

**HB 18** having received the constitutional majority, passed the House.

Mr. Pratt introduced **HCR 17**. It was given its first reading by title only and assigned to the Committee on Revised Statutes.

**HCR 17**—"Memorializing Congress to Call a Convention for the Purpose of Proposing an Amendment to the Constitution of the United States."

BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

"ARTICLE ———

"Section 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any state in the apportionment of representation in its legislature.

"Section 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to apportionment of representation in a state legislature.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission."

BE IT FURTHER RESOLVED that if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Mr. Casey introduced **HB 370**—"An Act to Appropriate \$5,200 to the Stanton School District #38 for the School Year Ending June 30, 1964 for Further Development of the Elementary Foreign Language Program."

It was given its first reading by title only and assigned to the Committee on Appropriations.

**SCR 24**—"Providing for Temporary Adjournment of the Senate and the House of Representatives of the 122nd Gen-

eral Assembly of the State of Delaware," was given its first reading by title only.

BE IT RESOLVED by the Senate of the 122nd General Assembly of the State of Delaware, the House of Representatives concurring therein, that at the close of business on June 27, 1963, both the Senate and the House shall adjourn, provided, however, that the Senate may be reconvened at any time upon the call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and further provided that the Senate and the House may be reconvened at any time upon the call of the President Pro Tempore and the Speaker of the House.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SCR 24**. The motion prevailed by voice vote.

Mr. Eskridge moved that **SCR 24**—"Providing for Temporary Adjournment of the Senate and the House of Representatives of the 122nd General Assembly of the State of Delaware," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Blendt, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Isaacs, Kirkby, Lowe, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—21.

NAYS—Annett, Bartleson, Best, Casey, Correll, Downs, Hale, Hocker, Jarrell, Keenan—10.

ABSENT—Messrs. Fifer, McGinnis, Quigley—3.

NOT VOTING—Mr. Livingston—1.

**SCR 24** having received the constitutional majority, passed the House.

It was regularly moved and seconded that the results of the roll call on **HB 87** be lifted from the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 87** be laid on the table. The motion prevailed by voice vote.

Mr. Eskridge introduced **HB 371**—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department."

It was given its first reading by title only and assigned to the Committee on Public Buildings and Highways.

At 6:15 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Thursday, June 27, 1963. The motion prevailed by voice vote.

### 64th LEGISLATIVE DAY

The Speaker called the House to order at 2:39 P.M. on Thursday, June 27, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 31 members present; 4 absent.

**MEMBERS PRESENT**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

**MEMBERS ABSENT**—Messrs. Fifer, McGinnis, Quigley, Shockley—4.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Mr. Phillips introduced **HB 372**—“An Act to Amend Chapter 21, Title 19, Delaware Code Relating to Workmen’s Compensation Claims.”

It was given its first reading by title only and assigned to the Committee on Labor.

The following Committee Reports were given:

**HB 368**—Education, 3 favorable.

**HB 365**—Appropriations, 3 favorable, 2 on merits.

**HS 1** for **HB 179**—Elections, 4 favorable, 1 on merit.

**HB 88**—Manufacturing and Commerce, 4 favorable.

**HB 371**—Public Building and Highways, 2 favorable, 2 on merits.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HB 368**. The motion prevailed by voice vote.

Mr. Exley moved that **HB 368**—“An Act to Amend Chapter 345, Volume 52, Delaware Laws, known as the School

Building Program Act of 1960, to Authorize the Harrington Special School District to Expend Certain Funds Raised Pursuant to Said Act," be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Exley introduced **HA 1** to **HB 368**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 368** be adopted by voice vote. The motion prevailed.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Fifer, McGinnis, Quigley, Shockley—4.

**HB 368** with **HA 1** having received the constitutional majority, passed the House.

Mr. Exley moved that **HB 349**—"An Act to Amend Chapter 222, Volume 49, Laws of Delaware by Changing the Amount of the Floating Debt of the City of Harrington," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Fifer, Quigley, Shockley—3.

**HB 349** having received the constitutional majority, passed the House.

Without objection the privilege of the floor was granted to Speaker Tribbitt to give prepared text and Seat Girls' State.

Mr. Dineen moved that **SB 73**—"An Act Appropriating Funds to the State Highway Department and to the Board of Game and Fish Commissioners of the State of Delaware to Construct and Maintain a Water Control Structure at Silver Lake at Milford, Delaware," be given its third and

final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Fifer, Quigley, Shockley—3.

**SB 73** having received the constitutional majority, passed the House.

Mr. Dineen moved that **SB 106**—“An Act Making An Appropriation to the State Highway Department for the Construction of a Bridge, Dam and Water Control Structure at Andrews Lake in Kent County,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Fifer, Quigley, Shockley—3.

**SB 106** having received the constitutional majority, passed the House.

Mr. Davidson moved that **HB 184** with **HA 2**—“An Act to Provide for the Regulation of the Practice of Nursing; to Provide for a Board of Nursing and to Define the Powers and Duties of the Board Including Licensing of Practitioners of Nursing and Establishment of Standards for Educational Programs Preparing for Nursing Practice, and to Prescribe Penalties for Violations of the Provisions of This Act,” be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **HB 184** with **HA 2** be temporarily deferred. The motion prevailed by voice vote.

Mr. Davidson introduced **HA 6** to **HB 184**. It was given its first reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It

was regularly moved and seconded that **HA 6** to **HB 184** be placed with the bill. The motion prevailed.

Mr. Davidson moved that **HA 4** to **HB 184** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Davidson moved that **HA 6** to **HB 184** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Having received its required constitutional majority was declared passed the House.

Mr. Davidson moved that **HB 184** with **HA 2-4-6**—“An Act to Provide for the Regulation of the Practice of Nursing: to Provide for a Board of Nursing and to Define the Powers and Duties of the Board Including Licensing of Practitioners of Nursing and Establishment of Standards for Educational Programs Preparing for Nursing Practice, and to Prescribe Penalties for Violations of the Provisions of This Act,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Livingston, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shulties, Wootten, Younger, Mr. Speaker—26.

NAYS—Messrs. Atkins, Best, Hocker, Isaacs, Walls—5.

ABSENT—Messrs. Fifer, Quigley, Shockley—3.

NOT VOTING—Mr. Jarrell—1.

**HB 184** with **HA 2-4-6** having received the constitutional majority, passed the House.

Mr. Eskridge introduced **HB 373**—“An Act to Amend Title 29, Part II, Delaware Code, Relating to the General Assembly by Providing for the Composition of the House of Representatives and Reapportionment Thereof.”

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Busker introduced **HR 95**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 95** be adopted.

**HR 95**—“Expressing the Best Wishes of the House of Representatives of the 122nd General Assembly to Representative Norman A. Eskridge on His Birthday.”

WHEREAS, Representative Norman A. Eskridge whose birthday today we celebrate with him, is the son of Andrew Franklin and Wilhemina Eskridge. He is married to the former Gertrude E. Passwater and there is one daughter, Hilda Donnelly, and

WHEREAS, Recently, records have been found to the effect that George Washington's mother as a child was raised by a Mr. George Eskridge. When she married Mr. Augustine Washington and their first son was born, Mrs. Washington was so grateful for Mr. Eskridge's care, the son was christened George Washington whom we know as our first president, and

WHEREAS, We would like all of Mr. Eskridge's fellow representatives to realize the remarkable heritage handed down from such fore-fathers, and

WHEREAS, In every sense of the word, our Majority Leader has tried to bring to full fruition the dreams and aspirations which were held by the founders of our nation and we are proud to have had the leadership of Mr. Eskridge for the past several years, and hope for his enlightened leadership for many years in the future.

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the best wishes of its members for the continued good health and happiness of Representative Eskridge for many more years are hereby extended to Representative Eskridge.

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered on the Journal of the House, a copy delivered to the press and a copy be given to Representative Eskridge.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Fifer, Quigley, Shockley—3.

PRESENT—Mr. Eskridge—1.

**HR 95** having received the constitutional majority, passed the House.

Mr. Shockley introduced **HB 374**—"An Act to Amend Title 24, Delaware Code, Chapter 19, Relating to the Licensing of Practical Nurses."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Shockley introduced **HB 375**—"An Act to Amend Chapter 1, Title 8, of the Delaware Code Relating to Corporations."

It was given its first reading by title only and assigned to the Committee on Corporations-Private.

Mr. Shockley introduced **HB 376**—"An Act to Amend Section 1563, Title 9, Delaware Code, to Permit the Levy Court of New Castle County to Make an Appropriation to the Prisoners Aid Society of Delaware."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Shockley introduced **HB 377**—"An Act to Amend Title 24, Delaware Code, Section 2119."

It was given its first reading by title only and assigned to the Committee on Judiciary.

Mr. Lowe by request introduced **HB 378**—"An Act to Amend Chapter 53, Title 30, Delaware Code, Pertaining to Cigarette Taxes and Licenses."

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Lowe by request introduced **HB 379**—"An Act to Amend Chapters 21 and 23, Title 30, Delaware Code, Pertaining to Occupational and Business Licenses and Taxes."

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

At 3:51 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 11:23 P.M. the Speaker called the House to order.

At 11:24 P.M. it was regularly moved and seconded that the House adjourn in accordance with **SCR 24**. The motion prevailed by voice vote.

### 65th LEGISLATIVE DAY

The Speaker called the House to order at 11:24 P.M. on Thursday, June 27, 1963.

There was a prayer by Mr. Annett.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 32 members present; 3 absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Messrs. Downs, Fifer, Shockley—3.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

A messenger from the Senate informed the House that the Senate had passed **SB 186, 195, 199, 100, 130, 131** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 218, 194, 309, 307, 221, 182** and was returning the same to the House.

Mr. Eskridge introduced **HB 380**—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Departments of Elections for New Castle County, Kent County, and Sussex County."

It was given its first reading by title only.

It was regularly moved and seconded that the rules be suspended in order to leave **HB 380** unassigned. The motion prevailed by voice vote.

**SB 130**—"An Act Amending Chapter 61, Entitled 'General Fund', of Title 29, Delaware Code, by Adding Thereto a New Section Relating to a Restriction Upon the State's Borrowing Money and Pledging Credit," was given its first reading by title only.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SB 130**. The motion prevailed by voice vote.

Mr. Eskridge moved that **SB 130**—"An Act Amending Chapter 61, Entitled 'General Fund', of Title 29, Delaware Code, by Adding Thereto a New Section Relating to a Restriction Upon the State's Borrowing Money and Pledging Credit," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Casey, Clifton, Correll, Darling, Davidson, Eskridge, Exley,

Hale, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Shulties, Wootten, Mr. Speaker—24.

NAYS—Messrs. Quigley, Walls, Younger—3.

ABSENT—Messrs. Downs, Fifer, Pratt, Shockley—4.

PRESENT—Messrs. Blendt, Dineen, Hanlon, Livingston—4.

**SB 130** having received the constitutional majority, passed the House.

**SB 131**—“An Act Proposing an Amendment to Article VIII of the Constitution of the State of Delaware Relating to Revenue and Taxation and the State’s Borrowing Money and Pledging Credit,” was given its first reading by title only.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SB 131**. The motion prevailed by voice vote.

Mr. Eskridge moved that **SB 131**—“An Act Proposing an Amendment to Article VIII of the Constitution of the State of Delaware Relating to Revenue and Taxation and the State’s Borrowing Money and Pledging Credit,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Casey, Clifton, Correll, Darling, Davidson, Eskridge, Exley, Hale, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Shulties, Wootten, Mr. Speaker—24.

NAYS—None.

ABSENT—Messrs. Downs, Fifer, Pratt, Shockley—4.

PRESENT—Messrs. Blendt, Dineen, Hanlon, Livingston, Quigley, Walls, Younger—7.

**SB 131** having received the constitutional majority, passed the House.

Mr. Eskridge moved that **HB 371**—“An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department’s Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department,” be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that the results of the roll call on **HB 371** be laid on the table. The motion prevailed by voice vote.

At 11:45 P.M. it was regularly moved and seconded that the House adjourn. The motion was lost by voice vote.

At 11:50 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 1:50 A.M., June 28, 1963, the Speaker called the House to order.

It was regularly moved and seconded that the results of the roll call on **HB 371** be lifted from the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 371** be laid on the table. The motion prevailed by voice vote.

A messenger from the Senate informed the House that the Senate had passed **SCR 26** and requested the concurrence of the House.

**SCR 26**—"Providing for Temporary Adjournment of the Senate and the House of Representatives of the 122nd General Assembly of the State of Delaware," was given its first reading by title only.

BE IT RESOLVED by the Senate of the 122nd General Assembly of the State of Delaware, the House of Representatives concurring therein, that at the close of business on the 65th Legislative Day, both the Senate and the House shall adjourn, provided, however, that the Senate may be reconvened at any time upon the call of the President Pro Tempore for the purpose of receiving and acting upon appointments by the Governor, and further provided that the Senate and the House may be reconvened at any time upon the call of the President Pro Tempore and the Speaker of the House.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SCR 26**. The motion prevailed by voice vote.

Mr. Eskridge moved that **SCR 26**—"Providing for Temporary Adjournment of the Senate and the House of Representatives of the 122nd General Assembly of the State of Delaware," be taken up for consideration in order to pass the House.

**SCR 26** was adopted by voice vote.

At 2:03 A.M. it was regularly moved and seconded that the House adjourn in accordance with **SCR 26**. The motion prevailed by voice vote.

**66th LEGISLATIVE DAY**

The Speaker called the House to order at 1:56 P.M. on Tuesday, July 15, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 32 members present; 3 absent.

**MEMBERS PRESENT**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Walls, Wootten, Younger, Mr. Speaker—32.

**MEMBERS ABSENT**—Messrs. Busker, McGinnis, Shulties—3.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Without objection the following communication was made part of the record.

On date indicated, the Governor approved the following legislation:

June 25, 1963—**HB 123; HB 250/SA 1.**

June 26, 1963—**HB 180; HB 285/HA 1.**

June 27, 1963—**SB 88; SB 6.** Governor vetoed **HB 22/HA 1, 2 and 3** on this date.

June 28, 1963—**HB 50; HB 65/HA 1 and 2; HB 171/HA 1, SA 1; HB 246; HB 25; HB 78/HA 1; HB 93; HB 346; HB 191/HA 1; SB 191; SB 176; SB 147; SB 123; SB 120; SB 121; SB 111.**

On date indicated, the Governor approved the following legislation:

July 8, 1963—**HB 278; HB 269; HB 96/HA 1; SB 145.**

July 9, 1963—Governor vetoed **HB 110/SA 1** on this date.

Without objection the following communication was made part of the record.

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover

June 27, 1963

To the House of Representatives of the  
122nd General Assembly of the State of Delaware

On June 20, 1963, I received **House Bill No. 22**, as amended by **House Amendments No. 1, No. 2 and No. 3**, entitled:

“AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, RELATING TO STATE POLICE PENSIONS BY LIBERALIZING THE SAME.”

A review of this measure discloses that one of the amendments added to this Bill nullified the entire intent of the original act. On June 26, 1963, I received **Senate Bill No. 191** which carries out the original intent of **House Bill No. 22**.

I am herewith returning **House Bill No. 22**, as amended by **House Amendments No. 1, No. 2 and No. 3**, without my approval for the reasons stated above.

Respectfully submitted,  
ELBERT N. CARVEL  
Governor

ENC/edv

Without objection the following communication was made part of the record.

July 8, 1963

To the House of Representatives of the  
122nd General Assembly of the State of Delaware:

On June 27, 1963, I received **House Bill No. 110**, as amended by **Senate Amendment No. 1**, entitled:

“AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO THE SALE OF ALCOHOLIC LIQUORS BY RESTRICTING THE NUMBER OF LICENSES IN A GIVEN AREA.”

This measure would prohibit the Alcoholic Beverage Control Commission from granting a license for a location within 900 feet of another licensed location in an incorporated town, or within one mile of another licensed location outside incorporated towns. At the present time this power to determine license locations is within the powers and duties of the Commission.

This Bill is unnecessarily restrictive on the buying public and unreasonably restrains the scope and authority of the Alcoholic Beverage Control Commission. The Commission has demonstrated its ability to exercise sound judgment in this area and should retain such jurisdiction. To render determinations of license locations so inflexible will work to the detriment of both the liquor industry and the consumer. This legislation will tend to promote unfair monopolies in the fast growing communities of our State.

I am therefore returning **House Bill No. 110**, as amended by **Senate Amendment No. 1**, without my approval.

Respectfully submitted,  
ELBERT N. CARVEL  
Governor

ENC:jkm  
Enclosure

It was regularly moved and seconded that **HB 380** be stricken from the calendar. The motion prevailed by voice vote.

At 2:06 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:18 P.M. the Speaker called the House to order.

It was regularly moved and seconded that the results of the roll call on **HB 371** be lifted from the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 371** be laid on the table. The motion prevailed by voice vote.

At 5:20 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:45 P.M. the Speaker called the House to order.

At 5:45 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Tuesday, July 16, 1963. The motion prevailed by voice vote.

### 67th LEGISLATIVE DAY

The Speaker called the House to order at 2:15 P.M. on Tuesday, July 16, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag. The Roll Call revealed 33 members present; 2 absent.

**MEMBERS PRESENT**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

**MEMBERS ABSENT**—Messrs. Busker, Quigley—2.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

The following Committee Reports were given:

**HB 377**—Judiciary, 2 favorable, 2 on merits.

**SB 188**—Appropriation, 5 on merits.

**SB 192**—“An Act to Amend Section 1511, Title 15, Delaware Code, Relating to Delivery of Registration Records to the Department of Elections,” was given its first reading by title only and assigned to the Committee on Elections.

**SB 186**—“An Act to Amend Chapter 45, Title 10, Delaware Code, to Permit the Superior Court to Excuse Jurors,” was given its first reading by title only and assigned to the Committee on Judiciary.

**SB 140**—“An Act Authorizing the State Treasurer to Transfer Certain Balances in the Accounts of Former State Treasurer Vera G. Davis to the General Fund of the State of Delaware,” was given its first reading by title only and assigned to the Committee on Miscellaneous.

**SB 100**—“An Act to Amend Section 1302, Title 10, Delaware Code, Relating to Salary of the Judges of the Court of Common Pleas for New Castle County,” was given its first reading by title only and assigned to the Committee on Judiciary.

**SB 195**—“An Act to Amend Title 29, Part II, Delaware Code, Relating to the General Assembly by Providing for the Composition of the Senate and Reapportionment Thereof,” was given its first reading by title only and assigned to the Committee on Revised Statutes.

**SB 199**—An Act to Amend Chapter 401, Volume 53, Laws of Delaware, Entitled, “An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1963” by Extending the Date When Certain Money Shall Revert to the General Fund, was given its first reading by title only and assigned to the Committee on Appropriations.

**SB 196**—"An Act Making a Supplementary Appropriation to the State Board of Health for the Fiscal Year Ending June 30, 1964 to be Used to Renovate and Convert the Post Office Building at Milford for Use as a Clinic and Office Building," was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Isaacs introduced **HB 381**—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the Erection of a Building to House the Offices of the State Board of Agriculture, and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the State Board of Agriculture."

It was given its first reading by title only and assigned to the Committee on Public Buildings and Highways.

A messenger from the Senate informed the House that the Senate had passed **SB 183, 202, SCR 28 - SCR 29** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 46** with **HA 1** and was returning the same to the House.

Mr. Bartleson introduced **HB 382**—"An Act Making a Supplementary Appropriation for the Fiscal Year Ending June 30, 1964 to Reimburse the Arden School Board for Expenditures Made During the Fiscal Year Ending June 30, 1962.

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Exley introduced **HR 96**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 96** be adopted by voice vote. The motion prevailed.

**HR 96**—"Authorizing the Payment of Certain Expenses for the Printing of Bill Backers for the House of Representatives of the 122nd General Assembly."

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of \$540.00 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay The Harrington Journal, Harrington, Delaware for the printing of Bill Backers and House Rule Books for the House of Representatives of the 122nd General Assembly.

Mr. Exley introduced **HR 97**. It was given its first and only reading in its entirety. It was regularly moved and

seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 97** be adopted by voice vote. The motion prevailed.

**HR 97**—"Authorizing the Payment of Certain Expenses of the House of Representatives of the 122nd General Assembly of the State of Delaware for the Printing of Calendars."

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of \$540.20 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the Sussex Countian, Georgetown, Delaware for the printing of Calendars for the House of Representatives of the 122nd General Assembly.

Mr. Casey introduced **HR 98**—"Extending the Congratulations and Best Wishes of the House of Representatives of the 122nd General Assembly to Bruce Kallos on Being Elected National Vice President for United States Junior Chamber of Commerce."

It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 98** be adopted by voice vote. The motion prevailed.

Mr. Dineen introduced **HS 1** to **HB 301**—"An Act to Amend § 1704 (1), Title 14, Delaware Code, Relating to Education."

It was given its first reading by title only and assigned to the Committee on Education.

Mr. Shockley introduced **HB 383**—An Act to Amend Chapter 31, Volume 54, Laws of Delaware, Entitled, "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1964," and Making a Supplementary Appropriation in the Amount of \$2,400 for the Proposed Amendment.

It was given its reading by title only and assigned to the Committee on Appropriations.

Mr. Shockley introduced **HB 384**—"An Act to Amend Chapter 17, Title 14, Delaware Code, by Providing for Equalization of Educational Opportunities."

It was given its first reading by title only and assigned to the Committee on Education.

Mr. Younger introduced **HB 385**—"An Act to Amend Section 1521 (a) Title 9, Delaware Code, Pertaining to Sal-

aries of Chief Deputies, and Assistant Chief Deputies of Elected or Appointed Office Holders.”

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Best introduced **HB 386**—“An Act to Amend Section 2301, Title 30, Delaware Code Pertaining to Occupational License for Tourist Homes.”

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Fifer introduced **HB 387**—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, by Authorizing the Town Council to Extend the Boundaries of Said Town After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed.

It was given its first reading by title only and assigned to the Committee on Corporations-Municipal.

Mr. Shockley moved that **SB 185**—An Act to Amend Chapter 149, Volume 29, Laws of Delaware, Entitled, “An Act to Reincorporate the Town of Cheswold,” as Amended, be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Busker—1.

**SB 185** having received the constitutional majority, passed the House.

Mr. Shockley moved that **SB 113**—“An Act to Amend Section 27, Chapter 237, Volume 51, Laws of Delaware, Entitled, “An Act to Reincorporate the Town of Bridgeville” Relating to the Power to Raise Revenue, be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge,

Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Blendt, Davidson—2.

**SB 113** having received the constitutional majority, passed the House.

Mr. Shulties introduced **HR 99**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 99** be adopted by voice vote. The motion prevailed.

