the senator from Holloway Terrace could ever be approached. I do not think any member here could be.

"Since this is a matter of such serious nature, I am going to move that a committee be appointed to investigate." He added that he had still heard no logical arguments in favor of reorganizing the commission—"merely two attacks on the gentlemen who wrote this letter and some quibbling over the word 'our'."

Senator McCullough said he was sorry if he had been misunderstood. "It was strictly a bargain to get two Democrats. It was assumed the Republicans would vote to sustain the veto. I meant no reflection on the minority."

Senator Walter J. Hoey (D-Milford) had the final word before the roll call. "Back a few years ago," he said, "they called Roosevelt a dictator. It seems to me you might say something along the same line about the one-man liquor commission. Well, they finally got Roosevelt out, and now we're going to do just that about the Liquor Commission."

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

**NAYS**—Messrs. Covey, Johnson, Melson, Williams—4.

**ABSENT**—Mr. Wilgus—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the Governor's objections to the contrary notwithstanding, and was ordered to the House for concurrence.

On motion of Mr. Williams, **SB 268** with **HA 1**—"An Act Appropriating Money to the State Park Commission of Delaware for Capital Improvements and Equipment at Brandywine Springs Park," which had been amended in the House, was taken up for consideration and read in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—15.

**NAYS**—Mr. McCullough—1.

**ABSENT**—Mr. Wilgus—1.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS 1** for **HB 548**, 5 on merits, **HB 455**, 5 on merits, **HB 264**, by Judiciary; **HB 316**, 3 favorably, 1 on merits, by Municipal Corporations.

On motion of Mr. Butler, **HB 393**—"An Act Authorizing and Directing the State Highway Department to Install a Traffic Control Light at the Intersection of State Highway No. 71 and County Road No. 25 at Ginn's Corner Near Townsend, New Castle County," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—13.

**NAYS**—Messrs. McCullough, Steen, Williams—3.

**ABSENT**—Mr. Wilgus—1.

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

On motion of Mr. Lammot, the Senate adjourned until Tuesday, June 28, 1955, at 2:00 P. M.

### 113TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Tuesday, June 28, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Paradee, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—12.

Members absent—Messrs. Covey, Hoey, Johnson, Melson, Pryor—5.

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

Messrs. Johnson, Melson and Pryor asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 393**, **SB 312** with **HA 1**, **SB 270** with **HA 1**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolution, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HCR 37**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," to Judiciary.

**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," to Miscellaneous.

**HB 419**—"An Act to Amend Section 2103, Title 30, Delaware Code, Relating to Duties of the Tax Department as to Licenses," to Judiciary.

**HB 420**—"An Act to Amend Section 363, Title 30, Delaware Code, Relating to List of Income Tax Taxables," to Judiciary.

**HS 1** for **HB 541**—"An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General," to Judiciary.

On motion of Mr. Lammot, **HB 67** with **HA 1**—"An Act to Amend Chapter 9, Title 28, Delaware Code, Relating to Miscellaneous Provisions Concerning Sports and Amusements; Regulation of Public Entertainment on Sundays," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Paradee, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—13.

NAYS—Mr. Pryor—1.

ABSENT—Messrs. Covey, Hoey, Melson—3.

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

Mr. Steen announced that a hearing would be held on Thursday, July 7, 1955, at 3:00 P. M., on **HB 223** with **HA 1**, **HA 2**, and **HA 3**.

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 225** with **HA 1**, **HA 2**, and **HA 3**, 5 on merits, by Executive; **HB 348**, 3 favorably, 1 on merits, by Buildings and Highways.

On motion of Mr. Williams, **SB 270** with **HA 1**—"An Act Appropriating Money to the State Park Commission of Delaware for the Improvement of the House at Brandywine Springs Park," which was amended in the House, was taken up for consideration and read in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Melson, Paradee, Reilly, Wilgus, Williams, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Covey, Hoey, Johnson, Steen—4.

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

On motion of Mr. Lammot, the Senate recessed until the call of the Chair.

Senate met at expiration of recess at 3:00 P. M.

On motion of Mr. Pryor, **HB 542**—"An Act to Amend Chapter 3, Title 14, Delaware Code, Relative to Notice of Annual School Elections," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Hoey, Melson—3.



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

On motion of Mr. Pryor, **HB 189** with **HA 1**—"An Act to Amend Chapter 27, Title 21, Section 2712, Delaware Code, Relating to the Special Examination of Persons Involved in More Than One Accident During Any 24 Month Period," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Hoey, Melson—3.

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

On motion of Mr. Pryor, **HB 621**—"An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles", Relating to Notice by Commissioner of Revocation or Suspension of Driving Privilege," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS** — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

**NAYS**—None.

**ABSENT**—Messrs. Covey and Hoey—2.

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

On motion of Mr. Pryor, **HB 269**—"An Act to Amend Chapter 31, Title 20, Delaware Code, Relating to Civil Defense; Powers of the Governor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS** — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

**NAYS**—None.

**ABSENT**—Messrs. Covey and Hoey—2.

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

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

On motion of Mr. Pryor, **HB 470** was deferred.

On motion of Mr. Lammot, **HB 605**—"An Act to Amend Subchapter II of Chapter 75 of Title 15 of the Delaware Code, Making All the Provisions of Title 15 Applicable to Municipal Elections Held in the City of Wilmington, Defining Political Parties, Providing Certification of Nominations, Device of Party, Ballots, Vacancies After Printing of Ballots and Contests of Elections"; **HB 606**—"An Act to Amend the Charter of the City of Wilmington as Amended by Changing the Term of Office of Mayor and Certain Other Elected Officers of the Said City of Wilmington, by Reconstituting "The Council" and by Changing the Number of Elective Offices of Said City of Wilmington"; **HB 607**—"An Act to Repeal Chapter 727, Volume 19, Laws of Delaware, and Any and All Laws Amendatory Thereto, and Pertaining to the Holding and Conducting of Municipal Elections in the City of Wilmington," which had been returned by the Governor to the House together with his objections and which had been passed over his veto in the House, were taken up for consideration, the objections of the Governor notwithstanding. (They were reconsidered together since the Governor had included the three bills in the same veto message.)

The Governor's veto message was read to the Senate.

#### STATE OF DELAWARE EXECUTIVE DEPARTMENT

June 13, 1955

To The House of Representatives of The State of Delaware:

On June 8, 1955, I received House Bill No. 605, entitled:

**AN ACT TO AMEND SUBCHAPTER II OF CHAPTER 75 OF THE DELAWARE CODE, MAKING ALL THE PROVISIONS OF TITLE 15 APPLICABLE TO MUNICIPAL ELECTIONS HELD IN THE CITY OF WILMINGTON, DEFINING POLITICAL PARTIES, PROVIDING CERTIFICATION OF NOMINATIONS, DEVICE OF PARTY, BALLOTS, VACANCIES AFTER PRINTING OF BALLOTS AND CONTESTS OF ELECTIONS.**

On the same date I received House Bill No. 606, entitled:

**AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON AS AMENDED BY CHANGING THE TERM OF OFFICE OF MAYOR AND CERTAIN OTHER ELECTED OFFICERS OF THE SAID CITY OF WILMINGTON, BY RECONSTITUTING "THE COUNCIL" AND BY CHANGING THE NUMBER OF ELECTIVE OFFICERS OF SAID CITY OF WILMINGTON.**

On the same date I also received House Bill No. 607, entitled:  
 AN ACT TO REPEAL CHAPTER 727, VOLUME 19,  
 LAWS OF DELAWARE, AND ANY AND ALL  
 LAWS AMENDATORY THERETO, AND PER-  
 TAINING TO THE HOLDING AND CONDUCTING  
 OF MUNICIPAL ELECTIONS IN THE CITY OF  
 WILMINGTON.

I respectfully return herewith these three Bills; namely, House Bills Nos. 605, 606, and 607, without my approval.

House Bills Nos. 605, 606 and 607 have been prepared, introduced and passed in an effort to overcome the objections which I submitted in disapproving House Bill No. 258. The purpose of House Bill No. 258 was the same as the purpose of the three Bills which are now returned without my approval; namely, to cause the City of Wilmington elections to be held on the same day as the General Elections.

Although the three Bills at hand may overcome the questions of constitutionality and administrative practicability which existed in House Bill No. 258 and to which I directed attention, these Bills have the same purpose at their predecessor and therefore fail to overcome the fundamental objections which I expressed relative to House Bill No. 258.

These objections are considered significant enough to merit reiteration.

Municipal elections should be held at such a time and under such conditions as to enable and encourage the people to express, by use of the secret ballot, their views and wishes on local issues. At General Elections, National or State issues are predominant. The proposed legislation would confuse or obliterate local issues in Wilmington and thus defeat an important purpose of municipal elections.

Any arguments in favor of these Bills should apply with equal force to all other municipalities of the State. Yet these Bills apply only to Wilmington. Thus it seems clearly apparent that there are other motivating factors in connection with these Bills which have not been publicly announced.

These Bills seek to establish a principle inconsistent with the premise that municipal home rule is desirable. Under home rule it will be possible for the citizens of Wilmington, and of our other municipalities, to determine for themselves the date of their municipal election without intervention by those living outside the municipality. Home rule has been endorsed by both major political parties and is provided for in legislation now before the General Assembly which I have recommended. These Bills therefore ignore and are contrary to a specific platform pledge of the Party supporting this proposed legislation.

Under these Bills officials elected in November 1956 would not take office until eight months thereafter. Such a long time lag is wholly undesirable and not in the interest of the public or effective government.

No evidence has been submitted and none is believed to exist to support a contention that these Bills reflect the wishes or preference of a majority—or even a substantial minority—of the people of the City of Wilmington.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Lammot made the following remarks and requested that they be filed with the Journal:

The Governor has returned House Bill No. 605, House Bill No. 606, and House Bill No. 607 without his approval.

These bills were prepared and passed in order to meet the Governor's objections as to constitutionality as raised in his veto of House Bill No. 258. He is apparently still not satisfied even though the constitutional defects were remedied. There is no reason why the unnecessary expense of a separate city election should continue to be a burden upon the taxpayers, but even this is of small consequence as compared to the simple fact that our Republican friends have for years perpetuated a hot Saturday in June for Wilmington's election day in order that the vacationing citizen be discouraged from voting. This bill will certainly result in a large number of votes cast at future city election than at any preceding one. It is the desire of the Democratic Party that the will of the people be heard and heeded and not simply the voice of the political machine.

Mr. President, I herefore now move, that House Bill No. 605 be passed over the Governor's veto.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—Messrs. Johnson, Melson, Wilgus—3.

ABSENT—Messrs. Covey, Hoey, Williams—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

I therefore now move, Mr. President, that House Bill No. 606 be passed over the Governor's veto.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—Messrs. Johnson, Melson, Wilgus—3.

ABSENT—Messrs. Covey, Hoey, Williams—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

I therefore now move, Mr. President, that House Bill No. 607 be passed over the Governor's veto.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—Messrs. Johnson, Melson, Wilgus—3.

ABSENT—Messrs. Covey, Hoey, Williams—3.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

On motion of Mr. McCullough, **HB 610** with **HA1**—"An Act to Provide for State Supported Salary Schedules for the Biennium Beginning July 1, 1955 and Ending June 30, 1957, for Employees of the State Board of Education, the State Board for Vocational Education, and the Board of Public Education in Wilmington Who Are Not Covered by the Salary Schedules in Title 14, Chapter 13, Delaware Code, and to Provide Appropriation Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Hoey, Steen—3.

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

On motion of Mr. Pryor, **SB 334** with **SA 1**, **SA 2**, and **SA 3**, and **HA 1**—"An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections and Nominations of Candidates," which was amended in the House, was taken up for consideration and read in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Hoey, Steen—3.

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

On motion of Mr. Reilly, **SB 312** with **HA 1**—"An Act to Amend Chapter 21, Title 12 of Delaware Code Relating to Order of Preference of Claims Against Estates," which was amended in the House was taken up for consideration and read in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Covey and Hoey—2.

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

On motion of Mr. Harrison, **HB 344** with **HA 1** and **HA 2**—"An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Harrison introduced **SA 1**, which was read and on his further motion adopted.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Covey and Hoey—2.

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

On motion of Mr. McCullough, **HB 435**—"An Act Appropriating Money to the State Board of Health for Services to Crippled Children," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Covey and Hoey—2.

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

On motion of Mr. Behen, **HB 384**—"An Act to Amend Chapter 31, Title 11, Delaware Code, by Providing That in Any Indictment or Information Where It Is Necessary to Allege an Intent to Defraud It Shall be Unnecessary to Name the Person Intended to be Defrauded and That It Shall Not be a Variance and Shall be Sufficient If Intent to Defraud Any Person or Group of Persons or Legal Entity is Proved," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Covey and Hoey—2.

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

On motion of Mr. Butler, **HB 355**—"An Act to Amend Chapter 47, Title 7, Delaware Code, by Establishing Fort Delaware State Park and Providing for Fees and Charges to Make the Same Self-Supporting," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler Camper, Harrison, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Hoey, Johnson—3.

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

On motion of Mr. Behen, **HB 322**—"An Act Appropriating Certain Sums to the State Park Commission for Construction and Repair of Certain Facilities at Fort Delaware State Park," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler Camper, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, Hoey, Pryor, Williams—4.

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

On motion of Mr. Lammot, the Senate adjourned until Wednesday, June 29, 1955, at 2:00 P. M.

### 114TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Wednesday, June 29, 1955. Lieutenant-Governor Rollins presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—15.

Members absent—Messrs. Camper and Williams—2.

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

Messrs. Camper and Williams asked to be marked present.

The President announced he was about to sign: SB 268 with HA 1, SB 270, SB 393, SB 419 with HA 1 and HA 2.

The following messages from the Governor were delivered to the Senate:

### GOVERNOR'S MESSAGES STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, June 29, 1955

To The Senate of the State of Delaware:

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

June 27, 1955, House Bill No. 215—An Act Making an Appropriation to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna to Make Capital Improvements and to Purchase Equipment for the State Welfare Home.

June 27, 1955, House Bill No. 261—An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvement of White's Creek Between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply With the Requirements of the United States Government Relative to the State's Contribution to Said Government.



June 27, 1955, House Bill No. 389—An Act Authorizing the State of Delaware to Borrow Five Hundred Thousand Dollars (\$500,000.00) and Issue Bonds and Notes Therefor, to Provide for the Acquisition of Lands and the Construction, Reconstruction, Repair, Improvement and Purchase of Buildings for the Use of the Delaware National Guard and Improvements Incidental Thereto, and Providing the Form of Such Bonds and Notes as Well as the Procedure for the Sale Thereof, and Providing for the Payment of Principal and Interest of Such Bonds and Notes, and Appropriating the Sum or Sums Received Therefrom to the Delaware National Guard.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover, June 28, 1955

To The Senate of the State of Delaware:

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

June 27, 1955, Senate Bill No. 75 with H. A. No. 1—An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Qualifications and Selection of Auditors.

June 27, 1955, Senate Bill No. 178—An Act Authorizing the Payment of the Sum of \$3,000.00 to William Austin Tydings for Expenses and Damages Incurred as a Result of Injuries Received by the Negligence of a Delaware National Guardsman.

June 27, 1955, Senate Bill No. 219—An Act Appropriating Funds to the Trustees of the Frankford School No. 206 for the Current Fiscal Year on Account of Unanticipated Expenses for Fuel as the Result of the Construction of a New School Building.

June 27, 1955, Senate Bill No. 261 with S. A. No. 1—An Act to Appropriate Funds to the Board of Game and Fish Commissioners for the Purpose of Operating and Maintaining the Newly Acquired Youth Center at Petersburg and to Provide for Personnel, Programming and Public Education.

June 27, 1955, Senate Bill No. 300—An Act Making a Deficiency Appropriation to the Lord Baltimore School District.

June 27, 1955, Senate Bill No. 306—An Act to Appropriate Certain Funds to the Selbyville School District to Enable It to Purchase Certain Lands Adjoining the Selbyville School Property.

June 27, 1955, Senate Bill No. 364—An Act to Appropriate Certain Funds to the Board of Game and Fish Commissioners to Purchase Certain Lands Under Haven Lake in or Near Milford, Delaware.

June 27, 1955, Senate Bill No. 365—An Act to Appropriate Certain Funds to the Bridgeville Special School District to Enable It to Purchase Certain Lands for Recreational Purposes.

June 27, 1955, H. S. No. 1 for House Bill No. 115—An Act to Amend Section 731, Title 4, Delaware Code, Relating to the Retaliatory Beer Tax.

June 27, 1955, House Bill No. 157—An Act to Appropriate Funds to the Delaware Commission for the Feeble Minded for the Care of Abnormal Infants Until Space is Available at the Delaware Colony, Stockley.

June 27, 1955, House Bill No. 186 with H. A. No. 1 and H. A. No. 2—An Act Appropriating a Certain Sum of Money to Lida Gruwell in Payment of a Claim Against the State of Delaware.

June 27, 1955, House Bill No. 224—An Act Appropriating Money to the State Highway Department for the Purpose of Repairing and Maintaining Certain Public Works.

June 27, 1955, H. S. No. 1 for House Bill No. 558—An Act to Appropriate a Sum of Money to the State Building and Ground Commission for the Construction of Water Mains and Associated Equipment on State Lands at Dover.

June 27, 1955, H. S. No. 1 for House Bill No. 559—An Act to Appropriate a Sum of Money to the State Building and Ground Commission for Construction of Sidewalks and Street Lights on State Lands at Dover.

June 27, 1955, House Bill No. 620—An Act Making an Appropriation to the Board of Trustees of the Milton Consolidated School Number 8 for the Purchase of Equipment for Certain Departments of the School.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 214** with **SA 1** and **HA 2**, and that the House had passed and requested the concurrence of the Senate in the following bills, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 268** with **HA 1**—"An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing Civil Defense Equipment and for Other Purposes Authorized by the Federal Civil Defense Matching Fund Program," to Judiciary.

**HB 631** with **HA 1**—"An Act Proposing a Certain Amendment to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary, to Judiciary.

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

**HB 588 with HA 1**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to Specific Organizations Exempt from Certain Taxation and Assessment on Real Property," to Revised Statutes.

Also **HB 369 with HA 1 and HS 1 for HB 223 with SA 1**, which had been passed by the House over the Governor's veto, which are presented as follows with the Governor's objections.

The Governor's veto messages, which had been delivered to the Senate along with **HB 369 with HA 1 and HS 1 for HB 223 with SA 1**, were presented by the Chair and read into the record, as follows:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 21, 1955

To the House of Representatives of the State of Delaware:

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

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

I respectfully return this Bill herewith without my approval.

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

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

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

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

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

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

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

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

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 14, 1955

To The House of Representatives  
118th General Assembly, Dover, Delaware

On June 2, 1955, I received House Substitute No. 1 for House Bill No. 223 with Senate Amendment No. 1, entitled:

AN ACT TO RE-INCORPORATE THE TOWN OF  
ELSMERE, NEW CASTLE COUNTY.

I respectfully return this Bill herewith without my approval.

This Bill was approved by the General Assembly over the serious objections of both the Representatives and the Senator whose Districts include Elsmere. A majority of the present Commissioners of Elsmere oppose this Bill, as do a great many of the residents of the Town.

Without regard for this extensive local opposition, the Bill was passed without acceptance of an amendment offered which would have permitted the citizens of Elsmere to cast their ballots as to whether or not they desire this charter.

Both of the major political parties have endorsed the principal of home rule for municipalities in the State of Delaware. When it is considered necessary to rewrite a town charter prior to the adoption of home rule, it is extremely im-

portant that the citizens of such municipality be granted an opportunity to vote for or against the charter. Not only is such a right eminently fair, and one which would exist under home rule but the opportunity for such a referendum has frequently been granted. Such a right should not now be denied the residents of Elsmere.

I am informed that a public meeting was held to discuss this charter, but that many changes not authorized at the meeting were made thereafter.

I respectfully urge that this controversial local issue be resolved by legislation permitting only citizens who will be directly affected to determine by referendum whether or not they desire to approve a new town charter.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Melson introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 20**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill."

Mr. Lammot introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 21**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill."

Mr. Melson introduced the following resolution, which on further motion by him was adopted: **SR 93**—"Providing for a Committee With Full Power to Investigate Alleged Attempts at Bribery."

WHEREAS, it has been charged that an attempt at bribery has been made in connection with the current session of the Senate of the 118th General Assembly of the State of Delaware, and

WHEREAS, a charge of this nature is so serious that it requires the special attention of the members of the Senate,  
NOW, THEREFORE

BE IT RESOLVED that the President Pro Tempore of the Senate is authorized and directed to appoint Senators Hoey, Harrison, Johnson and Melson as a special committee to investigate any attempts at bribery which may have taken place during the current session of the Senate of the 118th General Assembly and to make a full report to the Senate as to the results of its investigation.

The said special committee shall have all the investigative powers expressed or implied which are possessed by the Senate of the State of Delaware including the power to subpoena witnesses and administer oaths.

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 142**, by Miscellaneous; **HS 1** for **HB 541**, 3

favorably, 2 on merits, **HB 122**, **HB 312**, by Judiciary; **HB 412** with **HA 1**, by Buildings and Highways.

On motion of Mr. Behen, **HS 1** for **HB 497**—"An Act to Amend Chapter 57 Title 29, Delaware Code, Relating to Social Security," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Wilgus, Williams—14.

**NAYS**—None.

**ABSENT**—Messrs. Camper and Steen, Mr. President Pro Tem—3.

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

On motion of Mr. Lammot, the Senate recessed until the call of the Chair.

Senate met at expiration of recess at 3:20 P. M. President Pro Tem Moore presiding.

On motion of Mr. Pryor, **HB 470**—"An Act to Amend Chapter 6, Title 9, Delaware Code, by Providing for a Maximum Annual Tax Rate for the Cost of Maintaining a Park or Recreational Area," which had been deferred, was taken up for consideration in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Covey, Harrison, Hoey, Johnson, Lammot, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

**NAYS**—None.

**ABSENT**—Messrs. Camper, McCullough, Melson—3.

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

Mr. Butler introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 22**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Bill."