### HOUSE RESOLUTION 99

#### IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS, Cooper Hurd was previously elected to the office of Door Tender but has resigned effective at the close of the Legislative Day, June 27, 1963

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Cooper Hurd is hereby relieved from the duties of Door Tender effective at the close of the Legislative Day, June 27, 1963.

BE IT FURTHER RESOLVED that James Burtsch is hereby elected to serve as Door Tender effective at the beginning of the Legislative Day, July 15, 1963 to serve during the pleasure of the House of Representatives.

Mr. Tribbitt introduced **HB 388**—"An Act to Amend Chapter 51, Title 30, Delaware Code by Providing for Appropriations for the Acquisition of Public Park, Recreation and Conservation Lands: the Creation and Administration of a Municipal Park and Open Spaces Fund."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

At 2:46 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 3:00 P.M. the Speaker called the House to order.

Mr. Wootten introduced **HR 100**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the

resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 100** be adopted by voice vote. The motion prevailed.

### HOUSE RESOLUTION 100

#### IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS, Clara Conley was previously elected to the office of File Clerk but has resigned effective at the close of the Legislative day, June 20, 1963.

#### NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Clara Conley is hereby relieved from the duties of File Clerk effective, at the close of the Legislative Day, June 20, 1963.

BE IT FURTHER RESOLVED that Cornelius Hurd is hereby elected to serve as messenger effective June 24, 1963, to serve during the pleasure of the House of Representatives.

Mr. Wootten introduced **HB 389**—An Act to Amend Chapter 31, Volume 54, Laws of Delaware, Entitled, “An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1964 and Making a Supplemental Appropriation in the Amount of \$1250.00 for the Proposed Amendment.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Wootten introduced **HB 390**—“An Act Authorizing and Directing the Receiver of Taxes and County Treasurer of Kent County to Reimburse Mary D. Derrickson McCurdy the Sum of \$15.00 County and School Taxes Paid in Error.”

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Eskridge introduced **HR 101**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 101** be adopted by voice vote. The motion prevailed.

**HR 101**—“In Reference to the State Board of Education Immediately Notifying the House of Representatives of the 122nd General Assembly of the State of Delaware as to its Approval or Disapproval of the Omnibus School Construction Bill.”

WHEREAS, there is presently before the House of Representatives of the 122nd General Assembly **House Bill No. 141** with several unadopted amendments, and

WHEREAS, this bill is needed for construction of public schools, and

WHEREAS, many citizens of the State of Delaware have and are requesting action on this legislation, and

WHEREAS, it is the responsibility of the State Board of Education to approve and recommend a school building program, and

WHEREAS, there exists a great amount of concern on the part of the members of the House as to the approval of the State Board of Education as to the omnibus school construction bill being **House Bill No. 141** with unadopted amendments,

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the State Board of Education immediately notify the said House as to its approval or disapproval of the omnibus School Construction Bill now before the House so that the members thereof may act intelligently on this legislation.

Mr. Jarrell introduced **HB 391**—"An Act Relating to a Pension for Marie K. Wharton, Widow of Dauphin D. Wharton, a Former Employee of the State of Delaware."

It was given its first reading by title only and assigned to the Committee on Miscellaneous.

Mr. Quigley moved that **HB 82** with **SA 1** "An Act to Aid Certain Fire Companies Which Are Organized to Extinguish Fires or Maintain Ambulances or Rescue Trucks, by Making Appropriations for Them," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Busker, Isaacs—2.

**HB 82** with **SA 1** having received the constitutional majority, passed the House.

Mr. Walls introduced **HR 102**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 102** be adopted by voice vote. The motion prevailed.

**HR 102**—"Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending June 11, 1963."

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the sum of \$31.90 be paid to the Diamond State Telephone Company for services rendered for the period ending June 11, 1963 for phone 736-6180.

Mr. Walls introduced **HR 103**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 103** be adopted by voice vote. The motion prevailed.

**HR 103**—"Authorizing Payment of a Delinquent Account of the 121st General Assembly."

WHEREAS a bill from the Western Union Telegraph Company was incurred by the House of Representatives of the 121st General Assembly of the State of Delaware in recalling members to a session of said Assembly and,

WHEREAS the aforementioned account has never been paid

#### NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of \$37.40 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay The Western Union Telegraph Company, Dover, Delaware for the delinquent account of the House of Representatives of the 121st General Assembly of the State of Delaware.

Mr. Walls introduced **HCR 18**. It was given its first reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 18**. The motion prevailed by voice vote.

**HCR 18** was given its final reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HCR 18** be adopted by voice vote. The motion prevailed.

**HCR 18**—“Making Appropriations to Various Companies for Supplies and Services Rendered the 122nd General Assembly of the State of Delaware.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate concurring therein, that the following named companies be paid for supplies and services rendered the 122nd General Assembly of the State of Delaware:

Addressograph-Multigraph Corporation .....\$268.20  
 P. O. Box 1305  
 Church Street Station  
 New York 8, N. Y. (#20-240)

One year contract on model 1,000 machine

Butler's, Inc. .... 212.50  
 415 Market Street  
 Wilmington, Delaware (#59202)  
 Capitol Office Equipment Company ..... 190.12  
 205 West Division Street  
 Dover, Delaware (#99687, 99774)  
 Harrington Journal ..... 594.00  
 Harrington, Delaware  
 Young & Revel, Inc. .... 152.30  
 P. O. Box 241  
 Milford, Delaware (#77459)

Mr. Younger introduced **HB 392**—“An Act to Amend Chapter 21, Title 21, Delaware Code by Changing the Registration Fees for School Busses.”

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Davidson introduced **HB 393**—“An Act to Amend Sections 1305, 1308 and 1310, Title 14, Delaware Code, Relating to Salary Schedule for Teachers, Certified Secretaries, School Nurses, and Making a Supplementary Appropriation for the Fiscal Year Ending June 30, 1964.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Davidson introduced **HB 394**—"An Act to Amend Chapter 3, Title 19, Delaware Code Relating to Maximum Hours of Weekly Employment of Female Labor."

It was given its first reading by title only and assigned to the Committee on Labor.

Mr. Best introduced **HB 395**—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Departments of Elections for New Castle County, Kent County, and Sussex County."

It was given its first reading by title only and assigned to the Committee on Elections.

It was regularly moved and seconded that the rules be suspended for the sole purpose of giving committee reports. The motion prevailed by voice vote.

The following Committee Reports were given:

**HB 387**—Corporation-Municipal, 4 favorable.

**HB 357**—Appropriations, 1 favorable, 2 on merits, 1 unfavorable.

Mr. Annett moved that **HB 328** with **HA 1**—"An Act to Amend Chapter 39, Title 7, Delaware Code Relating to Soil Conservation Districts by Repealing Said Chapter and Substituting a New Chapter 39 in Lieu Thereof," be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Blendt introduced **HA 2** to **HB 328** as amended with **HA 1**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 2** to **HB 328** be adopted.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Blendt, Clifton, Correll, Darling, Davidson, Dineen, Eskridge, Exley, Haulon, Livingston, Jarrell, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—24.

NAYS—Messrs. Bartleson, Best, Casey, Downs, Fifer, Hale, Hocker—7.

ABSENT—Busker, Isaacs, McGinnis—3.

PRESENT—Mr. Keenan—1.

**HA 2** to **HB 328** having received the constitutional majority, passed the House.

Mr. Blendt moved that **HB 328** with **HA 1** and **2** be taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Blendt, Isaacs, McGinnis—3.

**HB 328** with **HA 1** and **2** having received the constitutional majority, passed the House.

Mr. Dineen introduced **HB 396**—“An Act to Make a Supplemental Appropriation to the Supreme Court of the State of Delaware for the Fiscal Year Ending June 30, 1964 in the Amount of \$10,650.00.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

The following Committee Reports were given:

**HB 375**—Corporations-Private, 4 favorable, 1 on merit.

**HB 314**—Revenue and Taxation, 4 favorable, 1 on merit.

At 6:40 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Wednesday, July 17, 1963. The motion prevailed by voice vote.

### 68th LEGISLATIVE DAY

The Speaker called the House to order at 2:15 P.M. on Wednesday, July 17, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 32 members present; 3 absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Busker, Keenan, Quigley—3.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Without objection the following communication from the Governor was made part of the record.

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover

July 17, 1963

To the Members of the 122nd General Assembly  
of the State of Delaware:

The legislative impasse on a Highway Bond Bill is of such serious consequence to our State that I feel impelled to make still another urgent appeal to the members of the General Assembly in this connection.

With all of the earnestness at my command, I urge each member of the General Assembly to lay aside today all unrelated measures, objectives and considerations and to enact a suitable Highway Bond Bill without further delay. I urge each member of the General Assembly to consider and vote upon a Highway Bond Bill upon its own merits alone, without regard for any partisan considerations.

The welfare of our people in all parts of the State requires nothing less than this. Our road building programs throughout the State are, or soon will be, at a standstill. There has been a stoppage of the construction of the Free-way in Wilmington, the completion of which is so essential to the future of the people in the northern part of our State. The economy of our State, including jobs and contracts, is being, and will be, seriously and adversely affected. Federal aid matching funds are becoming unavailable to us. The State Highway Department stands in danger of permanently losing trained and experienced staff personnel which has been built up over a long period of time.

The result of this impasse is that Delaware and its people are suffering, and will continue to suffer, irreparable harm and damage unless appropriate action is taken by the Legislature at this time. Therefore, I appeal to the members of the General Assembly, in the names of all of our citizens—Democrats and Republicans alike—to enact a Highway Bond Bill now, without any further delay. Failure to do so at this time will constitute a most grievous failure of

obligation to the people of our State, for which an accounting by those responsible will most certainly be due.

Respectfully submitted,  
ELBERT N. CARVEL  
Governor

ENC: jkm

It was regularly moved and seconded that the Roll Call on **HB 371**—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department," be lifted from the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 371**—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Department's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department," be laid on the table. The motion prevailed by voice vote.

Without objection the following communication from the Governor was made part of the record.

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover

July 17, 1963

The Honorable Sherman W. Tribbitt  
Speaker of the House of Representatives  
Legislative Hall  
Dover, Delaware

Dear Mr. Speaker:

I should like to cordially invite all of the members of the House of Representatives to meet with me in my office at a convenient time this afternoon, and suggest 3:00 p.m. if this is suitable.

Cordially yours,  
ELBERT N. CARVEL  
Governor

Without objection the following communications was made part of the record.

WESTERN UNION TELEGRAMS

July 11, 1963

Hon. Carlton Blendt,  
Chairman of Education Committee  
Dover, Del.

Greenwood School Board of Trustees urges the passage of **House Bill 141** at the earliest date. It is our belief that to further delay will only hamper the educational opportunities of pupils presently enrolled in our schools. We are in dire need of educational facilities.

SYDNEY D. COLLISON  
Clerk and Supervising Principal

July 11, 1963

Carlton Blendt Jr.  
Legislative Hall  
Dover, Del.

The Marshallton School Board urges the prompt passage of **House Bill 141** providing for construction of schools for our children. The need for these facilities is urgent and any further delays will hamper the education of our children.

Sincerely,  
N. C. COOPER, Chairman  
Marshallton Board of School Trustees

July 11, 1963

Carlton Blendt Jr.  
Legislative Hall  
Dover, Del.

New Castle Special School District Board of Education urges the prompt passage of **House Bill 141** providing for construction of schools for our children. The need for these facilities is urgent and any further delays will hamper the education of our children.

Sincerely,  
JOSEPH R. KLECKNER, Secty.  
New Castle Special School District  
Board of Education

July 15, 1963

Hon. Carlton Blendt  
Dover, Del.

Urge prompt passage of **House Bill #141**.

CHAS. E. JACKSON, Pres.  
Seaford School Board  
Seaford, Del.

July 12, 1963

Hon. Carlton Blendt Jr.  
Legislative Hall  
Dover, Del.

The Board of Trustees of the Stanton School District respectfully request your support in seeking immediate passage of **House Bill 141**, the school construction bill. Our district, as in many throughout the State, has been seriously handicapped by the delay. Already it is likely that Stanton children will spend an additional year on split sessions in the Conrad District. Further delay will make this a certainty.

Some of the items in the Bill will be denied the children for a full year unless made available immediately.

We sincerely urge quick action on **HB 141**.

JOHN R. WYKS, Chairman  
Stanton Board of School Trustees  
1800 Limestone Rd.  
Wilmington, Del. 19804

July 15, 1963

Carlton Blendt, Jr.  
Chairman House Education Committee  
Legislative Hall  
Dover, Del.

Failure to pass the omnibus school construction bill, **HB 141**, has paralyzed our building program in the Henry C. Conrad High School District. With double sessions to start next year, the some 40,000 adults in our area are increasingly asking when are we going to do something. We urge you to give this matter immediate consideration.

Board of School Trustees  
Henry C. Conrad High School District  
Walter Pyle, Chairman  
David C. Chalmers  
George J. Fisher

William B. McCormack  
 J. Raymond Frederick Jr.  
 Darrell F. Long, Clerk

Mr. Bartleson introduced **HA 8** to **HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 8** to **HB 141** be placed with the bill. The motion prevailed.

Mr. McGinnis moved that **HB 141** be given its third and final reading and taken up for consideration in order to pass the House.

**HB 141**—“An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; 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.”

It was regularly moved and seconded that action on **HB 141** be temporarily deferred. The motion prevailed by voice vote.

At 3:35 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 6:32 P.M. the speaker called the House to order.

Mr. Phillips introduced **HR 104**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 104** be adopted by voice vote. The motion prevailed.

**HR 104**—“Relative to the Death of Harry G. McAllister, a Former Member of the House of Representatives.”

WHEREAS, the House of Representatives of the 122nd General Assembly of the State of Delaware has learned with regret of the passing of Harry G. McAllister on July 16, 1963, a former member of the House; and

WHEREAS, former State Representative Harry G. McAllister served his state faithfully and well during his term in the 119th General Assembly of the State of Delaware as

Representative from the 5th Representative District of Sussex County, and

WHEREAS, the members of the House desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware;

NOW, THEREFORE

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the members give expression of the regret they experienced at the passing of Harry G. McAllister, a prominent figure in his community, a former member and Sheriff of Sussex County at the time of his death.

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 122nd General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and,

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the Journal of the proceedings of the House of Representatives of the 122nd General Assembly of the State of Delaware.

At 6:36 P.M. Mr. Eskridge moved that the House adjourn until 1:00 P.M. Thursday, July 18, 1963. The motion prevailed by voice vote.

### 69th LEGISLATIVE DAY

The Speaker called the House to order at 2:35 P.M. on Thursday, July 18, 1963.

There was a prayer by Mr. John Annett.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 32 members present; 3 absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Busker, Keenan, Quigley—3.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Without objection the following communication was made part of the record.

STATE BOARD OF EDUCATION

Dover, Del.

July 17, 1963

Honorable Sherman W. Tribbitt  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, Delaware

Dear Mr. Tribbitt:

After a telephone canvass of its members, the State Board of Education hereby approves **House Bill 141** with **Amendments 3** and **5**.

Very sincerely yours,  
J. OHRUM SMALL, President  
State Board of Education

JOS:mbw

Without objection the following communication from the Governor was made part of the record.

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

Dover

July 17, 1963

To the House of Representatives of the  
122nd General Assembly of the State of Delaware:

On July 15, 1963, I received **House Bill No. 44** entitled:

“AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE LAW LIBRARY IN KENT COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 1963.”

In view of the fact that this measure appropriates funds to be used in a fiscal year already terminated prior to the date of its receipt in my office, these funds could not be expended even if approved by the Governor.

I am therefore returning **House Bill No. 44** without my approval.

Respectfully submitted,  
ELBERT N. CARVEL  
Governor

ENC:jkm Attachment

Mr. Isaacs introduced **HB 397**—"An Act to Establish a Statewide Family Court by Merging Into One Court the Family Court of the State of Delaware, in and for New Castle County and the Family Court for Kent and Sussex Counties, and to Provide for its Organization, Duties, Powers and Procedures."

It was given its first reading by title only and assigned to the Joint Corrections Committee of the House.

Mr. Davidson introduced **HA 1** to **HB 121**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 121** be adopted by voice vote. The motion prevailed.

Mr. Davidson moved that **HB 121** As Amended w/**HA 1**—"An Act Relating to the Collector of Delinquent County Taxes in New Castle County," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Blendt, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—22.

NAYS—Messrs. Bartleson, Best, Casey, Correll, Downs, Fifer, Hale, Hocker, Jarrell, Kirkby—10.

ABSENT—Messrs. Busker, Keenan, Quigley—3.

**HB 121** w/**HA 1** having received the constitutional majority, passed the House.

Mr. Pratt introduced **HB 398**—"An Act Making an Appropriation to the Insurance Commissioner for a Comprehensive Review and Study of the Insurance Law of the State for the Preparation of a Report Containing Recommended Revisions of Such Law for Submission to the General Assembly."

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Pratt introduced **HB 399**—"An Act Relating to the Insurance of State Property."

It was given its first reading by title only and assigned to the Committee on Appropriations.

The following Committee Reports were given:

**SB 196**—Appropriations, 2 favorable, 2 on merits.

**HS 1** for **HB 301**—Education, 5 favorable.

Mr. Blendt introduced **HA 2** to **HB 201**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 2** to **HB 201** be placed with the bill. The motion prevailed.

Mr. Dineen moved that **HA 1** to **HB 160** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Dineen moved that **HB 160** As Amended w/**HA 1**—“An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to Compensation of Members of the Public Service Commission,” be given third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Bartleson, Blendt, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—23.

NAYS—Messrs. Annett, Atkins, Best, Casey, Correll, Downs, Fifer, Hale, Hocker—9.

ABSENT—Busker, Jarrell, Keenan—3.

**HB 160** w/**HA 1** having received the constitutional majority, passed the House.

Mr. Bartleson introduced **HB 400**—“An Act to Amend Chapter 3, Title 9, Delaware Code, Relating to Salaries of Levy Court Commissioners of New Castle County.”

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. McGinnis moved that **HA 3** to **HB 141** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Eskridge moved that **HA 9** to **HB 141** having previously been placed with the bill, be adopted.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Casey, Correll, Darling, Dineen, Downs, Eskridge, Hanlon, Livingston, Jarrell, Kirkby, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Mr. Speaker—20.

NAYS—Messrs. Best, Blendt, Clifton, Davidson, Exley, Fifer, Hale, Hocker, Lowe, Pratt, Wootten, Younger—12.

ABSENT—Messrs. Busker, Isaacs, Keenan—3.

**HA 9 to HB 141** having received the constitutional majority, passed the House.

Mr. Blendt moved to defer action on **HA 9 to HB 141** until the Legislature could hear from the State Board of Education. Mr. Clifton seconded the motion. Mr. Quigley made a motion to lay Mr. Blendt's motion on the Table. Motion was seconded by Mr. Clifton. Motion carried by voice vote.

Mr. Phillips introduced **HA 10 to HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 10 to HB 141** be adopted by voice vote. The motion prevailed.

Mr. Casey moved that **HA 5 to HB 141** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Blendt moved that **HA 7 to HB 141** having previously been placed with the bill, be adopted by voice vote. Motion prevailed.

Mr. Dineen moved that **HA 6 to HB 141** having previously been placed with the bill, be adopted by voice vote. Motion prevailed.

Mr. Blendt introduced **HA 11 to HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. Without objection it was so ordered. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 11 to HB 141** be adopted by voice vote. The motion prevailed.

At 4:04 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:19 P.M. the Speaker called the House to order.

Mr. Clifton introduced **HA 12 to HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 12 to HB 141** be adopted by voice vote. The motion prevailed.

Mr. McGinnis introduced **HA 13 to HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. Without objection it was so ordered. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 13 to HB 141** be adopted by voice vote. The motion prevailed.

Mr. Casey introduced **HA 14 to HB 141**. It was given its first and only reading in its entirety. It was regularly

moved and seconded that so much be considered the reading of the amendment. Without objection it was so ordered. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 14** to **HB 141** be adopted by voice vote. The motion prevailed.

Mr. McGinnis moved that **HB 141** As Amended w/**HA 3, 5, 7, 9, 10, 11, 12, 13, 14** be given its third and final reading and taken up for consideration in order to pass the House.

**HB 141**—“An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; 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.”

It was regularly moved and seconded that action on **HB 141** As Amended be temporarily deferred. The motion prevailed by voice vote.

**SB 183**—“An Act Amending Title 6, Delaware Code of 1953, by Protecting the Public Welfare, Entitling All Persons to Full and Equal Accommodations, Facilities, Advantages and Privileges of Places of Public Accommodation and Making it Unlawful to Refuse the Same to Any Person on Account of Race, Creed, Color or National Origin or to Publish Any Communication to the Effect That the Same Shall be Refused on Account of Race, Creed, Color or National Origin, Empowering and Directing the State Human Relations Commission to Effect Voluntary Compliance Therewith and Providing Criminal Penalties for the Violation Thereof, and Repealing Section 1501 of Title 24, Section 902 of Title 28 and Section 703 of Title 26, Delaware Code of 1953, Insofar as Said Sections are Inconsistent Herewith,” was given its first reading by title only.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SB 183**.

The Roll Call revealed:

YEAS—Messrs. Bartleson, Best, Casey, Correll, Dineen, Downs, Fifer, Hale, Hanlon, Livingston, Jarrell, Keenan, Shockley, Wootten—15.

NAYS—Annett, Atkins, Blendt, Clifton, Darling, Davidson, Eskridge, Exley, Hocker, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shulties, Walls, Mr. Speaker—18.

ABSENT—Messrs. Busker, Younger—2.

Motion to suspend the rules for **SB 183** not having received its required majority, was declared lost.

**SB 183** was assigned to the Committee on Revised Statutes.

A messenger from the Senate informed the House that the Senate had passed **SB 207** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 53 w/HA 1, HB 85, HB 290, HCR 18** and was returning the same to the House.

Mr. Dineen moved that **HA 2** to **HB 199** having previously been placed with the bill, be adopted by Roll Call. On the question, "Shall this Amendment pass the House?" the roll call revealed:

YEAS—Messrs. Atkins, Casey, Clifton, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—21.

NAYS—Messrs. Annett, Bartleson, Best, Blendt, Correll, Darling, Downs, Fifer, Hale, Hocker, Jarrell—11.

ABSENT—Messrs. Busker, Pratt, Younger—3.

**HA 2** to **HB 199** having received its constitutional majority, passed the House.

Mr. Dineen moved that **HB 199 w/HA 2**—"An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to Compensation of the Members of the Industrial Accident Board," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Blendt, Casey, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Wootten, Mr. Speaker—21.

NAYS—Messrs. Annett, Bartleson, Best, Correll, Downs, Fifer, Hale, Hocker, Jarrell—9.

ABSENT—Busker, Keenan, Pratt, Shockley, Younger—5.