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 94**—"Authorizing the Payment of the Sum of \$35.00 to the Harrington Journal for the Printing of Bill Backers for Senate Resolutions and Senate Bills."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware, that the State Treasurer be and he hereby is authorized and directed to pay out of the

General Fund unto Harrington Journal the sum of \$35.00 to cover the cost of printing bill backers for Senate Bills and Senate Resolutions.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 4:20 P. M.

On motion of Mr. Behen, Senate Rule 22 was suspended.

On motion of Mr. Behen, **HS 1** for **HB 541**—"An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Melson, Wilgus—3.

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

The President announced he was about to sign: **HB 322**, **HB 67** with **HA 1**, **HB 189** with **HA 1**, **HB 621**, **HB 610** with **HA 1**, **HB 355**, **HB 542**, **HB 435**, **HB 384**, **HB 634** with **SA 1**, **HB 269**, **HB 348**, **HB 393**, **HB 277**, **HR 100**.

On motion of Mr. Camper, the following communication (telegram) was filed with the Journal:

Wilmington, Del., June 29, 1955

Senator Jehu Camper, State Senate, Dover, Del.

Allied Beverage Dealers Association of Delaware, the largest organization of retail liquor dealers in the State, wishes to have it understood it did not participate in and does not condone the alleged backroom meeting which has been referred to on the Senate floor.

Many retail liquor dealers, civic minded citizens of Delaware, are deeply chagrined over the cloud of unfavorable publicity now shadowing the industry as the result of statements from the Senate floor.

Please be advised our group has no affiliation with the Delaware Retail Liquor Dealers Association and be further assured our group is dedicated to law abiding principles and to the strict enforcement of the liquor laws of the State of Delaware.

Allied Beverage Dealers Association of Delaware  
HENRY TOPEL, President

On motion of Mr. Behen, **HB 264**—"An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lamot, McCullough, Paradee, Pryor, Reilly, Williams, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Melson, Steen, Wilgus—4.

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

On motion of Mr. Behen, **HB 316**—"An Act Authorizing the Mayor and Council of Wilmington to Create a Department of Motor Vehicles, Outlining the Powers and Outies Thereof, and Providing Personnel Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lamot, McCullough, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—14.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Melson, Wilgus—3.

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

On motion of Mr. Behen, **HS 1 for HB 520**—"An Act to Permit the Use of Certain Funds for Capital Improvements at Delaware State College," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lamot, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—13.

**NAYS**—None.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Covey, Melson, Wilgus—3.

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



On motion of Mr. Behen, **HB 582**—"An Act to Amend the Charter of the Town of Delmar, Chapter 182, Volume 45, Laws of Delaware, Relative to the Compensation of Certain Officers," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—13.

**NAYS**—None.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Covey, Melson, Wilgus—3.

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

On motion of Mr. Behen, **HB 240**—"An Act Directing the State Highway Department to Carry Out an Accurate Survey and Permanent Marking of State-Owned Lands in Sussex County Adjacent to the Atlantic Ocean; Appropriations Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Butler made the following remarks and requested that they be filed with the Journal:

In 1783, at the conclusion of the Revolutionary War, certain lands lying along the coast of the Atlantic Ocean within the State of Delaware and consisting largely of dunes, marshlands and large tidal bays and streams, passed to the State from the British Crown. Chief among the several responsibilities unrelated to highways with which the General Assembly of the State of Delaware has entrusted the State Highway Department is the protection and administration of these lands to the public benefit.

In this respect, the Department has built roads from the main highways to the beaches and made recreation areas and facilities available to the people of the State and its visitors. Rules and regulations governing their use are made and enforced by the Department.

At a time when many states are endeavoring to re-acquire or otherwise purchase coastal beaches for the public use, the State of Delaware is in the unique and fortunate position of being owner of these approximately 2,500 acres of State lands adjacent to the Atlantic Ocean.

Because of the way in which these lands came into the possession of the State, reverting from Crown Grants to the Penns, Calverts and others, and because of the long period of time which has elapsed since the State gained title to them, the boundaries are not clearly defined. Corners and boundary markers have been lost, destroyed or removed through the years.

It is proposed, therefore, that an accurate survey of State-coastal lands be carried out. Signs and monuments will be placed, and the lands will be referenced into the State coordinate map system and the U. S. Coast and Geodetic Survey. In this way, these lands will be permanently established for posterity, and it will always be possible to re-establish the boundary lines in the future.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Paradee, Reilly, Steen, Williams, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Covey, Melson, Wilgus—3.

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

On motion of Mr. Reilly, **SB 214** with **SA 1** and **HA 2**—"An Act to Amend Title 24, Delaware Code of 1953 by Providing for a State Licensing Board for General Building Contractors," which was amended in the House, was taken up for consideration and read in order to pass the Senate.

On motion of Mr. Reilly, **SB 214** with **SA 1** and **HA 2** was deferred.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 5:10 P. M.

Mr. Camper introduced the following resolution, **SR 95**—Rescinding Senate Resolution No. 93 and Providing for the Appointment of a New Committee to Investigate Alleged Attempts at Bribery."

WHEREAS, the Senate passed **SENATE RESOLUTION NO. 93** appointing a committee to investigate the charge that there has been an attempt at bribery in connection with the current session of the Senate of the 118th General Assembly, and

WHEREAS, the majority of Senators who voted for the resolution were of the mistaken impression that the President Pro Tempore of the Senate had been consulted and had appointed the committee named in Senate Resolution No. 93, and

WHEREAS, the President Pro Tempore did not in fact so appoint this committee and it is the feeling of the Senate that it is his duty to do so as to truly represent the choice of the Senate, **NOW THEREFORE**

**BE IT RESOLVED**, that the committee appointed by **SENATE RESOLUTION NO. 93**, or by the President Pro Tempore of the Senate pursuant to that resolution is hereby abolished and discharged and **SENATE RESOLUTION NO. 93** is hereby rescinded and declared null and void.

BE IT FURTHER RESOLVED, that the President Pro Tempore of the Senate of the 118th General Assembly is hereby authorized and directed to appoint a special committee to investigate any attempts at bribery which may have taken place during the current session of the Senate of the 118th General Assembly and to make a full report to the Senate as to the results of its investigation.

The said special committee shall have all the investigative powers expressed or implied which are possessed by the Senate of the State of Delaware including the power to subpoena witnesses and administer oaths.

Mr. Johnson moved that **SR 95** be deferred.

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Johnson, Pryor, Williams—3.

NAYS—Messrs. Behen, Butler, Camper, Harrison, Lammot, Paradee, Reilly, Mr. President Pro Tem—8.

NOT VOTING—Messrs. Hoey, McCullough, Steen—3.

ABSENT—Messrs. Covey, Melson, Wilgus—3.

So the question was decided in the negative and the motion for deferment was lost.

Mr. Camper moved that **SR 95** be adopted.

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Butler, Camper, Lammot, McCullough, Paradee, Reilly, Mr. President Pro Tem—8.

NAYS—Messrs. Johnson and Williams—2.

NOT VOTING—Messrs. Harrison, Hoey, Pryor, Steen—4.

ABSENT—Messrs. Covey, Melson, Wilgus—3.

Mr. Camper changed his vote from yea to nay in order to move for reconsideration of **SR 95**.

So the question was decided in the negative and the resolution not having received the required constitutional majority, was lost.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 96**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 118th General Assembly."

BE IT RESOLVED, by the Senate of the 118th General Assembly of the State of Delaware, that the following amounts be and the same are hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present Session of the 118th General Assembly of the State of Delaware for the period beginning on the 91st Legislative Day and extending up to and including the 1114th Legislative Day which said expenses are hereby declared to be proper and reasonable expenses actually incurred by the President and by the respective members of the Senate for traveling expenses, commonly called mileage expenses, in traveling from their respective

homes to Dover, and in returning from Dover to their respective homes, in the performance of their duties as President and Members of the Senate, during the present Legislative Session thereof, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the President and the respective members of the Senate hereinafter named, the respective amounts set opposite their respective names, viz.:

John W. Rollins .....	\$204.00
John E. Reilly .....	271.92
Eugene Lammot .....	312.00
Elwood Frank Melson, Jr. ....	343.92
Wilmer F. Williams .....	216.00
Calvin R. McCullough .....	281.52
John R. Butler .....	168.00
Walter J. Hoey .....	151.92
William B. Behen .....	4.80
Charles G. Moore .....	124.08
S. W. Harrison .....	70.80
Jehu F. Camper .....	151.92
Clifford Pryor .....	86.40
William C. Paradee .....	75.84
William O. Covey .....	240.00
Curtis W. Steen .....	240.00
Robert E. Wilgus .....	261.60
Thomas L. Johnson .....	211.20

On motion of Mr. Lammot, the Senate adjourned until Thursday, June 30, 1955, at 2:00 P. M.

### 115TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Thursday, June 30, 1955. Lieutenant-Governor Rollins presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Butler, Camper, Johnson, Melson, Paradee, Wilgus, Mr. President Pro Tem—7.

Members absent—Messrs. Behen, Covey, Harrison, Hoey, Lammot, McCullough, Pryor, Reilly, Steen, Williams—10.

There not being a quorum present, the Chair declared the Senate recessed.

Senate met at expiration of recess at 2:20 P. M.

The Chair requested the Secretary to call the roll a second time.

Members present—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Steen, Wilgus, Mr. President Pro Tem—13.

Members absent—Messrs. Behen, McCullough, Reilly, Wililams—4.

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

Messrs. Behen, McCullough and Williams asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 81**, and that the House had passed and requested the concurrence of the Senate in the following bills, which were presnted by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 290** with **HA 1**—"An Act Making an Appropriation to the State Board of Health for the Purpose of Providing the Payment of Salaries and Wages of Employees Over and Above the Present Appropriations Available to the State Board of Health at Emily P. Bissell Sanatorium," to Finance.

Also **SB 390** with **HA 1** and **SB 447** with **HA 1**.

On motion of Mr. Pryor, **HB 469**—"An Act to Amend Title 4, Delaware Code, Relating to the Quantity of Beer That May be Sold to be Kept in Stock for Personal Use Without the Necessity of an Individual License to Purchase the Same; Permitting Purchase and Transportation of Greater Quantity of Beer," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Paradee, Pryor, Wilgus,—10.

**NAYS**—Messrs. Melson and Steen, Mr. President Pro Tem—3.

**ABSENT**—Messrs. Behen, McCullough, Reilly, Williams—4.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 290** with **HA 1**, 5 on merits, by Finance; **HB 635**, 2 favorably, 2 on merits, by Buildings and Highways.

On motion of Mr. Lammot, Senate Rule 22 was suspended.

On motion of Mr. Hoey, **HB 290** with **HA 1**—"An Act Making an Appropriation to the State Board of Health for the Purpose of Providing the Payment of Salaries and Wages of Employees Over and Above the Present Appropriations Available to the State Board of Health at Emily P. Bissell Sanatorium, was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Hoey made the following remarks and requested that they be filed with the Journal:

After talking with five Democrat members and one Republican member of the Joint Legislative Finance Committee, the Chairman, Senator Walter J. Hoey, has decided to restore the \$134,600 each year 1956 and 1957 to the Emily P. Bissell Sanatorium's budget, for the specific reason that Dr. Raymond A. Lynch has made a statement publicly that 42 patients at the Emily P. Bissell Sanatorium will be discharged if this money is not restored. The Joint Legislative Finance Committee has no intention of injuring well or sick, particularly sick.

Senator Hoey would like to call the public's attention to the facts and the reasons why the Joint Legislative Finance Committee saw fit to cut the budget of the Emily P. Bissell Sanatorium and these are the sole reasons.

Per diem cost per patient at Emily P. Bissell Sanatorium is between \$9.00 and \$10.00. As of January 17, 1955, there were 170 patients at the Sanatorium, 196 personnel.

Per diem cost per patient at Delaware State Hospital is \$3.41 with 1400 patients, 510 professional and non-professional employees, including part-time employees.

Per diem cost per patient at the Governor Bacon Health Center is \$6.24 with 395 patients—135 bedridden cases, 28 crippled children with only 222 employees.

The appropriation will be restored, but, there is a Resolution to investigate the operation of this Sanatorium.

SENATOR WALTER J. HOEY, Chairman

June 30, 1955

Joint Legislative Finance Committee

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

YEAS—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Steen, Wilgus, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Behen, McCullough, Reilly, Williams—4.

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

Mr. Steen moved the Senate resolve itself into Executive Session. Motion prevailed.

The Senate resolved itself in regular session.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 4:07 P. M.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 5:00 P. M.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 97**—"Authorizing the Payment of the Sum of \$45.00 to the Whelan's for Rental on Typewriters and Stands for One Month."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware, that the State Treasurer be and he hereby is authorized and directed to pay out of the General Fund to Whelan's the sum of \$45.00 to cover the cost of rental on typewriters and stands for one month as per invoice No. 64190.

The President announced he was about to sign: **HB 264, HB 240, HB 316, HS 1 for HB 520, HB 470, HB 582, HS 1 for HB 541, HS 1 for HB 477, HR 101.**

On motion of Mr. Butler, **SJR 1**—"Relating to an Investigation of State Supported Tuberculosis Sanitoria," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Pryor, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

**NAYS**—None.

**NOT VOTING**—Mr. Johnson—1.

**ABSENT**—Mr. Reilly—1.

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

On motion of Mr. Behen, **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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

**NAYS**—None.

**NOT VOTING**—Mr. Hoey—1.

**ABSENT**—Mr. Reilly—1.

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

Requests that the following be stricken from the calendar were granted to member as follows: **SB 460, SB 462, SB 490**, by Moore.

On motion of Mr. Paradee, **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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Steen, Wilgus, Williams, Mr. President Pro Tem—16.

**NAYS**—None.

**ABSENT**—Mr. Reilly—1.

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

Mr. Lammot introduced the following resolution: **SR 98**—"Rescinding Senate Resolution No. 93 and Requesting the Attorney General of the State of Delaware to Investigate Alleged Attempts of Bribery."

**WHEREAS**, the Senate passed **SENATE RESOLUTION NO. 93** appointing a committee to investigate the charge that there has been an attempt at bribery in connection with the current session of the Senate of the 118th General Assembly, and

**WHEREAS**, upon reconsideration the Senate regards that it is not properly equipped to conduct such an investigation, and

**WHEREAS**, to conduct such an investigation would interfere with the conclusion of other urgent business before the Senate, **NOW, THEREFORE**,

**BE IT RESOLVED**, that the committee appointed by **SENATE RESOLUTION NO. 93**, or by the President Pro Tempore of the Senate pursuant to that resolution is hereby abolished and discharged and **SENATE RESOLUTION NO. 93** is hereby rescinded and declared null and void.

**BE IT FURTHER RESOLVED**, that the Attorney General of the State of Delaware is hereby requested to conduct personally an investigation of any attempts to bribe Members of the Senate during the current Session of the Senate of the 118th General Assembly, and he is further requested to make a full report to the Senate of the results of his investigation so that the Senate may take such further action as may be appropriate.

Mr. Lammot moved for the adoption of the resolution.



The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Paradee, Steen, Mr. President Pro Tem—9.

NAYS—Messrs. Covey, Johnson, Wilgus, Williams—4.

NOT VOTING—Messrs. Hoey, Melson, Pryor—3.

ABSENT—Mr. Reilly—1.

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

On motion of Mr. Lammot, the Senate adjourned until Friday, July 1, 1955, at 10:00 A. M.

### 116TH LEGISLATIVE DAY

Senate met pursuant to adjournment a 11:30 A. M., on Friday, July 1, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen, Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

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

The Honorable John N. McDowell, Secretary of State, delivered a message from the Governor.

There not being a quorum present, Mr. Behen moved that the Senate adjourn until Tuesday, July 5, 1955, at 12:00 noon. Motion prevailed.

### 117TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Tuesday, July 5, 1955. Lieutenant-Governor Rollins presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen and Melson, Mr. President Pro Tem—3.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—14.

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

There not being a quorum present, Mr. Behen moved that the Senate adjourn until Wednesday, July 6, 1955, at 2:00 P. M. Motion prevailed.

## 118TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Wednesday, July 6, 1955. Lieutenant-Governor Rollins presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lamot, McCullough, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—15.

Members absent—Messrs. Covey and Melson—2.

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

Messrs. Covey and Melson asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in SB 135, SB 139 with SA 1, SB 149, SB 134, SB 150, SCR 18, also SB 286 with HA 1 over the Governor's veto, and that the House had passed and requested the concurrence of the Senate in the following bill, which was presented by the Chair, given first and second readings by title only, and referred to committee as follows:

**HB 553 with HA 1**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Providing for Payments to the Surviving Spouse of an Eligible Employee," to Labor.

The following messages from the Governor were delivered to the Senate:

### GOVERNOR'S MESSAGES STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, July 6, 1955

To the Senate of the State of Delaware:

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

June 30, 1955, House Bill No. 290 with H. A. No. 1—An Act Making an Appropriation to the State Board of Health for the Purpose of Providing the Payment of Salaries and Wages of Employees Over and Above the Present Appropriations Available to the State Board of Health at Emily P. Bissell Sanatorium.

June 30, 1955, Senate Bill No. 271—An Act Appropriating Funds to the Trustees of the Absalom Jones School, District 106, for the Current Fiscal Year on Account of Unanticipated Expenses for Fuel, Electric and Miscellaneous Expenses.

June 30, 1955, Senate Bill No. 297—An Act to appropriate Funds to the Delaware Commission of Shell Fisheries for the Purchase of a Motorboat.

June 30, 1955, Senate Bill No. 419 with H. A. No. 1 and H. A. No. 2—An Act to Amend Title 16, Delaware Code, Entitled "Health and Safety" by Abolishing the Delaware Commission for the Feeble Minded and Transferring Its Functions and Facilities of the State Board of Trustees of the Delaware State Hospital at Farnhurst.

June 30, 1955, Senate Bill No. 452—An Act to Appropriate Certain Funds to the Trustees of the Hockessin School District.

July 1, 1955, House Bill No. 474—An Act Appropriating Certain Money to Delaware Day School for Handicapped Children, Inc.

July 1, 1955, Senate Bill No. 28—An Act to Amend Title 24, Delaware Code, Entitled "Professions and Occupations" by Providing for the Examination and Registering of Physical Therapists.

July 1, 1955, Senate Bill No. 49—An Act Authorizing a Rebate of an Overpayment by Murray's Feed Service, Inc., of the Feed Tonnage Tax in the Years 1951 and 1952.

July 1, 1955, Senate Bill No. 258—An Act to Amend Title 29, Chapter 25 of the Delaware Code Relating to Attorney General by Increasing the Salaries of the Attorney General, Chief Deputy Attorney General and Deputy Attorney Generals and to Provide for Additional Deputies.

July 1, 1955, Senate Bill No. 260 with S. A. No. 1—An Act to Amend Chapter 87, Title 11 of the Delaware Code Relating to State Detectives by Providing for Their Appointment by the Attorney General, Fixing Their Salaries and Their Duties With Members of Police Forces to Serve Requisitions and be Paid Actual Expenses.

July 1, 1955, Senate Bill No. 268 with H. A. No. 1—An Act Appropriating Money to the State Park Commission of Delaware for Capital Improvements and Equipment at Brandywine Springs Park.

July 1, 1955, Senate Bill No. 269—An Act Making an Emergency Appropriation to the State Park Commission of Delaware to Enable the Said Commission to Open Brandywine Springs Park.

July 1, 1955, Senate Bill No. 270 with H. A. No. 1—An Act Appropriating Money to the State Park Commission of Delaware for the Improvement of the House at Brandywine Springs Park.

July 1, 1955, Senate Bill No. 309—An Act Authorizing and Directing the Board of Game and Fish Commissioners to Pay the Sum of \$418.90 to Arthur S. Hanby and Louise B. Hanby.

July 1, 1955, Senate Bill No. 323—An Act to Amend Chapter 21, Title 12 of the Delaware Code, Relating to Limitations of Claims Against Estates.

July 1, 1955, Senate Bill No. 324—An Act to Amend Chapter 23, Title 12 of the Delaware Code, Relating to Widows' Allowance.

July 1, 1955, Senate Bill No. 325—An Act to Amend Chapter 3, Title 10, Delaware Code, Relating to the General Jurisdiction and Powers of the Court of Chancery With Reference to Compelling Appearance of Non-Resident Defendants.

July 1, 1955, Senate Bill No. 387—An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Jurisdiction, Powers and Duties of the State Highway Department.

July 1, 1955, Senate Bill No. 393—An Act to Amend Title 5, Delaware Code, Relating to Regulations Governing Business of Banks and Trust Companies by Providing That Any Banking Corporation May in Its Certificate of Incorporation Confer Upon the Directors the Power to Make, Alter or Repeal By-Laws Subsequent to the Adoption of Its First Set of By-Laws at the Meeting of Its Incorporators.

July 1, 1955, Senate Bill No. 425—An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to the Right of the General Assembly to Require Attendance and Production of Records and to Administer Oaths and Affirmations and Providing Penalties for Failure to Comply.

July 1, 1955, Senate Bill No. 426 with H. A. No. 1—An Act to Appropriate Certain Funds to the Trustees of the Hartly School District to Enable It to Build an Addition to the Hartly School.

July 1, 1955, Senate Bill No. 428 with S. A. No. 1—An Act to Amend Chapter 96, Title 9 of the Delaware Code Relating to Fees Charged by the Recorder of Deeds in Kent and Sussex Counties.

July 1, 1955, Senate Bill No. 430—An Act to Amend Chapter 89, Title 10 of the Delaware Code Relating to Jurors and Witnesses.

July 1, 1955, Senate Bill No. 467—An Act to Amend Chapter 3, Title 14 of the Delaware Code Relating to School Board Elections.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover, July 6, 1955

To the Senate of the State of Delaware:

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

July 1, 1955, Senate Bill No. 156 with H. A. 1 and H. A. 2—An Act to Amend Chapter 17, Title 24, Delaware Code, Entitled, "Medicine, Surgery and Osteopathy" by Consolidating the Boards of Medical Examiners and Generally Revising the Provisions of the Said Chapter.

July 1, 1955, Senate Bill No. 302 with H. A. 1—An Act to Appropriate Certain Funds to the State Board of Education for the Education, Training or Transportation of Handicapped Children.

Respectfully submitted,

J. CALEB BOGGS, Governor

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

**SB 513**—"An Act to Amend Chapter 196, Volume 22, Part One, Laws of Delaware, Being An Act Establishing a Board of Public Works for the Town of Lewes and Defining Its Powers, by Repealing Senate Bill No. 213, Which Was Passed by 118th General Assembly and Approved by the Governor on May 5, 1955, and by Granting to the Said Board the Authority to Make Certain Additions and Improvements to the Municipal Electric Light Plant and Distribution System and to the Water Pumping and Distribution Facilities, on Credit, Pledging the Revenues from Those Two Utilities for the Payment of the Cost Thereof," by Johnson; to Public Lands.

The following Senate Bills, which had been vetoed by the Governor and returned with his objections to the Senate on July 1, 1955, were presented by the Chair to the Senate, and the Governor's objections on each of the five bills read into the record.

**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT**

Dover, July 1, 1955

To The Senate of The State of Delaware:

On June 22, 1955, I received Senate Bill No. 319 entitled:  
**AN ACT TO AMEND CHAPTER 1, TITLE 5 OF  
THE DELAWARE CODE RELATING TO THE  
STATE BANK COMMISSIONER AFFECTING HIS  
APPOINTMENT, REMOVAL, TERM AND BOND.**

I respectfully return herewith this Bill without my approval.

This Bill seeks to deprive the Governor of the authority to appoint the State Bank Commissioner, subject to confirmation by the Senate, and to place this appointive power wholly in the hands of a seven-member group known as the Bank Advisory Board of which the Commissioner is not only a member but is also a chairman.

In addition to the Commissioner, the Bank Advisory Board consists of six members, three of whom must be from each major political party, and at least four of whom must be executive officers of banking organizations. The law sharply limits the Advisory Board's power and states that its purpose shall be to "aid and assist the Commissioner in an advisory

capacity." It further provides that "no member of the board shall be liable or responsible in any manner whatever for any action taken by the Commissioner on the advice of such member." The Commisisoner does not report to the Board, and he need reveal to the Board only such information as he "deems proper."

The State Bank Commissioner, whose post was created in 1919, has important supervisory authority over banks and other financial institutions in Delaware. It is the Commissioner's duty to conduct examinations into the resources, liabilities, investments and management of the banks and other financial institutions, and to report his findings to the Governor.

It is highly inappropriate that the chief bank examiner of the State be chosen by a group consisting principally of bank executives who have no responsibility in connection with the duties of the Commisisoner and to whom the Commissioner does not answer. An undesirable situation is created when an examiner's appointment or reappointment may depend on the votes of officers of the very banks which he is to examine. This already undesirable situation is compounded by the fact that the Commissioner, under this Bill, is himself permitted to preside over and vote at a meeting of the Bank Advisory Board where a succeeding term for the Commissioner may be considered.

Through the years the various Governors, with whom the power to make this appointment has always properly rested, have selected capable Commisisoners who have performed their duties impartially and efficiently. Simultaneously, the banks of Delaware have enjoyed an unusually good record of stability and sound financial management, even during periods when banks in other states have had fiscal difficulties. It is of importance to all that our banks continue to retain this enviable position, to which much can be contributed by the proper selection of an able, qualified Commissioner. This condition must not in any way be jeopardized.

I know of no valid reason why the present law should be changed. Neither the banks nor the citizens who use the banks have expressed any desire for this proposed change. The motive for this legislation must therefore be found elsewhere.

Paradoxically, even this Bill which seeks to deprive the Governor of his right to appoint the Bank Commissioner, recognizes the Executive's fundamental rights with respect to the State's executive officers by making no change in the existing provision of law that the Commissioner shall report to the Governor.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover, July 1, 1955

To The Senate of The State of Delaware:

On June 23, 1955, I received Senate Bill No. 358 entitled:  
AN ACT TO AMEND CHAPTER 1, TITLE 17 OF  
THE DELAWARE CODE RELATING TO THE  
STATE HIGHWAY DEPARTMENT BY AFFECT-  
ING THE AWARDING OF CONTRACTS WITH-  
OUT BIDS.

I respectfully return herewith this Bill without my ap-  
proval.

This bill reduces from five to three the number of high-  
way commisisoners who must concur in the awarding of  
emergency contracts without bids.

A Bill of doubtful constitutionality (Senate Bill No. 285)  
was recently passed and hastily re-passed over my veto,  
whereby the duly constituted Highway Department was ripped  
out and a new Department was created, the members of which  
were named in the Bill. A court test is awaited.

Meanwhile it was belatedly realized that the ripper bill  
referred to above does not absolutely assure one political party  
of complete control over every phase of the Highway Depart-  
ment administration including the awarding of emergency  
contracts without the necessity for competitive bids. That bill  
failed to reduce the number of commissioners who are re-  
quired to concur in certain actions of the Highway Depart-  
ment.

Thus it remains possible for the minority members of the  
acting Highway Department to prevent the Department from  
conducting its affairs along purely partisan political lines in  
the rare instances in which their vote is legally essential. This  
Bill seeks to eliminate even that contingency by making abso-  
lute the partisan political power sought by the enactment of  
Senate Bill No. 285. Thus this bill alters the previous concept  
of proper administration by removing the desirable provision  
that emergency contracts of the Highway Department be  
awarded without bids only when there is bi-partisan approval.

This Bill would make it easier to award a greater number  
of contracts without competitive bids since under its pro-  
visions any three commissioners may declare that an emer-  
gency exists.

In the public interest I cannot endorse such undesirable  
principles of public administration as this Bill proposes.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover, July 1, 1955

To The Senate of The State of Delaware:

On June 23, 1955, I received Senate Bill No. 360 entitled:  
AN ACT TO AMEND CHAPTER 1, TITLE 17 OF  
THE DELAWARE CODE RELATING TO THE  
STATE HIGHWAY DEPARTMENT BY CHANG-  
ING THE NUMBER OF MEMBERS REQUIRED  
FOR CONCURRENCE IN THE APPOINTMENT  
OF A CHIEF ENGINEER.

I respectfully return herewith this Bill without my approval.

This Bill reduces from four to three the number of highway commissioners who must concur in the selection of the Chief Engineer of the Highway Department.

A bill of doubtful constitutionality (Senate Bill No. 285) was recently passed and hastily re-passed over my veto, whereby the duly constituted Highway Department was ripped out and a new Department was created, the members of which were named in the Bill. A court test is awaited.

Meanwhile it was belatedly realized that the ripper bill referred to above does not absolutely assure one political party of complete control over every phase of the Highway Department administration since that Bill failed to reduce the number of commissioners who are required to concur in certain actions of the Highway Department.

Thus it remains possible for the minority members of the acting Highway Department to prevent the Department from conducting its affairs along purely partisan political lines in the rare instances in which their vote is legally essential. This Bill seeks to eliminate even that contingency by making absolute the partisan political power sought by the enactment of Senate Bill No. 285.

The Chief Engineer of the Highway Department is far more than the head of the engineering staff of the Department. He is in fact the chief professional executive of the Department. The law as it now stands is not unreasonable in requiring that such executive be chosen with the concurrence of four of the five commissioners.

It is always desirable that the Highway Department be conducted on the highest plane of professional and non-partisan efficiency. During a period when legislation affecting the Department is to be under court review it would be particularly inappropriate to enact legislation which might reduce such professional and non-partisan efficiency within the Department.

Respectfully submitted,

J. CALEB BOGGS, Governor



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover, July 1, 1955

To The Senate of The State of Delaware:

On June 23, 1955, I received Senate Bill No. 361, entitled:

AN ACT TO AMEND CHAPTER 1, TITLE 17 OF  
THE DELAWARE CODE RELATING TO THE  
STATE HIGHWAY DEPARTMENT BY CHANG-  
ING THE NUMBER OF MEMBERS REQUIRED  
FOR A QUORUM.

I respectfully return herewith this Bill without my approval.

The purpose of this Bill is to reduce from four to three the number of members of the Highway Department who shall constitute a quorum.

Under ordinary circumstances I would have no objection to the fact that three members should constitute a quorum of a five-member body. However, this Bill is directly related to another Bill of doubtful constitutionality (Senate Bill No. 285) which recently was passed and hastily repassed over my veto. The latter Bill ripped out a duly constituted Highway Department and created a new Department, the members of which were named in that Bill. A court test of Senate Bill No. 285 is awaited.

The Department ripped out by the contested bill consisted of seven members and consequently it was appropriate that four members constitute a quorum. Therefore, until it is finally determined by the courts which Department is legally authorized to administer the important and extensive affairs of the Highway Department, it seems desirable that no change be made in the provision establishing the number of members constituting a quorum.

Because all acts of the newly created Department may ultimately be subjected to review as to their legality, the retention at this time of the present provision that four members shall constitute a quorum will serve as a safeguard to the members of the Department who will be liable for their acts; to all those who do business with the Highway Department; and to the general public.

Respectfully submitted,

J. CALEB BOGGS, Governor

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover, July 1, 1955

To The Senate of The State of Delaware:

On June 23, 1955, I received Senate Bill No. 362, entitled:  
AN ACT TO AMEND CHAPTER 1, TITLE 17 OF  
THE DELAWARE CODE RELATING TO THE  
STATE HIGHWAY DEPARTMENT BY CHANG-  
ING THE NUMBER OF MEMBERS REQUIRED  
FOR CONCURRENCE IN THE APPOINTMENT  
OF A SECRETARY.

I respectfully return herewith this Bill without my approval.

This Bill reduces from four to three the number of highway commissioners who must concur in the selection of the Secretary of the Highway Department.

A Bill of doubtful constitutionality (Senate Bill No. 285) was recently passed and hastily re-passed over my veto, whereby the duly constituted Highway Department was ripped out and a new Department was created, the members of which were named in the Bill. A court test is awaited.

Meanwhile it was belatedly realized that the ripper bill referred to above does not absolutely assure one political party of complete control over every phase of the Highway Department administration since that Bill failed to reduce the number of commissioners who are required to concur in certain actions of the Highway Department.

Thus it remains possible for the minority members of the acting Highway Department to prevent the Department from conducting its affairs along purely partisan political lines in the rare instances in which their vote is legally essential. This Bill seeks to eliminate even that contingency by making absolute the partisan political power sought by the enactment of Senate Bill No. 285.

The Secretary of the Highway Department also acts as its accountant, responsible for many fiscal matters. The law as it now stands is not unreasonable in requiring that such executive be chosen with the concurrence of four of the five acting commissioners.

It is always desirable that the Highway Department be conducted on the highest plane of competence and non-partisan efficiency. During a period when legislation affecting the Department is to be under court review it would be particularly inappropriate to enact legislation which might reduce such competence and non-partisan efficiency within the Department.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following communication from the Auditor of Accounts was presented by the Chair and read to the Senate:

STATE OF DELAWARE  
OFFICE OF AUDITOR OF ACCOUNTS

Dover, July 6, 1955

Subject: Report on Senate Bill No. 8 by the Auditor of Accounts  
To: Honorable Members of the 118th General Assembly

1. Senate Bill No. 8 was an act appropriating the sum of \$350,930.78 to the State Board of Education for an unanticipated increase in the school population. House Amendment No. 1 to Senate Bill No. 8 was an amendment which directed the State Auditor to audit all invoices chargeable against these funds at their source. This act as amended was approved by the Governor April 27th, 1955.

2. Please be advised that the Auditor of Accounts or the Deputy Auditor of Accounts has made a personal visit to every school in the State of Delaware concerned with the provisions of the above mentioned Senate Bill No. 8, as required by House Amendment No. 1. With the exception of one or two instances, it was found that the funds were, indeed, necessary expenditures required to pay and maintain the various schools. The cooperation of the State Board of Education, the Permanent Budget Commission and the Superintendents and Principals of the schools contacted was outstanding, and greatly appreciated by this office.

3. For your information, I am pleased to report that the provisions of Senate Bill No. 8 have been complied with; that each school has received its correct proportionate share, and the sum of \$52,283.91 has been reverted to the General Fund.

CLIFFORD E. HALL, Auditor of Accounts

On motion of Mr. Behen, **HB 455**—"An Act to Amend Title 12, Delaware Code, in Respect to the Escheator," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—16.

**NAYS**—None.

**ABSENT**—Mr. Covey—1.

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

Requests that the following be stricken from the calendar were granted to member as follows: **SB 296**, **SB 50**, by Pryor.

Request that the following be recommitted was granted to member as follows: **HB 580**, by Behen.

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 268** with **HA 1**, 4 favorably, 1 on merits, **HB 419**, **HB 420**, 3 favorably, 1 on merits, **HB 631** with **HA 1**, by Judiciary; **SB 513**, 1 favorably, 3 on merits, by Public Lands; **HB 480**, 2 favorably, 3 on merits, by Buildings and Highways.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 3:23 P. M.

On motion of Mr. Behen, **HB 312**—"An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles Giving Right to Person Arrested to be Tried in the Municipal Court for the City of Wilmington or by the Nearest Available Justice of the Peace," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Lammot, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—10.

NAYS—Messrs. McCullough, Melson, Williams—3.

NOT VOTING—Messrs. Covey and Hoey—2.

ABSENT—Messrs. Johnson and Wilgus—2.

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

On motion of Mr. Reilly, **SS 1** for **SB 474**—"An Act to Prescribe Minimum Wages for Certain Employees, to Provide for the Further Determination and Establishment of Certain Minimum Wages and Supporting Standards by Occupation and to Provide for Enforcement of Such Violations," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly introduced **SA 1**, which was read and on his further motion adopted.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Wilgus—1.

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

On motion of Mr. Camper, SB 390 with SA 1—"An Act to Amend Chapter 11, Title 4, Delaware Code Relating to Alcoholic Liquors," which was amended in the House, was taken up for consideration and read in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Williams, Mr. President Pro Tem—15.

NAYS—Mr. Steen—1.

ABSENT—Mr. Wilgus—1.

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

On motion of Mr. Johnson, SB 437—"An Act Appropriating Certain Moneys to the State Highway Department for the Purpose of Aiding and Assisting in the Control and Eradication of Mosquitoes," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Lammot, the Senate adjourned until Thursday, July 7, 1955, at 2:00 P. M.

### 119TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Thursday, July 7, 1955. Lieutenant-Governor Rollins presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—12.

Members absent—Messrs. Covey, Harrison, Hoey, Johnson, Wilgus—5.

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

Messrs. Harrison, Hoey and Johnson asked to be marked present.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 3:55 P. M. President Pro Tem Moore presiding.

Requests that the following be stricken from the calendar were granted to members as follows: **SB 6**, by Williams; **SB 43**, by Camper.

The President announced he was about to sign: **SCR 18**, **SB 81**, **SB 134**, **SB 135**, **SB 139** with **SA 1**, **SB 149**, **SB 150**, **SB 312** with **HA 1**, **SB 334** with **SA 1**, **SA 2** and **HA 1**.

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

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

**HB 232**—"An Act to Provide That Any Unused Funds Appropriated for Maintenance and Construction to the State Highway Department in the Budget Appropriation Act for the Biennium Ending June 30, 1957 Shall be Credited by the State Treasurer for the Use of the State Highway Department for the Purposes for Which They Were Originally Appropriated," to Buildings and Highways.

**HB 628**—"An Act Appropriating Money for the Observance of Memorial Day in Honor of the Grand Army of the Republic," to Finance.

**HB 517** with **HA 1**—"An Act Appropriating Certain Moneys to Mary B. Maybee, Widow of Lyle T. Maybee, in the Death of Her Husband While in Performance of Official Duties in Line of Service of the State of Delaware," to Judiciary.

**HS 1** for **HB 587** with **HA 1**—"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," to Finance.

On motion of Mr. Lammot, **SB 280**—"An Act to Amend Chapter 19 Title 10, Delaware Code by Providing for the Appointment by the Levy Court of New Castle County of Com-

missioners to Examine Certain Lien Indices in New Castle County and Satisfaction Thereof," which had been returned to the Senate by the Governor together with his objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Lammot made the following statement and requested that it be filed with the Journal.

The Governor in his veto message stated that the Resident Judge is in a position to know which individuals are qualified by training and experience to carry out the duties of Commissioners to examine Lien Indices. The governor failed to mention that the persons selected as Commissioners to examine Lien Indices in the past have all been Members of one political party. It seems rather remarkable to us that no members of the other political party have ever been selected for as Senator Alben Barkley once said, "Neither party has a monopoly on either virtue or brains." We think the Levy Court is equally competent to make the selections.

Further the Governor stated that it is desirable for the Commissioners to examine Lien Indices to consult with the Resident Judge on many legal problems that arise. The Bill does not prevent consultation. The Resident Judge need not be the appointing power in order to consult with the Commissioners to examine Lien Indices.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Melson and Williams—2.

ABSENT—Messrs. Covey, Johnson, Wilgus—3.

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

On motion of Mr. Lammot, SB 283—"An Act to Amend Chapter 19 Title 10, Delaware Code by Providing for the Appointment by the Levy Court of New Castle County of Commissioners to Examine Mortgage Satisfaction in New Castle County," which had been returned to the Senate by the Governor together with his objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Lammot made the following statement and requested that it be filed with the Journal:

The Governor in his veto message stated that the Resident Judge is in a position to know which individuals are qualified by training and experience to carry out the duties

of Mortgage Commissioner. The Governor failed to mention that the persons selected as Mortgage Commissioners in the past have all been Members of one political party. It seems rather remarkable to us that no members of the other political party have ever been selected for as Senator Alben Barkley once said, "Neither party has a monopoly on either virtue or brains." We think the Levy Court is equally competent to make the selections.

Further the Governor stated that it is desirable for the mortgage Commisisoners to consult with the Resident Judge on many legal problems that arise. The Bill does not prevent consultation. The Resident Judge need not be the appointing power in order to consult with the Mortgage Commissioners.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Lammot, SB 358—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Affecting the Awarding of Contracts Without Bids," which had been returned to the Senate by the Governor together with his objection was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Lammot made the following statement and requested that it be filed with the Journal:

When the Highway Department's members were reduced from seven to five, it was also found necessary to change other provisions of the law concerning such matters as the number of members required to constitute a quorum and the like.

The purpose of these bills is simply to carry out a necessary change as a result of the reduction of the number of members of the Highway Department. The Governor's comments on this bill are completely unwarranted, as the points he makes are applicable to the seven member board as well as to the five member board. There was no ulterior purpose, as the Governor implies in his message, in passing the bill.

What I have said applies equally to Senate Bills Nos. 358, 360, 361 and 362.

The Governor's objections were again read to the Senate.



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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Lammot, **SB 360**—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Changing the Number of Members Required for Concurrence in the Appointment of a Chief Engineer," which had been returned to the Senate by the Governor together with his objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Lammot, **SB 361**—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Changing the Number of Members Required for a Quorum," which had been returned to the Senate by the Governor together with his objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Melson and Williams—2.

ABSENT—Messrs. Covey, Johnson, Wilgus—3.

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

On motion of Mr. Lammot, **SB 362**—"An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to the State Highway Department by Changing the Number of Members Required for Concurrence in the Appointment of a Secretary," which had been returned to the Senate by the Governor together with his objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

The Governor's objections were again read to the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

**NAYS**—Messrs. Melson and Williams—2.

**ABSENT**—Messrs. Covey, Johnson, Wilgus—3.

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

On motion of Mr. Reilly, **HS 1** for **HB 223** with **SA 1**—"An Act to Re-Incorporate the Town of Elsmere, New Castle County," which had been returned to the House by the Governor without his approval, passed the House with three-fifths vote of its membership and ordered to the Senate for concurrence together with a copy of the Governor's objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Reilly made the following statement and requested that it be filed with the Journal:

The Governor in his veto message states that a great many residents of the Town of Elsmere oppose this bill. It is our information that the opposition to the bill comes solely from one political party and that the great majority of the residents of the Town of Elsmere is in favor of this new Town Charter.

The Governor further stated that many changes were made in the Charter after a public meeting was held to discuss the matter. This is simply not true. The only changes made were by the Senate Amendment. Certainly the Governor did not deny that this body has the power to amend any bill that comes before it.

This bill, will in effect, permit perhaps as many as two to three thousand more persons to vote in the Town of Elsmere who did not have the privilege to vote under the old

Charter. In view of this fact, the opposition to the bill, which comes from only one political party, is easily to be understood.

The Governor's objections were again read to the Senate:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

June 14, 1955

To The House of Representatives, 118th General Assembly  
State of Delaware

On June 2, 1955, I received House Substitute No. 1 for House Bill No. 223 with Senate Amendment No. 1, entitled:

AN ACT TO RE-INCORPORATE THE TOWN OF  
ELSMERE, NEW CASTLE COUNTY.

I respectfully return this Bill herewith without my approval.

This Bill was approved by the General Assembly over the serious objections of both the Representatives and the Senator whose Districts include Elsmere. A majority of the present Commissioners of Elsmere oppose this Bill, as do a great many of the residents of the Town.

Without regard for this extensive local opposition, the Bill was passed without acceptance of an amendment offered which would have permitted the citizens of Elsmere to cast their ballots as to whether or not they desire this charter.

Both of the major political parties have endorsed the principal of home rule for municipalities in the State of Delaware. When it is considered necessary to rewrite a town charter prior to the adoption of home rule, it is extremely important that the citizens of such municipality be granted an opportunity to vote for or against the charter. Not only is such a right eminently fair, and one which would exist under home rule but the opportunity for such a referendum has frequently been granted. Such a right should not now be denied the residents of Elsmere.

I am informed that a public meeting was held to discuss this charter, but that many changes not authorized at the meeting were made thereafter.

I respectfully urge that this controversial local issue be resolved by legislation permitting only citizens who will be directly affected to determine by referendum whether or not they desire to approve a new town charter.

Respectfully submitted,

J. CALEB BOGGS, Governor

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

On motion of Mr. Hoey, **SB 241**—"An Act to Amend Chapter 45, Title 7 of the Delaware Code Relating to the Sale of Public Lands and Products," which had been returned to the Senate by the Governor together with his objections was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Hoey make the following statement and requested that it be filed with the Journal:

The Governor in his veto message objects to this bill on the grounds that it may hamper the State Highway in its work. We certainly have no desire to obstruct the Highway Department or its functions. On the other hand, there is a much more important point to bear in mind, which the Governor fails to mention. It is our information that valuable properties belonging to the people of the State of Delaware, have been sold to individuals for relative insufficient sums. It should not be within the power of any administrative agency to dispose of State property without a check. That check will be supplied by the elected members of the people which comprise the General Assembly.