**HB 199 w/HA 2** having received the constitutional majority, passed the House.

Without objection the following communication was made part of the record.

FROM: F. Earl McGinnes

On date indicated, the Governor approved the following legislation:

July 15, 1963—**HB 227.**

July 16, 1963—**SB 59; HB 182; HB 218; HB 186, HB 307; HB 309; SB 171/SA 1.**

July 17, 1963—Governor vetoed **HB 44.**

At 6:47 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Monday, July 22, 1963. The motion prevailed by voice vote.

### 70th LEGISLATIVE DAY

The Speaker called the House to order at 2:26 P.M. on Monday, July 22, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 31 members present; 4 absent.

**MEMBERS PRESENT**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

**MEMBERS ABSENT**—Messrs. Busker, Isaacs, McGinnes, Quigley—4.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Without objection the following communication was made part of the record.

On date indicated, the Governor approved the following legislation:

July 18, 1963—**HB 46/HA 1; HB 108; HB 115; HB 125/HA 1; HB 148; HB 221; HB 268; HB 82/SA 1; HB 84/HA 1.**

Without objection the following communication was made part of the record.

**GOVERNORS MESSAGE**  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

July 22, 1963

To The House of Representatives of the  
122nd General Assembly of the State of Delaware

On July 15, 1963, I received **House Bill No. 194** entitled:  
“AN ACT TO AMEND SECTION 2619, TITLE 9,  
DELAWARE CODE, PERTAINING TO VIOLATION  
OF ZONING REGULATION AND ENFORCEMENT  
BY ADJOINING LANDOWNERS.”

This Administration is in wholehearted accord with the urgent need to provide property owners in New Castle County with improved procedures to seek relief from violations of zoning regulations.

A public hearing held in my office on July 19, 1963, where competent legal counsel was present developed the fact that this Bill does not accomplish this goal. Rather it would serve to harass and confuse while failing to provide relief for a genuinely aggrieved party.

I am, therefore, returning **House Bill No. 194** without my approval and urge that the General Assembly take prompt steps to secure the passage of simple legislation which will correct this problem.

Respectfully submitted,  
ELBERT N. CARVEL  
Governor

ENC/edv

Mr. Annett moved that **HB 334**—“An Act to Appropriate \$6,580 to the State Board of Education for the Use of the Greenwood Consolidated School District to Equip an Agriculture Shop,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Busker, Isaacs, McGinnis—3.

**HB 334** having received the constitutional majority, passed the House.

**SB 203**—"An Act to Appropriate Funds to the State Highway Department," was given its first and only reading by title only in its entirety and assigned to the Committee on Appropriations.

**SB 202**—"An Act to Amend Section 8325, Title 11, Delaware Code, As Amended," was given its first reading by title only and assigned to the Committee on Judiciary.

**SB 206**—"An Act Making a Supplementary Appropriation to the State Highway Department," was given its first reading by title only and assigned to the Committee on Appropriations.

**SB 207**—"An Act Making a Supplementary Appropriation to New Castle Historic Building Commission," was given its first reading by title only and assigned to the Committee on Appropriations.

**SCR 27**—"Relating to the Establishment of a Joint Committee on the Returning of Fort Miles at Cape Henlopen to the State," was given its first reading by title only and assigned to the Committee on Miscellaneous Bills.

Mr. Eskridge introduced **SCR 29**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **SCR 29** be adopted by voice vote. The motion prevailed.

Mr. Eskridge introduced **SCR 28**—"An Act Making An Appropriation to the Diamond State Telephone Company for Services Rendered Through April 27, 1963." It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **SCR 28** be adopted by voice vote. The motion prevailed.

Mr. Dineen moved that **SB 196**—"An Act Making a Supplementary Appropriation to the State Board of Health for the Fiscal Year Ending June 30, 1964 to be Used to Renovate and Convert the Post Office Building at Milford for Use as a Clinic and Office Building," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs,

Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Busker, Isaacs, McGinnis—3.

**SB 196** having received the constitutional majority, passed the House.

Mr. Fifer moved that **HB 387**—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, by Authorizing the Town Council to Extend the Boundaries of Said Town After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed, be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Busker, Isaacs, McGinnis—3.

**HB 387** having received the constitutional majority, passed the House.

Mr. Tribbitt introduced **HB 401**—“An Act Relating to the Ownership of Real Property, the Division Thereof Into Units, the Submission of Real Property to the Provisions of This Act and the Withdrawal of Such Property from the Provisions of This Act, Providing for the Improvement, Management, Operation, Assessment and Taxation of Such Property, Establishing Certain Procedures in Connection Therewith, Providing for the Conveyancing, Leasing, and Mortgaging Thereof, Establishing a Procedure for the Assessment and Collection of Certain Expenses with Respect Thereto, Setting Forth Certain Lien Rights with Respect Thereto and Providing for the Recording of Certain Information.”

It was given its first reading by title only and assigned to the Committee on Judiciary.

Mr. Dineen introduced **HB 402**—An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware As Amended, Being an Act Entitled, “An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington.”

It was given its first reading by title only and assigned to the Committee on Corporation-Municipal.

Mr. Shockley introduced **HB 403**—“An Act Appropriating Money to the State Board of Corrections to Pay the Salary of an Additional Authorized Employee.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Shockley introduced **HB 404**—“An Act to Amend Section 344, Title 9, Delaware Code, by Changing the Method of Selection of Auditors.”

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

A messenger from the Senate informed the House that the Senate had passed **SB 208, 49** with **SA 2, 141** with **SA 1** and **SB 189** and requested the concurrence of the House.

Mr. Eskridge moved that **HB 15**—“An Act to Amend Chapter 3, Title 30, Delaware Code Relating to the State Tax Board,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Busker, Davidson, Isaacs, McGinnis—4.

**HB 15** having received the constitutional majority, passed the House.

Mr. Eskridge moved that **HB 107**—“An Act to Amend Title 29, Delaware Code, Relating to the Limitation on Cost of Automobiles for State Use,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs,

Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Busker, Isaacs, McGinnis—3.

**HB 107** having received the constitutional majority, passed the House.

Mr. Eskridge moved that **HB 223**—“An Act Increasing the Membership of the State Board of Trustees of the Delaware State Hospital at Farnhurst,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Busker, Isaacs, McGinnis—3.

**HB 223** having received the constitutional majority, passed the House.

Mr. Darling introduced **HB 405**—“An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to Powers and Duties of the State Highway Department.”

It was given its first reading by title only and assigned to the Committee on Public Buildings and Highways.

Mr. Quigley moved that **HB 314**—“An Act to Make Real Property Held by the Levy Court of New Castle County Within the New Castle Special School District From Which Revenue is Derived Subject to the School Taxes Imposed by Said School District, and Providing for the Assessment of Such Property,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Jarrell, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—30.

NAYS—Messrs. Livingston, Keenan—2.

ABSENT—Messrs. Busker, Isaacs, McGinnis—3.

**HB 314** having received the constitutional majority, passed the House.

Mr. Hocker introduced **HB 406**—“A Supplementary Appropriation Act to Allocate Funds to the State Highway Department for Permanent Construction to Prevent Erosion of Beaches and Bays.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

The following Committee Reports were given:

**SB 126**—Appropriations, 2 favorable, 2 on merits.

**HB 320**—Appropriations, 4 favorable.

**HB 389**—Appropriations, 2 favorable, 2 on merits.

**HB 396**—Appropriations, 3 favorable, 1 on merit.

Mr. Pratt introduced **HCR 19**—“Relating to the Formation of a Joint Committee to Evaluate the Tax Exempt Organizations Set Out in Chapter 81, Title 9, Delaware Code, and Those Bills Introduced to Amend Such Chapter.”

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

It was regularly moved and seconded that the rules be suspended for the sole purpose of handing up committee reports. The motion prevailed by voice vote.

The following Committee Report was given:

**SB 202**—Judiciary, 5 favorable.

At 3:17 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 6:32 P.M. the Speaker called the House to order.

Mr. Darling introduced **HR 105**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 105** be adopted by voice vote. The motion prevailed.

**HR 105**—“Relative to the Death of Nelson Massey, a Former Member of the House of Representatives.”

WHEREAS, the House of Representatives of the 122nd General Assembly of the State of Delaware has learned with regret of the passing of Nelson Massey on July 20, 1963, a former member of the House, and

WHEREAS, former State Representative Nelson Massey served his State faithfully and well during his terms in the

118th and 119th General Assemblies of the State of Delaware as Representative from the 4th Representative District of Kent County, and

WHEREAS, the members of the House desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware.

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the members give expression of the regret they experienced at the passing of Nelson Massey, a prominent member in his community and a former member of two General Assemblies.

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 122nd General Assembly of the State of Delaware which is extended by sending a copy of this Resolution to the members of his immediate family, and

BE IT FURTHER RESOLVED, that the text of this Resolution be made a part of the Journal of the proceedings of the House of Representatives of the 122nd General Assembly of the State of Delaware.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HA 15** to **HB 141**. The motion prevailed by voice vote.

Mr. Blendt introduced **HA 15** to **HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 15** to **HB 141** be placed with the bill. The motion prevailed.

It was regularly moved and seconded that **HB 389** be recommitted. The motion prevailed by voice vote.

Mr. Wootten introduced **HS 1** to **HB 389**—An Act to Amend Chapter 31, Volume 54, Laws of Delaware, Entitled, "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1964 and Making a Supplemental Appropriation in the amount of \$900 for the Proposed Amendment."

It was given its first reading by title only and assigned to the Committee on Appropriations.

The following Committee Report was given:

**SB 177**—Revenue and Taxation, 5 favorable.

**SB 208**—"An Act Making a Supplementary Appropriation to the State Highway Department to be Used for the Purchase of Land, Improvements, and Equipment for a State Police Barracks," was given its first reading by title only and assigned to the Committee on Appropriations.

At 6:39 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 6:53 P.M. the Speaker called the House to order.

It was regularly moved and seconded that the rules be suspended for the sole purpose of presenting Committee reports. The motion prevailed by voice vote.

**SB 206**—Appropriations, 2 favorable, 2 on merits.

**SB 154**—Judiciary, 3 favorable, 1 on merit.

**SB 186**—Judiciary, 4 favorable.

At 6:56 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. on Tuesday, July 23, 1963. The motion prevailed by voice vote.

### 71st LEGISLATIVE DAY

The Speaker called the House to order at 2:12 P.M. on Tuesday, July 23, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 33 members present; 2 absent.

**MEMBERS PRESENT**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

**MEMBERS ABSENT**—Keenan, McGinnis—2.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Announcement by Speaker of the House Tribbitt:

Since House members feel there has not been the proper consideration given House Bills in the Senate, and the Senate feels there has not been proper consideration of Senate Bills in the House, the following survey reveals the following:

Of the 156 bills passed by the House the Senate has passed 84.

Of the 111 bills passed by the Senate the House has passed 56.

4% difference in performance.

Without objection the following communication was made part of the record.

On date indicated, the Governor approved the following legislation:

July 19, 1963—**SB 84/SA 1; SB 85; SB 185.**

July 22, 1963—Governor vetoed **HB 194.**

July 25, 1963—**SB 113; SB 130; SB 106; SB 73; HB 290; HB 85.**

On date indicated, the Governor approved the following legislation:

July 31, 1963—**HB 53/HA 1.**

August 6, 1963—**HB 275; HB 387; SB 202; SB 206.**

June 27, 1963—**SB 131** - Constitutional Amendment, became law after passage by both Houses.

The following Committee Reports were given:

**SB 208**—Appropriations, 4 favorable.

**SB 190**—Appropriations, 2 favorable, 2 on merits, 1 unfavorable.

**SB 34**—Insurance and Banking, 3 favorable, 2 on merits.

**HB 359**—Agriculture, 5 favorable.

**HCR 19**—Revenue and Taxation, 5 favorable.

**HB 335**—Temperance, 3 on merits, 1 unfavorable.

**HB 362**—Temperance, 3 on merits, 1 unfavorable.

Mr. Phillips introduced **HR 106**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 106** be adopted by voice vote. The motion prevailed.

## HOUSE RESOLUTION 106

### IN REFERENCE TO THE ELECTION OFFICERS

WHEREAS, Mary Sizer was previously elected to the office of Page of the House of Representatives of the 122nd General Assembly but has resigned effective at the close of the 69th Legislative Day, July 18, 1963.

NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that Mary Sizer is hereby relieved of the duties of Page effective at the close of the 69th Legislative Day, July 18, 1963.

BE IT FURTHER RESOLVED that Mary Spicer is hereby elected to the office of Page effective July 21, 1963 to serve during the pleasure of the House of Representatives of the 122nd General Assembly.

Mr. Phillips introduced **HR 107**. It was given its first and only-reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 107** be adopted by voice vote. The motion prevailed.

**HOUSE RESOLUTION 107**

IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS Walter Pyle was previously elected to the office of Assistant Chief Clerk of the House of Representatives of the 122nd General Assembly but has resigned effective at the close of the 65th Legislative Day, being June 28, 1963,

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Walter Pyle is hereby relieved from the duties of Assistant Chief Clerk at the close of the 65th Legislative Day, June 28, 1963.

Mr. Quigley introduced **HR 108**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 108** be adopted by voice vote. The motion prevailed.

**HR 108**—“A Resolution Requesting That the Governor of This State, Elbert N. Carvel, United States Senators John J. Williams and J. Caleb Boggs and Congressman Harris B. McDowell, Jr. Investigate the Transfer by the Pennsylvania Railroad Company of Work From the Wilmington Shops to Other Areas Which Threatens the Closing of the Wilmington Shops and Consequently Threatens the Economic Welfare of the City of Wilmington and the State of Delaware.”

WHEREAS, the people of the State have been concerned by the transfer of work by the Pennsylvania Railroad from the Wilmington shops to other areas in the past and the Pennsylvania Railroad Company has given assurances in the past that the transfer of work from the Wilmington shops would not be continued to the point where employment in these shops would be drastically reduced; and

WHEREAS, it presently appears that the Pennsylvania Railroad Company is engaged in the process of piecemeal transfer of work from the Wilmington shops to other areas which if continued will result in the gradual decrease of employment in these shops and their ultimate closing to the great detriment not only of the workers employed in these shops but to the economy of the City of Wilmington, New Castle County, and the State of Delaware; and

WHEREAS, the House of Representatives of the 122nd General Assembly desires to be fully appraised as to the future operation of the Wilmington shops by the Pennsylvania Railroad and that every possible means be employed to prevent the closing of these shops.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the 122nd General Assembly that Governor Elbert N. Carvel, Senators John J. Williams and J. Caleb Boggs, and Congressman Harris B. McDowell, Jr. be requested to investigate the threatened closing of the Wilmington shops by the Pennsylvania Railroad and to take all possible action to prevent the closing of these shops and to secure the employment of the workers concerned and thereby to safeguard the City of Wilmington, New Castle County, and the State of Delaware from the economic consequences which would result from the abandonment of these shops from the Pennsylvania Railroad Company.

Mr. Davidson moved that **SB 202**—"An Act to Amend Section 8325, Title 11, Delaware Code, As Amended," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Kirkby, Lowe, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Busker, Livingston, Keenan, McGinnis—4.

PRESENT—Mr. Quigley—1.

**SB 202** having received the constitutional majority, passed the House.

Mr. Downs moved that **HB 167**—“An Act to Amend Chapter 17, Title 16, Delaware Code, to Regulate the Burning of Refuse and Garbage in Certain Residential Areas,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Casey, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hoeker, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—25.

NAYS—None.

ABSENT—Messrs. Busker, Livingston, Keenan, McGinnis—4.

NOT VOTING—Messrs. Blendt, Clifton, Jarrell—3.

PRESENT—Fifer, Isaacs, Younger—3.

**HB 167** having received the constitutional majority, passed the House.

Mr. Blendt introduced **HA 1** to **SB 23**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **SB 23** be placed with the bill. The motion prevailed.

Mr. Fifer introduced **HB 407**—“An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of Camden-Wyoming Post No. 40 Holding Company, Inc. From Assessment and Taxation.”

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Bartleson introduced **HB 408**—“An Act Making a Supplemental Appropriation in the Fiscal Year Ending June 30, 1964 to Honor an Obligation Incurred in the Fiscal Years Ending June 30, 1962 and June 30, 1963.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Younger moved that **HS 1** to **HB 179**—“An Act to Amend Section 108, Title 15, Delaware Code, Relating to

the Compensation of Members of the Departments of Elections and Making an Appropriation Therefor," be taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Blendt, Clifton, Darling, Davidson, Dineen, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—21.

NAYS—Messrs. Annett, Bartleson, Best, Casey, Correll, Downs, Eskridge, Exley, Fifer, Hale, Hocker, Jarrell—12.

ABSENT—Messrs. Busker, Keenan—2.

**HS 1** to **HB 179** having received the constitutional majority, passed the House.

At 2:50 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:30 P.M. the Speaker called the House to order.

Mr. Dineen moved that **HB 357**—An Act to Amend Chapter 31, Volume 54, Laws of Delaware, Entitled, "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1964," and Making a Supplemental Appropriation in the Amount of \$150,000 for the Proposed Amendments, be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Bartleson introduced **HA 1** to **HB 357**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 357** be adopted.

It was regularly moved and seconded that **HA 1** to **HB 357** be laid on the table.

The Roll Call revealed:

YEAS—Messrs. Blendt, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—21.

NAYS—Messrs. Annett, Atkins, Bartleson, Best, Casey, Correll, Downs, Fifer, Hale, Hocker, Jarrell—11.

ABSENT—Messrs. Busker, Keenan—2.

PRESENT—Mr. Pratt—1.

Motion to table **HA 1** to **HB 357**, having received the required majority, declared passed.

The Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—Messrs. Atkins, Downs—2.

ABSENT—Messrs. Busker, Keenan—2.

**HB 357** having received the constitutional majority, passed the House.

Mr. Walls introduced **HR 109**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 109** be adopted by voice vote. The motion prevailed.

**HR 109**—“Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 122nd General Assembly.”

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the following amounts are appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present session of the 122nd General Assembly of the State of Delaware, up to and including the 71st Legislative Day, which expenses are declared proper and reasonable expenses actually incurred by the respective members of the House of Representatives for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and returning from Dover to their respective homes in the performance of their duties as members of the House of Representatives during the present Legislative Session thereof, and the Auditor of Accounts is directed to approve and properly execute warrants for, and the State Treasurer is directed to pay to the respective members of the House of Representatives hereinafter named, the respective amounts set opposite their respective names, viz:

John H. Annett .....	36.40
Robert B. Atkins .....	70.00
T. Lees Bartleson .....	77.00
William T. Best .....	66.50
Carlton Blendt, Jr. ....	28.00
Glenn K. Busker .....	18.20

Andrew J. Casey .....	70.00
Carlton Clifton .....	42.00
Jacob A. Correll .....	58.80
Gooden M. Darling .....	16.80
Robert C. Davidson .....	43.40
Russell F. Dineen .....	70.00
Robert N. Downs, III .....	67.20
Norman A. Eskridge .....	49.00
George H. Exley .....	28.00
Harvey P. Fifer .....	7.00
Everette Hale .....	63.00
Thomas J. Hanlon .....	70.00
Wilbert E. Hocker .....	84.00
M. Martin Isaacs .....	67.20
Maurice N. Jarrell .....	2.80
Ralph S. Keenan .....	70.00
George Kirkby .....	33.60
Paul F. Livingston .....	70.00
Granville T. Lowe .....	70.00
James D. McGinnis .....	
W. Harrison Phillips .....	71.40
J. Reynolds Pratt .....	22.40
James R. Quigley .....	63.00
Paul E. Shockley .....	70.00
H. Dawson Shulties .....	14.00
Joseph B. Walls .....	67.20
Wallace P. Wootten .....	18.20
Norman N. Younger .....	32.20
Sherman W. Tribbitt .....	35.00

Mr. Walls introduced **HR 110**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 110** be adopted by voice vote. The motion prevailed.

**HR 110**—“Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representatives of the Present Session of the 122nd General Assembly.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the House of Representatives whose names are listed below, the amounts set forth opposite their respective names and such sums are to be re-

garded as payments in full for services rendered by said attaches and employees for the period commencing with the 64th Legislative Day and including the 71st Legislative Day of the current session.

Maurice Adams .....	\$140.00
John J. Argo .....	175.00
Frederick Bell .....	140.00
Gerald Berkowitz .....	262.50
Beverly J. Blevins .....	192.50
Edgar Brown .....	140.00
James Bartsch .....	120.00
Frank Calio .....	175.00
N. Eugene Campbell .....	140.00
Harold Clendaniel .....	140.00
Helen M. Collins .....	140.00
Lina R. Cropper .....	192.50
Martha Dixon .....	140.00
Margaret Donohue .....	140.00
Michelene Duff .....	192.50
Sam C. Elliott .....	140.00
Emogene Ellis .....	192.50
Roy Freeman .....	264.00
J. Edward George .....	120.00
Cora Hilyard .....	140.00
Cooper Hurd .....	20.00
Cornelius Hurd .....	140.00
Bradford Holliday .....	140.00
Margaret Hurley .....	140.00
Percy D. Haughey .....	140.00
Claude Jordon .....	140.00
Mildred A. Keeler .....	140.00
J. Howard Link .....	140.00
Venie R. Lloyd .....	192.50
Barbara Lockerman .....	120.00
Barney J. Lofland .....	140.00
Paul Lowe .....	140.00
Jennings Moore .....	140.00
Wilma L. McDowell .....	175.00
Richard Norwood .....	140.00
Louise H. Pennewill .....	192.50
Walter Pyle .....	27.50
Andrew P. Reynolds .....	140.00
William Reynolds .....	140.00
Willard C. Robbins .....	140.00
Ruth Ross .....	140.00
James Rowlinson, Sr. ....	140.00

Mary K. Sizer .....	100.00
Mary Spicer .....	40.00
Ralph Spitzer .....	140.00
Francis X. Splane .....	231.00
Nelson Stubbs .....	140.00
Olive Sutton .....	140.00
Catherine Swartwood .....	192.50
William Taylor .....	140.00
Bailey Thomas .....	175.00
Alex Tomkiewicz .....	192.50
Joseph F. Toner .....	175.00
Harrison F. Turner .....	525.00
Elizabeth Wainwright .....	175.00
Lillian Wallace .....	140.00
J. Edgar Walls .....	140.00
James A. Walsh .....	262.50
William J. Warwick .....	175.00
Norma Watts .....	140.00
Melba Webb .....	220.00
Clara Webber .....	20.00
Ronald West .....	140.00
Dorothy Williams .....	140.00
Harry Wootten .....	140.00
Ralph E. Vines .....	140.00

Mr. Blendt made a motion to direct State Board of Education to meet with the Committee on Education for purpose of drafting a school construction bill.

Without objection motion carried.