The Governor's objections were again read to the Senate.

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Camper, **SB 319**—"An Act to Amend Chapter 1, Title 5 of the Delaware Code Relating to the State Bank Commissioner Affecting His Appointment, Removal, Term and Bond," which had been returned to the Senate by the Governor together with his objections was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Behen, **HB 483**—"An Act Proposing an Amendment to Article IV of the Constitution of the State of Delaware, Relating to Appointments by State Judges," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Johnson, Melson, Williams—3.

ABSENT—Messrs. Covey and Wilgus—2.

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

On motion of Mr. Johnson, **SB 513**—"An Act to Amend Chapter 196, Volume 22, Part One, Laws of Delaware, Being An Act Establishing a Board of Public Works for the Town of Lewes and Defining Its Powers, by Repealing Senate Bill No. 213, Which Was Passed by 118th General Assembly and Approved by the Governor on May 5, 1955, and by Granting to the Said Board the Authority to Make Certain Additions and Improvements to the Municipal Electric Light Plant and Distribution System and to the Water Pumping and Distribution Facilities, on Credit, Pledging the Revenues from Those Two Utilities for the Payment of the Cost Thereof," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Johnson, Attorney Samuel Russell was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Williams, Mr. President Pro Tem—15.

NAYS—None.

ABSENT—Messrs. Covey and Wilgus—2.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 7**, 4 on merits, **SB 13**, 1 favorably, 1 unfavorably, 2 on merits, by Miscellaneous; **HB 517** with **HA 1**, 3 favorably, 2 on merits, by Judiciary; **HB 454**, by Labor.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 99**—"Authorizing the Payment of the Sum of \$4.75 to the International Business Machines Corporation for Repair Service on Electric T/W 44988."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware, that the State Treasurer be and he hereby is authorized and directed to pay out of Corporation the sum of \$4.75 to cover the cost of repair the General Fund unto International Business Machines service on electric T/W 44988 on 6/14/55.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 100**—"Authorizing Payment on Account to Attaches and Employees of the Senate."

**BE IT RESOLVED**, by the Senate of the 118th General Assembly, that the State Treasurer be and he hereby is authorized and directed to pay to any attache or employee, who has been duly appointed by Resolution of the Senate, upon the order of the President Pro Tem of the Senate, the sum of One Hundred Dollars (\$100.00) to any one person, an account of services to the present session of the Senate. Any such sums as paid shall be charged against the salary of the individual attache or employee to whom such sum or sums are paid, and shall be a part of the expenses of the Senate.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 101**—"Authorizing the Payment of the Sum of \$35.00 to the Harrington Journal for Two Roll Call Books."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware, that the State Treasurer be and he hereby is authorized and directed to pay out of the General Fund unto Harrington Journal the sum of \$35.00 to cover the cost of two roll call books.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 102**—"Making an Appropriation for Telephone Service Charges and Toll Calls in Connection With the Work of the Senate of the 118th General Assembly of the State of Delaware."

**BE IT RESOLVED**, by the Senatee, that the amount of Two Hundred Seventeen Dollars and Eighty-one Cents (\$17.81) is hereby appropriated, to pay for telephone service charges, and toll calls in connection with the work of the

Senate of the 118th Session of the General Assembly of the State of Delaware, which convened January 4, A. D., 1955, and that the State Treasurer be, and he is hereby authorized and directed to pay to the Diamond State Telephone Company the sum of Two Hundred Seventeen Dollars and Eighty-one Cents (\$17.81) for telephone service charges according to the invoice No. 44464, dated June 30, 1955.

Mr. Hoey introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 23**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill."

On motion of Mr. Lammot, the Senate adjourned until Friday, July 8, 1955, at 2:00 P. M.

### 120TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:08 P. M., on Friday, July 8, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Hoey, Lammot, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—11.

Members absent — Messrs. Covey, Harrison, Johnson, McCullough, Melson, Williams—6.

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

Messrs. Johnson, McCullough, Melson and Williams asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 513**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolutions, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HCR 38**—"Suspending House Concurrent Resolution No. 12 for the purpose of Introducing Four News Bills."

**HCR 40**—"Fixing the Time for Temporary Adjournment by the Senate and House of Representatives of the 118th General Assembly and Providing for Skeleton Sessions During the Temporary Adjournment."

**HB 318** with **HA 1**—"An Act to Amend Title 14, Delaware Code, by Providing for the Pay of Teachers and Other School Employees During Absences for Certain Reasons," to Education.

**HB 254**—"An Act Directing the State Highway Department to Tar and Chip County Road Leading from Cantwell Avenue at Corporate Line of Odessa, St. Georges Hundred to U. S. Route 13," to Buildings and Highways.

**HB 219**—"An Act to Appropriate Funds to the State Board of Education for Payment of Substitute Teachers," to Education.

**HB 90** with **HA 1**—"An Act to Amend Title 9, Delaware Code, by Providing for the Fixing to Taxes for the Cost and Expense of the New Castle County Police System," to Judiciary.

The following message from the Governor was delivered to the Senate:

**GOVERNOR'S MESSAGE**  
**STATE OF DELAWARE**  
**EXECUTIVE DEPARTMENT**

Dover, July 8, 1955

To The Senate of the State of Delaware

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

July 6, 1955, Senate Bill No. 442 with S. A. No. 1—An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to State Board of Health by Providing for Establishment of Optometric Clinics, and Providing for an Appropriation Therefore.

July 7, 1955, House Bill No. 67 with H. A. No. 1—An Act to Amend Chapter 9, Title 28, Delaware Code, Relating to Miscellaneous Provisions Concerning Sports and Amusements; Regulation of Public Entertainment on Sundays.

July 7, 1955, House Bill No. 189 with H. A. No. 1—An Act to Amend Chapter 27, Title 21, Section 2712, Delaware Code, Relating to the Special Examination of Persons Involved in More Than One Accident During Any Month Period.

July 7, 1955, House Bill No. 240—An Act Directing the State Highway Department to Carry Out an Accurate Survey and Permanent Marking of State-Owned Lands in Sussex County, Adjacent to the Atlantic Ocean; Appropriations Therefor.

July 7, 1955, House Bill No. 264—An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen.

July 7, 1955, House Bill No. 269—An Act to Amend Chapter 31, Title 20, Delaware Code, Relating to Civil Defense; Powers of the Governor.

July 7, 1955, House Bill No. 316—An Act Authorizing the Mayor and Council of Wilmington to Create a Department of Motor Vehicles, Outlining the Powers and Duties Thereof, and Providing Personnel Therefor.

July 7, 1955, House Bill No. 322—An Act Appropriating Certain Sums to the State Park Commission for Construction and Repair of Certain Facilities at Fort Delaware State Park.



July 7, 1955, House Bill No. 348—An Act Directing the State Highway Department to Erect and Construct a Spill Dam at Ingram Pond, Near Millsboro, in Sussex County; Appropriation.

July 7, 1955, House Bill No. 355—An Act to Amend Chapter 47, Title 7, Delaware Code, by Establishing Fort Delaware State Park and Providing for Fees and Charges to Make the Same Self-Supporting.

July 7, 1955, House Bill No. 384—An Act to Amend Chapter 31, Title 11, Delaware Code, by Providing That in Any Indictment or Information Where It is Necessary to Allege an Intent to Defraud It Shall be Unnecessary to Name the Person Intended to be Defrauded and That It Shall Not be a Variance and Shall be Sufficient If Intent to Defraud Any Person or Group of Persons or Legal Entity is Proved.

July 7, 1955, House Bill No. 435—An Act Appropriating Money to the State Board of Health for Services to Crippled Children.

July 7, 1955, House Bill No. 470—An Act to Amend Chapter 6, Title 9, Delaware Code, by Providing for a Maximum Annual Tax Rate for the Cost of Maintaining a Park or Recreation Area.

July 7, 1955, House Substitute No. 1 for House Bill No. 520—An Act to Permit the Use of Certain Funds for Capital Improvements at Delaware State College.

July 7, 1955, House Substitute No. 1 for House Bill No. 541—An Act to Amend Chapter 1, Title 20, Delaware Code, Relating to the Compensation of the Adjutant General.

July 7, 1955, House Bill No. 542—An Act to Amend Chapter 3, Title 14, Delaware Code, Relative to Notice of Annual School Elections.

July 7, 1955, House Bill No. 582—An Act to Amend the Charter of the Town of Delmar, Chapter 182, Volume 45, Laws of Delaware, Relative to the Compensation of Certain Officers.

July 7, 1955, House Bill No. 610 with H. A. No. 1—An Act to Provide for State Supported Salary Schedules for the Biennium Beginning July 1, 1955 and Ending June 30, 1957, for Employees of the State Board of Education, the State Board for Vocational Education, and the Board of Public Education in Wilmington Who are Not Covered by the Salary Schedules in Title 14, Chapter 13, Delaware Code, and to Provide Appropriation Therefor.

July 7, 1955, House Bill No. 621—An Act to Amend Title 21, Delaware Code, Entitled "Motor Vehicles", Relating to Notice by Commissioner of Revocation or Suspension of Driving Privilege.

Respectfully submitted,

J. CALEB BOGGS, Governor

The President announced he was about to sign: **SB 629**, **HB 483**, **HB 457** with **HA 1**, **HB 312**, **HB 469**, **HB 142**, **HB 122**, **HB 455**.

The following bill was reported as follows by the Judiciary Committee: **HB 629**, 4 favorably.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 3:00 P. M.

Communications: One by Mr. Steen from John M. Clayton School about money in contingency bill being inadequate.

The Chair presented **HCR 40**—"Fixing the Time for Temporary Adjournment by the Senate and House of Representatives of the 118th General Assembly and Providing for Skeleton Sessions During the Temporary Adjournment," which was read to the Senate and on motion of Mr. Lammot, adopted and ordered returned to the House.

The Chair presented **HCR 38**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four New Bills," which was read to the Senate and on motion of Mr. Lammot, adopted, and ordered returned to the House.

On motion of Mr. Behen, **HB 419**—"An Act to Amend Section 2103, Title 30, Delaware Code, Relating to Duties of the Tax Department as to Licenses," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Behen, Andrew Christa was granted the privilege of the floor.

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

**YEAS**—Messrs. Behen, Butler, Camper, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Harrison, McCullough—3.

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

On motion of Mr. Behen, Senate Rule 22 was suspended.

On motion of Mr. Behen, **HB 629**—"An Act to Provide for Payments to Persons Who Served in the Armed Forces of the United States During the Period Beginning June 25, 1950, and Ending January 31, 1955, and to Designated Beneficiaries of Such Persons; to Recreate and Reestablish The Delaware Veterans' Military Pay Commission to Carry Out Certain Provisions of This Act; to Authorize the Selection of Assistants to Said Commissions; to Provide for a Review of Decision Affecting Claims Made Under the Act; to Make Appropriations and to Authorize the Issuance of Bonds and Bond Anticipation Notes of the State of Delaware to Carry Out the Provisions of This Act; to Accept Federal Supplementary Funds for Said Purpose; and to Prescribe Penalties for Vio-

lations of the Provisions of This Act," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Hoey, Johnson, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Harrison, Melson—3.

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

On motion of Mr. Behen, **HB 420**—"An Act to Amend Section 363, Title 30, Delaware Code, Relating to List of Income Tax Taxables," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Covey and Harrison—2.

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

On motion of Mr. Behen, **HB 631** with **HA 1**—"An Act Proposing a Certain Amendment to Article IV of the Constitution of the State of Delaware, Relating to the Judiciary," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Behen, Samuel Russell was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Butler, Camper, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Covey and Harrison—2.

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

On motion of Mr. Behen, **HB 268** with **HA 1**—"An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing Civil Defense Equipment and for Other Purposes Authorized by the Federal Civil Defense

Matching Fund Program," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Johnson, Lammot, Paradee, Reilly, Wilgus, Williams, Mr. President Pro Tem—10.

NAYS—Messrs. McCullough, Melson, Steen—3.

NOT VOTING—Messrs. Hoey and Pryor—2.

ABSENT—Messrs. Covey and Harrison—2.

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

Mr. Camper introduced the following resolution, which on further motion by him was adopted: **SR 103**—"Authorizing the Payment of the Sum of Eighteen Hundred Thirty-Six Dollars (\$1,836.00) to the Milford Chronicle Publishing Company for Printing of Calendars."

BE IT RESOLVED by the Senate of the 118th General Assembly of the State of Delaware that the State Treasurer be and he is hereby authorized and directed to pay out of the General Fund unto Milford Chronicle Publishing Company, Milford, Delaware, the sum of Eighteen Hundred Thirty-six Dollars (\$1,836.00) to cover cost of printing Daily Calendars in accordance with the following statement:

To Printing Daily Calendars for 1955 Session

300 Copies each day:

112th Legislative Day	70 pages @ \$3.60 per page..	\$ 252.00
113th Legislative Day	72 pages @ \$3.60 per page..	259.20
114th Legislative Day	72 pages @ \$3.60 per page..	259.20
115th Legislative Day	74 pages @ \$3.60 per page..	266.40
118th Legislative Day	74 pages @ \$3.60 per page..	266.40
119th Legislative Day	74 pages @ \$3.60 per page..	266.40
120th Legislative Day	74 pages @ \$3.60 per page..	266.40

Total for printing Calendars from 112th Legislative

Day to 120th Legislative Day .....\$1,836.00

On motion of Mr. Reilly, **HB 454**—"An Act to Amend Chapter 237, 46, Laws of Delaware, as Amended, Relating to Pension Benefits to Employees of the Mayor and Council of Wilmington," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Harrison, McCullough—3.

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

On motion of Mr. Behen, **HB 517** with **HA 1**—"An Act Appropriating Certain Moneys to Mary B. Maybee, Widow of Lyle T. Maybee, in the Death of Her Husband While in Performance of Official Duties in Line of Service of the State of Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Williams, Mr. President Pro Tem—14.

**NAYS**—None.

**NOT VOTING**—Mr. Pryor—1.

**ABSENT**—Messrs. Covey and Harrison—2.

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

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 104**—"Discharging Certain Officers of the Senate Effective July 8, 1955."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware that the following persons are discharged from their duties as officers of the Senate, effective July 8, 1955, and the gratitude of the members of the Senate is extended to each for his or her loyal and competent service:

Robert Adkins  
John Bellere  
Freeman Bennett  
Rodney Comegys  
Clara Conley  
J. Millard Cooper  
Rose M. Donovan  
George Levi Everett  
Patricia Fitzpatrick  
Reynolds Gooden  
George Hudson  
Joseph B. Jackson  
Claudia Jenkins  
Grace Kearney  
Paris Kirby  
Lester Melvin  
Wilhelmina McBride  
Louis McNatt, Jr.  
William Poore  
May B. Reese  
Oliver J. Wilson

On motion of Mr. Melson, Attorney Andrew Christa was granted the privilege of the floor in order that he might explain **SB 146**.

On point of personal privilege, Mr. Melson continued remarks on **SB 146**.

Mr. Reilly introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 24**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of Certain Bills."

On motion of Mr. Williams, **SB 13**—"An Act Amending Title 29, Delaware Code, Entitled "State Government" by Creating a State Personnel Department, the Office of State Personnel Director and a State Personnel Advisory Board and Defining Their Respective Powers and Duties," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS** — Messrs. Johnson, McCullough, Melson, Reilly, Wilgus, Williams, Mr. President Pro Tem—7.

**NAYS**—Messrs. Behen, Butler, Camper, Hoey, Lammot, Paradee, Pryor, Steen—8.

**ABSENT**—Messrs. Covey and Harrison—2.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

On motion of Mr. Williams, **SB 7**—"An Act to Create a State Human Relations Commission, Define Its Powers and Duties and Appropriate Funds Thereto," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS** — Messrs. Johnson, McCullough, Melson, Pryor, Reilly, Wilgus, Williams, Mr. President Pro Tem—8.

**NAYS**—Messrs. Behen, Butler, Camper, Hoey, Lammot, Paradee, Steen—7.

**ABSENT**—Messrs. Covey and Harrison—2.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

On motion of Mr. Butler, **HB 480**—"An Act Authorizing and Directing the State Highway Department to Install a Traffic Control Light at the Intersection of North Walnut Street and State Route No. 14 in the City of Milford, Kent County, Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Hoey, Johnson, Lammot, Reilly, Mr. President Pro Tem—7.

NAYS — Messrs. McCullough, Melson, Paradee, Steen, Wilgus, Williams—6.

NOT VOTING—Messrs. Camper and Pryor—2.

ABSENT—Messrs. Covey and Harrison—2.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost and returned to the House.

On motion of Mr. Butler, **HB 635**—"An Act to Require the State Highway Department to Install Traffic Light Controls for Certain Fire Companies," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Hoey, Johnson, Lammot, Melson, Paradee, Reilly, Wilgus, Williams, Mr. President Pro Tem—11.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT — Messrs. Camper, Covey, Harrison, McCullough, Steen—5.

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

On motion of Mr. Lammot, the Senate adjourned until Monday, July 11, 1955, at 2:00 P. M.

## 121ST LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:03 P. M., on Monday, July 11, 1955. Lieutenant-Governor Rollins presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Wilgus, Mr. President Pro Tem—13.

Members absent—Messrs. Covey, Johnson, Steen, Williams—4.

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

Messrs. Covey, Johnson and Steen asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 162**, **SB 371**, and that the House had passed and requested the concurrence of the Senate in the

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

**HB 119** with **HA 1**, **HA 3**, and **HA 4**—"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," to Revised Statutes.

**HB 213**—"An Act to Amend Chapter 16, Title 10 of the Delaware Code Relating to the Compensation of the Clerk and Other Officers of the Court of Common Pleas of Sussex County," to Revised Statutes.

**HB 275**—"An Act to Amend Chapter 55, Title 14, Delaware Code, Relative to Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware," to Finance.

**HB 403** with **HA 1**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Entitled "Employees' Pension Plan" by Altering Various Provisions Thereof," to Revised Statutes.

Communications: One about taxing trailers; one about passing Korean Bonus Bill in Senate which had passed the House.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

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

On motion of Mr. Pryor, **HB 369** with **HA 1**—"An Act to Amend Chapter 1, Title 15 of the Delaware Code Relating to the Department of Elections for Sussex County," which had been returned to the House by the Governor without his approval, passed the House with three-fifths vote of its membership and ordered to the Senate for concurrence together with a copy of the Governor's objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

The Governor's objections were again read to the Senate:

## STATE OF DELAWARE EXECUTIVE DEPARTMENT

June 21, 1955

To the House of Representatives of the State of Delaware:

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

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

I respectfully return this Bill herewith without my approval.



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

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

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

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

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

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

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

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

Respectfully submitted,

J. CALEB BOGGS, Governor

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—Messrs. Covey, Johnson, Melson, Wilgus—4.

ABSENT—Mr. Williams—1.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

On motion of Mr. Lammot, Senate Rule 36 was suspended.

Mr. President Pro Tem Moore invited Miss Barbara Staats to the Rostrum.

On motion of Mr. Lammot, **HB 555** with **HA 1** and **HA 2**—"An Act to Amend Titles 11, 14, and 29, Delaware Code, by Creating a Public Employees' Retirement Commission of the State of Delaware to Administer All the Retirement Disability and Pension Laws of the State of Delaware, Defining the Powers and Duties of the Commission, Transferring Certain Administrative Functions and Duties Thereto, and Abolishing the Arbitration Committee and the Disability Commission," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Paradee, Pryor, Reilly, Mr. President Pro Tem—10.

NAYS—Messrs. Covey, Johnson, Melson, Steen, Wilgus—5.

NOT VOTING—Mr. Hoey—1.

ABSENT—Mr. Williams—1.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 480**, 3 favorably, 1 on merits, by Judiciary; **HB 588** with **HA 1**, 2 favorably, 2 on merits, by Revised Statutes; **HB 254**, 4 favorably, 1 on merits, by Buildings and Highways; **HB 632**, by Fish, Oysters and Game.

On motion of Mr. Paradee, **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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Paradee, **HB 370**—"An Act to Amend Chapter 37, Title 11, Delaware Code, Relating to the Crimes of Larceny and Driving Vehicle Without Consent of Owner," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—15.

NAYS—Mr. Hoey—1.

ABSENT—Mr. Williams—1.

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

On motion of Mr. Pryor, Senate Rule 22 was suspended.

On motion of Mr. Pryor, **HB 588** with **HA 1**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to Specific Organizations Exempt from Certain Taxation and Assessment on Real Property," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Lammot, Melson, Paradee, Reilly, Wilgus, Mr. President Pro Tem—10.

NAYS—Messrs. Hoey and McCullough—2.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Covey, Johnson, Steen, Williams—4.

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

On motion of Mr. Hoey, **HB 101**—"An Act to Appropriate Funds to the State Development Department for the Preparation and Publication of a State Information Booklet," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Melson, Paradee, Reilly, Wilgus, Mr. President Pro Tem—11.

NAYS—Messrs. Hoey and Pryor—2.

ABSENT—Messrs. Covey, Johnson, Steen, Williams—4.

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

On motion of Mr. Paradee, **HB 632**—"An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Regulations and Prohibitions Concerning Hunting and Trapping Devices and Methods," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Reilly, Wilgus, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Messrs. McCullough and Pryor—2.

ABSENT—Messrs. Steen and Williams—2.

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

On motion of Mr. Paradee, **HB 331**—"An Act to Amend Chapter 7, Title 7, Delaware Code, Relative to Sale of Game Birds, Game Fish, and Game Animals and the Penalties Provided Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Paradee, Robert Wahl was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Wilgus, Mr. President Pro Tem—13.

NAYS—None.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Covey, Steen, Williams—3.

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

On motion of Mr. Hoey, **HB 167** with **HA 1**—"An Act Making an Appropriation to Delaware State College to Provide for the Erection of Certain Buildings and for the Equipping and Furnishing Thereof," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—14.

NAYS—None.

NOT VOTING—Mr. McCullough—1.

ABSENT—Messrs. Covey and Williams—2.

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

On motion of Mr. Lammot, the Senate adjourned until Tuesday, July 12, 1955, at 2:00 P. M.

## 122ND LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Tuesday, July 12, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present — Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Reilly, Mr. President Pro Tem—10.

Members absent—Messrs. Covey, Johnson, Melson, Pryor, Steen, Wilgus, Williams—7.

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

Messrs. Johnson, Melson, Pryor and Steen asked to be marked present.

Communications: One from Reynolds Goodan, former Sergeant-at-Arms of the Senate; one from Dover P. T. A. deploring inadequacy of **HS 1** for **HB 587**, the contingency bill.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 471** with **SA 1**, **SB 221**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolutions, which were presented by the Chair, given first and second readings, by title only, and referred to committees as follows:

**HCR 41**—"Rescinding House Concurrent Resolution No. 40," which was not committed.

**HCR 44**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Two New Bills," to Judiciary.

**HS 1** for **HB 245** with **HA 1**—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware Relating to Lotteries," to Judiciary.

**HS 1 for HB 560**—"An Act to Establish the State Fire Prevention Commission and Defining Its Powers and Duties," to Judiciary.

The Chair presented **HCR 41**—"Rescinding House Concurrent Resolution No. 40," which was read to the Senate, and on motion of Mr. Lammot, adopted and returned to the House.

Requests that the following be stricken from the calendar were granted to members as follows: **SB 98, SB 493, SB 507, SB 508**, by Reilly; **SB 20, SB 21, SB 388**, by Harrison; **SB 327, SB 395, SB 396, SB 505**, by Lammot; **SB 373, SB 374**, by Behen; **SB 224, SB 476, SB 479**, by Moore; **SB 305, SB 354**, by Steen; **SB 376**, by Camper.

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 213**, 4 on merits, **HB 403** with **HA 1**, 1 favorably, 3 on merits, **HB 119** with **HA 1**, by Revised Statutes; **HB 342, HB 343, HB 315**, by Labor; **HB 219**, 3 favorably, 1 on merits, **HB 318** with **HA 1**, 3 favorably, 1 on merits, by Education.

On motion of Mr. Lammot, **SB 447** with **HA 1**—"An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to the Definition of Optometry, the Board of Examiners of Optometrists, the Interneship and the Filling of Prescriptions," which was amended in the House, was taken up for consideration and read in order to pass the Senate.

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

**YEAS** — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Paradee, Reilly, Steen, Mr. President Pro Tem—11.

**NAYS**—None.

**NOT VOTING**—Messrs. Hoey and Melson—2.

**ABSENT**—Messrs. Covey, Pryor, Wilgus, Williams—4.

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

On motion of Mr. Behen, **HS 1 for HB 548**—"An Act to Amend An Act Entitled, "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds", Being Chapter 212, Volume 25, Laws of Delaware, as Amended Relative to the Election of the Commissioners of Bethany Beach," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Johnson, Wilgus, Williams—4.

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

Mr. McCullough rose to the point of personal privilege, and made the following remarks, which he requested be filed with the Journal:

### PHONY PHOTOGRAPHERS

Last year the BBB received over 20,000 complaints about practices of unscrupulous photographers—mainly itinerants who trick mothers into big orders and insist on payment before the mothers see the shabby work.

The itinerant's latest dodge is the color photographs. He buys birth lists and sends out a salesman with \$1 coupons entitling the mother to a "\$5" photograph of her child. He takes the picture with snapshot equipment and crude lights. Instead of proofs, he shows her a tiny transparency—so small she can't detect flaws—and pressures her into a \$30 to \$50 order to be shipped C. O. D. Redress is usually impossible—the itinerants operate from post-office boxes, rooming houses and trailer courts. Once complaints mount they move to another state.

Tricks photographers use to get into homes include: "You are entitled to a FREE PICTURE," "We need your child for a MODEL," or to enter a "baby-personality contest." Sometimes traveling photographers rent a room, take local radio time, put on a name-the-tune contest. Everyone wins a "coupon" which lures them to the "studio" where the high pressure is applied. Inferior work, delayed delivery or non-delivery follow.

To protect yourself against phonies, DEAL ONLY WITH FIRMS OR INDIVIDUALS YOU KNOW AND TRUST. THERE'S NO MORE REASON TO DO BUSINESS WITH AN UNKNOWN ITINERANT PHOTOGRAPHER THAN WITH AN ITINERANT DOCTOR.

On motion of Mr. Reilly, Senate Rule 22 was suspended.

On motion of Mr. Reilly, **HB 342**—"An Act to Amend Chapter 1, Title 19, Delaware Code, Relating to Labor Commission of Delaware by Increasing the Salary of the Labor Inspector," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Wilgus, Williams—3.

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

On motion of Mr. Reilly, **HB 343**—"An Act to Amend Chapter 1, Title 19, Delaware Code, Relating to the Labor Commission of Delaware by Increasing the Salary of the State Child Labor Inspector," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—13.

NAYS—Mr. Steen—1.

ABSENT—Messrs. Covey, Wilgus, Williams—3.

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

On motion of Mr. Reilly, **HB 315**—"An Act to Amend Chapter 5, Title 19, Delaware Code, Entitled "Child Labor", Omitting Obsolete Provisions and Changing Substantive and Administrative Provisions of the Chapter," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly introduced **SA 1**, which was read and on his further motion adopted.

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

YEAS — Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

NAYS—None.

NOT VOTING—Messrs. Hoey and Paradee—2.

ABSENT—Messrs. Covey, Wilgus, Williams—3.

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

On motion of Mr. McCullough, **HB 219**—"An Act to Appropriate Funds to the State Board of Education for Payment of Substitute Teachers," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Wilgus, Williams—3.

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



On motion of Mr. McCullough, **HB 318** with **HA 1**—"An Act to Amend Title 14, Delaware Code, by Providing for the Pay of Teachers and Other School Employees During Absences for Certain Reasons," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, McCullough, Melson, Pryor, Reilly, Mr. President Pro Tem—11.

**NAYS**—Messrs. Hoey and Paradee—2.

**ABSENT**—Messrs. Covey, Steen, Wilgus, Williams—4.

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

On motion of Mr. Pryor, **HB 403** with **HA 1**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Entitled "Employees' Pension Plan" by Altering Various Provisions Thereof," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Steen, Wilgus, Williams—4.

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

The following message from the Governor was delivered to the Senate:

**GOVERNOR'S MESSAGE**  
**STATE OF DELAWARE**  
**EXECUTIVE DEPARTMENT**

Dover, July 12, 1955

To the Senate of the State of Delaware:

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

July 11, 1955, Senate Bill No. 81—An Act to Amend Title 10, Delaware Code, Entitled "Courts and Judicial Procedure" by Establishing Qualifications for Certain Special Constables and by Providing for Two Year Appointments at Increased Fees.

July 11, 1955, Senate Bill No. 134—An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to the Salary of the Prothonotary of Kent County.

July 11, 1955, Senate Bill No. 135—An Act to Amend Chapter 95, Title 9 of the Delaware Code Relating to the Salary of the Coroner of Kent County.

July 11, 1955, Senate Bill No. 139 with S. A. 1—An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Salary of the Commissioners of the Levy Court of Kent County and Sussex County.

July 11, 1955, Senate Bill No. 149—An Act to Amend Chapter 25, Title 10 of the Delaware Code Relating to the Salary of the Register in Chancery and Clerk of the Orphans' Court of Kent County.

July 11, 1955, Senate Bill No. 150—An Act to Amend Chapter 93, Title 9 of the Delaware Code Relating to the Salary of the County Comptroller of All Counties.

July 11, 1955, Senate Bill No. 248—An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to License Fees for Sale of Alcoholic Liquors.

July 11, 1955, Senate Bill No. 312 with H. A. 1—An Act to Amend Chapter 21, Title 12 of the Delaware Code Relating to Order of Preference of Claims Against Estates.

July 11, 1955, Senate Bill No. 334 with S. A. 1, 2, 3 and H. A. 1—An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections and Nominations of Candidates.

July 11, 1955, Senate Bill No. 390 with H. A. 1—An Act to Amend Chapter 11, Title 4, Delaware Code Relating to Alcoholic Liquors.

July 11, 1955, House Bill No. 122—An Act to Amend Chapter 59, Title 11, Delaware Code, Entitled "Justice of the Peace" by Increasing the Maximum for Assaults and Batteries and Breaches of the Peace.

July 11, 1955, House Bill No. 142—An Act to Amend Title 20, Delaware Code, Entitled, "Military and Civil Defense" by Providing for Leave of Absence from Work for Employees Who are Members of the Reserve Components of the Armed Forces, While Engaged in Temporary Military Training With the Armed Forces of the United States.

July 11, 1955, House Bill No. 312—An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles Giving Right to Person Arrested to be Tried in the Municipal Court for the City of Wilmington or by the Nearest Available Justice of the Peace.

July 11, 1955, House Bill No. 455—An Act to Amend Title 12, Delaware Code, in Respect to the Escheator.

July 11, 1955, House Bill No. 457 with S. A. 1—An Act Amending Chapter 152, Volume 48, Laws of Delaware, Being An Act Entitled "An Act Changing the Name of the 'Town of Newark' to the 'City of Newark' and Establishing a Charter Therefor" by Amending the Provisions Pertaining to the

Fiscal Year, Budget, Audit, and Financial Statement, and by Providing a Deadline for the Establishment of the Tax Rate and Adoption of the Budget in Each Year.

July 11, 1955, House Bill No. 469—An Act to Amend Title 4, Delaware Code, Relating to the Quantity of Beer That May be Sold to be Kept in Stock for Personal Use Without the Necessity of an Individual License to Purchase the Same: Permitting Purchase and Transportation of Greater Quantity of Beer.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Lammot, SB 186—"An Act to Amend Chapter 51 of the Delaware Code Entitled "University of Delaware" for the Purpose of Granting Continuing Authority to Issue Revenue Bonds for Income Producing Capital Improvements of the University of Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, Steen, Wilgus, Williams—4.

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

On motion of Mr. Lammot, the Senate adjourned until Wednesday, July 13, 1955, at 2:00 P. M.

### 123RD LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Wednesday, July 13, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Wilgus, Mr. President Pro Tem—13.

Members absent—Messrs. Camper, Covey, Steen, Williams—4.

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

Messrs. Camper, Covey and Steen asked to be marked present.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 3:47 P. M.

On motion of Mr. Lammot, Senate Rule 36 was suspended.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 22**, **SB 266**, **SB 122** with **SA 1**, **SB 265**, also **SB 24** with **HA 1** and **SB 450** with **SA 1** and **HA 1** and **HA 2**, and that the House had passed and requested the concurrence of the Senate in the following bills, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 293**—"An Act Appropriating a Sum of Money to the State Librarian for the Purchase and Installation of Additional Shelving and Lighting Fixtures for the State Library," to Finance.

**HB 636**—"An Act to Amend An Act Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor," to Judiciary.

**HB 637**—"An Act to Amend "An Act to Re-Incorporate the Town of Smyrna" and Relating to the Establishment of a Police Pension Fund," to Judiciary.

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

**SB 514**—"An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Middletown", Being Chapter 128, Volume 33, Laws of Delaware, as Amended, to Provide for Paving or Repairing of Sidewalks, Streets, Curbs, and Gutters and to Order Connection With Water Main or Sewer Main in the Town of Middletown and to Provide for the Collection of Costs Thereof from Owners of the Land Abutting and to Provide That the Costs Thereof When Done by the Town of Middletown Shall be a Lien on the Property Recoverable by the Sale of Lands and Premises Affected as a Special Assessment," by Butler; to Municipal Corporations.

Requests that the following be stricken from the calendar were granted to members as follows: **SB 509**, by Camper; **SB 183**, **SB 264**, **SB 415**, **SB 481**, by Hoey.

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HS 1** for **HB 560**, **HS 1** for **245** with **HA 1**, 3 favorably, 2 on merits, by Judiciary; **HB 628**, 3 favorably, 1 on merits, **HS 1** for **HB 587** with **HA 1**, 3 favorably, 1 on merits, **HB 275**, 3 favorably, 1 on merits, by Finance; **HS 1** for **HB 300**, **SB 163**, 3 favorably, 2 on merits, **SB 514**, 3 favorably, 2 on merits, by Municipal Corporations.

On motion of Mr. Lammot, Senate Rule 22 was suspended.

On motion of Mr. Hoey, **HB 275**—"An Act to Amend Chapter 55, Title 14, Delaware Code, Relative to Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Wilgus, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. McCullough, Steen, Williams—3.

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

On motion of Mr. Hoey, **SB 366**—"An Act Relating to the Interstate Compact on Juveniles," was taken up for consideration and read a third time by paragraphs, in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Williams—1.

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

On motion of Mr. McCullough, **SB 450** with **SA 1** and **HA 1** and **HA 2**—"An Act to Regulate Professional Portrait Photographers," which was amended in the House was taken up for consideration and read in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Mr. President Pro Tem—16.

NAYS—None.

ABSENT—Mr. Williams—1.

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

On the point of personal privilege, Mr. Melson, Mr. McCullough, Mr. Reilly, Mr. Hoey, Mr. Harrison and Mr. Johnson rose and made certain remarks.

On motion of Mr. Butler, **SB 24** with **HA 1**—"An Act to Amend Chapter 5, Title 31 of the Delaware Code, by Providing for an Increase in the Amount of Assistance Allowed to Aged Persons," which was amended in the House, was taken up for consideration and read in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Wilgus, Williams—3.

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

On motion of Mr. Lammot, the Senate adjourned until Thursday, July 14, 1955, at 2:00 P. M.

### 124TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:02 P. M., on Thursday, July 14, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present — Messrs. Butler, Camper, Harrison, Johnson, Lammot, McCullough, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—11.

Members absent — Messrs. Behen, Covey, Hoey, Melson, Pryor, Williams—6.

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

Messrs. Behen, Covey, Hoey and Melson asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SR 86** with **SB 472**, **SB 130**, **SB 131**, **SB 133**, **SCR 20**, **SCR 24**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolution, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 310** with **HA 1**—"An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation," to Labor.

**HB 544**—"An Act to Amend Chapter 19, Title 14, Delaware Code, Relative to Notice of Special Elections for Local School Taxes," to Education.

**HB 545**—"An Act to Amend Chapter 21, Title 14, Delaware Code, Relative to Local School Bond Elections," to Education.

**HB 639**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Departmental Supplies," to Judiciary.

**HCR 45**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four New Bills," which was read into the record.

Request that the following be restored to the calendar was granted to member as follows: **SB 472** with **SA 2**, **SA 3** and **SA 4**, by Lammot.

The President announced he was about to sign: **SCR 22**, **SB 122** with **SA 1**, **SB 162**, **SB 221**, **SB 265**, **SB 266**, **SB 371**, **SB 447** with **HA 1**, **SB 471** with **SA 1**, **SB 513**, **HB 101**, **HB 165**, **HB 167** with **HA 1**, **HB 219**, **HB 268** with **HA 1**, **HB 275**, **HB 318** with **HA 1**, **HB 331**, **HB 342**, **HB 343**, **HB 370**, **HB 403** with **HA 1**, **HB 419**, **HB 420**, **HB 454**, **HB 517** with **HA 1**, **HS 1** for **HB 548**, **HB 551** with **HA 1** and **HA 2**, **HB 588** with **HA 1**, **HB 629**, **HB 631** with **HA 1**, **HB 632**, **HB 633**, **HCR 38**, **HCR 41**, **HCR 40**, **SB 24** with **HA 1**, **SB 130**, **SB 131**, **SB 133**, **SB 450** with **SA 1** and **HA 1** and **HA 2**, **SCR 20**, **SCR 24**.

Requests that the following be stricken from the calendar were granted to members as follows: **SB 357**, by Lammot; **SB 431**, **SB 432**, **SB 433**, **SB 434**, **SB 435**, **SB 463**, by Paradee.

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

**SB 515**—"An Act Appropriating Funds to Brandywine Hundred Fire Company No. 1, Bellefonte, to Maintain and Operate an Ambulance," by Melson; to Finance.

The Chair presented **HCR 45**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Four New Bills," which on motion of Mr. Lammot, was adopted and returned to the House.

On motion of Mr. Steen, **HB 225** with **HA 1**, **HA 2**, and **HA 3**—"An Act to Change the Corporate Name of "The CommiTsсионers of the Town of Bethany Beach" to the "Town of Bethany Beach" and to Establish a Revised Charter Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Pryor, Williams—4.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 418**, 3 favorably, 2 on merits, by Fish, Oysters

and Game; **HB 636**, **HB 639**, **HB 637**, by Judiciary; **SB 515**, 4 on merits, **HB 293**, 4 on merits, by Finance.

On motion of Mr. Behen, **HS 1** for **HB 560**—"An Act to Establish the State Fire Prevention Commission and Defining Its Powers and Duties," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Behen, **HS 1** for **HB 560** was deferred.

On motion of Mr. Butler, **SB 514**—"An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Middletown", Being Chapter 128, Volume 33, Laws of Delaware, as Amended, to Provide for Paving or Repairing of Sidewalks, Streets, Curbs, and Gutters and to Order Connection With Water Main or Sewer Main in the Town of Middletown and to Provide for the Collection of Costs Thereof from Owners of the Land Abutting and to Provide That the Costs Thereof When Done by the Town of Middletown Shall be a Lien on the Property Recoverable by the Sale of Lands and Premises Affected as a Special Assessment," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Reilly, Wilgus, Mr. President Pro Tem—12.

NAYS—None.

ABSENT—Messrs. Covey, Johnson, Pryor, Steen, Williams—5.

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

On motion of Mr. Hoey, **SB 363**—"An Act to Amend Chapter 67, Title 29 of the Delaware Code Relating to Procurement of Food, Sundries and Other Supplies by State Agencies," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hoey, Steen, Mr. President Pro Tem—3.

NAYS — Messrs. Behen, Butler, Camper, Harrison, Lammot, McCullough, Melson, Paradee, Reilly, Wilgus—10.

ABSENT—Messrs. Covey, Johnson, Pryor, Williams—4.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 4:15 P. M.

On motion of Mr. Hoey, **HS 1** for **HB 300**—"An Act to Establish a Board on Mental Health Training and Research and Making an Appropriation Thereto," was taken up for



consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—14.

NAYS—Mr. Hoey—1.

ABSENT—Messrs. Pryor and Williams—2.

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

On motion of Mr. Behen, **HS 1** for **HB 560**—"An Act to Establish the State Fire Prevention Commission and Defining Its Powers and Duties," was reconsidered in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Steen, Wilgus, Mr. President Pro Tem—13.

NAYS—Messrs. McCullough and Reilly—2

ABSENT—Messrs. Pryor and Williams—2.

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

Mr. Melson introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 25**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill."

On motion of Mr. Hoey, **HB 263** with **HA 1**—"An Act to Amend Chapter 67, Title 29, Delaware Code, Relating to the Procurement of Supplies and Automobiles," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hoey, Paradee, Steen, Mr. President Pro Tem—4.

NAYS — Messrs. Butler, Covey, Harrison, Johnson, Lammot, McCullough, Melson, Reilly, Wilgus—9.

NOT VOTING—Messrs. Behen and Camper—2.

ABSENT—Messrs. Pryor and Williams—2.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

On motion of Mr. Lammot, **SB 163**—"An Act to Amend the Constitution of the State of Delaware by Inserting at the

End Thereof an Article Providing for Municipal Home Rule," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Lammot, Attorney Robert Wahl was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Johnson, Lammot, McCullough, Melson, Reilly, Steen, Wilgus, Mr. President Pro Tem—12.

NAYS—Messrs. Harrison, Hoey, Paradee—3.

ABSENT—Messrs. Pryor and Williams—2.

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

Mr. Behen moved that Senate Rule 22 be suspended.

The yeas and nays were ordered, which being taken, were as follows:

YEAS—Messrs. Behen, Butler, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Camper, Pryor, Williams—3.

So the question was decided in the affirmative and Senate Rule 22 was suspended.

On motion of Mr. Behen, **HB 636**—"An Act to Amend An Act Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Camper, Pryor, Williams—3.

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

On motion of Mr. Behen, **HB 637**—"An Act to Amend "An Act to Re-Incorporate the Town of Smyrna" and Relating to the Establishment of a Police Pension Fund," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Camper, Pryor, Williams—3.

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

On motion of Mr. McCullough, **SB 378**—"An Act to Amend Chapter 1, Title 16 of the Delaware Code by Granting the State Board of Health the Power to Regulate and Control Surface Drainage Disposal, Sewage Disposal and Water Supply Problems and Providing Penalties for Violations," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Butler, Camper, Lammot, McCullough, Reilly, Steen, Mr. President Pro Tem—7.

NAYS—Messrs. Behen, Covey, Harrison, Hoey, Melson, Paradee, Wilgus—7.

ABSENT—Messrs. Johnson, Pryor, Williams—3.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

On motion of Mr. Behen, **HB 639**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Departmental Supplies," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Lammot, Melson, Paradee, Reilly, Steen, Wilgus, Mr. President Pro Tem—13.

NAYS—Mr. McCullough—1.

ABSENT—Messrs. Johnson, Pryor, Williams—3.

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

Mr. Hoey introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 26**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill."

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 4:15 P. M.

On motion of Mr. Lammot, all Senate Rules were suspended.

The following bills and resolution were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 310** with **HA 1**, by Labor; **HB 232**, by Buildings and Highways; **HB 382**, 3 favorably, 1

on merits, **HCR 44**, 1 favorably, 2 on merits, by Judiciary; **HB 391**, by Miscellaneous.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 494**, **SB 436**, and that the House had passed and requested the concurrence of the Senate in the following bills, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 375**—"An Act Appropriating Funds to the State Board of Education for Allocation to the School Districts of the State for the Purpose of Increasing the Appropriations to the Districts for Capital Outlay," to Education.

**HB 376**—"An Act Appropriating Funds to the State Board of Education for Allocation to the School Districts of the State for the Purpose of Increasing the Appropriations to the Districts," to Education.

And that the House had passed over the Governor's veto with 3/5 majority of the members, **HB 393**.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 105**—"Discharging Certain Officers of the Senate Effective July 15, 1955."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware that all of the persons elected by the Senate as Officers of the Senate, who have not already been discharged, are hereby discharged from their duties as Officers of the Senate, effective at the close of business of the Senate on July 15, 1955, excepting only the following named Officers:

Secretary of the Senate—Wilson E. Campbell.