Mr. Quigley introduced **HA 16** to **HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 16** to **HB 141** be placed with the bill. The motion prevailed.

Mr. Dineen moved that **HB 396**—"An Act to Make a Supplemental Appropriation to the Supreme Court of the State of Delaware for the Fiscal Year Ending June 30, 1964 in the Amount of \$10,650.00," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt,

Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—Mr. Atkins—1.

ABSENT—Messrs. Busker, Keenan—2.

**HB 396** having received the constitutional majority, passed the House.

Mr. Hocker introduced **HB 409**—“An Act Making a Supplementary Appropriation to the Lord Baltimore School No. 28 in the Fiscal Year Ending June 30, 1964 to Purchase Equipment.”

It was given its first reading by title only in its entirety and assigned to the Committee on Appropriations.

Mr. Phillips introduced **HB 410**—“A Supplementary Appropriation Act for the Fiscal Year Ending June 30, 1964 in the Amount of \$175,000 for the Purpose of Providing Air Conditioning for the Legislative Hall.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Casey introduced **HB 411**—“An Act to Amend § 2619 (d), Title 9, Delaware Code, Pertaining to Violations of Zoning Regulations and Enforcement of Same.”

It was given its first reading by title only and assigned to Revised Statutes Committee.

Mr. Dineen moved that **SB 206**—“An Act Making a Supplementary Appropriation to the State Highway Department,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Busker, Keenan—2.

**SB 206** having received the constitutional majority, passed the House.

Mr. Shockley introduced **HR 111**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 111** be adopted by

voice vote. The motion prevailed.

**HR 111**—"Expressing the Best Wishes of the House of Representatives of the 122nd General Assembly to Representative Thomas J. Hanlon on his 68th birthday."

WHEREAS, the members of the House of Representatives of the 122nd General Assembly have learned that today, July 23rd is the 68th birthday of Representative Thomas J. Hanlon.

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that on behalf of its members and officers hereby extend its best wishes to Representative Thomas J. Hanlon on his 68th birthday.

Mr. Younger introduced **HR 112**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 112** be adopted by voice vote. The motion prevailed.

### HOUSE RESOLUTION 112

#### IN REFERENCE TO THE ELECTION OF OFFICERS

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that Barbara Lockerman, supply room clerk, having resigned effective at the close of the Legislative Day, July 22, 1963 is relieved of her duties effective at the close of the Legislative Day, July 22, 1963.

BE IT FURTHER RESOLVED, that Clara Webber is hereby elected to the office of supply room clerk effective July 23, 1963 to serve during the pleasure of the House of Representatives.

BE IT FURTHER RESOLVED that Edward George, a messenger, having resigned effective at the close of the Legislative Day, July 22, 1963 is relieved of his duties effective at the close of the Legislative Day, July 22, 1963.

At 2:21 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 2:30 P.M. Sept. 9, 1963 the Speaker called the House to order.

Mr. Eskridge introduced **HCR 20**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. Without objection, it was so ordered.

**HCR 20**—"That the Two Houses Meet in Joint Session to Hear Facts Concerning the Highway Bond Bill."

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly, the Senate concurring therein, that the two Houses of the General Assembly meet in Joint Session in the House chambers at 3 o'clock P.M. on the 9th day of September, A.D. 1963, or as soon thereafter as is convenient, for the purpose of hearing facts concerning the Highway Construction Bond Bill.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 20**. The motion prevailed by voice vote.

Mr. Eskridge moved that **HCR 20**—"That the Two Houses Meet in Joint Session to Hear Facts Concerning the Highway Bond Bill," be taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Blendt, Busker, Casey, Clifton, Darling, Davidson, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Best, Correll, Dineen, Quigley—4.

**HCR 20** having received the constitutional majority, passed the House.

Mr. Isaacs introduced **HB 412**—"An Act Making An Appropriation to the 308 West Residence, Prisoners Aid Society of Delaware."

It was given its first reading by title only and assigned to the House Joint Correction Committee.

Mr. Isaacs introduced **HB 413**—"An Act to Amend Section 1563, Title 9, Delaware Code, to Permit the Levy Court of New Castle County to Make an Appropriation to the Prisoners Aid Society of Delaware, and Amending 51 Delaware Laws, Chapter 322 as Amended by 52 Delaware Laws, Chapter 274."

It was given its first reading by title only and assigned to the House Joint Correction Committee.

It was regularly moved and seconded that **HB 409** be stricken from the calendar. The motion prevailed by voice vote. Without objection it was so ordered.

It was regularly moved and seconded that **HB 407** be stricken from the calendar. The motion prevailed by voice vote. Without objection it was so ordered.

Without objection the personal privilege of the floor was granted to Mr. Downs.

At 2:55 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 3:00 P.M. the Speaker called the House to order.

### JOINT SESSION

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

Mr. Eskridge moved that the Speaker of the House preside over the Joint Session. Motion prevailed.

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

The Speaker greeted Lt. Gov. and President Pro Tem of the Senate and offered seats on the rostrum which were declined because of picture screen. Privilege of the floor granted to Dr. Reeder of GWDC for presentation of information regarding Highway Construction as per **HCR 20**.

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

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

Mr. Eskridge moved the two Houses now separate to reconvene in their respective chambers. Motion prevailed. 3:34 P.M.

At 3:55 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 4:20 P.M. the Speaker called the House to order.

It was regularly moved and seconded that the results of the roll call on **HB 87** be lifted from the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 87** be laid on the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 371** be lifted from the table. The motion

prevailed by voice vote. Without objection it was so ordered.

It was regularly moved and seconded that the results of the roll call on **HB 371** be laid on the table. The motion prevailed by voice vote. Without objection it was so ordered.

Without objection the following communication was made part of the record.

STATE OF DELAWARE  
HOUSE OF REPRESENTATIVES

Dover, Del.  
September 9, 1963

Honorable Sherman W. Tribbitt  
Speaker of the House  
Dover, Delaware

Dear Mr. Speaker:

It is with regret that I must offer my resignation from the position of Chief Clerk of the House of the 122nd General Assembly. Since the last meeting of the House, I have accepted the position of Director of Public Relations for the Delaware State Highway Department. I would like to thank all of the members of the House for the way in which they have helped to make it easy for me to discharge my duties. I hope that in some small way I have helped to make the burden of the Legislators a little lighter.

This experience has given a greater understanding of the workings of our democratic form of government and at the same time it has strengthened my faith in the rightness of the kind of government in which we all believe. This experience has also given me a greater respect and admiration for those who accept the responsibility of attempting to make our form of government work. I will remember long the sincerity and honesty of the members of this House, and I will always believe that such sincerity and honesty are among the most important achievements of any Legislature.

I am grateful for having had the opportunity of serving you, and I will always be ready to do whatever you may desire of me in the future.

Respectfully,  
FRANCIS X. SPLANE

Without objection the following communication was made part of the record.

## OATH OF EMPLOYEES

The State of Delaware, County of Kent.

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

WILLIAM G. DORSEY  
(Employees Signature)

Sworn and subscribed to this 9th day of September, A.D. 1963.

SHERMAN W. TRIBBITT  
Speaker of the  
House of Representatives

At 4:30 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. on Tuesday, Sept. 10, 1963. The motion prevailed by voice vote.

**72nd LEGISLATIVE DAY**

The Speaker called the House to order at 2:11 P.M. on Tuesday, Sept. 10, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 30 members present; 5 absent.

**MEMBERS PRESENT**—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Pratt, Shockley, Shulties, Walls, Wootten, Mr. Speaker—30.

**MEMBERS ABSENT**—Messrs. Annett, Correll, Phillips, Quigley, Younger—5.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

The following Committee Reports were given:

**SB 83**—Public Health, 2 favorable, 2 on merits.

**SB 142**—Fish, Oyster and Game, 2 favorable, 2 on merits.

**HB 401**—Judiciary, 1 favorable, 2 on merits.

**HB 402**—Corporation-Municipal, 2 favorable, 3 on merits.

**HB 388**—Revised Statutes, 5 favorable.

**SB 143**—Revised Statutes, 5 favorable.

**HB 374**—Revised Statutes, 4 favorable, 1 on merit.

Mr. Walls introduced **HR 113**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 113** be adopted by voice vote. The motion prevailed.

**HR 113**—“Appropriation for Postage Stamps for the House of Representatives of the 122nd General Assembly.”

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the sum of \$500 be and the same is hereby appropriated out of the General Fund of the State of Delaware for the purchase of postage stamps to be used for the official business of the House of Representatives of the 122nd General Assembly.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps out of said appropriation upon warrants approved by the Executive Director of the Legislative Reference Bureau.

Mr. Walls introduced **HR 114**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 114** be adopted by voice vote. The motion prevailed.

### **HOUSE RESOLUTION 114**

#### **IN REFERENCE TO ELECTION OF OFFICERS**

WHEREAS, Margaret Donohue was previously elected to the office of File Clerk but has resigned effective at the close of the 71st Legislative day, July 23, 1963

#### **NOW THEREFORE**

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Margaret Donohue is hereby relieved from the duties of File Clerk effective at the close of the Legislative Day, July 23, 1963,

BE IT FURTHER RESOLVED that Dorothy Gagnon is hereby elected to serve as File Clerk effective September 9,

1963 to serve during the pleasure of the House of Representatives.

Mr. Isaacs introduced **HB 414**—“An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements for the Youth Services Commission, and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the Youth Services Commission.”

It was given its first reading by title only and assigned to the House Joint Corrections Committee.

Mr. Isaacs introduced **HB 415**—“An Act Authorizing the State of Delaware to Borrow Money to be Used for Capital Improvements for the Youth Services Commission, and to Issue Bonds and Notes Therefor and Appropriating the Money Borrowed to the Youth Services Commission.”

It was given its first reading by title only and assigned to the House Joint Corrections Committee.

Mr. Shulties introduced **HR 115**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. Without objection it was so ordered. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 115** be adopted by voice vote. The motion prevailed.

## HOUSE RESOLUTION 115

### IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS, Nelson Stubbs was previously elected to the office of Door Tender but has resigned effective at the close of the 71st Legislative day, July 23, 1963

#### NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Nelson Stubbs is hereby relieved from the duties of Door Tender effective at the close of the Legislative Day, July 23, 1963,

BE IT FURTHER RESOLVED that Harry L. Holloway is hereby elected to serve as Sergeant-at-Arms effective September 9, 1963 to serve during the pleasure of the House of Representatives.

Mr. Exley introduced **HR 116**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. Without objection it was so ordered. The mo-

tion prevailed by voice vote. It was regularly moved and seconded that **HR 116** be adopted by voice vote. The motion prevailed.

**HR 116**—“Authorizing the Payment of Certain Expenses for the Printing of Calendars for the House of Representatives of the 122nd General Assembly.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of four hundred seventy-six dollars (\$476.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the Sussex Countian, Georgetown, Delaware for the printing of calendars for the House of Representatives of the 122nd General Assembly.

Mr. Hale introduced **HR 117**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 117** be adopted by roll call. The motion prevailed.

**HR 117**—“Expressing the Sympathy of the House of Representatives of the Illness of Representative Jacob A. Correll.”

WHEREAS, the members of the 122nd General Assembly of the State of Delaware have learned that Representative Jacob A. Correll of the House of Representatives of the State of Delaware is ill, and

WHEREAS, the members of the House of Representatives desire to express and extend their regret and sympathy to Representative Jacob A. Correll, NOW THEREFORE

BE IT RESOLVED, that the members of the House of Representatives of the 122nd General Assembly of the State of Delaware do hereby express their sincere wishes for a complete and speedy recovery, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the House of Representatives of the 122nd General Assembly of the State of Delaware and a copy be forwarded to Representative Jacob A. Correll.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Annett, Correll, Dineen, Phillips, Younger—5.

**HR 117** having received the constitutional majority, passed the House.

Mr. Eskridge moved that a copy of the Roll Call Accompany the Resolution to Mr. Correll. Motion Carried by Voice Vote.

Mr. Shockley introduced **HB 416**. It was given its first reading by title only and assigned to the Committee on Judiciary.

**HB 416**—“An Act to Amend Title 11, Delaware Code, Relating to Pensions for State Police.”

Be It Enacted By The General Assembly Of The State Of Delaware:

Section 1. Title 11, Delaware Code, Section 8323, is amended by adding the following words at the end of Sub-section (c) as follows:

For purposes of this Sub-section the word “pay” shall be construed to be any payment made by the State Treasurer directly to any person employed by the State of Delaware.

Mr. Shockley introduced **HB 417**—“An Act to Amend Section 504, Title 8, Delaware Code, Relating to Corporations by Changing the Date on Which Interest Shall be Charged on Unpaid Corporation Tax.”

It was given its first reading by title only and assigned to the Committee on Corporations, Private.

Mr. Shockley introduced **HB 418**—“An Act Making a Supplementary Appropriation to the Delaware Day Commission.”

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Tribbitt introduced **HB 419**—“An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Disposition of Unclaimed Dead Bodies, the Use Thereof by Certain Hospitals in Connection with Anatomical Studies, and the Powers and Duties of the Medical Council of Delaware with Regard Thereto.”

It was given its first reading by title only and assigned to the Committee on Public Health.

Mr. Quigley introduced **HB 420**—“An Act Making a Supplementary Appropriation to the Public Archives Commission to be Used for the Restoration of ‘The Old Sheriff’s

House' in the West Wing of the Court House in the City of New Castle."

It was given its first reading by title only and assigned to the Committee on Appropriations.

A messenger from the Senate informed the House that the Senate had passed **HCR 20** and was returning the same to the House.

Mr. Keenan By Request introduced **HB 421**—"An Act to Amend Section 8105, Title 9, Delaware Code Relating to Taxing Power."

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Lowe By Request introduced **HB 422**—"An Act to Amend Section 2105, Title 30, Delaware Code, in Respect to the Penalty for Delayed Payment of License Taxes."

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

Mr. Dineen introduced **HB 423**—"An Act Creating a Wilmington Civic Center Office Building Commission and Making a Supplementary Appropriation Thereto."

It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Dineen introduced **HB 424**—"An Act to Amend Titles 9, 10 and 12, Delaware Code, by Increasing the Salary of the Clerk of the Peace, Coroner, Comptroller, Levy Court Commissioners, Recorder of Deeds, Receiver of Taxes and County Treasurer, Prothonotary, Sheriff, Register in Chancery and Clerk of the Orphans' Court, and Register of Wills in and for New Castle County."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Dineen introduced **HB 425**—"An Act to Amend Section 5115 of Chapter 51, Title 14, of the Delaware Code, Entitled 'University of Delaware' for the Purpose of Providing That the Revenue Bonds of the University May be Executed by Facsimile Signatures of the Officers of the University, and of Clarifying the Terms and Conditions Upon Which Such Bonds May be Issued and Refunded and Increasing the Maximum Allowable Rate of Interest and Interest Cost From Four to Six Percent."

It was given its first reading by title only and assigned to the Committee on Education.

Mr. Casey introduced **HA 3** to **HB 201**. It was given its first and only reading in its entirety. It was regularly

moved and seconded that **HA 3** to **HB 201** be placed with the bill. The motion prevailed.

Mr. Pratt moved that **HCR 19**—"Relating to the Formation of a Joint Committee to Evaluate the Tax Exempt Organizations Set Out in Chapter 81, Title 9, Delaware Code, and Those Bills Introduced to Amend Such Chapter," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—31.

NAYS—None.

ABSENT—Annett, Correll, Dineen, Younger—4.

**HCR 19** having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 353**—"An Act Making a Supplemental Appropriation for the Surplus Food for Needy Families Program," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Blendt, Busker, Casey, Clifton, Darling, Davidson, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—27.

NAYS—None.

ABSENT—Messrs. Annett, Correll, Dineen, Younger—4.

NOT VOTING—Best, McGinnis—2.

PRESENT—Messrs. Fifer, Pratt—2.

**HB 353** having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 292**—"An Act to Provide for the Investment of Funds Belonging to Patients of Certain Mental Institutions and to Provide for the Use of the Income Therefrom by the Institution and to Provide for the Use of Certain Abandoned Funds," be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **HB 292** be temporarily deferred. The motion prevailed by voice vote.

Mr. Eskridge moved that **HB 163**—"An Act Establishing a School Crossing Guard for the Seaford Special School District Under the Jurisdiction of the Levy Court for Sussex County," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Bartleson, Eskridge, Hale—3.

NAYS—Annett, Atkins, Best, Busker, Casey, Darling, Davidson, Dineen, Downs, Fifer, Hocker, Jarrell, Lowe, McGinnis, Phillips, Pratt—16.

ABSENT—Messrs. Exley, Quigley, Shockley, Shulties, Walls, Wootten, Younger—7.

NOT VOTING—Blendt, Hanlon, Isaacs, Kirkby—4.

PRESENT—Messrs. Clifton, Livingston, Keenan, Mr. Speaker—4.

**HB 163** not having received its constitutional majority, was declared lost.

Mr. Dineen moved that **SB 190**—"An Act Making a Supplementary Appropriation to the State Highway Department to be Used for the Acquisition of Land and Erection Thereon of an Inspection Lane and the Necessary Equipment and Furnishings Therefor in New Castle County Outside the City of Wilmington," be given its third and final reading and taken up for consideration in order to pass the House.

Without objection the privilege of the floor was granted to Russell W. Whitby to explain the bill.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Fifer, Hale, Hanlon, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—28.

NAYS—Messrs. Bartleson, Downs, Hocker—3.

ABSENT—Messrs. Correll, Keenan, Quigley—3.

NOT VOTING—Mr. Best—1.

**SB 190** having received the constitutional majority, passed the House.

Mr. McGinnis introduced **HB 426**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for

Said Purpose; 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.”

It was given its first reading by title only and assigned to the Committee on Education.

Mr. Shockley moved that **HB 316**—“An Act to Amend Title 12, Chapter 43, Delaware Code, Relating to Transfers of Securities to or by Fiduciaries,” be given its third and final reading and taken up for consideration in order to pass the House.

Without objection the privilege of the floor was granted to Maurice A. Hartnett to explain the bill.

The Roll Call revealed:

**YEAS**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

**NAYS**—None.

**ABSENT**—Messrs. Correll, Quigley—2.

**HB 316** having received the constitutional majority, passed the House.

It was regularly moved and seconded that the rules be suspended for the sole purpose of presenting a Committee report. The motion prevailed by voice vote.

**HB 426**—Education, 5 favorable.

Mr. Shockley moved that **HB 375**—“An Act to Amend Chapter 1, Title 8 of the Delaware Code Relating to Corporations,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

**YEAS**—Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—Mr. Fifer—1.

ABSENT—Messrs. Correll, Quigley—2.

**HB 375** having received the constitutional majority, passed the House.

At 4:07 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:34 P.M. the Speaker called the House to order.

Mr. Eskridge introduced **HCR 21**—“An Act Making An Appropriation to the National Conference of State Legislative Leaders as Registration and Membership Fees for the Year 1963.”

It was given its first reading by title only.

WHEREAS the State of Delaware has participated for several years in the National Conference of State Legislative Leaders, and

WHEREAS the benefits gained from such participation have been considerable, and

WHEREAS the National Conference of State Legislative Leaders has unanimously adopted a resolution calling for an annual registration and membership fee of \$1000 from each of the 50 member-states, and

WHEREAS it is deemed advisable and in the best interest of the State of Delaware to continue its participation in the said National Conference of State Legislative Leaders and to subscribe to the aforesaid registration and membership fee for the year 1963.

NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate concurring therein that the sum of \$1000 be paid to the National Conference of State Legislative Leaders as registration and membership fee from the State of Delaware for the year 1963.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 21**. The motion prevailed by voice vote.

Mr. Eskridge moved that **HCR 21**—“An Act Making An Appropriation to the National Conference of State Legislative Leaders as Registration and Membership Fees for the Year 1963,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt,

Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Correll, Exley, Quigley, Walls—4.

**HCR 21** having received the constitutional majority, passed the House.

Mr. Eskridge introduced **HR 118**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 118** be adopted by voice vote. The motion prevailed.

**HR 118**—“Making An Appropriation to Defray Expenses of Legislative Leaders at National Legislative Leaders Convention.”

WHEREAS, The National Legislative Leaders Convention is being held at Boston, Mass. this year, and

WHEREAS, The Legislative Leaders of the 122nd General Assembly shall attend the Convention,

NOW THEREFORE:

BE IT RESOLVED that an appropriation be made to the Speaker of the House in the amount of \$1500 to defray the expenses of the legislative leaders who attend the National Legislative Leaders Convention in Boston, Mass.

BE IT FURTHER RESOLVED that any funds herein appropriated which are not used for this purpose shall revert to the General Fund.

Mr. Busker moved that **SB 90**—“An Act to Amend Section 1562, Chapter 15, Title 9, Delaware Code, Relating to Appropriations to the New Castle County Library, Wilmington Institute by the Levy Court of New Castle County,” be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on SB 90 be temporarily deferred. The motion prevailed by voice vote.

Mr. Busker introduced **HA 1** to **HB 97**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 97** be placed with the bill. The motion prevailed.

Mr. Shockley introduced **HR 119**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 119** be adopted by voice vote. The motion prevailed.

### **HOUSE RESOLUTION 119**

#### **IN REFERENCE TO ELECTION OF OFFICERS**

WHEREAS, Francis X. Splane was previously elected to the office of Chief Clerk but has resigned effective at the close of the 71st Legislative day, July 23, 1963

#### **NOW THEREFORE**

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Francis X. Splane is hereby relieved from the duties of Chief Clerk effective at the close of the Legislative Day, July 23, 1963,

BE IT FURTHER RESOLVED that William G. Dorsey is hereby elected to serve as Chief Clerk effective September 9, 1963 to serve during the pleasure of the House of Representatives.

Mr. Younger introduced **HR 120**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 120** be adopted by voice vote. The motion prevailed.

### **HOUSE RESOLUTION 120**

#### **IN REFERENCE TO ELECTION OF OFFICERS**

WHEREAS, Edward George was previously elected to the office of House Messenger but has resigned effective July 22, 1963

#### **NOW THEREFORE**

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Edward George is hereby relieved from the duties of House Messenger effective July 22, 1963, and

BE IT FURTHER RESOLVED that Millard Reed is hereby elected to serve as House Messenger effective July 23, 1963, to serve during the pleasure of the House of Representatives.

Mr. Casey introduced **HA 1** to **HB 426**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 426** be placed with the bill. The motion prevailed.

Mr. Pratt introduced **HB 427**—"An Act Making a Supplementary Appropriation to the State Law Library in Kent County."

It was given its first reading by title only and assigned to the Committee on Appropriations.

At 6:02 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Wednesday, Sept. 11, 1963. The motion prevailed by voice vote.