Attorney—Robert H. Wahl.

Bill Clerk—Clarence Reihm.

Request that the following be stricken from the calendar was granted to member as follows: **SB 215**, by Lammot.

The President announced he was about to sign: **HCR 45**, **HS 1** for **HB 300**, **HS 1** for **HB 560**, **HB 636**, **HB 637**, **HB 639**, **HB 344** with **HA 1** and **HA 2** with **SA 1**, **HB 315** with **SA 1**, **HCR 40**.

On motion of Mr. Reilly, **HB 119** with **HA 1**, **HA 3** and **HA 4**—"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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Reilly introduced **SA 1**, which was read and on his further motion adopted.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—14.

NAYS—None.

ABSENT—Messrs. Covey, Wilgus, Williams—3.

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

On motion of Mr. Lammot, **SB 472** with **SA 2**, **SA 3** and **SA 4**—"An Act to Amend Chapter 3, Title 17 of the 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, Bridge Approaches, By-Passes, 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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Lammot, **SS 1** for **SB 472** with **SA 2**, **SA 3** and **SA 4**, was adopted in lieu of the original.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, McCullough, Paradee, Pryor, Reilly, Mr. President Pro Tem—11.

NAYS—None.

NOT VOTING—Messrs. Johnson and Melson—2.

ABSENT—Messrs. Covey, Steen, Wilgus, Williams—4.

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

On motion of Mr. Reilly, **HB 310** with **HA 1**—"An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, Steen, Wilgus, Williams—4.

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

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

**SB 516**—"An Act to Amend Chapter 13, Title 14, of the Delaware Code Relating to State Supported Salary Schedules for School Employees, and Providing Appropriations Therefor," by McCullough; to Education.

**SB 517**—"An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to State Supported Salary Schedules for School Employees," by McCullough; to Education.

The Chief Clerk of the House informed the Senate that the House had passed and requested the concurrence of the Senate in the following resolution, which was presented by the Chair, and referred to committee as follows:

**HCR 42**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," to Fish, Oysters and Game.

Mr. Lammot moved that **SS 1** for **SB 472** with **SA 2**, **SA 3** and **SA 4** be reconsidered and restored to the calendar. Motion prevailed.

On motion of Mr. Behen, **HB 382**—"An Act to Amend Chapter 3, Title 11, Subchapters IX and X, Delaware Code, by Providing That Breaking and Entering the Dwelling House or Other Buildings of Another With Intent to Commit a Crime is Burglary, or Breaking Out of Any Building After Committing a Crime Therein is Burglary; Defining and Providing for the Punishment of the Crimes of Burglary in the First, Second, Third and Fourth Degrees; Defining and Providing for the Punishment of the Crime of Unlawful Entry of a Building With Intent to Commit a Crime; Defining and Providing for the Punishment of the Crime of Simple Breaking and Entering of a Building; Providing for the Punishment and Manner of Prosecution for Separate Crime Committed in Building by Burglar; and Providing That No Act Committed or Criminal Proceeding Commenced Prior to the Approval of This Act Shall be Affected Hereby," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Melson introduced **SA 1**, which was read and on his further motion adopted.

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

**YEAS** — Messrs. Behen, Butler, Camper, Harrison, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—10.

**NAYS**—Mr. Steen—1.

**NOT VOTING**—Mr. McCullough—1.

**ABSENT**—Messrs. Covey, Hoey, Johnson, Wilgus, Williams—5.

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

The Governor's veto message, which had been delivered to the Senate along with **HB 393**, was presented by the Chair and read into the record:

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

July 13, 1955

To the House of Representatives of the State of Delaware:

On July 6, 1955, I received House Bill No. 393, entitled:  
AN ACT AUTHORIZING AND DIRECTING THE  
STATE HIGHWAY DEPARTMENT TO INSTALL  
A TRAFFIC CONTROL LIGHT AT THE INTER-  
SECTION OF STATE HIGHWAY NO. 71 AND  
COUNTY ROAD NO. 25 AT GINN'S CORNER  
NEAR TOWNSEND, NEW CASTLE COUNTY.

I respectfully return this Bill herewith without my approval.

Throughout the State of Delaware there are a great number of intersections carrying varying volumes of vehicular and pedestrian traffic. In order to cope with the problem of installing traffic signals as may be necessary in the public interest, the Legislative Branch of our State government has in the past permitted broad authority to the Highway Department to meet these needs appropriately and properly.

The Highway Department has a uniform procedure to determine whether or not traffic signals are justified in light of the overall community interest, safety and proper flow of traffic. The Highway Department uses ten warrants, or criteria, that have been developed by the Institute of Traffic Engineers and the American Association of State Highway Officials. This procedure is in wide and general use throughout the nation. It is recognized as the best and approved way for meeting this problem.

It is my opinion that it is a better policy to have the Highway Department continue to administer this function on the basis of its surveys and nationally recognized criteria. As may be recalled, in the last session of the legislature several bills on this subject were passed which I was unable to approve for the same reasons which I am giving here.

If, however, the Legislative Branch wishes to take over this function, I would recommend that all the various bills carry necessary supplemental appropriations to meet the installation and maintenance costs.

I believe that upon reflection you will agree this is not a matter in which the Legislative Branch has the time nor the means to administer effectively.

In this particular case, I am advised by the State Highway Department that as recent as April, 1955, a survey was made at the intersection in question at Ginn's Corner near Townsend. This survey indicated that only three warrants were favorable to the installation of this proposed traffic signal and that seven warrants were unfavorable which conclusively establishes the fact that a traffic control light at this intersection would be a hazard to public safety.

In view of the above, I recommend that these highway traffic control signals and related problems be left to the careful study and consideration of the Highway Department and to be decided upon the merits of each case as they may appear after a proper and careful survey.

Respectfully submitted,

J. CALEB BOGGS, Governor

The Chair presented **HCR 44**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing Two New Bills," which was read to the Senate, and on motion of Mr. Lammot adopted and returned to the House.

On motion of Mr. Lammot, the Senate adjourned until Friday, July 15, 1955, at 2:00 P. M.

### 125TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Friday, July 15, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

Members absent—Messrs. Covey, Johnson, McCullough, Melson, Wilgus, Williams—6.

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

Messrs. Johnson and Melson asked to be marke present.

The following message from the Governor was delivered to the Senate:

### GOVERNOR'S MESSAGE STATE OF DELAWARE EXECUTIVE DEPARTMENT

Dover, July 15, 1955

To the Senate of the State of Delaware:

This will advise that on July 14, 1955, I approved the following legislation:

Senate Bill 122 with SA 1—An Act Appropriating Money to the University of Delaware for Capital Improvements on the University Campus, and at the University's Agricultural Experimental Substation in Sussex County.



Senate Bill 162—An Act to Amend Title 29, Delaware Code, Entitled “State Government” in Respect to the Printing, Binding and Distribution of the Session Laws.

Senate Bill 221—An Act to Amend Title 13 of the Delaware Code by Removing the Monetary Limits Relative to the Support of and Relative to the Medical and Lying-In Expenses Incident to the Birth of an Illegitimate Child.

Senate Bill 265—An Act to Prohibit the Selling, Offering for Sale or Possession of Knives Whose Blade is Released by a Spring Mechanism Including Knives Known as “Switch-blades”; Authorizing the Seizure, Confiscation and Destruction Thereof; and Providing Penalties.

Senate Bill 266—An Act to Amend Title 21, Delaware Code, Entitled “Motor Vehicles” in Regard to the Fiscal Requirements of the Safety Responsibility Law.

Senate Bill 471 with SA 1—An Act to Authorize the Mayor and Council of Wilmington to Provide for the Planning, Acquisition, Purchase, Construction, Reconstruction, Improvement, Betterment, Extension, Operation, and Maintenance of Revenue-Producing Undertakings for the Improvement of the Water Front and to Increase the Harbor Terminal and Shipping Facilities of the City of Wilmington; Authorizing and Regulating the Issuance of Bonds for Financing Such Undertakings; Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Senate Bill 513—An Act to Amend Chapter 196, Volume 22, Part One, Laws of Delaware, Being An Act Establishing a Board of Public Works for the Town of Lewes and Defining Its Powers, by Repealing Senate Bill No. 213, Which Was Passed by 118th General Assembly and Approved by the Governor on May 5, 1955, and by Granting to the Said Board the Authority to Make Certain Additions and Improvements to the Municipal Electric Light Plant and Distribution System and to the Water Pumping and Distribution Facilities, on Credit, Pledging the Revenues from Those Two Utilities for the Payment of the Cost Thereof.

House Bill 101—An Act to Appropriate Funds to the State Development Department for the Preparation and Publication of a State Information Booklet.

House Bill 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.

House Bill 167 with HA 1—An Act Making an Appropriation to Delaware State College to Provide for the Erection of Certain Buildings and for the Equipping and Furnishing Thereof.

House Bill 219—An Act to Appropriate Funds to the State Board of Education for Payment of Substitute Teachers.

House Bill 268 with HA 1—An Act Making an Appropriation to the Department of Civil Defense for the Purpose of Purchasing Civil Defense Equipment and for Other Purposes Authorized by the Federal Civil Defense Matching Fund Program.

House Bill 275—An Act to Amend Chapter 55, Title 14, Delaware Code, Relative to Appropriating Certain Money to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware.

House Bill 318 with HA 1—An Act to Amend Title 14, Delaware Code, by Providing for the Pay of Teachers and Other School Employees During Absences for Certain Reasons.

House Bill 331—An Act to Amend Chapter 7, Title 7, Delaware Code, Relative to Sale of Game Birds, Game Fish, and Game Animals and the Penalties Provided Therefor.

House Bill 342—An Act to Amend Chapter 1, Title 19, Delaware Code, Relating to Labor Commission of Delaware by Increasing the Salary of the Labor Inspector.

House Bill 343—An Act to Amend Chapter 1, Title 19, Delaware Code, Relating to the Labor Commission of Delaware by Increasing the Salary of the State Child Labor Inspector.

House Bill 370—An Act to Amend Chapter 37, Title 11, Delaware Code, Relating to the Crimes of Larceny and Driving Vehicle Without Consent of Owner.

House Bill 403 with HA 1—An Act to Amend Chapter 55, Title 29, Delaware Code, Entitled "Employees' Pension Plan" by Altering Various Provisions Thereof.

House Bill 419—An Act to Amend Section 2103, Title 30, Delaware Code, Relating to Duties of the Tax Department as to Licenses.

House Bill 420—An Act to Amend Section 363, Title 30, Delaware Code, Relating to List of Income Tax Taxables.

House Bill 517 with HA 1—An Act Appropriating Certain Moneys to Mary B. Maybee, Widow of Lyle T. Maybee in the Death of Her Husband, While in Performance of Official Duties in Line of Service of the State of Delaware.

HS 1 for House Bill 548—An Act to Amend An Act Entitled, "An Act to Incorporate the Town of Bethany Beach and Give It Authority to Issue Bonds", Being Chapter 212, Volume 25, Laws of Delaware, as Amended, Relative to the Election of the Commissioners of Bethany Beach.

House Bill 588 with HA 1—An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to Specific Organizations Exempt from Certain Taxation and Assessment of Real Property.

House Bill 629—An Act to Provide for Payments to Persons Who Served in the Armed Forces of the United States During the Period Beginning June 25, 1950, and Ending January 31, 1955, and to Designated Beneficiaries of Such Persons; to Recreate and Restablish the Delaware Veterans' Mil-

itary Pay Commission to Carry Out Certain Provisions of This Act; to Authorize the Selection of Assistants to Said Commission; to Provide for a Review of Decisions Affecting Claims Made Under the Act; to Make Appropriations and to Authorize the Issuance of Bonds and Bond Anticipation Notes of the State of Delaware to Carry Out the Provisions of This Act; to Accept Federal Supplementary Funds for Said Purpose; and to Prescribe Penalties for Violations of the Provisions of This Act.

House Bill 632—An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Regulations and Prohibitions Concerning Hunting and Trapping Devices and Methods.

House Bill 635—An Act to Require the State Highway Department to Install Traffic Light Controls for Certain Fire Companies.

House Bill 454—An Act to Amend Chapter 237, 46 Delaware Laws, as Amended, Relating to Pension Benefits to Employees of the Mayor and Council of Wilmington.

HS 1 for House Bill 497—An Act to Amend Chapter 57, Title 29, Delaware Code, Relating to Social Security.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 4:42 P. M.

The following bill was reported favorably by the Committee on Labor: **HB 553**.

Messrs. Lammot and Reilly introduced the following resolution, which on further motion by Mr. Lammot, was adopted: **SR 106**—"Expressing Hope for the Rapid Recovery of Senator Calvin R. McCullough."

WHEREAS, the Members of the Senate are greatly shocked to hear that Senator Calvin R. McCullough was stricken this morning, July 15, 1955, and was taken to the Delaware Hospital, and

WHEREAS, as Chairman of the Education Committee his services are invaluable and are sorely missed, and

WHEREAS, a man whose legislative activity has been as noteworthy as his has been, is sorely missed by his colleagues,  
NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE 118TH GENERAL ASSEMBLY:

Section 1. That the Members of the Senate of the 118th General Assembly do hereby extend their best wishes for the rapid recovery of Senator Calvin R. McCullough and express the hope that he will soon rejoin them in good health.

Section 2. That a copy of this resolution be sent to Senator Calvin R. McCullough at the Delaware Hospital, and that this resolution be spread upon the pages of the Journal.

On motion of Mr. Lammot, SS 1 for SB 472 with SA 2, SA 3 and SA 4—"An Act to Amend Chapter 3, Title 17 of the 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, Bridge Approaches, By-Passes, for the Construction of Toll Crossings Over and Under the Delaware River, and for Re-funding Purposes; and by Vesting in the Delaware Interstate Highway Division the Maintenance, Repair and Operation of the Delaware Memorial Bridge," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Melson, SB 108—"An Act to Amend Chapter 21 of Title 25, Volume 11 of the Delaware Code in Relation to Mortgages on Interests in Real Estate and Providing for Open End Mortgages," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Melson, Robert Wahl was granted the privilege of the floor.

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

YEAS—Messrs. Hoey, Johnson, Melson, Paradee, Mr. President Pro Tem—5.

NAYS—Messrs. Behen, Butler, Camper, Harrison, Lammot, Reilly, Steen—7.

NOT VOTING—Mr. Pryor—1.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

The Chief Clerk of the House informed the Senate that the House had concurred in SS 1 for SB 424, SB 444.

On motion of Mr. Behen, **HB 197**—"An Act Authorizing and Directing the State Highway Department to Install a Traffic Control Light at Bishop's Corner, Kent County, Delaware," which had been returned to the House by the Governor Without his approval, passed the House with three-fifths vote of its membership and ordered to the Senate for concurrence together with a copy of the Governor's objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Behen made the following statement and requested that it be filed with the Journal:

The Governor has seen fit to veto House Bill No. 197.

There are times when it becomes necessary for the Legislature to differ with the State Highway Department as to matters of discretion affecting the public safety. When such a difference occurs, the Legislature, as the voice of the people, must prevail.

I therefore, move, Mr. President, that House Bill No. 197 be passed over the Governor's veto.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—Messrs. Johnson and Melson—2.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

On motion of Mr. Behen, **HS 1** for **HB 245** with **HA 1**—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware Relating to Lotteries," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Melson, **HS 1** for **HB 245** with **HA 1** was deferred.

Mr. Camper introduced the following resolution, which on further motion by him was adopted: **SR 107**—"Authorizing the Payment of the Sum of Thirteen Hundred Ten Dollars and Forty Cents (\$1,310.40) to the Milford Chronicle Publishing Company for Printing of Calendars."

BE IT RESOLVED by the Senate of the 118th General Assembly of the State of Delaware that the State Treasurer be and he is hereby authorized and directed to pay out of the General Fund unto Milford Chronicle Publishing Company, Milford, Delaware, the sum of Thirteen Hundred Ten Dollars

and Forty Cents (\$1,310.40) to cover cost of printing Daily Calendars in accordance with the following statement:

To Printing Daily Calendars for 1955 Session.

300 Copies Daily

121st Legislative Day 74 pages @ \$3.60 per page..	\$ 266.40
122nd Legislative Day 74 pages @ \$3.60 per page..	266.40
123rd Legislative Day 72 pages @ \$3.60 per page..	259.20
124th Legislative Day 72 pages @ \$3.60 per page..	259.20
125th Legislative Day 72 pages @ \$3.60 per page..	259.20

Total for printing Calendars from 121st Legislative

Day to 125th Legislative Day inclusive.....\$1,310.40

On motion of Mr. Butler, **HB 393**—"An Act Authorizing and Directing the State Highway Department to Install a Traffic Control Light at the Intersection of State Highway No. 71 and County Road No. 25 at Ginn's Corner Near Townsend, New Castle County," which had been returned to the House by the Governor without his approval, passed the House with three-fifth vote of its membership and ordered to the Senate for concurrence together with a copy of the Governor's objections, was reconsidered in order to pass the Senate, the objections of the Governor notwithstanding.

Mr. Butler made the following statement and requested that it be filed with the Journal:

The Governor has returned House Bill No. 393 without his approval. The House of Representatives has seen fit to pass it over his veto and the bill is now before this body.

We believe that every department should be free to operate in the manner which it deems to be in the best interest of the citizens of this State. However, when a department fails to do so at any time it is our duty as legislators to check it as Representatives of the people. I feel that this is a case where the State Highway Department has erred.

I therefore, move, Mr. President, that House Bill No. 393 be passed over the Governor's veto.

The Governor's objections were again read to the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—Mr. Melson—1.

NOT VOTING—Mr. Johnson—1.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

So the question was decided in the affirmative and the bill having received the required constitutional majority, passed the Senate, the objections of the Governor to the contrary notwithstanding, and was returned to the House.

On motion of Mr. Butler, **HB 172** with **HA 1**—"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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Johnson, **HB 172** with **HA 1** was deferred.

On motion of Mr. Reilly, Senate Rule 22 was suspended for remainder of session.

On motion of Mr. Reilly, **HB 553** with **HA 1**—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Providing for Payments to the Surviving Spouse of an Eligible Employee," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Senate met at expiration of recess at 9:57 P. M.

On motion of Mr. Lammot, all Senate Rules were suspended.

The Chief Clerk of the House informed the Senate that the House had concurred in **SCR 25**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolution, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 447** with **HA 1**, **HA 3** and **HA 4**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the

Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," to Judiciary.

**HS 1 for HB 586**—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for Highway Improvements and for Buildings Under the Jurisdiction of the State Highway Department by Acquiring Lands and Rights-of-Ways, Bridges, by Providing Buildings and Improvements Incidental Thereto and to Issue Bonds and Notes Therefor and Appropriating Said Funds," to Buildings and Highways.

**HS 1 for HB 573**—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor," to Finance.

**HB 643**—"An Act Appropriating Funds to the State Building and Ground Commission for the Construction of Certain Facilities for the New State Armory to be Built at Dover," to Judiciary.

**HB 642 with HA 1**—"An Act to Amend Chapter 96, Title 9, Delaware Code, With Respect to Recording Fees in Kent and Sussex Counties," to Judiciary.

**HB 641**—"An Act Authorizing the Recorder of Kent County to Procure a New Seal," to Judiciary.

**HB 644**—"An Act to Amend Chapter 35, Title 11, Delaware Code, as Amended by An Act of the 118th Session of the General Assembly Providing for the Admission in Evidence of the Weight of Alcohol in the Blood of a Person Being Tried for Operating a Motor Vehicle While Under the Influence of Intoxicating Liquors," to Temperance.

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

**HB 640 with HA 1 and HA 2**—"An Act Making Certain Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1956, and June 30, 1957," to Finance.

**HCR 43**—"Request to the Governor of the State of Delaware to Return House Bill No. 634 as Amended for Reconsideration," was read into the record.

The Chair presented **HCR 43**—"Request to the Governor of the State of Delaware to Return House Bill No. 634 as Amended for Reconsideration," which on motion of Mr. Lam-mot, was adopted and returned to the House.



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

**SB 518**—"An Act Proposing an Amendment to Article 2, Section 17 of the Constitution of the State of Delaware Relating to Gambling," by Melson; to Judiciary.

On motion of Mr. Behen, **HS 1** for **HB 245** with **HA 1**—"An Act Proposing an Amendment to Section 17 of Article II of the Constitution of the State of Delaware Relating to Lotteries," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—12.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Steen, Wilgus, Williams—5.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **SB 518**, **HB 447** with **HA 1**, **HA 2** and **HA 3**, **HB 641**, **HB 642**, **HB 643**, by Judiciary; **HB 640** with **HA 1** and **HA 2**, 5 on merits, by Finance; **HS 1** for **HB 586**, by Buildings and Highways.

On motion of Mr. Melson, **SB 518**—"An Act Proposing an Amendment to Article 2, Section 17 of the Constitution of the State of Delaware Relating to Gambling," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—12.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Steen, Wilgus, Williams—5.

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

The President announced he was about to sign: **HB 119** with **HA 2**, **HA 3** and **HA 4** and **SA 1**, **HB 310** with **HA 1**, **SS 1** for **SB 424**, **SB 436**, **SB 444**, **SB 494**.

On motion of Mr. Pryor, **HB 213**—"An Act to Amend Chapter 16, Title 10 of the Delaware Code Relating to the Compensation of the Clerk and Other Officers of the Court of

Common Pleas of Sussex County," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Lammot, **SB 406**—"An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Fuel Taxes by Providing for the Payment of a Certain Portion of the Motor Fuel Tax to the Mayor and Council of Wilmington for Use in Street Paving," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—12.

NAYS—Mr. Steen—1.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

Mr. Lammot changed his vote from yea to nay in order to move for reconsideration.

Request that the following be restored to the calendar was granted to a member as follows: **SB 406**, by Lammot.

On motion of Mr. Behen, **HB 641**—"An Act Authorizing the Recorder of Kent County to Procure a New Seal," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 319** over the Governor's veto, and that the House had passed and requested the concurrence of the Senate in the following bill and resolution:

**HB 277**—"An Act to Amend Chapter 19, Title 7, Delaware Code, With Respect to the Leasing of Acreage for Shell Fisheries in Rehoboth Bay and Indian River Bay," which had passed the House over the Governor's veto.

**HCR 46**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," which was read into the record and referred to the Judiciary Committee.

On motion of Mr. Behen, **HB 643**—"An Act Appropriating Funds to the State Building and Grounds Commission for the Construction of Certain Facilities for the New State Armory to be Built at Dover," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lamot, Melson, Paradee, Reilly, Steen, Mr. President Pro Tem—12.

**NAYS**—None.

**NOT VOTING**—Mr. Pryor—1.

**ABSENT**—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The Governor's veto message, which had been delivered to the Senate along with **HB 277**, was presented by the Chair and read into the record:

#### STATE OF DELAWARE EXECUTIVE DEPARTMENT

July 13, 1955

To the House of Representatives of the State of Delaware:

On July 6, 1955, I received House Bill No. 277, entitled:

**AN ACT TO AMEND CHAPTER 19, TITLE 7,  
DELAWARE CODE, WITH RESPECT TO THE  
LEASING OF ACREAGES FOR SHELL FISHER-  
IES IN REHOBOTH BAY AND INDIAN RIVER  
BAY.**

I respectfully return this Bill herewith without my approval.

This Bill seeks to reduce the present limit on the number of acres of Indian River oyster area which the State of Delaware may lease to any one firm or individual. The Bill would also prohibit subleasing of such areas. There is no provision to protect existing leases or the owners of the crops now under cultivation.

For many years annual leases have been available in that area to the oyster industry with the statutory guarantee that such leases may be renewed year after year. Oyster cultivation involves a considerable capital investment, and several years must pass before cultivated oysters may be properly harvested.

The thriving oyster business as it presently exists depends in no small part on the area now under cultivation, much of which would be confiscated under the provisions of this Bill without the due process of law. Large claims against the State would result in all probability.

It is undoubtedly desirable that the limited oyster areas of Delaware be leased as equitably as possible. Therefore, the objectives of this Bill may be desirable. For the protection of the industry and so as to preserve the rights of those who are engaged in this important industry, it is suggested that the objectives of this Bill could be accomplished by appropriate legislation allowing the Shell Fisheries Commission a sufficient number of years to carry out such policy on an equitable basis.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Lammot, **SB 406**—"An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Fuel Taxes by Providing for the Payment of a Certain Portion of the Motor Fuel Tax to the Mayor and Council of Wilmington for Use in Street Paving," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Butler, **HB 274**—"An Act to Amend Title 17, Delaware Code, Entitled "Highways" by Providing for a State Communication Division Within the Highway Department, Defining Its Duties and Appropriating Funds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Butler, Mr. Staats was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Johnson, Lammot, Melson, Pryor, Reilly, Mr. President Pro Tem—10.

NAYS—Messrs. Hoey, Paradee, Steen—3.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 644**, by Temperance; **HB 633**, 1 favorably, 4 on merits, by Public Health; **HS 1** for **HB 573**, 5 on merits, by Finance.

On motion of Mr. Camper, **HB 644**—"An Act to Amend Chapter 35, Title 11, Delaware Code, as Amended by An Act of the 118th Session of the General Assembly Providing for the Admission in Evidence of the Weight of Alcohol in the Blood of a Person Being Tried for Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Camper, Deputy Attorney General H. L. Cobin was granted the privilege of the floor.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Hoey, **HB 640** with **HA 1** and **HA 2**—"An Act Making Certain Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1956, and June 30, 1957," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Hoey introduced **SA 1**, which was read and on his further motion adopted.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Lammot the Senate recessed until call of Chair.

Senate met at expiration of recess at 2:00 A. M. (July 16).

The President announced he was about to sign: **HCR 43, HB 643, HB 644, HB 641, HB 274, HB 213, HB 553 with HA 1, HB 382 with SA 1.**

Mr. Pryor introduced the following resolution, which on further motion by him was adopted: **SR 108**—"Congratulating Richard Sanger on His Cooperation and Method of Handling His Reporting of Activity in the Senate."

WHEREAS, Richard Sanger has been acting as the Reporter in the Senate for the News-Journal Papers, and

WHEREAS, he has shown himself to be a Gentleman in every way, showing consideration for all and fine discretion and good taste in his handling of information, and

WHEREAS, the Members of the Senate of the 118th General Assembly of the State of Delaware feel that all this should not go unnoticed, NOW, THEREFORE

**BE IT RESOLVED BY THE SENATE OF THE 118TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. That the Members of the Seante do hereby express their great pleasure in having such a fine young gentleman as Mr. Richard Sanger with them during this Session and indicate that they feel that the information which he reported to his paper was certainly reported in a fine manner and with true candor.

On motion of Mr. Butler, **HS 1** for **HB 586**—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for Highway Improvements and for Buildings Under the Jurisdiction of the State Highway Department by Acquiring Lands and Rights-of-Ways, Bridges, by Providing Buildings and Improvements Incidental Thereto and to Issue Bonds and Notes Therefor and Appropriating Said Funds," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

On motion of Mr. Butler, Robert Wahl was granted the privilege of the floor.

Mr. Butler introduced **SA 1**, which was read and on his further motion adopted.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Hoey, **HB 628**—"An Act Appropriating Money for the Observance of Memorial Day in Honor of the Grand Army of the Republic," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 151**, **SB 514**, **SB 407** with **SA 1**, **SB 170** with **SA 1**, and that the House had passed and requested the concurrence of the Senate in the following bills and resolution, which were presented by the Chair, given first and second readings by title only, and referred to committees as follows:

**HB 88** with **HA 1**—"An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to Recorders; Compensation," to Judiciary.

**HS 1** for **HB 125** with **HA 1**—"An Act to Amend Chapter 39, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Benefits," to Judiciary.

**HB 513**—"An Act Authorizing and Directing the State Highway Department to Pay Thirty-five Hundred Dollars to Carey D. Sapp for Damages to Property in Milton, Sussex County, Delaware, Widening Union and Federal Streets in Said Town," to Judiciary.

**HCR 39**—"Authorizing and Directing the Secretary of the Senate and the Chief Clerk of the House to Deposit Certain Senate and House Records With the Public Archives Commission for Preservation," which was read into the record.

On motion of Mr. Butler, **HB 172** with **HA 1**—"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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Steen, **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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Hoey, Johnson, Lammot, Paradee, Reilly, Steen, Mr. President Pro Tem—7.

NAYS—Messrs. Behen, Butler, Camper, Harrison, Pryor—5.

NOT VOTING—Mr. Melson—1.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

So the question was decided in the negative and the bill not having received the required constitutional majority, was lost.

Mr. Steen requested that his vote be changed from yea to nay for the purpose of reconsideration.

On motion of Mr. Lammot the Senate recessed until call of Chair.

Senate met at expiration of recess at 2:40 A. M. (July 16).

Mr. Steen moved that **HB 54** be reconsidered and restored to the calendar. Motion prevailed.

On motion of Mr. Steen, **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," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS — Messrs. Butler, Harrison, Hoey, Johnson, Lammot, Paradee, Reilly, Steen, Mr. President Pro Tem—9.



NAYS—Messrs. Behen, Camper, Pryor—3.

NOT VOTING—Mr. Melson—1.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Hoey, **HB 447** with **HA 1**, **HA 2** and **HA 3**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purposes; Authorizing the Financing of Such Enlargement and Improvement by the Issuance of Bonds and Bond Anticipation Notes of the State and by Contributions from Certain School Districts, and the City of Wilmington, Defining School Districts; Authorizing the Issuance of Bonds of Certain School Districts and the City of Wilmington for the Purpose of Raising Money to Make Such Contributions; and Authorizing the Acceptance of Federal Funds for Building Purposes and Creating Local School Building Commissions," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The President announced he was about to sign: **HB 245** with **HA 1**.

The Chair presented **HCR 42**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Introducing a New Bill," which on motion of Mr. Steen was adopted and returned to the House.

On motion of Mr. Lammot the Senate recessed until call of Chair.

Senate met at expiration of recess at 5:05 A. M. (July 16).

On motion of Mr. Butler, **HS 1** for **HB 518**—"An Act to Amend Title 17, Delaware Code of 1953, Entitled "Highways" by Changing § 504 Thereof, Relating to Drainage of Roads or Causeways," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Butler introduced **SA 1**, which was read and on his further motion adopted.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The Chair presented **HCR 39**—"Authorizing and Directing the Secretary of the Senate and the Chief Clerk of the House to Deposit Certain Senate and House Records With the Public Archives Commission for Preservation," which on motion of Mr. Lammot, was adopted and returned to the House.

The Chief Clerk of the House informed the Senate that the House had concurred in **SS 1** for **SB 472**.

On motion of Mr. Behen, **HB 642**—"An Act to Amend Chapter 96, Title 9, Delaware Code, With Respect to Recording Fees in Kent and Sussex Counties," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Reilly, Mr. President Pro Tem—11.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Pryor, Steen, Wilgus, Williams—6.

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

On motion of Mr. Behen, **HJR 3**—"Appointment of Commission to Study Enabling Legislation to Supplement House Bill Number 245 Which Proposes Amendment to State Constitution so as to Permit Playing of Bingo by Certain Tax Exempt Organizations," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—12.

**NAYS**—None.

**ABSENT**—Messrs. Covey, McCullough, Steen, Wilgus, Williams—5.

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

On motion of Mr. Butler, **HB 232**—"An Act to Provide That Any Unused Funds Appropriated for Maintenance and Construction to the State Highway Department in the Budget Appropriation Act for the Biennium Ending June 30, 1957 Shall be Credited by the State Treasurer for the Use of the State Highway Department for the Purposes for Which They were Originally Appropriated," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

On motion of Mr. Butler, **HB 254**—"An Act Directing the State Highway Department to Tar and Chip County Road Leading from Cantwell Avenue at Corporate Line of Odessa, St. Georges Hundred to U. S. Route 13," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 88** with **HA 1**, **HB 513**, **HS 1** for **HB 125** with **HA 1**, by Judiciary.

On motion of Mr. Behen, **HB 88** with **HA 1**—"An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to Records; Compensation," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Camper, Covey, McCullough, Pryor, Wilgus, Williams—6.

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

On motion of Mr. Behen, **HS 1** for **HB 125** with **HA 1**—"An Act to Amend Chapter 39, Title 14, Delaware Code, Relating to Teachers' Retirement and Disability Benefits," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Melson, Paradee, Reilly, Steen, Mr. President Pro Tem—11.

NAYS—None.

ABSENT—Messrs. Covey, Lammot, McCullough, Pryor, Wilgus, Williams—6.

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

On motion of Mr. Hoey, **HS 1** for **HB 573**—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments and to Issue Bonds and Notes Therefor," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Johnson introduced **SA 1**, which was read and on his further motion adopted.

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

YEAS—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Covey, McCullough, Wilgus, Williams—4.

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

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 307, SB 385, SB 408** with **SA 1, SB 47**, and that the House had passed and requested the concurrence of the Senate in the following:

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

On motion of Mr. Hoey, **HB 354**—"An Act Appropriating Funds for the Payment of a Claim of James L. Sease, Jr., Rising Out of the Negligent Operation of a Delaware National Guard Vehicle," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

**YEAS**—Messrs. Behen, Butler, Harrison, Hoey, Lammot, Melson, Paradee, Pryor, Reilly, Mr. President Pro Tem—10.

**NAYS**—None.

**ABSENT**—Messrs. Camper, Covey, Johnson, McCullough, Steen, Wilgus, Williams—7.

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

The President announced he was about to sign: **SCR 25, SB 151, SB 514, SS 1** for **SB 472, HB 225** with **HA 1, HA 2** and **HA 3, HB 54, HB 628, HCR 42, HCR 44**.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 109**—"Appropriating Certain Money Out of the General Fund of the State Treasury to Pay Allowances as Compensation of the Officers and Employees of the Senate, Being Expenses Connected With the Present Session of the Senate of the 118th General Assembly."

**BE IT RESOLVED** by the Senate of the State of Delaware, that the following amounts be and they are hereby appropriated out of any money in the General Fund of the State Treasury, as allowances for the compensation of the officers and employees of the Senate, being expenses connected with the present Session of the 118th General Assembly, and the State Treasurer is hereby authorized and directed to pay to

the respective persons hereinafter named the respective sums set opposite their respective names; provided, however, that any sum or sums heretofore paid to any officer or employee whose name is hereinafter listed as part of an allowance for compensation for services rendered during the 118th Session of the General Assembly shall be deducted from the amount set opposite his or her name so that the total paid to the persons named shall not be in excess of the amounts set forth as below :

Coulter, Clara, Asst. Secretary Senate .....	\$3,718.75
Donahue, Matthew, Sergeant-at-Arms .....	1,937.50
Gooden, Reynolds, Sergeant-at-Arms .....	1,860.00
Poore, William, Sergeant-at-Arms .....	1,860.00
Comegys, Rodney, Sergeant-at-Arms .....	1,860.00
McCullough, Albert, Sergeant-at-Arms .....	899.00
Tubbs, William, Sergeant-at-Arms .....	1,203.00
Campbell, Wilson E., Secretary of the Senate .....	3,718.75
Campbell, Wilson E., for Compiling Journal .....	1,200.00
Bellere, John, Mail Clerk .....	1,860.00
Holloway, John, Asst. Mail Clerk .....	1,937.50
Russell, Samuel, Attorney .....	7,687.50
Wahl, Robert, Attorney .....	7,687.50
Brown, Monica, Attorney's Messenger .....	2,406.25
Yeatman, Bernard, Attorney's Messenger .....	2,406.25
Palmer, Catherine, Secretary to President Pro Tem..	3,343.75
Reese, May B, Secretary to Majority Leader .....	2,680.00
McBride, Wilhelma, Document Clerk .....	2,580.00
Hubbard, Beatrice, Stenographer .....	2,687.50
Fitzpatrick, Patricia, Stenographer .....	2,400.00
Kearney, Grace, Attorney's Secretary .....	2,580.00
Kempston, Lula, Attorney's Secretary .....	2,687.50
Hudson, George, Cloak Room Attendant .....	1,379.50
Melvin, Lester, Cloak Room Attendant .....	1,760.00
Murray, Ollie H., Cloak Room Attendant .....	511.50
Morris, Jeanne, Secretary to President .....	2,781.25
Adkins, Robert, Page .....	1,286.50
Cooper, J. Millard, Page .....	697.50
Simpson, James, Page .....	1,147.00
Wilson, Oliver J., Page .....	1,271.00
Roy, Elwood, Page .....	573.50
McCallister, Harry, Page .....	511.50
Pennewill, Arthur, Multilith Operator .....	2,750.00
Everett, George Levi, Multilith Operator .....	2,640.00
Jenkins, Claudia, Reading Clerk .....	2,520.00
Staats, Louise, Read Clerk .....	2,625.00
Kirby, Paris, Reading Clerk .....	2,520.00
Holliday, Francis, Clerk-Minority Leader .....	2,312.50
Webb, Frank, Telephone Messenger .....	561.00
Gray, Thomas, Telephone Messenger .....	1,593.75
Jackson, Joseph, Telephone Messenger .....	1,593.75
Reihm, Clarence, Bill Clerk .....	2,625.00

Conley, Clara, Asst. Bill Clerk .....	2,520.00
Fox, Anna, Supply Clerk .....	2,610.00
Wilkins, William D., Asst. Supply Clerk .....	630.00
Donovan, Rose, Asst. Supply Clerk .....	1,155.00
Van Cleaf, Robert, Chaplain .....	1,937.50
McNatt, Louis, Jr., Page .....	1,147.00
Hutchinson, Edwin, Mailroom Supervisor .....	2,400.00
Bennett, Freeman, Telephone Messenger .....	1,083.75
Littleton, George, C. P. A. Finance Committee .....	2,350.00
Davis, E. Hobson, Secretary to Committees .....	2,500.00

On motion of Mr. Lammot, the Senate recessed for five minutes.

Senate met at expiration of recess at 5:30 A. M. (July 16).

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

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

**YEAS**—Messrs. Behen, Butler, Camper, Harrison, Hoey, Lammot, Melson, Paradee, Pryor, Reilly, Steen, Mr. President Pro Tem—12.

**NAYS**—None.

**ABSENT**—Messrs. Covey, Johnson, McCullough, Wilgus, Williams—5.

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

On motion of Mr. Lammot, the Senate adjourned until Monday, July 18, 1955, at 11:00 A. M.

## 126TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 11:08 A. M., on Monday, July 18, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

In the absence of a quorum, the Senate was adjourned until Tuesday, July 19, 1955, at 11:00 o'clock A. M.

### 127TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 11:05 A. M., on Tuesday, July 19, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

In the absence of a quorum, the Senate was adjourned until Wednesday, July 20, 1955, at 11:00 o'clock A. M.

### 128TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 11:15 A. M., on Wednesday, July 20, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

In the absence of a quorum, the Senate was adjourned until Thursday, July 21, 1955, at 11:00 o'clock A. M.

### 129TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 11:00 A. M., on Thursday, July 21, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

There not being present a quorum, the Chair declared the Senate in recess to the call of the Chair.

Senate met at expiration of recess at 2:30 P. M.



The Hon. John N. McDowell delivered two messages from the Governor.

There not being present a quorum, the Senate adjourned until Friday, July 22, 1955, at 11:00 o'clock A. M.

### 130TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 11:00 A. M., on Friday, July 22, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

Hon. John N. McDowell, Secretary of State, delivered messages to the Senate from the Governor.

There not being present a quorum, on motion of Mr. Behen, the Senate adjourned until Monday, July 25, 1955, at 9:00 o'clock A. M.

### 131ST LEGISLATIVE DAY

Senate met pursuant to adjournment at 9:15 A. M., on Monday, July 25, 1955. President Pro Tem Moore presiding.

Prayer by the Chaplain, Rev. Van Cleaf.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

There not being present a quorum, the Senate was adjourned until Tuesday, July 26, 1955, at 11:00 o'clock A. M.

### 132ND LEGISLATIVE DAY

Senate met pursuant to adjournment at 11:08 A. M., on Tuesday, July 26, 1955. President Pro Tem Moore presiding.

Prayer by Senator Harrison.

Members present—Messrs. Butler, Camper, Covey, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Pryor, Mr. President Pro Tem—11.

Members absent—Messrs. Behen, Johnson, Reilly, Steen, Wilgus, Williams—6.

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

Messrs. Behen, Johnson, Reilly and Williams asked to be marked present.

The Chief Clerk of the House informed the Senate that the House had concurred in **SB 115** and **SB 267** with **HA 1**, also that the following Senate Bills had been defeated in the House on the dates indicated: **SB 58**, July 12, 1955; **SB 169**, June 28, 1955; **SB 383**, July 14, 1955; **SB 386**, July 12, 1955; **SB 402**, July 15, 1955; **SB 489**, June 23, 1955.

Honorable John N. McDowell, Secretary of State, had delivered on July 21, 1955, a message from the Governor to the Senate which was now presented by the Chair to the members of the Senate and read into the record.

**GOVERNOR'S MESSAGE**  
**STATE OF DELAWARE**  
**EXECUTIVE DEPARTMENT**

Dover, July 21, 1955

To the Senate of the State of Delaware:

On July 14, 1955, I received Senate Bill No. 371 entitled:

**AN ACT TO AMEND TITLE 1, DELAWARE  
CODE, RELATING TO LEGAL HOLIDAYS BY  
AMENDING THE PROVISIONS GOVERNING  
THE VALIDITY OF CERTAIN ACTS DONE ON  
SPECIFIED LEGAL HOLIDAYS AND BY PRO-  
VIDING FOR THE OPTIONAL OPENING OF  
BANKS ON SUCH HOLIDAYS.**

I respectfully return herewith this Bill without my approval.

The purposes of Senate Bill No. 371 is to specify certain legal holidays on which banks in New Castle County may be open for business in the evening when such holidays fall upon a Friday. In addition the Bill would prevent Delaware banks from being open on other holidays. Under the present State law, banks throughout the State may remain open on any holiday.

There are no objections to the positive provisions of the Bill. However, this Bill repeals existing statutory language which validates contracts and other instruments executed on holidays. By repealing such provisions this Bill may cast serious legal doubt upon any business transactions, contracts and even checks which are executed or dated on a legal holiday.

I feel sure that the General Assembly had no such intention and therefore will welcome an opportunity to cause a new Bill to be enacted which will accomplish the primary objective of Senate Bill No. 371 without changing the general law as to papers executed on a legal holiday.

Respectfully submitted,

J. CALEB BOGGS, Governor

The following message from the Governor was delivered to the Senate:

**GOVERNOR'S MESSAGE**  
**STATE OF DELAWARE**  
**EXECUTIVE DEPARTMENT**

Dover, July 20, 1955

To the Senate of the State of Delaware:

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

July 18, 1955, Senate Bill No. 24 with H. A. No. 1—An Act to Amend Chapter 5, Title 31 of the Delaware Code, by Providing for an Increase in the Amount of Assistance Allowed to Aged Persons.

July 18, 1955, Senate Bill No. 130—An Act to Amend Chapter 96, Title 9 of the Delaware Code Relating to the Salary of the Recorder of Kent County.

July 18, 1955, Senate Bill No. 131—An Act to Amend Chapter 94, Title 9 of the Delaware Code Relating to the Salary of the Clerk of the Peace of Kent County.

July 18, 1955, Senate Bill No. 133—An Act to Amend Chapter 21, Title 10 of the Delaware Code Relating to the Salary of the Sheriff of Kent County.

July 18, 1955, Senate Substitute Bill No. 1 for Senate Bill No. 424—An Act to Amend Chapter 5, Title 18, Delaware Code by Prohibiting Insurance Companies from Asserting the Defense of Sovereignty where Employees or Property of the State of Delaware or any Political Subdivision thereof are Insured.

July 18, 1955, Senate Bill No. 447 with H. A. No. 1—An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to the Definition of Optometry, The Board of Examiners of Optometrists, The Internship and the Filling of Prescriptions.

July 18, 1955, Senate Bill No. 494—An Act to Amend Chapter 55, Title 16, Delaware Code by Providing for the Commitment of Certain Feeble Minded or Mentally Retarded Persons in a Penal Institution or Detention Home Upon Petition by the Superintendent of the Delaware Colony to the Superior Court.