### 73rd LEGISLATIVE DAY

The Speaker called the House to order at 2:20 P.M. on Wednesday, Sept. 11, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 31 members present; 4 absent.

**MEMBERS PRESENT**—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Fifer, Hale, Hanlon, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

**MEMBERS ABSENT**—Annett, Correll, Downs, Hocker—4.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Mr. Eskridge introduced **HJR 5**. It was given its first reading by title only. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HJR 5**. The motion prevailed by voice vote.

Mr. Eskridge moved that **HJR 5**—"Relating to the Formation of a Joint Committee on Correctional Systems

of the State of Delaware," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Annett, Correll, Davidson, Hocker—4.

**HJR 5** having received the constitutional majority, passed the House.

The following Committee Report was given:

**SCR 27**—Miscellaneous, 4 favorable.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SCR 27**. The motion prevailed by voice vote.

Mr. Phillips moved that **SCR 27**—"Relating to the Establishment of a Joint Committee on the Returning of Fort Miles at Cape Henlopen to the State," be given third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **SCR 27** be temporarily deferred. The motion was lost.

The Roll Call revealed:

YEAS—Bartleson, Best, Casey, Downs, Hale, Livingston, Jarrell, Keenan, Pratt—9.

NAYS—Messrs. Atkins, Blendt, Busker, Clifton, Darling, Dineen, Exley, Hanlon, Isaacs, Kirkby, Lowe, McGinnis, Quigley, Shockley, Shulties, Wootten—16.

ABSENT—Annett, Correll, Davidson, Fifer, Hocker—5.

NOT VOTING—Eskridge, Younger—2.

PRESENT—Phillips, Walls, Mr. Speaker—3.

Motion to defer action on **SCR 27** was lost.

It was regularly moved and seconded that the results of the roll call on **SCR 27** be laid on the table. The motion was lost by voice vote.

**SCR 27** was given its final reading in its entirety. It was regularly moved and seconded that **SCR 27** be adopted by voice vote. The motion prevailed.

Mr. Dineen moved that **SB 208**—"An Act Making a Supplementary Appropriation to the State Highway Depart-

ment to be Used for the Purchase of Land, Improvements, and Equipment for a State Police Barracks," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

**YEAS**—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

**NAYS**—None.

**ABSENT**—Messrs. Annett, Correll, Davidson, Hocker—4.

**SB 208** having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed **SB 215, 216, 217** and requested the concurrence of the House.

He also informed the House that the Senate had passed House Bills **HS 1** for **HB 207, HB 322, HB 334** and **HB 347-349** and was returning the same to the House.

Mr. Shockley moved that **HB 377**—"An Act to Amend Title 24, Delaware Code, Section 2119," be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **HB 377** be temporarily deferred. The motion prevailed by voice vote.

The Speaker asked Mr. Busker to take the Chair. Without objection the privilege of the floor was granted to Speaker Tribbitt.

Mr. Tribbitt introduced **HB 428**—"An Act to Amend Chapter 55, Title 15, Delaware Code with Respect to Absentee Voting."

It was given its first reading by title only and assigned to the Committee on Elections.

At 3:04 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 4:09 P.M. the Speaker called the House to order.

The following Committee Reports were given:

**SB 180**—Public Building and Highways, 2 favorable, 3 on merits.

**HB 97**—Appropriation, 4 favorable, 1 on merit.

Mr. McGinnis moved that **HB 426**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; 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," be given third and final reading and taken up for consideration in order to pass the House.

Mr. McGinnis introduced **HA 2** to **HB 426**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 2** to **HB 426** be adopted by voice vote. The motion prevailed.

Mr. Casey introduced **HA 3** to **HB 426**. It was given its first and only reading in its entirety. Without objection the privilege of the floor was granted to Mr. O. Small of of State Board of Education. It was regularly moved and seconded that **HA 3** to **HB 426** be adopted by voice vote. The motion was declared lost.

Mr. McGinnis moved that **HB 426** with **HA 2**—"An Act to Provide for the Enlargement and Improvement of the System of Free Public Schools of Delaware; Appropriating Money for Said Purpose; 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," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hanlon,

Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—28.

NAYS—Messrs. Atkins, Best, Hale—3.

ABSENT—Messrs. Annett, Correll, Hocker—3.

PRESENT—Mr. Bartleson—1.

**HB 426** with **HA 2** having received the constitutional majority, passed the House.

Mr. McGinnis introduced **HB 429**—An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled, “An Act Changing the Name of ‘The Town of Dover’ to the ‘City of Dover’ and Establishing A Charter Therefor.”

It was given its first reading by title only and assigned to the Committee on Corporations-Municipal.

Mr. Shulties introduced **HB 430**—“An Act to Amend Section 2101, Chapter 21, Title 21, of the Laws of Delaware.”

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

At 5:00 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:57 P.M. the Speaker called the House to order.

Mr. Busker moved that **SB 71**—“An Act to Amend Title 9, Delaware Code, Relating to the Election Qualifications, Powers and Duties of the Levy Court Commissioners for New Castle County,” be given third and final reading and taken up for consideration in order to pass the House.

The Roll call revealed:

YEAS—Messrs. Atkins, Blendt, Clifton, Darling, Davidson, Dineen, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, Phillips, Quigley, Shockley, Shulties, Walls, Wooten, Mr. Speaker—19.

NAYS—Messrs. Bartelson, Best, Casey, Downs, Fifer, Hale, Jarrell, Keenan—8.

ABSENT—Messrs. Annett, Correll, Hocker, McGinnis, Younger—5.

PRESENT—Messrs. Busker, Eskridge, Pratt—3.

**SB 71** having receiving the constitutional majority, passed the House.

At 6:00 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Thursday, September 12, 1963. The motion prevailed by voice vote.

### 74th LEGISLATIVE DAY

The Speaker called the House to order at 2:30 P.M., Thursday, September 12, 1963.

There was a prayer by the Chaplain, Rev. J. Howard Link.

The Speaker led those present in a salute of the flag.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Livingston, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Younger, Mr. Speaker—31.

MEMBERS ABSENT—Messrs. Correll, Quigley, Shockley, Wootten—4.

The clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. The motion was seconded. The motion was carried by voice vote.

The Committee on Revenue and Taxation reported **HB 132** back to the House, two favorable, one on its merits.

The committee on Judiciary reported **HB 416** back to the House, 4 on its merits.

The House Committee on Revenue and Taxation reported **HB 133** back to the House, 2 favorable and 1 on its merits.

The House Joint Corrections Committee reported **HB 412** back to the House, all 5 favorable.

The House Joint Corrections Committee reported **HB 413** back to the House, 5 favorable.

The Committee on Public Buildings and Highways reported **HB 381** back to the House, 4 favorable and 1 on its merits.

The Committee on Revised Statutes reported **HCR 17** back to the House, 3 favorable, 2 unfavorable.

**HA 1** to **HB 428** introduced by Mr. Tribbitt was given its first and only reading. It was moved and seconded that **HA 1** to **HB 428** be placed with the bill. The motion carried.

The following communication was read to the House.

Dear Mr. Speaker:

In my absence I have requested Representative Russell Dineen to bring out **HB 292** for consideration by the House.

Sincerely,

PAUL E. SHOCKLEY  
4th Representative District

There being no objection. The communication was made a part of the record.

On motion, **HB 292**—"An Act to Provide for the Investment of Funds Belonging to Patients of Certain Mental Institutions and to Provide for the Use of The Income Therefrom by the Constitution and to Provide for the use of Certain Abandoned Funds." Having previously been deferred it was placed before the House for further consideration.

Mr. Eskridge moved the privilege of the floor be granted to Mr. Alexis Trumanianz for the purpose of explaining the bill. There being no objection the privilege of the floor was granted. On the question, "Shall this bill pass the House?" the roll call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Busker, Casey, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Jarrell, Kirkby, Livingston, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Younger, Mr. Speaker—25.

NAYS—Messrs. Atkins, Blendt, Fifer, Isaacs—4.

NOT VOTING—Mr. Clifton—1.

ABSENT—Messrs. Correll, Keenan, Quigley, Shockley, Wootten—5.

**HB 292** having received its constitutional majority was declared passed the House.

**HB 431** introduced by Mr. Walls, was given its first reading by title only—"An Act Appropriating the Sum of \$200,000.00 To the State Highway Department for the Purpose of Dredging Operations at Love Creek, Herring Creek, and Emily Gut."

It was assigned to the Appropriations Committee.

**SB 49** as amended with **SA 2**—"An Act to Amend Section 1118, Title 30, Delaware Code, Relating to Deductions From State Income Tax" was given its first and only

reading and assigned to the Committee on Revenue and Taxation.

**SB 213**—"An Act To Amend Section 2733, Title 12, Delaware Code, Entitled Discretionary Suspension or Revocation of License," was given its first reading and assigned to the Committee on Revised Statutes.

**SB 215**—"An Act to Amend Chapter 177, Volume 36, Laws of Delaware, And Chapter 203, Volume 25, Laws of Delaware, By Revising and Amending The Duties of the Town Alderman of 'The Commissioners of Millsboro' and Eliminating the Town Constable as Such, and Creating A Police Department," given its first reading by title only and assigned to the Committee on Corporations, Municipal.

**SB 216**—"An Act to Amend Chapter 152, Volume 48, Laws of Delaware entitled "An Act Changing the Name of the Town of Newark to the City of Newark and Establishing a Charter Therefor Relating to the Power of the City of Newark to Raise Revenue," was given its first reading by title only and assigned to the Committee on Corporations, Municipal.

**SB 189**—"An Act to Amend Title 29, Section 6913, Delaware Code, Relating to the Determination of Prevailing Wage Rates in Public Construction Contracts and Providing for the Enforcement Thereof," received its first reading by title only and was assigned to the Labor Committee.

**SB 217**—"An Act to Amend Chapter 108, Volume 47, Laws of Delaware, Entitled 'An Act Extending the Corporate Limits of the Town of Camden,' by Adding a New Area Thereto," was given its first reading by title only and assigned to the Committee on Corporations, Municipal.

**SS 1** for **SB 198**—"An Act To Amend Section 2732, Title 21, Delaware Code, Entitled "Discretionary Suspension or Revocation of License," received its first reading by title only and assigned to the Committee on Revised Statutes.

**SB 141** as amended with **SA 1**—"An Act to Amend Chapter 331, Volume 53, Laws of Delaware Relating to The Enlargement and Improvement of the System of Free Public Schools of Delaware and the Financing of The Same By The Issuance of Bonds of The State and of Certain Districts, By Providing That Certain School Districts Be Included and Permitted to Finance Capital Improvements

Thereunder And Appropriating The Necessary Funds," received its first reading by title only and assigned to the Committee on Education.

A message from the Secretary of the Senate was addressed to the House as follows:

The Senate wishes to inform the House that it has passed **HB 221, 224, and 225** and requests the concurrence of the House. It has also passed **HB 184** with **HA 2, 4, 6,** and **HJR 5** and is returning the same to the House.

**HB 432**—"An Act to Provide a Pension for Members of the General Assembly and the Lieutenant Governor," introduced by Mr. Lowe and Mr. Keenan received its first reading by title only and assigned to the Committee on Revised Statutes.

**HB 402**—"An Act to Further Amend Chapter 9, Volume 23, Laws of Delaware, as Amended Being An Act Entitled "An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington," on request by Mr. Dineen was given its third and final reading and placed before the House for consideration.

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

**YEAS**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Kirkby, Livingston, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Younger, Mr. Speaker—30.

**NAYS**—None.

**ABSENT**—Messrs. Correll, Keenan, Quigley, Shockley, Wootten—5.

**HB 402** having received its constitutional majority was declared passed the House, and was ordered to the Senate for concurrence.

**SB 90** on request of Mr. Busker having been deferred was placed before the House for further consideration.

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

**YEAS**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Isaacs, Jarrell, Keenan, Kirkby, Livingston, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Younger, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Correll, Hocker, Quigley, Shockley, Wootten—5.

**SB 90** having received its constitutional majority passed the House and was ordered returned to the Senate.

It was moved by Mr. Best and seconded by Mr. Davidson that the following letter be made part of the record. The motion carried by voice vote.

Title—The Wilmington Institute Free Library and the New Castle County Free Library.

The Honorable Robert C. Davidson, House of Representatives, Legislative Hall, Dover, Delaware.

Dear Sir:

I understand that yesterday when **SB 90** was introduced into the House of Representatives some questions were raised in the discussion whether residents of the City of Wilmington are allowed to use the resources of the New Castle County Free Library. To answer this question, I would refer to action taken by the Board of Managers at the meeting held on April 20, 1959. The Board at that time established the policy of issuing one library card to every borrower whether a resident of the City of Wilmington or of suburban or rural New Castle County. Under this policy this card can be used for the withdrawal of books for home use for either the Wilmington Institute Free Library or any of the units of the New Castle County Free Library.

As a matter of fact, a number of residents of the City of Wilmington are borrowing books from the headquarters of the New Castle County Library on the Concord Pike and the County Library Mobile Branches.

**SB 90** would increase the limitation on the amount that the Levy Court of New Castle County may appropriate annually for the support of the New Castle County Free Library from the present limitation of \$175,000.00 to \$300,000.00 This bill is an enabling act. The Levy Court still has the power to limit the amount of the annual appropriation. The Board of Managers is requesting this sizable increase in the limitations in order to avoid the necessity for frequent request for new legislation. This bill relates solely to Annual Budget Appropriations and does not provide for money for the erection of buildings.

I trust this information will answer the questions raised. If there is any further information I may supply you, please feel free to call upon me.

Very truly yours,

GEORGE WINCHESTER  
President, Board of  
Managers

The Committee on Appropriation reported **HB 423**, 3 favorable and 2 on its merits.

**HB 433**—"An Act to Amend Title 9, Delaware Code, Relating to County Comptrollers" was introduced by Mr. Dineen and given its first reading by title only. It was assigned to the committee on Revised Statutes.

**HB 434**—"An Act to Amend Chapter 152, Volume 52, Laws of Delaware entitled "An Act Requiring the Doing of All Work and the furnishing of all materials and supplies to the Mayor and Council of Wilmington or to any Board, Commission, Department or Agency thereof to the Lowest and Best Bidder and Providing the Procedure relating thereto" by providing that either a bid bond or certified check must be submitted with all bids," was introduced by Mr. Shockley and given its first reading by title only. It was assigned to the Committee on Corporations, Municipal.

**HB 435**—"An Act to Amend Chapter 53, Title 30, Delaware Code, Relating to Cigar and Cigarette Tax" was introduced by Mr. Shockley and given its first reading by title only and assigned to the Committee on Revenue and Taxation.

**HB 436**—"An Act to Amend Title 30, Delaware Code, Relating to Income Tax," was introduced by Mr. Tribbitt, Mr. Dineen and assigned to the Committee on Revenue and Taxation.

**HB 437**—"An Act to Amend Chapter 96, Title 9, Delaware Code, relating to records in the office of the Recorder of Deeds in and for New Castle County by providing for a method of copying the original volume" was introduced by Mr. Shockley, given its first reading by title only and assigned to the Judiciary Committee.

**HB 438**—"An Act to Amend Chapter 25, Title 12, Delaware Code, Relating to the records in the office of the Register of Wills in and for New Castle County, by providing for

a method of copying the original volumes” was introduced by Mr. Shockley and given its first reading by title only and assigned to Judiciary Committee.

**SB 180**—“An Act to Provide for the construction of a state office building on grounds now owned by the state in Dover, the transfer of offices from the old State House, the Assignment of the old State House to the Public Archives Commission, the restoration of the old State House, the allocation of funds for alterations to that commission for the Hall of Records, and Appropriating money for said purposes,” was given its third and final reading and placed before the House for consideration. There being no objection permission of the floor was granted to Mr. Gerald Berkowitz, to explain the bill. It was regularly moved and seconded that action on the bill be deferred. The motion passed by a voice vote.

**SB 143**—“An Act to Amend Section 5107, Title 31, Delaware Code, Relating to Payment of Accounts of Youth Services Commission” was given its third and final reading and placed before the House for consideration.

On the question, “Shall this bill pass the House?” the roll call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Livingston, Lowe, McGinnis, Phillips, Pratt, Shulties, Walls, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Correll, Quigley, Shockley, Wootten—4.

**SB 143** having received its constitutional majority passed the House and was ordered returned to the Senate.

It was regularly moved and seconded that the House adjourn to the call of the Chair. The motion passed at 3:41 P.M.

The Speaker called the House to order at 5:50 P.M.

**HB 439**—“An Act to Amend Title 21, Delaware Code, Relating to Motor Vehicles by providing for protection against the uninsured motorists; providing for self protection endorsement in automobile liability policies; providing certain penalties in regulations for the registration of the uninsured motor vehicles” was introduced by Mr. Blendt,

and Mr. Pratt, given its first reading by title only and assigned to the Committee on Revised Statutes.

**HB 440**—"An Act to Amend Title 18, Delaware Code, relating to insurance by providing for the supervision and control of the uninsured motorist's fund; payments therefrom; distribution to insurance companies; rules and regulations," was introduced by Mr. Blendt and Mr. Pratt, was given its first reading by title only and assigned to the Committee on Insurance and Banking.

**SB 224**—"An Act Relating to the Improvement of the Indian River Bay Channel via Peppers Creek in Sussex County," was given its first reading by title only. It was regularly moved and seconded that all rules be suspended for the sole purpose of taking action on this bill, and be given its third and final reading for final passage. The motion carried by voice vote. **SB 224** was given its third and final reading by title only and was placed before the House for passage. There being no objection the privilege of the floor was granted to Mr. Maurice Hartnett for the purpose of explaining the bill. On the question "Shall this bill pass the House?" the roll call revealed:

YEAS—Messrs. Annett, Atkins, Best, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Kirkby, Livingston, Lowe, Phillips, Shulties, Walls, Younger, Mr. Speaker—24.

NAYS—None.

ABSENT—Messrs. Bartleson, Blendt, Casey, Correll, Downs, Keenan, McGinnis, Pratt, Quigley, Shockley, Wooten—11.

**SB 224** having received its constitutional majority passed the house and was returned to the Senate.

There being no objection Mr. Baker was granted the privilege of the floor.

**SB 225**—"An Act to Amend Chapter 57, Title 7, Delaware Code Relating to Disaster Relief and Assistance by Extending its Coverage to Include Regular Federal Aid Projects," was given its first reading. It was regularly moved and seconded that all rules be suspended for the sole purpose of taking action. The motion carried by voice vote. **SB 225** was given its third and final reading by title only. There being no objection the privilege of the floor was granted to Maurice Hartnett to explain the bill. On

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

YEAS—Messrs. Annett, Atkins, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Kirkby, Livingston, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger, Mr. Speaker—23.

NAYS—Messrs. Best, Fifer, Jarrell—3.

ABSENT—Messrs. Bartleson, Blendt, Casey, Correll, Downs, Keenan, Pratt, Shockley, Wootten—9.

**SB 225** having received its constitutional majority was declared passed the House and returned to the Senate.

**HB 441**—"An Act Making a Supplementary Appropriation to the New Castle Historic Building Commission to be used for the Restoration of "The Old Sheriff's House" and "The West Wing of the Court House" in the City of New Castle," was introduced by Mr. Quigley, given its first reading by title only and assigned to the Committee on Appropriations.

**SB 221**—"An Act to Adopt on Behalf of the State of Delaware the Vehicle Equipment Safety Compact and providing Safety for its Effectuation in this State," was given its first reading by title only. It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SB 221**. Motion passed.

**SB 221** was read for the third and final time by title only. On the question, "Shall this Bill pass the House?" the roll call revealed:

YEAS—Messrs. Annett, Atkins, Best, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Kirkby, Livingston, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger, Mr. Speaker—25.

NAYS—None.

ABSENT—Messrs. Bartleson, Blendt, Casey, Correll, Downs, Exley, Keenan, Pratt, Shockley, Wootten—10.

**SB 221** having received its constitutional majority was declared passed the House and ordered returned to the Senate.

**HCR 22**—"Relating to **HCR 5** concerning the Joint Committee on Correctional Systems of the State of Delaware," was introduced by Mr. Isaacs and given its first reading by title only.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on this resolution. The motion carried by voice vote.

**HCR 22** was given its final reading by title only and was adopted by voice vote.

The following communication was presented by Mr. Isaacs. There being no objection it was made part of the record.

Dear Mr. Speaker:

In my absence as the sponsor of **HB 416**, I authorize Representative Martin Isaacs, who is co-sponsor of **HB 416** to bring this bill up under the suspension of rules for its first and final readings and passage by the House.

Respectfully,

PAUL E. SHOCKLEY,  
4th Representative  
District

It was regularly moved and seconded that the rules be suspended for the sole purpose of bringing up **HB 416** for its final reading and consideration by the House.

**HB 416**—"An Act to Amend Title 11, Delaware Code, Relating to Pensions for State Police," was given its final reading by title only and taken up for consideration in order to pass the House. On the question, "Shall this bill pass the House?" the roll call revealed:

YEAS—Messrs. Atkins, Clifton, Darling, Davidson, Eskridge, Exley, Hanlon, Isaacs, Kirkby, Livingston, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger, Mr. Speaker—18.

NAYS—Messrs. Annett, Best, Fifer, Hale, Hocker, Jarrell—6.

PRESENT—Mr. Busker—1.

ABSENT—Messrs. Bartleson, Blendt, Casey, Correll, Dineen, Downs, Keenan, Pratt, Shockley, Wootten—10.

**HB 416** having received its constitutional majority was declared passed the House and ordered to the Senate for concurrence.

It was regularly moved and seconded that rules be suspended for the sole purpose of consideration of **HB 412**. The motion carried by voice vote.

**HB 412**—"An Act Making an Appropriation to the 308 West Residence, Prisoners Aid Society of Delaware," was given its third and final reading by title only and taken up for consideration in order to pass the House.

It was regularly moved and seconded that the results of the roll call be tabled. The motion passed by voice vote.

The following communication was presented by Mr. Eskridge. There being no objection it was made part of the record.

Representative Norman Eskridge:

This is to authorize Representative Eskridge to bring up for final reading and passage **HB 292** and **293**.

Sponsor of these Bills  
REP. PAUL E. SHOCKLEY

**HB 293**—"An Act to Amend Chapter 51, Title 16, Delaware Code, Relating to the Delaware State Hospital by Providing for Retention of Funds Received From Operation of Commissary" was brought out by Mr. Eskridge for consideration, given its third and final reading. On the question, "Shall this bill pass the House?" the roll call revealed:

YEAS—Messrs. Annett, Atkins, Best, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Kirkby, Livingston, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger—25.

NAYS—None.

NOT VOTING—Mr. Speaker—1.

ABSENT—Messrs. Bartleson, Blendt, Casey, Correll, Downs, Keenan, Pratt, Shockley, Wootten—9.