July 18, 1955, House Bill No. 119 with H. A. Nos. 1, 2 and 4 and S. A. No. 1—An Act to Amend Chapter 29, Title 29, Delaware Code, Relating to The "State Treasurer", by Providing that the Salaries of State Officials and Employees be Paid Semi-Monthly.

July 18, 1955, House Bill No. 213—An Act to Amend Chapter 16, Title 10 of the Delaware Code Relating to the Compensation of the Clerk and Other Officers of the Court of Common Pleas of Sussex County.

July 18, 1955, House Bill No. 225 with H. A. Nos. 1, 2 and 3—An Act to Change the Corporate Name of "The Commissioners of the Town of Bethany Beach" to the "Town of Bethany Beach" and to Establish a Revised Charter Therefor.

July 18, 1955, House Substitute No. 1 for House Bill No. 300—An Act to Establish a Board on Mental Health Training and Research and Making an Appropriation Thereto.

July 18, 1955, House Bill No. 310 with H. A. No. 1—An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation.

July 18, 1955, House Bill No. 315 with S. A. No. 1—An Act to Amend Chapter 5, Title 19, Delaware Code, Entitled "Child Labor", Omitting Obsolete Provisions and Changing Substantive and Administrative Provisions of the Chapter.

July 18, 1955, House Bill No. 344 with H. A. Nos. 1 and 2 and S. A. No. 1—An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations.

July 18, 1955, House Bill No. 382 with S. A. No. 1—An Act to Amend Chapter 3, Title 11, Subchapters IX and X, Delaware Code, by Providing that Breaking and Entering the Dwelling House or Other Buildings of Another with Intent to Commit a Crime is Burglary, or Breaking Out of any Building After Committing a Crime Therein is Burglary; Defining and Providing for the Punishment of the Crimes of Burglary in the First, Second, Third and Fourth Degrees; Defining and Providing for the Punishment of the Crime of Unlawful Entry of a Building With Intent to Commit a Crime; Defining and Providing for the Punishment of the Crime of Simple Breaking and Entering of a Building; Providing for the Punishment and Manner of Prosecution for Separate Crime Committed in Building by Burglar; and Providing that No Act Committed or Criminal Proceeding Commenced Prior to the Approval of This Act Shall be Affected Hereby.

July 18, 1955, House Substitute No. 1 for House Bill No. 560—An Act to Establish the State Fire Prevention Commission and Defining Its Powers and Duties.

July 18, 1955, House Bill No. 628—An Act Appropriating Money for the Observance of Memorial Day in Honor of the Grand Army of the Republic.

July 18, 1955, House Bill No. 636—An Act to Amend An Act Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor."

July 18, 1955, House Bill No. 637—An Act to Amend "An Act to Reincorporate the Town of Smyrna" and Relating to the Establishment of a Police Pension Fund.

July 18, 1955, House Bill No. 639—An Act to Amend Title 29, Delaware Code, Entitled "State Government" in Regard to State Departmental Supplies.

July 18, 1955, House Bill No. 641—An Act Authorizing the Recorder of Kent County to Procure a New Seal.

July 18, 1955, House Bill No. 643—An Act Appropriating Funds to the State Building and Grounds Commission for the Construction of Certain Facilities for the New State Armory to be Built at Dover.

July 18, 1955, House Bill No. 644—An Act to Amend Chapter 35, Title 11, Delaware Code, as Amended by An Act of the 118th Session of the General Assembly Providing for the Admission in Evidence of the Weight of Alcohol in the Blood of a Person Being Tried for Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Lammot, **SB 267** with **HA 1**—"An Act Appropriating Money to the State Park Commission of Delaware for Capital Improvements and Equipment at Brandywine Springs Park," which had been amended in the House was taken up for consideration in order to pass the Senate with **HA 1**.

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

**YEAS**—Messrs. Behen, Butler, Camper, Covey, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Williams, Mr. President Pro Tem—14.

**NAYS**—None.

**ABSENT**—Messrs. Johnson, Steen, Wilgus—3.

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

The President announced he was about to sign: **SB 47**, **SB 115**, **SB 170** with **SA 1**, **SB 267** with **HA 1**, **SB 307**, **SB 385**, **SB 407** with **HA 1**, **SB 408** with **SA 1**, **HB 88** with **HA 1**, **HB 172** with **HA 1**, **HB 642**, **HB 232**, **HB 254**, **HB 513**, **HB 640** with **HA 1** and **SA 1**, **HB 447** with **HA 1**, 2 and 3, **HB 354**, **HB 225** with **HA 1**, **HJR 3**, **HCR 39**, **HCR 44**.

On motion of Mr. Lammot, the Senate adjourned until Wednesday, July 27, 1955, at 9:00 o'clock A. M.

### 133RD LEGISLATIVE DAY

Senate met pursuant to adjournment at 9:330 A. M., on Wednesday, July 27, 1955. President Pro Tem Moore presiding.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

There not being present a quorum, on motion of Mr. Behen, the Senate was recessed.

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

Messrs. Lammot and Reilly asked to be marked present.

The Honorable John N. McDowell delivered two messages from the Governor.

There not being present quorum, on motion of Mr. Behen, the Senate adjourned until Thursday, July 28, 1955, at 9:00 o'clock P. M.

### 134TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 9:30 A. M., on Thursday, July 28, 1955. President Pro Tem Moore presiding.

Prayer by the President Pro Tem.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

There not being present a quorum, the Senate was adjourned until Friday, July 29, 1955, at 9:00 o'clock A. M.

### 135TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 3:30 A. M., on Friday, July 29, 1955. President Pro Tem Moore presiding.

Prayer by the President Pro Tem.

Members present—Mr. Behen and Mr. President Pro Tem—2.

Members absent—Messrs. Butler, Camper, Covey, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Wilgus, Williams—15.

There not being present a quorum, the Senate was adjourned until Monday, August 1, 1955, at 2:00 o'clock P. M.

### 136TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Monday, August 1, 1955. Lieutenant-Governor Rollins presiding.

Prayer by Mr. Harrison.

Members present—Messrs. Behen, Butler, Camper, Harrison, Hoey, Johnson, Lammot, Paradee, Reilly, Steen, Wilgus, Williams—12.

Members absent—Messrs. Covey, McCullough, Melson, Pryor, Mr. President Pro Tem—5.

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

Messrs. Covey, McCullough, Melson, Pryor and Mr. President Pro Tem asked to be marked present.

Mr. Behen introduced the following resolution, which on further motion by him was adopted: **SR 110**—"Requesting Return of House Bill No. 642 from the House of Representatives of the 118th General Assembly of the State of Delaware."

**BE IT RESOLVED** by the Senate of the 118th General Assembly of the State of Delaware, that the House of Representatives of the 118th General Assembly of the State of Delaware is requested to return to the Senate for reconsideration House Bill No. 642.

The President announced he was about to sign: **HS 1** for **HB 573** with **SA 1**, **HS 1** for **HB 576** with **SA 1**, **HS 1** for **HB 518** with **SA 1**.

**SB 450** with **SA 1** and **HA 1** and **HA 2**, which had been returned to the Senate by the Governor without his approval, together with his objections, was presented by the Chair and read into the record.

## **GOVERNOR'S MESSAGE**

### **STATE OF DELAWARE**

#### **EXECUTIVE DEPARTMENT**

Dover, July 27, 1955

To The Senate of the State of Delaware:

On July 15, 1955, I received Senate Bill No. 450 as amended by Senate Amendment No. 1 and House Amendments No. 1 and No. 2, entitled:

#### **AN ACT TO REGULATE PROFESSIONAL POR- TRAIT PHOTOGRAPHERS.**

I respectfully return herewith this Bill without my approval.

The only requirement of this Bill is that all portrait photographers, except news photographers who do not sell their products to those photographed, shall obtain an identification card each year from the State Tax Department at the time such photographer or his employer pays the license fees prescribed by another statute. The Bill also eliminates the legal requirement that transient photographers pay a license fee of \$50.00 per day.

As the preamble of this Bill indicates, its original intent was to prevent the transmission of communicable diseases. The preamble remains but the language carrying out the original purpose of the Bill is gone as the result of several amendments. The original Bill was unnecessary. As amended, it

serves no useful purpose, is discriminatory and places an additional burden on the State Tax Department where operating funds have been reduced.

The Bill implies that even news photographers must obtain such identification cards if they sell any of their portraits to those photographed. Since such sales frequently take place, the Bill does not effectively exclude news photographers.

Although the card required of portrait photographers is called an "identification card" it is difficult to class it as such because the Bill does not require that it be carried for identification or any other purpose.

The Bill is discriminatory because it singles out one occupation, consisting of relatively few people, for regulation while innumerable other occupations dealing more closely with the public are not so regulated.

Because the Bill fills no public need, serves no useful purpose, will lead to unnecessary confusion with respect to news photographers and places useless additional work on the State TaTx Department, I cannot give it my approval.

Respectfully submitted,

J. CALEB BOGGS, Governor

SB 436, which had been returned to the Senate by the Governor without his approval, together with his objections, was presented by the Chair and read into the record.

**GOVERNOR'S MESSAGE**  
**STATE OF DELAWARE**  
**EXECUTIVE DEPARTMENT**

Dover, July 27, 1955

To The Senate of the State of Delaware:

On July 15, 1955, I received Senate Bill No. 436, entitled:  
**AN ACT TO AMEND CHAPTER 83, TITLE 11 OF  
THE DELAWARE CODE RELATING TO ELIGI-  
BILITY OF STATE POLICE FOR PENSIONS.**

I respectfully return herewith this Bill without my approval.

This Bill amends the present law relative to retirement of State Police by providing that the members may serve for a period of thirty years rather than twenty years.

The 117th General Assembly created a Pension Study Commission which gave careful consideration to all aspects of the pension and retirement problem, and among other recommendations included certain recommendations concerning the State Police pension and retirement system which are embodied in Senate Bill 404. This Bill has passed the Senate and is now pending in the House of Representatives.



Senate Bill 404 includes a provision for extension of State Police service up to twenty-five years. However, this is properly related to the Police officers who enter the service after July 1, 1955. In addition to this, Senate Bill 404 provides for an increase in the State Police contribution to the retirement fund from two per cent to five per cent. Senate Bill 404 also has other provisions to improve the State Police retirement system providing refunds of monies paid in the retirement fund in case of discontinuance of service and liberalizes survivor's benefits.

These matters are all interrelated in the improvement of the State Police retirement system and have been fully and well considered by the State Pension Study Commission.

In view of these well considered recommendations embodied in Senate Bill 404, it seems inappropriate and improper to approve the present Bill which deals with only one point which the Pension Commission considered, and this one point is not in accordance with the recommendations of that Commission.

Because of the type of employment involved, it seems that the twenty-five year period of service is more appropriately related to the demands of the duties rather than the thirty year period.

In view of the incompleteness of this Bill and the recommendations of the Pension Study Commission, I cannot approve this Bill.

Respectfully submitted,

J. CALEB BOGGS, Governor

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

**GOVERNOR'S MESSAGE**  
**STATE OF DELAWARE**  
**EXECUTIVE DEPARTMENT**

Dover, July 28, 1955

To The Senate of the State of Delaware:

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

July 21, 1955, House Bill No. 274—An Act to Amend Title 17, Delaware Code, Entitled "Highways" by providing for a State Communication Division within the Highway Department, Defining Its Duties and Appropriating Funds.

July 26, 1955, Senate Bill No. 170 with S. A. No. 1—An Act Amending Title 11, Delaware Code, Pertaining to Prisons and Prisoners, and Creating a State Board of Corrections Having Responsibility for the Care, Supervision and Administration of Prisons, Correctional Facilities and Prisoners in Lieu of County Boards and Officers and the Transferring of

Property and Prisoners to the Jurisdiction of the State, Defining Certain Crimes, Appropriating Funds and Repealing Contrary Provisions.

July 27, 1955, Senate Bill No. 47—An Act Authorizing the Payment of the Sum of \$186.30 to Everett Toomey, Jr., for Expenses Incurred as a Result of an Injury Received at the John M. Clayton School.

July 27, 1955, Senate Bill No. 151—An Act to Amend Chapter 25, Title 29 of the Delaware Code Relating to the Salary of the Register of Wills of Kent County.

July 27, 1955, Senate Bill No. 267 with H. A. No. 1—An Act to appropriate Additional Funds for the Construction of a State Detention Home for Juveniles and to Authorize the Sale of the Present Detention Home.

July 27, 1955, Senate Bill No. 307—An Act to Amend Chapter 82, Title 9 of the Delaware Code Relating to Salaries of Members of Board of Assessment of Kent County.

July 27, 1955, Senate Bill No. 444—An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Eligibility for Pensions of Dependents of the State Police.

July 27, 1955, S. S. 1 for Senate Bill No. 472 with S. A. 2, 3, and 4—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.

July 27, 1955, Senate Bill No. 514—An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Middletown", Being Chapter 128, Volume 33, Laws of Delaware, as Amended, to Provide for Paving or Repairing of Sidewalks, Streets, Curbs, and Gutters and to Order Connection with Water Main or Sewer Main in the Town of Middletown and to Provide for the Collection of Costs Thereof from Owners of the Land Abutting and to Provide that the Costs Thereof When Done by the Town of Middletown Shall be a Lien on the Property Recoverable by the Sale of Lands and Premises Affected as a Special Assessment.

July 27, 1955, House Bill No. 88 with H. A. No. 1—An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to Recorders; Compensation.

July 27, 1955, House Bill No. 232—An Act to Provide that any Unused Funds Appropriated for Maintenance and Construction to the State Highway Department in the Budget Appropriation Act for the Biennium Ending June 30, 1957 Shall be Credited by the State Treasurer for the Use of the State Highway Department for the Purpose for Which They Were Originally Appropriated.

July 27, 1955, House Bill No. 254—An Act Directing the State Highway Department to Tar and Chip Country Road Leading from Cantwell Avenue at Corporate Line of Odessa, St. Georges Hundred to U. S. Route 13.

July 27, 1955, House Bill No. 354—An Act Appropriating Funds for the Payment of a Claim of James L. Sease, Jr., Rising Out of the Negligent Operation of a Delaware National Guard Vehicle.

July 27, 1955, House Bill No. 553 with H. A. No. 1—An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan, by Providing for Payments to the Surviving Spouse of an Eligible Employee.

July 27, 1955, House Bill No. 640 with H. A. 1 and S. A. 1—An Act Making Certain Supplementary Appropriations for the Expenses of Certain State Agencies for Each of the Fiscal Years Ending June 30, 1956, and June 30, 1957.

Respectfully submitted,

J. CALEB BOGGS, Governor

On motion of Mr. Lammot, the Senate recessed until the call of the Chair.

Senate met at expiration of recess at 4:55 P. M.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 111**—"Making an Appropriation for Telephone Service Charges and Toll Calls in Connection With the Work of the Senate of the 118th General Assembly of the State of Delaware."

**BE IT RESOLVED**, by the Senate, that the amount of One Hundred Seven Dollars and Twenty-six Cents (\$107.26) is hereby appropriated, to pay for telephone service charges, and toll calls in connection with the work of the Senate of the 118th Session of the General Assembly of the State of Delaware, which convened January 4, A. D., 1955, and that the State Treasurer be, and he is hereby authorized and directed to pay to the Diamond State Telephone Company the sum of One Hundred Seven Dollars and Twenty-six Cents (\$107.26) for telephone service charges according to the invoices dated July 11, 1955.

Hon. John N. McDowell, Secretary of State, delivered a message to the Senate from the Governor. The Chair referred the message of the Governor to the Executive Committee.

## GOVERNOR'S MESSAGE

August 1, 1955

To the Senate of the State of Delaware:

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

David P. Buckson, 111 North Main Street, Smyrna, Delaware, to be the Judge of the Court of Common Pleas for Kent County for a term of four years from August 4, 1955.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Lammot introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 27**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill."

Mr. Melson, on the point of personal privilege, rose and made certain remarks about the charge of bribery made by Mr. McCullough. At the end of his statement he made the following motion:

Mr. President, in accordance with Robert's Rules of Order, I move that the President Pro Tem appoint a Committee of Discipline, to investigate this matter and reports its recommendations for punitive action to this Senate at some future date.

Mr. Lammot: Mr. President, I ask for roll call.

On motion of Mr. Camper, the Senate recessed to call of Chair.

Senate met at expiration of recess at 5:52 P. M.

The roll call was omitted. On a voice vote the motion by Mr. Melson passed the Senate.

Mr. Melson moved that his remarks be filed with the Journal.

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

**YEAS**—Messrs. Covey, Johnson, Melson, Wilgus, Williams—5.

**NAYS** — Messrs. Camper, Harrison, Lammot, Pryor, Reilly, Mr. President Pro Tem—6.

**NOT VOTING** — Messrs. Hoey, McCullough, Paradee, Steen—4.

**ABSENT**—Messrs. Behen and Butler.

So the question was decided in the negative and the motion not having received the required constitutional majority, was lost.

Mr. Hoey introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 28**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill.

The Chief Clerk of the House informed the Senate that the House had not concurred in **SB 466**, and that the House had passed and requested the concurrence of the Senate in the following bills: **HB 305**, **HB 461**, **HB 645**.

On motion of Mr. Lammot, the Senate adjourned until 2:00 P. M., Tuesday, August 2, 1955.

### 137TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:10 P. M., on Tuesday, August 2, 1955. President Pro Tem Moore presiding.

Prayer by Mr. Harrison.

Members present — Messrs. Butler, Camper, Harrison, Hoey, Lammot, McCullough, Melson, Paradee, Pryor, Steen, Williams, Mr. President Pro Tem—12.

Members absent—Messrs. Behen, Covey, Johnson, Reilly, Wilgus—5.

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

Messrs. Johnson and Reilly asked to be marked present.

The Chair presented the following House Bills, which were given first and second reading and referred to Committees as follows:

**HB 305**—"An Act Authorizing the State Highway Department to Transfer Funds from Funds Appropriated for Highway Construction to Funds Appropriated for Highway Maintenance in an Emergency Due to Unexpected or Unusual Climatic Conditions; Limitations," to Buildings and Highways.

**HB 461**—"An Act to Amend Chapter 6, Title 9, Delaware Code, Relating to Suburban Parks and Recreation, by Revising the Qualification for Voters in Suburban Park Communities," to Buildings and Highways.

**HB 645**—"An Act to Amend the Charter of the Town of Clayton by Extending the Limits of Said Town," to Buildings and Highways.

On motion of Mr. Lammot, the Senate recessed until call of Chair.

Mr. Lammot introduced the following resolution, which on further motion by him was adopted: **SR 112**—"Authorizing the Payment of the Sum of \$27.00 to Whelan's for Typewriter Rental on Typewriters for One Month."

BE IT RESOLVED by the Senate of the 118th General Assembly of the State of Delaware, that the State Treasurer be and he hereby is authorized and directed to pay out of the General Fund to Whelan's the sum of \$27.00 to cover the cost of rental on typewriters for one month as per invoice No. 8777—July 26, 1955.

On motion of Mr. Lammot, **SB 345** with **SA 1**—"An Act to Amend Chapter 31, Title 15 of the Delaware Code, Relating to Primary Elections," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

Mr. Lammot introduced **SA 2**, which was read and on his further motion adopted.

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

**YEAS** — Messrs. Butler, Harrison, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Steen, Williams—11.

**NAYS**—Mr. President Pro Tem—1.

**ABSENT**—Messrs. Behen, Butler, Covey, Hoey, Wilgus—5.

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

The following bills were reported favorably (unless otherwise indicated) by the majority of the respective committees as follows: **HB 305**, 3 favorably, 1 on merits, **HB 461**, 3 favorably, 1 on merits, **HB 645**, 4 favorably, by Buildings and Highways; **HB 375**, 3 favorably, 1 on merits, **HB 376**, 3 favorably, 1 on merits, **SB 517**, 2 favorably, 3 on merits, by Education.

Mr. Reilly introduced the following concurrent resolution, which on further motion by him was adopted and sent to the House for concurrence: **SCR 29**—"Suspending House Concurrent Resolution No. 12 for the Purpose of Permitting the Introduction of a Certain Bill."

President Pro Tem Moore made the following appointments:

Pursuant to the motion made yesterday by Senator Melson, I appoint the following Senators as a Committee to investigate charges made by him and to report its recommendations to the Senate as soon as their investigation is complete: Senator Lammot, Senator Reilly, Senator Butler, Senator Williams, Senator Johnson.

On motion of Mr. Lammot, Senate Rule 22 was suspended.

On motion of Mr. Butler, **HB 645**—"An Act to Amend the Charter of the Town of Clayton by Extending the Limits of Said Town," was taken up for consideration and read a third time by paragraphs in order to pass the Senate.

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

YEAS—Messrs. Butler, Camper, Harrison, Hoey, Johnson, Lammot, McCullough, Melson, Paradee, Pryor, Reilly, Williams, Mr. President Pro Tem—13.

NAYS—None.

ABSENT—Messrs. Behen, Covey, Steen, Wilgus—4.

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

On motion of Mr. Lammot, the Senate adjourned until Thursday, August 4, 1955, at 8:00 P. M.

### 138TH LEGISLATIVE DAY

Senate met pursuant to adjournment at 2:00 P. M., on Thursday, August 4, 1955. Lieutenant-Governor Rollins presiding.

Prayer by Mr. Harrison.

Members present—Messrs. Behen, Butler, Covey, Harrison, Johnson, Lammot, Melson, Paradee, Steen, Wilgus, Williams, Mr. President Pro Tem—12.

Members absent — Messrs. Camper, Hoey, McCullough, Pryor, Reilly—5.

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

Messrs. Hoey, McCullough, Pryor and Reilly asked to be marked present.

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

#### GOVERNOR'S MESSAGE

#### STATE OF DELAWARE

#### EXECUTIVE DEPARTMENT

Dover, August 4, 1955

To the Senate of the State of Delaware:

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

August 1, 1955, Senate Bill No. 385—An Act Relating to Limitations of Law Affecting the Amount of Bonds Which May be Issued or Bonded Debt Which May be Incurred by "The Mayor and Council of Wilmington", Specifically Excepting from Bonded Debt Bonds in Connection with the Slum Clearance and Redevelopment Program and the Urban Renewal Program, and Repealing Inconsistent Acts or Parts of Acts.