**HB 293** having received its constitutional majority was declared passed the House and ordered to the Senate for concurrence.

**HR 121**—"Appropriating Money out of the General Fund of the State Treasury to pay Certain Expenses of the Present Session of the 122nd General Assembly."

"BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the following amounts are appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present session of the 122nd General Assembly of the State of Delaware, up to and including the 74th Legislative Day,

which expenses are declared proper and reasonable expenses actually incurred by the respective members of the House of Representatives, for traveling expenses, commonly known as mileage expenses, in traveling from their respective homes to Dover and returning from Dover to their respective homes, in the performance of their duties as members of the House of Representatives, during the present Legislative session thereof, and the auditor of accounts is directed to approve and properly execute warrants for, and the State Treasurer is directed to pay to the respective members of the House of Representatives here and after named, the respective amounts set opposite their respective names, viz:

John H. Annett . . . . .	\$20.80
Robert B. Atkins . . . . .	40.00
T. Lees Bartleson . . . . .	44.00
William T. Best . . . . .	38.00
Carlton Blendt, Jr. . . . .	16.00
Glenn W. Busker . . . . .	10.40
Andrew J. Casey . . . . .	40.00
Carlton Clifton . . . . .	24.00
Jacob A. Correll . . . . .	33.60
Gooden M. Darling . . . . .	9.60
Robert C. Davidson . . . . .	24.80
Russell F. Dineen . . . . .	40.00
Robert N. Downs III . . . . .	38.40
Norman A. Eskridge . . . . .	28.00
George H. Exley . . . . .	16.00
Harvey P. Fifer . . . . .	4.00
Everette Hale . . . . .	36.00
Thomas J. Hanlon . . . . .	40.00
Wilbert E. Hocker . . . . .	48.00
M. Martin Isaacs . . . . .	38.40
Maurice N. Jarrell . . . . .	1.60
Ralph S. Keenan . . . . .	40.00
George Kirkby . . . . .	19.20
Paul F. Livingston . . . . .	40.00
Granville T. Lowe . . . . .	40.00
James D. McGinnis . . . . .	
W. Harrison Phillips . . . . .	40.80
J. Reynolds Pratt . . . . .	12.80
James R. Quigley . . . . .	36.00
Paul E. Shockley . . . . .	40.00
H. Dawson Shulties . . . . .	8.00

Joseph B. Walls .....	38.40
Wallace P. Wootten .....	10.40
Norman N. Younger .....	18.40
Sherman W. Tribbitt .....	20.00

Mr. Walls introduced **HR 121**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 121** be adopted by voice vote. The motion prevailed.

Mr. Walls introduced **HR 122**. It was given its first and only reading by title only. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 122** be adopted by voice vote. The motion prevailed.

**HR 122**—“Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representatives of the Present Session of the 122nd General Assembly.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the House of Representatives whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches and employees for the period commencing with the 71st Legislative Day and including the 74th Legislative Day of the current session.

Maurice Adams .....	\$ 80.00
John J. Argo .....	100.00
Frederick Bell .....	80.00
Gerald Berkowitz .....	150.00
Beverly J. Blevins .....	110.00
Edgar Brown .....	80.00
James Bartsch .....	80.00
Frank Calio .....	100.00
N. Eugene Campbell .....	80.00
Harold Clendaniel .....	80.00
Helen M. Collins .....	80.00
Lina R. Cropper .....	110.00
Martha Dixon .....	80.00
Michelene Duff .....	110.00

Sam C. Elliott .....	80.00
Emogene Ellis .....	110.00
Roy Freeman .....	412.50
Dorothy Gagnon .....	80.00
Cora Hilyard .....	80.00
Cornelius Hurd .....	80.00
Bradford Holliday .....	80.00
Harry L. Holloway .....	80.00
Margaret Hurley .....	80.00
Percy D. Haughey .....	80.00
Claude Jordon .....	80.00
Mildred A. Keeler .....	80.00
J. Howard Link .....	80.00
Venie R. Lloyd .....	110.00
Barney J. Lofland .....	80.00
Paul Lowe .....	80.00
Jennings Moore .....	80.00
Wilma L. McDowell .....	100.00
Richard Norwood .....	80.00
Louise H. Pennewill .....	110.00
Millard Reed .....	80.00
Andrew P. Reynolds .....	80.00
William Reynolds .....	80.00
Willard C. Robbins .....	80.00
Ruth Ross .....	80.00
James Rowlinson, Sr. ....	80.00
Mary Spicer .....	80.00
Ralph Spitzer .....	80.00
Olive Sutton .....	80.00
Catherine Swartwood .....	110.00
William Taylor .....	80.00
Bailey Thomas .....	100.00
Alex Tomkiewicz .....	110.00
Joseph F. Toner .....	100.00
Harrison F. Turner .....	300.00
Elizabeth Wainwright .....	100.00
Lillian Wallace .....	80.00
J. Edgar Walls .....	80.00
James A. Walsh .....	150.00
William J. Warwick .....	100.00
Norma Watts .....	80.00
Melba Webb .....	343.75
Clara Webber .....	80.00
Ronald West .....	135.00

Dorothy Williams .....	80.00
Harry Wootten .....	80.00
Ralph E. Vines .....	80.00

At 6:55 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

Monday, October 7, 1963 at 2:38 P.M. the Speaker called the House to order. The chief clerk read the following message from the Governor. "State of Delaware, Executive Department, Dover, Sept. 24, 1963.

To the House of Representatives of the 122nd General Assembly of the State of Delaware:

On September 12, 1963 I received **HB 334** entitled, "An Act to Appropriate \$6,580 to the State Board of Education for the use of the Greenwood Consolidated School District to equip an agricultural shop." I am returning this bill to you without my approval because (1) It would appropriate the sum of \$6,580 to the State Board of Education for the purpose of purchasing equipment for an agricultural shop for the Greenwood Consolidated School District without the approval of the Department of Public Instruction, of the State of Delaware. (2) It encourages local school districts to expect funds over and above the legal unit allocation. This is both dangerous and unfair. The danger lies in the fact that even under conditions of poor budget management local school districts can look to the legislature for relief. It is unfair to the preponderance of most school districts who live within their budgets and make the most efficient use of the monies allotted.

Respectfully submitted,

ELBERT N. CARVEL, Governor

There being no objection the communication was made part of the record.

Mrs. Jane Kilroy, a member of the House of Representatives of the State of Maine was introduced by the Speaker, Mr. Tribbitt. Mrs. Kilroy presented a brief address.

**HA 1** to **SB 183** was introduced by Mr. Pratt, given its first and only reading in its entirety. It was regularly moved and seconded that the amendment be placed with the bill. The motion passed by voice vote.

**HA 2** to **SB 183** was introduced by Mr. Pratt and given its first and only reading. It was regularly moved and

seconded that the amendment be placed with the bill. The motion carried by voice vote.

**HB 412**—Mr. Isaacs moved that the roll call on **HB 412** be lifted from the table. The motion was seconded and carried by voice vote. The roll call revealed:

YEAS—Messrs. Atkins, Clifton, Darling, Davidson, Eskridge, Exley, Hanlon, Isaacs, Kirkby, Livingston, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger, Mr. Speaker—18.

NAYS—Messrs. Annett, Best, Fifer, Hale, Hocker, Jarrell—6.

ABSENT—Messrs. Bartleson, Brendt, Casey, Correll, Dineen, Downs, Keenan, Pratt, Shockley, Wooten—10.

PRESENT—Mr. Busker—1.

**HB 412** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

**HB 413**—“An Act to Amend Section 1563, Title 9, Delaware Code, to permit the Levy Court of New Castle County to make an appropriation to the Prisoners Aid Society of Delaware and amending 51 Delaware Laws, Chapter 322, as amended by 52 Delaware Laws, Chapter 274”—upon motion by Mr. Isaacs was given its third and final reading and taken up for consideration.

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Wooten, Walls, Younger, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. Livingston—1.

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

**HB 3** to **SB 183** was introduced by Mr. Blendt and given its first and only reading in its entirety. It was regularly moved and seconded that the amendment be placed with the bill. The motion was adopted by a voice vote.

**HB 442**—“An Act to Amend Chapter 17, Title 9, Delaware Code, relating to employees’ pensions for New Castle County,” was introduced by Messrs. Hanlon, Dineen,

Shockley, Livingston, Keenan, was given its first reading by title only and assigned to the Revised Statutes Committee.

**HB 443**—"An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, relating to "City of Wilmington Employees Retirement Act"—introduced by Messrs. Dineen, Hanlon, Shockley, Livingston, Keenan was given its first reading by title only and assigned to Committee on Corporations, Municipal.

**HB 444**—"An Act to Enable the Levy Court of New Castle to establish a Water Supply and Flood Control System in the White Clay Watershed, to control the use of excess water thereof, to augment the supply of water for New Castle County, to control the use thereof and to charge fees therefor, to issue bonds to finance projects and acquisitions, to acquire by condemnation, purchase, gift or otherwise land rights therein, in New Castle County or in the Commonwealth of Pennsylvania, to Levy Taxes therefor."—introduced by Messrs. Hale, Blendt, Casey, Tribbitt was given its first reading by title only and assigned to the Committee on Revised Statutes.

A message from the Senate informed the House that the Senate had passed **SB 219** and **SB 230** and requested the concurrence of the House. The House was also informed that the Senate had passed **HB 80** with **HA 1**; **HB 286** with **HA 1**; **HB 357**, **HCR 21** and **HCR 22** and were returning the same to the House.

Committee on Insurance and Banking reported **HB 195**, 3 favorable, 1 on its merits, 1 unfavorable.

Mr. Lowe on behalf of the Committee on Revenue and Taxation reported **HB 379**, 4 favorable, 1 on its merits; **HB 390**, 5 favorable; **HB 206**, 2 favorable, 2 on its merits, 1 unfavorable.

**HB 97**—"An Act appropriating moneys for education and training of children of Veterans of World War II, and Korean Conflict who died while in the Service of the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States or who died from diseases, wounds or disabilities resulting from such service"—was called up for its third reading and presented to the House for consideration, by Mr. Busker.

It was regularly moved and seconded that action on **HB 97** be temporarily deferred. The motion prevailed by voice vote. Without objection it was so ordered.

It was moved and seconded at 5:10 P.M. that there be a temporary recess at the call of the chair. Motion passed by voice vote.

The House was called to order at 5:15 P.M.

**HB 445**—"An Act authorizing and directing the Receiver of Taxes and County Treasurer of Kent County to re-imburse Mrs. T. C. Collins school taxes assessed and paid in error," was introduced by Mr. Exley and Mr. Shulties, was given its first reading by title only and assigned to the committee on Revenue and Taxation.

**HB 446**—"An Act to amend Section 1912, Title 14, Delaware Code, by changing the name "Poll Tax" to "School Capitation Tax," was introduced by Mr. Blendt, was given its first reading by title only and assigned to the Education Committee.

**HR 123**—"Authorizing the Payment of Certain Expenses for the furnishing of bill backers for the House of Representatives of the 122nd General Assembly."

"BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of \$40.00 is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the Harrington Journal, Harrington, Delaware, for the furnishing of 1000 duplicate bill backers for the House of Representatives of the 122nd General Assembly" was introduced by Mr. Exley, given its first and only reading and adopted by voice vote.

**HR 124**—"Authorizing the Payment of Certain expenses for the printing of calendars for the House of Representatives of the 122nd General Assembly.

"BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of \$627.80 is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the Sussex Countian, Georgetown, Delaware for the printing of calendars of the House of Representatives of the 122nd General Assembly," was introduced by Mr. Exley, given its first and only reading and adopted by voice vote.

**SB 230**—"To Amend Section 602, Title 14, Delaware Code, relating to the transfer of pupils from one school

district to another," was given its first reading by title only and assigned to the Education Committee.

**SB 219**—"An Act to Amend Chapter 3, Title 3, Delaware Code, relating to the Bureau of Markets by providing for tenure for certain employees," was given its first reading by title only and assigned to the Committee on Agriculture.

**HB 97**—was presented for consideration in order to pass the House.

**HA 1** to **HB 97** having been placed with the Bill, it was regularly moved and seconded that the amendment be adopted by voice vote. The motion passed.

**HB 97** as amended with **HA 1** was placed before the House for consideration.

On the question "Shall this bill pass the House?" the roll call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Blendt, Busker, Best, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston, Quigley—3.

**HB 97** as amended with **HA 1** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Busker on behalf of the Committee on Revised Statutes, reported **HB 430**, 3 favorable, 2 on its merits.

**HS 1** to **HB 429**—"An Act to Amend Chapter 158, Volume 36, Laws of Delaware, entitled "An Act Changing the Name of 'The Town of Dover' to the 'City of Dover' and establishing a charter therefor," was introduced by Mr. McGinnis, was given its first and only reading by title only, and assigned to the Committee on Corporations, Municipal.

**HB 447**—"An Act to Amend Chapter 53, Title 30, Delaware Code, relating to cigar and cigarette tax" introduced by Mr. Lowe was given its first reading by title only and was assigned to the Committee on Revenue and Taxation.

**HB 448**—"An Act to permit the interchange of Government employees, introduced by Mr. Davidson, was given

its first reading by title only and assigned to the Committee on Revised Statutes.

On motion by Mr. Busker and regularly seconded at 5:25 P.M. the House adjourned until Tuesday, October 8, 1963, 1 P.M. The motion carried by voice vote.

### 75th LEGISLATIVE DAY

The Speaker called the House to order at 1:50 P.M. on Tuesday, Oct. 8, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 34 members present, 1 absent.

**MEMBERS PRESENT**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—34.

**MEMBERS ABSENT**—Mr. Livingston—1.

The Clerk proceeded to read the Journal of the previous session when Mr. . . . . . moved that so much be considered the reading of the Journal. Approved.

Motion Prevailed.

**HB 445**—Revenue & Taxation, 5 favorable.

**SB 230**—Education, 1 favorable, 3 on merit.

**HB 446**—Education, 4 favorable.

**SB 215**—Corporation-Municipal, 4 favorable.

**SB 217**—Corporation-Municipal, 4 favorable.

**HB 443**—Corporation-Municipal, 4 favorable.

**HS 1 to HB 429**—Corporation-Municipal, 4 favorable.

Mr. Eskridge introduced **HS 1 to HB 388**—“An Act to Amend Title 7, Delaware Code by Providing for Appropriations for the Acquisition of Public Park, Recreation and Conservation Lands from the Capital Investment Fund Created by Chapter 32, Volume 54, Laws of Delaware.”

It was given its first and only reading by title only and assigned to the Committee on Revised Statutes.

Mr. Isaacs introduced **HA 1 to HB 414**. It was given its first and only reading in its entirety. It was regularly

moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 414** be placed with the bill. The motion prevailed.

Mr. Exley moved that **HB 430**—"An Act to Amend Section 2101, Chapter 21, Title 21, of the laws of Delaware," be given its first and only third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **HB 430** be temporarily deferred. The motion was lost by voice vote. Without objection it was so ordered.

Mr. Shockley moved that **HB 36**—"An Act to Amend Section 1183 (d), Title 30, Delaware Code, Relating to payment of Refunds," having previously been deferred be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Busker, Livingston, McGinnis, Shulties—4.

**HB 36** having received the constitutional majority, passed the House.

Mr. Eskridge moved that **HB 132**—"An Act to Amend Section 2302, Title 30, Delaware Code, Relating to Tax Stamps Required for Amusement and Music Machines," be given its third and final reading and taken for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Busker, Clifton, Correll, Darling, Dineen, Eskridge, Hale, Hanlon, Jarrell, Kirkby, Lowe, Phillips, Quigley, Shockley, Walls, Wootten, Mr. Speaker—18.

NAYS—Messrs. Annett, Bartleson, Best, Blendt, Casey, Davidson, Downs, Exley, Fifer, Hocker, Isaacs, Keenan, Pratt, Younger—14.

ABSENT—Messrs. Livingston, McGinnis—2.

NOT VOTING—Mr. Shulties—1.

**HB 132** having received the constitutional majority, passed the House.

At 2:25 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 4:56 P.M. the Speaker called the House to order.

Mr. Exley moved that **HB 430**—“An Act to Amend Section 2101, Chapter 21, Title 21, of the Laws of Delaware,” having previously been deferred be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—28.

NAYS—None.

ABSENT—Messrs. Blendt, Casey, Eskridge, Fifer, Livingston, McGinnis, Quigley—7.

**HB 430** having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed **SB 229** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 368/HA 1** and was returning the same to the House.

Mr. Wootten moved that **HB 390**—“An Act Authorizing and Directing the Receiver of Taxes and County Treasurer of Kent County to Reimburse Mary D. Derrickson McCurdy the sum of \$15.00 County and School Taxes Paid in Error,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley,

Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston—2.

**HB 390** having received the constitutional majority, passed the House.

Mr. Quigley introduced **HB 449**—“An Act to Amend Title 29, Delaware Code, by the Insertion of a New Chapter 2 Waiving the Sovereign Immunity of the State of Delaware.”

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Busker moved that **SB 137**—“An Act to Amend Chapter 7, Title 24, Delaware Code, Entitled Chiropractic,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Busker, Clifton, Correll, Darling, Davidson, Dineen, Exley, Fifer, Hale, Hanlon, Isaacs, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—24.

NAYS—Messrs. Atkins, Bartleson, Best, Downs, Hocker, McGinnis—6.

ABSENT—Messrs. Eskridge, Livingston—2.

NOT VOTING—Messrs. Casey, Jarrell—2.

PRESENT—Mr. Blendt—1.

**SB 137** having received the constitutional majority, passed the House.

The following Committee Reports were given:

**HB 442**—Revised Statutes, 4 favorable, 1 on merit.

**HB 433**—Revised Statutes, 3 favorable, 2 on merit.

**HB 354**—Revised Statutes, 5 favorable.

**HB 404**—Revised Statutes, 4 favorable, 1 on merit.

**HB 432**—Revised Statutes, 3 favorable, 2 unfavorable.

**HB 330**—Appropriation, 2 favorable, 3 on merit.

**HB 410**—Appropriation, 2 favorable, 2 on merit.

**SB 174**—Appropriation, 4 favorable, 1 on merit.

**HB 418**—Appropriation, 5 favorable.

**SB 189**—Labor, 4 favorable, 1 on merit.

Mr. Busker introduced **HA 1** to **HB 355**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 355** be placed with the bill. The motion prevailed.

Mr. McGinnis moved that **SB 142**—"An Act to Amend Section 102, Title 7, Delaware Code, Increasing the Number of Members on the Board of Game and Fish Commissioners, Providing for their Appointment and Term," be given its third and final reading and taken up for consideration in order to pass the House.

Mr. McGinnis introduced **HA 1** to **SB 142**. It was given its first and only reading by title only. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **SB 142** be adopted.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Jarrell, Keenan, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Walls, Wootten, Mr. Speaker—24.

NAYS—Messrs. Annett, Casey, Clifton, Correll, Darling, Isaacs, Lowe—7.

ABSENT—Messrs. Eskridge, Livingston, Shulties, Younger—4.

**HA 1** to **SB 142** having received the constitutional majority, was declared adopted.

It was regularly moved and seconded that the results of the roll call on **SB 142/HA 1** be laid on the table.

The Roll Call revealed:

YEAS—Messrs. Atkins, Blendt, Busker, Darling, Davidson, Dineen, Exley, Isaacs, Kirkby, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Mr. Speaker—16.

NAYS—Messrs. Annett, Bartleson, Best, Casey, Clifton, Correll, Downs, Fifer, Hale, Hanlon, Hocker, Jarrell, Keenan, Lowe, Pratt, Wootten—16.

ABSENT—Messrs. Eskridge, Livingston, Younger—3.

Having failed to receive the required vote, the motion to table roll call on **SB 142** was declared lost.

The Roll Call revealed:

YEAS—Messrs. Atkins, Busker, Darling, Exley, Hanlon, Kirkby, Quigley, Shockley, Shulties—9.

NAYS—Messrs. Annett, Bartleson, Best, Blendt, Casey, Clifton, Correll, Davidson, Dineen, Downs, Fifer, Hale, Hocker, Isaacs, Jarrell, Keenan, Lowe, McGinnis, Phillips, Pratt, Walls, Wootten, Mr. Speaker—23.

ABSENT—Messrs. Eskridge, Livingston, Younger—3.

**SB 142/HA 1** not having received the constitutional majority, was declared lost.

Mr. Shockley introduced **HB 450**—An Act to Amend Chapter 152, Volume 52, Laws of Delaware, Entitled “An Act Requiring the doing of all work and the Furnishing of all Materials and Supplies to the Mayor and Council of Wilmington or to any Board, Commission, Department or Agency thereof to the Lowest and Best Bidder and Providing the Procedure Relating thereto” by Providing that a Bid Bond may be Submitted with bids, and by Providing that Public Bidding shall not be required on Contracts for less than One Thousand Dollars or where only one source can perform the Contract because of a Patent.

It was given its first reading by title only and assigned to the Committee on Corporations, Municipal.

Mr. Shockley introduced **HB 451**—“An Act to Amend Chapter 143, Volume 36, Laws of Delaware, being an act providing for the collection of Taxes and Assessments for the City of Wilmington.”

It was given its first reading by title only and assigned to the Committee on Corporations, Municipal.

Mr. Dineen introduced **HA 1** to **HB 425**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 425** be placed with the bill. The motion prevailed.

Mr. Dineen introduced **HA 1** to **HB 330**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 330** be placed with the bill. The motion prevailed.

Mr. Dineen introduced **HA 1** to **HB 423**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the read-

ing of the amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 423** be placed with the bill. The motion prevailed.

Mr. Dineen introduced **HR 125**—"Expressing Congratulations by the House of Representatives of the 122nd General Assembly to House Attorney, Gerald Berkowitz on the Birth of a Son." It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 125** be adopted by voice vote. The motion prevailed.

WHEREAS, The House of Representatives of the 122nd General Assembly has learned of the advent into this world, as of October 3, 1963 of a son born to Alene R. and Gerald Berkowitz,

**NOW THEREFORE**

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the House of Representatives on behalf of its members and officers hereby extend its congratulations to Gerald Berkowitz and his wife upon the birth of a son.

Without objection the following communication was made part of the record.

FROM: Charles K. Keil.

On the date indicated, the Governor approved the following legislation:

September 17, 1963—**HS 1** for **HB 207**; **HJR 5**; **SB 196**.

September 18, 1963—**HB 347**.

September 20, 1963—**HB 181**.

September 24, 1963—**HB 349**; **HB 322**—On this date the Governor returned **HB 334** to the House without his approval.

At 6:05 P.M. it was regularly moved and seconded that the House adjourn until 1.00 P.M. Wednesday, October 9, 1963. The motion prevailed by voice vote.

**76th LEGISLATIVE DAY**

The Speaker called the House to order at 2:42 P.M. on Wednesday, Oct. 9, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 33 members present, 2 Absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. Eskridge, Livingston—2.

The Clerk proceeded to read the Journal of the previous session when Mr. Busker moved that so much be considered the reading of the Journal. Approved.

Motion Prevailed.

The following Committee Reports were given:

**HB 450**—Shockley, Corp.-Municipal, 5 favorable.

**HB 457**—Shockley, Corp.-Municipal, 5 favorable.

**SB 219**—Isaacs, Agricultural, 4 favorable.

Mr. Shulties moved that **HB 445**—“An Act Authorizing and directing the Receiver of Taxes and County Treasurer of Kent County to re-imburse Mrs. T. C. Collins School Taxes Assessed and Paid in Error,” be given third and final reading and taken up for consideration in order to pass the House.

**HB 445** having received the constitutional majority, passed the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston—2.

**HB 445** having received the constitutional majority, passed the House.

Mr. Dineen moved that **HB 443**—“An Act to Amend Chapter 237, Volume 46, Laws of Delaware, as Amended, relating to “City of Wilmington Employees’ Retirement Act,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Clifton, Eskridge, Livingston, Isaacs—4.

**HB 443** having received the constitutional majority, passed the House.

Mr. Hanlon moved that **HB 442**—“An Act to Amend Chapter 17, Title 9, Delaware Code, relating to Employees’ Pensions for New Castle County,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston, Isaacs—3.

**HB 442** having received the constitutional majority, passed the House.

Mr. Younger introduced **HB 452**—“An Act to Amend Chapter 67, Title 16, Delaware Code, by providing for Police Duties at all Fire Company Functions.”

It was given its first reading by title only and assigned to the Committee on Miscellaneous Bills.

The following Committee Report was given:

**HB 372**—Quigley, Labor, 4 favorable, 1 on merit.

Mr. Walls moved that **SB 148**—“A private Act for the Relief of Martha A. Spicer, widow of Minos R. Spicer, deceased, be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **SB 148** be temporarily deferred. The motion prevailed by voice vote.

Mr. Davidson moved that **HS 1** for **HB 284**—"An Act to Amend Section 1317, Title 14, Delaware Code, by providing a change in method of payment to School Employees for attendance at school sessions," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston, Isaacs, Walls—4.

**HS 1** for **HB 284** having received the constitutional majority, passed the House.

The following Committee Report was given:

**HB 436**—Quigley, Revenues and Taxation, 5 favorable.

A messenger from the Senate informed the House that the Senate had passed **SB 222** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 228** with **HA 3** and **318** and **396** and was returning the same to the House.

**SB 229**—"An Act Authorizing the State of Delaware by its proper officials and the State Highway Department by its proper officials to transfer certain lands in Georgetown, Delaware, to and for the use of the Levy Court of Sussex County, Delaware," was given its first reading by title only and assigned to the Committee on Public Buildings and Highways.

Mr. Shockley introduced **HA 1** to **HB 324**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the amendment. The motion prevailed by voice vote.

It was regularly moved and seconded that action on **HB 324/HA 1** be temporarily deferred. The motion prevailed was lost by voice vote. Without objection it was so ordered.

The following Committee Report was given:

**HB 449**—Revised Statutes, 3 favorable, 2 on merit.

Mr. Bartleson introduced **HS 1/HB 419**—"An Act to Amend Chapter 17, Title 24, Delaware Code, relating to the disposition of Unclaimed Dead Bodies, the use thereof by approved institutions or persons in connection with Anatomical Studies, and the powers and duties of the Medical Council and the Attorney General of Delaware with regard thereto."

It was given its first and only reading by title only and assigned to the Committee on Public Health.

Mr. Walls moved that **SB 148**—"A private Act for the Relief of Martha A. Spicer, widow of Minos R. Spicer, deceased," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston—2.

NOT VOTING—Mr. Best—1.

**SB 148** having received the constitutional majority, passed the House.

Mr. Tribbitt introduced **HB 453**—"An Act to Amend Article Eight of the Constitution of the State of Delaware."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Tribbitt introduced **HB 454**—"An Act establishing a Capital Investment Fund and providing for the payment into the fund of all income tax payment to the State of Delaware based on taxable income resulting from distributions of divested stock as defined in Section 1111 of the United States Internal Revenue Code of 1954; and providing for expenditures from such Trust Fund."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Dineen moved that **HA 1** to **HB 330** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Dineen by request moved that **HB 330** with **HA 1**—“An Act making supplementary appropriations to certain agencies and divisions of the State Government to pay expenditures incurred during prior fiscal years,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Mr. Speaker—31.

NAYS—Mr. Fifer—1.

ABSENT—Messrs. Eskridge, Livingston, Younger—3.

**HB 330** with **HA 1** having received the constitutional majority, passed the House.

At 3:54 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

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

Mr. Shockley moved that **HB 324**—“An Act to repeal § 6101, Title 21, Delaware Code, relating to injury to non-paying guests,” be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Shockley introduced **HA 1** to **HB 324**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 324** be adopted.

The Roll Call revealed:

YEAS—Messrs. Hanlon, Hocker, McGinnis, Shockley—4.

NAYS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Wooten, Younger, Mr. Speaker—24.

ABSENT—Messrs. Clifton, Eskridge, Livingston, Shulties, Walls—5.

NOT VOTING—Mr. Casey—1.

PRESENT—Mr. Busker—1.

**HA 1** to **HB 324** having not received the constitutional majority, was lost.

Without objection the privilege of the floor was granted to Alex L. Nichols, Esq. representing the Delaware Bar Association to explain the bill.

Without objection the privilege of the floor was granted to William S. Prichett Jr., Esq. to explain the bill.

Without objection the privilege of the floor was granted to Frank O'Donnell, Esq. to explain the bill.

The Roll Call revealed:

YEAS—Messrs. Dineen, Hanlon, Hocker, Keenan, McGinnis, Shockley—6.

NAYS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Correll, Darling, Davidson, Downs, Exley, Fifer, Hale, Isaacs, Jarrell, Kirkby, Lowe, Phillips, Pratt, Quigley, Wooten, Younger, Mr. Speaker—22.

ABSENT—Messrs. Clifton, Eskridge, Livingston, Shulties, Walls—5.

NOT VOTING—Mr. Casey—1.

PRESENT—Mr. Busker—1.

**HB 324** not having received the constitutional majority, was lost in the House.

At 5:55 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. on Thursday, October 10, 1963. The motion prevailed by voice vote.

### 77th LEGISLATIVE DAY

The Speaker called the House to order at 2:16 P.M. on Thursday, Oct. 10, 1963.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 33 members present, 2 absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. Fifer, Livingston—2.

The Clerk proceeded to read the Journal of the previous session when Mr. Busker moved that so much be considered the reading of the Journal. Approved.

Motion Prevailed.

Mr. Dineen moved that **SB 188**—“An Act Making a Supplementary Appropriation to the Absalom Jones School

District 106 for Payment of sums due for the Construction Program Incurred Prior to December 1962 for the Fiscal Year Ending June 30, 1964," be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—Mr. Atkins—1.

ABSENT—Messrs. Fifer, Livingston—2.

PRESENT—Mr. Busker—1.

**SB 188** having received the constitutional majority, passed the House.

**SB 222**—"An Act Making a Supplementary Appropriation to the Smyrna Special School District to be used for a Central Administrative Office."

It was given its first reading by title only and assigned to the Committee on Appropriations.

**HB 452**—Miscellaneous Bills, 4 favorable, 1 on merit.

**HB 399**—Insurance and Banking, 2 favorable, 3 on merit.

Mr. Quigley moved that **HB 449**—"An Act to Amend Title 29, Delaware Code, by the Insertion of a New Chapter 2 Waiving the Sovereign Immunity of the State of Delaware," be given its third and final reading and taken up for consideration in order to pass the House.

Without objection the privilege of the floor was granted to James A. Walsh, Esq., House Attorney, to explain the bill.

It was regularly moved and seconded that action on **HB 449** be temporarily deferred. The motion prevailed by voice vote.

A messenger from the Senate informed the House that the Senate had passed **SB 102, 233, 234, 237, 244** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 248/HA 1, 316, 375, 413** and was returning the same to the House.

Mr. Shockley moved that **HB 401**—"An Act Relating to the Ownership of Real Property, the Division thereof into Units, the Submission of Real Property, to the Provisions of this act and the withdrawal of such Property from the Provision of this act, Providing for the Improvement, Management, Operation, Assessment and Taxation of such Property, Establishing Certain Procedures in Connection therewith, Providing for the Conveyancing, Leasing, and Mortgaging thereof, Establishing a Procedure for the Assessment and Collection of Certain Expenses with Respect thereto, setting forth certain lien rights with respect thereto and Providing for the Recording of Certain Information," be given its third and final reading and taken up for consideration in order to pass the House.

Without objection the privilege of the floor was granted to Mr. Leon Weiner to explain the bill.

The Roll Call revealed:

**YEAS**—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Younger, Mr. Speaker—29.

**NAYS**—None.

**ABSENT**—Fifer, Livingston, Quigley—3.

**NOT VOTING**—Messrs. Clifton, Jarrell—2.

**PRESENT**—Wootten—1.

**HB 401** having received the constitutional majority, passed the House.

Mr. Blendt moved that **SB 230**—"An Act to Amend Section 602, Title 14, Delaware Code, Relating to the Transfer of Pupils from one School District to Another," be given its third and final reading and taken up for consideration in order to pass the House.

It was regularly moved and seconded that action on **SB 230** be temporarily deferred. The motion prevailed by voice vote.

Mr. Eskridge moved that **HB 133**—"An Act to Amend Section 1187 Title 30, Delaware Code Pertaining to Violation and Penalties on Income Taxes," be given its first and only third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Busker, Casey, Clifton, Correll, Darling, Davidson, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Walls, Wootten, Mr. Speaker—27.

NAYS—Mr. Annett—1.

ABSENT—Messrs. Dineen, Fifer, Livingston, Quigley, Shulties, Younger—6.

NOT VOTING—Mr. Blendt—1.

**HB 133** having received the constitutional majority, passed the House.

Mr. Blendt moved that **SB 230**—“An Act to Amend Section 602, Title 14, Delaware Code, Relating to the Transfer of Pupils from one School District to Another,” having previously been deferred be taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Walls, Wootten, Younger, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Dineen, Fifer, Livingston, Quigley, Shulties—5.

**SB 230** having received the constitutional majority, passed the House.

Mr. McGinnis moved that **HS 1** to **HB 429**—An Act to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled “An Act Changing the name of ‘The Town of Dover’ to ‘The City of Dover’ and Establishing a Charter therefor,” be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Walls, Wootten, Younger, Mr. Speaker—29.

NAYS—None.

ABSENT—Messrs. Busker, Dineen, Fifer, Livingston, Quigley, Shulties—6.

**HS 1** to **HB 429** having received the constitutional majority, passed the House.

At 3:29 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:48 P.M. the Speaker called the House to order.

At 5:50 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Friday, October 11, 1963. The motion prevailed by voice vote.

### 78th LEGISLATIVE DAY

The Speaker called the House to order at 2:40 P.M., Friday, Oct. 11, 1963.

There was a Prayer by the Chaplain, Rev. J. Howard Link.

The Speaker led those in a Salute of the Flag.

The Roll Call revealed 35 Members Present, None Absent.

The Clerk proceeded to read the Journal of the previous Session, when Mr. Busker moved that so much be considered the reading of the Journal, and that the Journal be approved. The motion was readily seconded and the motion prevailed.

A communication from the Wild Life Association was read and returned to Mr. Phillips.

The House Committee on Appropriations reported **HS 1** for **HB 389** 5 Merits.

The House Committee on Judiciary reported, **HB 437**, 2 Favorable, 3 on Merits; **HB 438**, 2 Favorable, 3 on Merits.

**SB 102**—“An Act to Amend Section 5004, Title 15, Delaware Code, relating to the use of Voting Machines,” was given its First reading by Title only and assigned to the Committee on Elections.

**SB 233**—“An Act to Amend an Act entitled an Act to Re-Incorporate the Town of Felton, being Chapter 208 of Volume 24, Laws of Delaware, by providing for Zoning” was given its First reading by Title only and assigned to the Committee on Corporations Municipal.

**SB 244**—“An Act making a supplementary Appropriation to the Delaware Day Commission”, was given its First

reading by Title only and assigned to the Committee on Appropriations.

**SB 237**—“An Act to Amend An Act Titled an Act to Re-Incorporate the Town of Felton being Chapter 208, of Volume 24, Laws of Delaware by providing for a Board of Health, Fire Regulations and Maintenance of Lots” was given its First reading by Title only and assigned to the Committee on Corporations Municipal.

**SB 234**—“An Act to Amend An Act Titled an Act to Re-Incorporate the Town of Felton, being Chapter 208, Volume 24, Laws of Delaware, by increasing the amount that can be raised each Year by Taxes” was given its First reading by Title only and assigned to the Committee on Corporations, Municipal.

**SB 58**—“An Act to Amend Chapter 51, Title 29, Delaware Code, by authorizing the State Treasurer to make certain Pay Roll Deductions” was given its First reading by Title only and assigned to the Committee on Revised Statutes.

**HB 455**—“An Act to Amend Title 7, Delaware Code, Section 703, relating to Open Season for Game” introduced by Mr. Exley and Mr. Jarrell, was given its first reading by Title only and assigned to Fish, Oyster and Game Committee.

**HB 449**—“An Act to Amend Title 29, Delaware Code, by the insertion of a New Chapter 2 waiving the Sovereign Immunity of the State of Delaware” having had its Final reading and been deferred, was presented to the House by Mr. Quigley for its consideration. There being no objection the privilege of the floor was granted to Mr. James Walsh, House Attorney. It was regularly moved and seconded that action on **HB 449** be temporarily deferred. The motion prevailed by voice vote.

**HB 310**—“An Act to Amend Section 1321, Title 14, Delaware Code, relating to State Supported Salary Schedules for School Employees” was called up by Mr. Dineen, given its final reading by Title only, and presented to the House for its consideration. On the question “Shall this Bill pass the House?” the Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley,

Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Atkins, Davidson, Livingston—3.

**HB 310**, having received its constitutional majority was declared pass the House and Ordered to the Senate for its Concurrence.

**HB 177**—“An Act to Create a Public Defender and making a supplementary Appropriation” was called up by Mr. McGinnis, given its Final reading by Title only and presented to the House for its consideration.

**HA 1** to **HB 177**, having previously been placed with the Bill it was regularly moved and seconded that **HA 1** be adopted by a voice vote. The motion prevailed. There being no objection the privilege of the floor was granted to Maurice Hartnett, Esq., to explain the Bill. On the question shall this Bill pass the House, the Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—Mr. Atkins—1.

ABSENT—Messrs. Davidson, Livingston—2.

**HB 177** as amended with **HA 1**, having received its constitutional Majority was declared passed the House and sent to the Senate for its Concurrence.

Mr. Kirkby introduced **HR 126**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 126** be adopted by voice vote. The motion prevailed.

**HR 126**—“IN REFERENCE TO ELECTION OF OFFICERS.”

WHEREAS, Andrew P. Reynolds and Willard C. Robins were previously elected to the offices of Door Tender and Messenger, respectively, but have resigned effective at the close of the legislative day, Oct. 8, 1963,

NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Andrew P. Reynolds and Willard C. Robbins are hereby relieved from the duties of Door Tender and Messenger, respectively effective at the close of the Legislative Day, Oct. 8, 1963.

BE IT FURTHER RESOLVED that Dora Furniss is hereby elected to serve as Door Tender and Alvin Brown is hereby elected to serve as Messenger, both effective Oct. 9, 1963 to serve during the pleasure of the House of Representatives.

**HB 456**—"An Act to Amend Chapter 6, Section 602, Title 14, Delaware Code, by providing for transfer of pupils between School Districts without regard to instructions offered by a sending District" was introduced by Mr. Blendt, given its First reading by Title only and assigned to the Committee on Education.

**HB 457**—"An Act to Amend Chapter 11, Title 14, Delaware Code, relating to the Closing of certain School by the State Board of Education," was introduced by Mr. Blendt, By Request, given its First reading by Title only, and assigned to the Education Committee.

**HB 452**—"An Act to Amend Chapter 67, Title 16, Delaware Code, by providing for Police Duties at all Fire Company Functions," was called up by Mr. Younger, given its Third and Final reading by Title only, and presented to the House for its consideration. On the question shall this Bill pass the House, the Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Davidson, Livingston, Walls—3.

**HB 452**, having received its Constitutional Majority was declared pass the House and ordered to the Senate for its Concurrence.

**HB 458**—"An Act Amending Title 6, Delaware Code, of 1953, by protecting the Public Welfare, entitling all Persons to full and equal accommodations, facilities, advan-

tages, and privileges of places of Public Accommodation and making it unlawful to refuse the same to any person on account of race, creed, color or national origin or to publish any communication to the effect that the same shall be refused on account of race, creed, color or national origin, empowering and directing the State Human Relations Commission to effect voluntary compliance therewith and providing criminal penalties for the violation thereof, and repealing Section 1501, of Title 24, Section 902, of Title 28 and Section 703 of Title 26, Delaware Code of 1953, insofar as said Sections are inconsistent herewith," was introduced by Mr. McGinnis given its First reading by Title only and assigned to the Committee on Revised Statutes.

At 3:57, Mr. Eskridge moved that the House recess to the call of the chair. The motion was seconded. The motion prevailed by voice vote.

At 6:30 P.M., Friday, Oct. 11, 1963, the Speaker called the House to order.

A Messenger from the Senate informed the House, that the Senate had passed **HB 426**, with **HA 2**, and **SA 2, 3, & 4**.

**HB 426** with **HA 2, SA 2, 3** and **4**—"An Act to provide for the enlargement and the improvement of the System of free Public Schools of Delaware: Appropriating money for the said purpose; 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 commission," having been returned from the Senate with **SA 2, 3, and 4** was called up by Mr. Eskridge. **SA 2** was given its First reading, it was regularly moved and seconded that so much be considered the reading of the Amendment. The motion prevailed by voice vote.

**SA 3** was given its first reading. It was regularly moved and seconded that so much be considered the reading of the Amendment. The motion prevailed by voice vote.

**SA 4** was given its first reading. It was regularly moved and seconded that so much be considered the reading of the Amendment. The motion prevailed by voice vote.

**HA 4** was introduced by Mr. Dineen, and given its first reading. It was regularly moved and seconded that so much be considered the reading of the Amendment. The motion prevailed by voice vote.

It was regularly moved and seconded that **HA 4** be adopted by voice vote.

It was regularly moved and seconded that the motion to adopt the Amendment be tabled.

The Roll Call on the motion to table the motion to adopt **HA 4** for **HB 426**:

YEAS—Messrs. Bartleson, Best, Blendt, Busker, Correll, Downs, Eskridge, Fifer, Hale, Hocker, Phillips, Wootten—12.

NAYS—Messrs. Annett, Atkins, Casey, Darling, Davidson, Dineen, Exley, Hanlon, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Quigley, Shockley, Shulties, Walls, Younger, Mr. Speaker—20.

ABSENT—Messrs. Clifton, Livingston, Pratt—3.

The motion to table the motion to adopt **HA 4** for **HB 426**, having failed to receive the necessary votes for passage, was declared Lost.

The Roll Call on the motion to adopt **HA 4** revealed:

YEAS—Messrs. Annett, Atkins, Casey, Davidson, Dineen, Exley, Hanlon, Hocker, Isaacs, Keenan, Kirkby, McGinnis, Quigley, Shockley, Shulties, Walls, Younger—17.

NAYS—Messrs. Bartleson, Best, Blendt, Clifton, Correll, Darling, Downs, Eskridge, Fifer, Hale, Jarrell, Lowe, Phillips, Wootten—14.

PRESENT—Messrs. Busker, Mr. Speaker—2.

ABSENT—Messrs. Livingston, Pratt—2.

**HA 4** for **HB 426**, not having received the necessary Majority for Passage was declared Lost.

There being no objection the privilege of the floor was granted to Rev. Leroy Hamilton.

At 7:25 it was regularly moved that the House recess for five minutes. The motion prevailed by voice vote.

At 7:38, the Speaker called the House to order. On the question shall **HB 426** as Amended with **SA 2, 3, & 4** pass the House?

The Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Downs, Eskridge, Exley, Fifer, Hale, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Wootten, Mr. Speaker—28.

NAYS—Messrs. Atkins, Dineen, Hanlon, Shockley, Younger—5.

ABSENT—Messrs. Livingston, Pratt—2.

**HB 426**, as amended with **HA 2** and **SA 2, 3**, and **4**, having received its Constitutional Majority, was declared pass the House and sent to the Governors Office for his consideration.

**HB 459**—“An Act to Amend Title 21, Delaware Code by adding a new Chapter thereto relating to the use of the Highways of the State of Delaware Trucks registered in Foreign State and the fee for same,” was introduced by Mr. Lowe, given its First reading by Title only and assigned to the Revised Statutes Committee.

Committee on Buildings and Highways reported **SB 229** back to the House—3-favorable, 2-merits.

Mr. Clifton moved for the Suspension of Rules for the sole purpose of taking action on **SB 229**. The motion was seconded. The motion prevailed by voice vote.

**SB 229**—“An Act authorizing the State of Delaware by its proper Officials and the State Highway Department by its proper Officials to transfer certain Lands in Georgetown, Delaware, to and for the use of the Levy Court of Sussex County, Delaware,” was given its Final reading by Title only and presented to the House for its consideration. On the question shall this Bill pass the House?

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker, Tribbitt—32.

NAYS—None.

ABSENT—Messrs. Livingston, McGinnis, Pratt—3.

**SB 229**, having received its Constitutional Majority, was declared pass the House and returned to the Senate.

Mr. Walls introduced **HR 127**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 127** be adopted by voice vote. The motion prevailed.

**HR 127**—“Appropriating Money out of the General Fund of the State Treasury to pay Certain Expenses of the Present Session of the 122nd General Assembly.”

Be it resolved, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the following amounts are appropriated out of any money in the General Fund of the State Treasury for the payment of certain expenses connected with the present session of the 122nd General Assembly of the State of Delaware, up to and including the 78th Legislative Day, which expenses are declared proper and reasonable expenses actual incurred by the respective members of the House of Representatives for traveling expenses, commonly called mileage expenses, in traveling from their respective homes to Dover and returning from Dover to their respective homes in the performance of their duties as members of the House of Representatives during the present Legislative Session thereof, and the Auditor of Accounts is directed to approve and properly execute warrants for, and the State Treasurer is directed to pay to the respective members of the House of Representatives hereinafter named, the respective amounts set opposite their respective names, viz:

John H. Annett .....	\$ 26.00
Robert B. Atkins .....	50.00
T. Lees Bartleson .....	55.00
William T. Best .....	47.50
Carlton Blendt, Jr. ....	20.00
Glenn W. Busker .....	13.00
Andrew J. Casey .....	50.00
Carlton Clifton .....	30.00
Jacob A. Correll .....	42.00
Gooden M. Darling .....	12.00
Robert C. Davidson .....	31.00
Russell F. Dineen .....	50.00
Robert N. Downs, III .....	48.00
Norman A. Eskridge .....	35.00
George H. Exley .....	20.00
Harvey P. Fifer .....	5.00
Everett Hale .....	45.00

Thomas J. Hanlon .....	50.00
Wilbert E. Hocker .....	60.00
M. Martin Isaacs .....	48.00
Maurice N. Jarrell .....	2.00
Ralph S. Keenan .....	50.00
George Kirkby .....	24.00
Paul F. Livingston .....	50.00
Granville T. Lowe .....	50.00
James D. McGinnis .....	
W. Harrison Phillips .....	51.00
J. Reynolds Pratt .....	16.00
James R. Quigley .....	45.00
Paul E. Shockley .....	50.00
H. Dawson Shulties .....	10.00
Joseph B. Walls .....	48.00
Wallace P. Wootten .....	13.00
Norman N. Younger .....	23.00
Sherman W. Tribbitt .....	25.00

Mr. Walls introduced **HR 128**. It was given its first and only reading in its entirety. It was regularly moved and seconded that so much be considered the reading of the resolution. The motion prevailed by voice vote. It was regularly moved and seconded that **HR 128** be adopted by voice vote. The motion prevailed.

**HR 128**—“Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representatives of the Present Session of the 122nd General Assembly.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the State Treasurer be and she hereby is authorized and directed to pay to the attaches and employees of the House of Representatives whose names are listed below, the amounts set forth opposite their respective names and such sums are to be regarded as payments in full for services rendered by said attaches and employees for the period commencing with the 74th Legislative Day and including the 78th Legislative Day of the current session.

Maurice Adams .....	\$100.00
John J. Argo .....	125.00
Frederick Bell .....	100.00
Gerald Berkowitz .....	187.50
Beverly J. Blevins .....	137.50
Alvin Brown .....	60.00
Edgar Brown .....	100.00

James Bartsch .....	100.00
Frank Calio .....	125.00
N. Eugene Campbell .....	100.00
Harold Clendaniel .....	100.00
Helen M. Collins .....	100.00
Lina R. Cropper .....	137.50
Martha Dixon .....	100.00
William Dorsey .....	297.00
Michelene Duff .....	137.50
Sam C. Elliott .....	100.00
Emogene Ellis .....	137.50
Dora Furniss .....	60.00
Roy Freeman .....	66.00
Dorothy Gagnon .....	100.00
Cora Hilyard .....	100.00
Cornelius Hurd .....	100.00
Bradford Holliday .....	100.00
Harry L. Holloway .....	100.00
Margaret Hurley .....	100.00
Percy D. Haughey .....	100.00
Claude Jordon .....	100.00
Mildred A. Keeler .....	100.00
J. Howard Link .....	100.00
Venie R. Lloyd .....	137.50
Barney J. Lofland .....	100.00
Paul Lowe .....	100.00
Jennings Moore .....	100.00
Wilma L. McDowell .....	125.00
Richard Norwood .....	100.00
Louise H. Pennewill .....	137.50
Millard Reed .....	100.00
Andrew P. Reynolds .....	40.00
William Reynolds .....	100.00
Willard C. Robbins .....	40.00
Ruth Ross .....	100.00
James Rowlinson, Sr. ....	100.00
Mary Spicer .....	100.00
Ralph Spitzer .....	100.00
Olive Sutton .....	100.00
Catherine Swartwood .....	137.50
William Taylor .....	100.00
Bailey Thomas .....	125.00
Alex Tomkiewicz .....	137.50
Joseph F. Toner .....	125.00
Harrison F. Turner .....	375.00
Elizabeth Wainwright .....	125.00

Lillian Wallace .....	100.00
J. Edgar Walls .....	100.00
James A. Walsh .....	187.50
William J. Warwick .....	125.00
Norma Watts .....	100.00
Melba Webb .....	261.25
Clara Webber .....	100.00
Roland West .....	125.00
Dorothy Williams .....	100.00
Harry Wootten .....	100.00
Ralph E. Vines .....	100.00

Without objection, Mr. Quigley was granted personal privilege of the floor.

**HB 460**—"An Act Authorizing and Directing the Receiver of Taxes and County Treasurer of Sussex County to re-imburse Orville Hammond and Mary Lou Hammond for Taxes Assessed and Paid in Error," was introduced by Mr. Annett, given its first reading by title only and assigned to the Committee on Revenue and Taxation.

**HB 450**—"An Act to Amend Chapter 152, Volume 52, Laws of Delaware Entitled 'An Act Requiring the Doing of All Work and the Furnishing of All Materials and Supplies to the Mayor and Council of Wilmington or to Any Board, Commission, Department or Agency Thereof to the Lowest and Best Bidder, and Providing the Procedure Relating Thereto', by Providing that the Bid Bond be Submitted With Bids and by Providing that the Public Bidding Shall Not be Required on Contracts for Less Than One Thousand Dollars or Where Only One Source Can Perform the Contract Because of a Patent," was called up by Mr. Shockley, given its third and final reading by title only and presented to the House for its consideration. On the question shall this Bill pass the House, the Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Darling, Livingston, McGinnis, Pratt, Younger—5.

**HB 450** having received its Constitutional Majority was declared passed the House and sent to the Senate for its Concurrence.

**HB 451**—"An Act to Amend Chapter 143, Volume 36, Laws of Delaware Being An Act Providing for the Collection of Taxes and Assessments for the City of Wilmington," was called up by Mr. Shockley, given its third and final reading by title only and presented to the House for its consideration. On the question shall this Bill pass the House, the Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Davidson, Livingston, Pratt, Younger—4.

NOT VOTING—Mr. Casey—1.

**HB 451**, having received its Constitutional Majority was declared passed the House and ordered to the Senate for its Concurrence.

Mr. Busker moved for the suspension of Rules, in order to hand up a Committee Report. The motion was seconded. The motion prevailed by voice vote. The Committee on Revised Statutes reported **HB 458**—3 favorable, 2 unfavorable.

At 7:58 P.M. Mr. Eskridge moved that the House recess at the Call of the Chair. The motion was seconded. The motion prevailed by voice vote.

At 2:30 P.M. Tuesday, Nov. 12, 1963, the House was called to order by Mr. Speaker. In Deference to Deceased Member Mr. Paul L. Livingston, a Prayer was offered by Mr. Speaker. And a Moment of Silent Prayer was observed by the House.

Mr. Eskridge introduced **HR 129**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 129** be adopted by voice vote. The motion prevailed.

**HR 129**—"Declaring a Vacancy in the House of Representatives and Authorizing and Requesting the Speaker of the House to Issue a Writ of Election."

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that by reason of the death of Paul F. Livingston the duly elected member from the First Representative District of New Castle County, a vacancy in the said House of Repre-

sentatives is hereby declared to exist while the General Assembly is in session, and the Speaker of the House, the Presiding Officer of the House of Representatives, is therefore authorized and requested to issue a writ of election to the Department of Elections of New Castle County, commanding the said Department of Elections to hold a special election to fill said vacancy, in accordance with the Constitution of the State of Delaware and Chapter 71, Title 15, Delaware Code; and

BE IT FURTHER RESOLVED that the Speaker of the House is hereby authorized and directed to serve or to cause to be served the said writ of election upon the Department of Elections of New Castle County forthwith upon its issuance.

Mr. Shockley introduced **HR 130**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 130** be adopted. The roll call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Messrs. Eskridge, Hocker—2.

**HR 130** having received the constitutional majority, passed the House.

**HR 130**—“Relative to the Death of Representative Paul F. Livingston.”

WHEREAS, the House of Representatives of the 122nd General Assembly of the State of Delaware has learned with regret the passing of Paul F. Livingston, a distinguished and eminent member of the House; and

WHEREAS, State Representative Paul F. Livingston served his State faithfully and well during his terms in the General Assembly of the State of Delaware; and

WHEREAS, State Representative Paul F. Livingston was elected for six consecutive terms to the House of Representatives.

WHEREAS, he had almost completed twelve (12) years in the House of Representatives.

WHEREAS, the members of the House desire to express in this public manner their own feelings and sense of loss,

which is felt throughout the State of Delaware; NOW, THEREFORE

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, that the members wish to give expression to the regret they experienced at the passing of Paul F. Livingston, a prominent figure in his community and a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the House of Representatives of the 122nd General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this resolution be made part of the Journal of the proceedings of the House of Representatives of the 122d General Assembly of the State of Delaware.

The following Committee Reports were given:

**HB 351**—Revised Statutes, 4 favorable, 1 on merit.

**HB 352**—Revised Statutes, 4 favorable, 1 on merit.

**HB 355**—Revised Statutes, 3 favorable, 2 on merits.

**HS 1 to HB 388**—Revised Statutes, 5 favorable.

**HB 411**—Revised Statutes, 4 favorable, 1 on merit.

**HB 444**—Revised Statutes, 4 favorable, 1 on merit.

Without objection the following communication was made part of the record.

THE HOUSE OF REPRESENTATIVES  
122ND GENERAL ASSEMBLY OF THE  
STATE OF DELAWARE

Sherman W. Tribbitt  
Speaker of the House of Representatives  
Of The 122nd General Assembly

Writ of Election

To: The Department of Elections For New  
Castle County

WHEREAS, a vacancy exists in the House of Representatives of the 122nd General Assembly of the State of Delaware by reason of the death of Paul F. Livingston, the member from Representative District No. 1 of New Castle County, State of Delaware, in the City of Wilmington; and

WHEREAS, such vacancy exists while the General Assembly is in session;

NOW THEREFORE, I, Sherman W. Tribbitt, Speaker of the House of Representatives of the 122nd General Assembly of the State of Delaware and as such Presiding Officer of the House of Representatives, in pursuance of the Constitution of the laws of the State of Delaware, in such cases made and provided, do hereby command that you cause a special election to be held in said Representative District #1 in the City of Wilmington, New Castle County, State of Delaware, by the qualified electors on some day by you to be appointed; such day not to be more than eleven nor less than ten days next after the day of receiving this writ, exclusive of that day, for the purpose of electing a Representative to the House of Representatives in the 122nd General Assembly for said Representative District to fill said vacancy, the person thereupon chosen to hold office for the residue of the term of said Paul F. Livingston.

IN WITNESS WHEREOF, I, Sherman W. Tribbitt, Speaker of the House of Representatives of the State of Delaware of the 122nd General Assembly and Presiding Officer thereof have hereunto set my hand this . . . . . day of November, in the year One Thousand Nine Hundred Sixty-three and of the Independence of the United States, the 187th.

SHERMAN W. TRIBBITT  
Speaker of the House of  
Representatives

Mr. Busker introduced **HR 131**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 131** be adopted by voice vote. The motion prevailed.

**HR 131**—“Expressing the Sympathy of the House of Representatives on the Illness of Mrs. Gertrude Eskridge, the Wife of House Majority Leader Norman A. Eskridge.”

WHEREAS, the members of the House of Representatives of the 122nd General Assembly of the State of Delaware have learned with deep regret of the illness of Mrs. Gertrude Eskridge, wife of House Majority Leader Norman A. Eskridge and,

WHEREAS the members of the House of Representatives desire to express and extend their regret and sympathy to Representative Eskridge and his wife

NOW THEREFORE

BE IT RESOLVED, that the members of the House of Representatives of the 122nd General Assembly of the State of Delaware do hereby express their sincere wishes for a complete and speedy recovery, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the House of Representatives of the 122nd General Assembly of the State of Delaware and a copy be sent to Representative and Mrs. Norman A. Eskridge.

Mr. Clifton introduced **HB 461**—"An Act Authorizing the State of Delaware to Borrow Money to be Used For Construction of a State Office Building in Dover and for the Restoration and Modification of the Old State House and the Hall of Records Building, Authorizing the Issuance of Bonds and Notes Therefor, Appropriating the Money Borrowed to a Building Commission and to the Public Archives Commission, and Transferring the Old State House to the Public Archives Commission."

It was given its first reading by title only and assigned to the Committee on Public Buildings and Highways.

The following Committee Report was given:

**HB 405**—Public Buildings and Highways, 5 favorable.

Mr. Shockley introduced **HB 462**—"An Act to Amend Title 9, Delaware Code of 1953 Entitled Counties by Authorizing Levy Courts to Establish County Park and Recreation Commissions for the Development, Equipping, Improving and Maintaining of Parks and Other Recreational Facilities and Activities: And to Carry on Recreational Programs, Authorizing and Regulating the Issuance of County Bonds and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof."

It was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Shockley introduced **HB 463**—"An Act to Amend § 1903, Title 30, Delaware Code, Relating to Computation of Net Income of Corporations for Purpose of the State Corporation Income Tax."

It was given its first reading by title only and assigned to the Committee on Revenue and Taxation.

It was regularly moved and seconded that **HB 365, 366,** and **325** be stricken from the calendar. Without objection it was so ordered.

Mr. Busker introduced **HB 464**—"An Act to Amend Section 8322 Title 11, Delaware Code and Section 8323 Title

11, Delaware Code Pertaining to Pensions for the State Police.”

It was given its first reading by title only and assigned to the Committee on Judiciary.

Mr. Walls introduced **HR 132**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 132** be adopted by voice vote. The motion prevailed.

**HR 132**—“Authorizing the Payment of Certain Expenses for Servicing Typewriters for the House of Representatives of the 122nd General Assembly.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the sum of \$33.89 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the I.B.M. Corp., P. O. Box 387, Philadelphia, Pennsylvania, for services rendered on typewriters for the House of Representatives of the 122nd General Assembly.

Mr. Walls introduced **HCR 23**—“Making Appropriations to Various Companies for Supplies and Services Rendered the 122nd General Assembly of the State of Delaware.”

It was given its first reading by title only.

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate concurring therein, that the following named companies be paid for supplies and services rendered the 122nd General Assembly of the State of Delaware:

Addressograph-Multigraph Corporation . . . . .	\$ 256.45
P. O. Box 1305, Church Street Station New York 8, N. Y. (#20-268)	
Butler's Inc. . . . .	14.95
415 Market Street (#9-102587, 7-89665, Wilmington, Delaware 7-90223)	
Capitol Office Equipment Company . . . . .	254.06
205 W. Division Street (#39326, 39248, 39224, Dover, Delaware 39207, 39154, 70172)	
Harrington Journal . . . . .	1,332.00
Harrington, Delaware	
Lo-Mar, Inc. . . . .	21.00
Stein Highway Seaford, Delaware	
Young & Revel . . . . .	55.70
P. O. Box 241 (#55164, 56453, Milford, Delaware 56904, 57787)	

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 23**. The motion prevailed by voice vote.

Mr. Walls moved that **HCR 23**—"Making appropriations to various companies for supplies and services rendered the 122nd General Assembly of the State of Delaware," be given its third and final reading and taken up for consideration in order to pass the House.

**HCR 23** was adopted by voice vote.

Mr. Pratt introduced **HA 1** to **HB 458**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 458** be placed with the bill. The motion prevailed.

Mr. McGinnis introduced **HB 465**—"An Act to Amend Title 15, Section 5004, Delaware Code, pertaining to the Use of Voting Machine." It was given its first reading by title only and assigned to the Committee on Elections.

At 2:59 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 6:04 P. M. the Speaker called the House to order.

Mr. Shockley introduced **HB 466**—"An Act Amending Title 6, Delaware Code of 1953, by protecting the Public Welfare, entitling all persons to full and equal accommodations, facilities, advantages and privileges of places of public accommodation and making it unlawful to refuse the same to any person on account of race, creed, color or national origin or to publish any communication to the effect that the same shall be refused on account of race, creed, color or national origin, empowering and directing the State Human Relations Commission to effect voluntary compliance therewith and providing criminal penalties for the violations thereof, and repealing Section 1501 of Title 24, Section 902 of Title 28 and Section 703 of Title 26, Delaware Code of 1953, insofar as said Sections are inconsistent herewith. It was given its first reading by title only.

It was regularly moved and seconded that the rules be suspended in order to leave **HB 466** unassigned. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 371** be lifted from the table. The motion prevailed by voice vote.

It was regularly moved and seconded that the results of the roll call on **HB 371** be laid on the table. The motion prevailed by voice vote.

At 6:13 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

At 2.10 P.M., Monday, December 2, 1963, the Speaker called the House to order.

There was a prayer by the chaplain, Rev. J. Howard Link.

The Speaker led those present in a Salute of the Flag.

The Roll Call revealed 35 members present, none absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Holloway, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—35.

MEMBERS ABSENT—None.

The Clerk proceeded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved.

Motion prevailed.

Without objection the following communications were made part of the record.

#### THE STATE OF DELAWARE

#### NEW CASTLE COUNTY, SS.

BE IT REMEMBERED, That at the Special Election held on the 23rd day of November in the year of our Lord nineteen hundred and sixty-three, for New Castle County, according to the Constitution and Laws of the State of Delaware,

#### HERMAN M. HOLLOWAY, Sr.

was duly elected Representative for the First Representative District for said County in lieu of Paul F. Livingston, late Representative, for said Representative District for said County in the General Assembly, which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the election districts in the First Representative District according to provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle

County, who have met and ascertained the state of the special election in the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 26th day of November, A.D. 1963.

WILLIAM DUFFY, President Judge

ANDREW D. CHRISTIE, Resident Associate Judge

### OATH OF REPRESENTATIVE

Kent County, The State of Delaware, SS.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative in the General Assembly of the State of Delaware from Representative District No. 1 in New Castle County (to which office I was elected at the Special Election held in said State on November 23rd in the year A.D. 1963), according to the best of my ability; and I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute any money or other valuable things as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

HERMAN M. HOLLOWAY, Sr.

Sworn to this 2nd day of December A.D. 1963 before me.

SHERMAN W. TRIBBITT

At 2:23 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

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

Without objection the following communication was made part of the record.

### DELAWARE STATE BOARD OF HEALTH

DOVER, DELAWARE

### RESOLUTION

(On Compensation For Executive Secretary

During Coming Fiscal Year)

WHEREAS, The presently employed Executive Secretary of the Board of Health has served in the official Health

Agency since 1934, and has been Executive Secretary since 1949; and

WHEREAS, The health of the State has been improved immeasurably under the direction and guidance of the Executive Secretary to the point where our public health services in comparison to others throughout the world may be pointed to with pride; and

WHEREAS, The excellent work of the State Board of Health has been recognized by citations from the Delaware Safety Council and The Committee of 39; and

WHEREAS, The Executive Secretary has promoted programs to prevent epidemics of preventable disease and to date under his administration no such outbreaks have occurred; and

WHEREAS, The State Medical Society has passed a Resolution supporting an increase in salary for the Executive Secretary; and

WHEREAS, The Board of Health has investigated the salaries paid to the Directors of Public Health Departments in the several states, and found that the salary paid in Delaware is \$10,000 or more under that paid for similar work in most other states; and

WHEREAS, The replacement of his services would require an Executive Secretary plus an Administrator and cost the State more than \$30,000 annually; and

WHEREAS, The salary of our Executive Secretary has not been increased since 1956; and

WHEREAS, The Board of Health is concerned that the loss of our competent, outstanding and industrious Executive Secretary would cause deterioration of our total health program;

BE IT FURTHER RESOLVED, That the State Board of Health recommended to the Governor, to the General Assembly and its Joint Finance Committee that the sum of \$22,500 as originally requested in our budget be appropriated as salary for the Executive Secretary during the fiscal year beginning July 1, 1963; and

BE IT FURTHER RESOLVED, That the President of the Board of Health forward a copy of this Resolution to the Governor, the Speaker of the House of Representatives,

the President Pro Tem of the Senate and the Chairman and Members of the Joint Finance Committee.

Adopted Unanimously By the State Board of Health—  
May 16, 1963.

J. LELAND FOX, M.D.  
President, State Board  
of Health

DELAWARE STATE BOARD OF HEALTH

DOVER, DELAWARE

**RESOLUTION**

(ON **HB 320**)

WHEREAS, The Board of Health is deeply concerned that **HB 320**, which provides a more satisfactory salary for the Executive Secretary, has not been acted upon in the General Assembly; and

WHEREAS, The Resolution adopted by the Board of Health on May 16, 1963, is hereby reiterated, and a copy attached for everyone's information; and

WHEREAS, Dr. Floyd I. Hudson, the present Executive Secretary, was honored in Washington, D. C., on October 16, 1963, by the Association of State and Territorial Health Officers with presentation of the National McCormack Award for outstanding public health performance; and

WHEREAS, The Board is aware of the serious consequences which may accrue to the State should the Executive Secretary leave for any reason;

NOW THEREFORE BE IT RESOLVED, That the Board of Health strongly urge that the Members of the General Assembly take proper and prompt action to enact **HB 320** into Law; and thereby demonstrate concern and respect for the outstanding work that Dr. Hudson has done and faith in the promise of a great future in health for the State of Delaware under his guidance.

Adopted Unanimously by the State Board of Health—  
November 21, 1963.

J. LELAND FOX, M.D.  
President, State Board  
of Health

The following Committee report was given:

**HB 140**—Miscellaneous Bills, 1 favorable 3 on merits.

Mr. Phillips introduced **HB 467**—"An Act to Amend Section 3710 of Title 12 of the Delaware Code, relating to charitable contributions by certain Fiduciaries." It was given its first reading by title only and assigned to the Committee on Miscellaneous Bills.

Mr. Quigley introduced **HB 468**—"An Act to erect a monument in memory of our recently deceased President, John F. Kennedy at the site of the dedication of the Delaware-Maryland Turnpike and making a supplementary appropriation therefor." It was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Dineen moved that **HB 320**—An Act to Amend Chapter 31, Volume 54, Laws of Delaware, entitled, "An Act making appropriation for the expense of State Government for the fiscal year ending June 30, 1964" and making a supplemental appropriation in the amount of \$2,500.00 for the proposed Amendments, be given its third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Holloway, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—Mr. Atkins—1.

ABSENT—Mr. Pratt—1.

**HB 320** having received the constitutional majority, passed the House.

Mr. Shockley introduced **HB 469**—"An Act authorizing the State of Delaware to borrow money to be used for capital improvements to the Public Schools of Delaware, and to issue bonds and notes therefor and appropriating the money borrowed to the State Board of Education." It was given its first reading by title only and assigned to the Committee on Education.

Mr. Shockley introduced **HB 470**—"An Act to Amend Section 522 of Title 28 of the Delaware Code, relating to the maximum number of Harness Racing Days in any county." It was given its first reading by title only and assigned to the Committee on Revised Statutes.