

HCR 3—was given its third and final reading and taken up for consideration in order to pass the House.

HCR 3—“Relative To The Proposed Amendment to the Constitution of the United States Relating to the Qualifications of Electors”.

On the question, “Shall the Resolution pass the House?” the roll called revealed:

YEAS—Messrs. Annett, Bartleson, Best, Blendt, Correll, Davidson, Dineen, Downs, Eskridge, Hale, Hanlon, Livingston, Jarrell, Keenan, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—24.

NAYS—Messrs. Atkins, Busker, Clifton, Darling, Exley, Isaacs, Kirkby, Quigley—8.

NOT VOTING—Casey, Fifer, Hocker—3.

HCR 3 having received the constitutional majority, pass-the House.

At 2:52 P.M. it was regularly moved and seconded that the House recess to call of the chair.

The motion prevailed by voice vote.

At 5:12 P.M. The Speaker called the House to order.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 169—“An Act To Amend Chapter 17, Title 7, Delaware Code, by Defining the Immediate Control of a Dog Owner,” by Blendt; to Committee on Fish, Oysters and Game.

HB 170—“An Act To Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees’ Pension Plan by Increasing Benefits for Pensioners not Qualified for Old Age Insurance Benefits,” by Blendt; to Committee on Revised Statutes.

Mr. Exley introduced **HB 41**. 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 41** be adopted by voice vote. The motion prevailed.

HR 41—“Authorizing Payment of Certain Expences 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 \$214.20 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.

At 5:25 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Tuesday, April 2, 1963. The motion prevailed by voice vote.

22nd LEGISLATIVE DAY

The Speaker called the House to order at 2:03 P.M. on Tuesday, April 2, 1963.

There was a prayer by the chaplain Rev. Donald J. Maccallum.

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, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. Fifer, Keenan—2.

The Clerk preceeded 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.

HB 150 Committee on Judiciary, 2 favorable, 3 merit.

HB 110 Committee on Revised Statutes, 5 favorable.

The following bills were introduced, given first and only reading by title onyl and assigned to the following committees.

HB 171—"An Act to Re-incorporate the Town of Houston." by Kirkby; to Committee on Corporations-Municipal.

HB 172—"An Act Appropriating Money to the Department of Elections for New Castle County for the Special Election Held in the Second Senatorial District in New Castle County," by Dineen; to Committee on Appropriations.

HB 173—"An Act to Amend Chapter 23, Title 24, Delaware Code, Entitled " Pawnbrokers and Junk Dealers," by Casey; to Commettee on Miscellaneous Bills.

HB 161 Introduced by Busker, Committee on Insurance and Banking, 5 favorable.

Mr. Younger moved that **H.A. 1** to **HB 90** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Younger moved that **HB 90** with **HA 1** be given its third and final reading and taken up for consideration in order to pass the House.

HB 90—"An Act Making an Appropriation to the State

Fire Prevention Commission for the Training of Volunteer Firemen,,.

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

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

NAYS—None

ABSENT—Messrs. Bartleson, Fifer, Keenan—3

HB 90 with **HA 1** having received the constitutional majority, passed the House.

Mr. Phillips introduced **HA 1** to **HCR 6** 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 **HCR 6** be adopted by voice vote. The motion prevailed.

Mr. Phillips moved that **HCR 6** with **HA 1** be given its third and final reading and taken up for consideration in order to pass the House.

HCR 6—"Adopting Permanent Joint Rules for the 122nd General Assembly".

HCR 6 with **HA 1** was adopted by voice vote.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 174—"An Act to Amend Section 8105, Title 9, Delaware Code, Relating to Limitations on Taxing Power," by Mr. Davidson; to Committee on Revenue and Taxation.

HB 175—"An Act to Amend Section 1931, Title 14, Delaware Code, Relating to a Tax on Trailers," by Mr. Quigley; to Committee on Revenue and Taxation.

HB 176—"An Act to Amend Chapter 41, Title 9, Delaware Code, so as to Authorize the Levy Court of Kent County to Annually Appropriate Money to the Kent County Volunteer Fireman's Association," by Mr. McGinnis; to Committee on Revised Statutes.

HB 177—"An Act to Create a Public Defender and making a Supplemental Appropriation Therefore," by McGinnis; to Committee on Appropriations.

Mr Clifton moved that **SB 44** with **HA 1** be given its third and final reading and taken up for consideration in order to pass the House.

SB 44 with **HA 1**—"An Act Authorizing the Convey-

ance of Certain State Owned Lands in New Castle County now being used by the State Board of Corrections.”

On the question, “Shall the 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, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Fifer Keenan—2.

SB 44 with **HA 1** having received the constitutional majority, passed the House.

Mr. Wootten moved that **HB 98** be given its third and final reading and taken up for consideration in order to pass the House.

HB 98—“An Act Making a Supplementary Appropriation to the Family Court of Kent and Sussex Counties for the Fiscal Year Ending June 30, 1963.”

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

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

NAYS—None.

ABSENT—Fifer, Hocker, Keenan—3.

HB 98 having received the constitutional majority, passed the House.

Mr. Best moved that **HB 41** be given its third and final reading and taken up for consideration in order to pass the House.

HB 41—“An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Colonel David Hall Chapter DAR from Assessment and Taxation.,,

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

YEAS—Annett, Bartleson, Best, Busker, Casey, Clifton, Correll, Davidson, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Lowe, Phillips, Quigley, Shulties, Wootten, Younger, Mr. Speaker—25.

NAYS—Atkins, Shockley—2.

ABSENT—Fifer, Keenan, Walls—3.

NOT VOTING—Blendt, Darling, Kirkby, McGinnis, Pratt—5.

HB 41 having received the constitutional majority, passed the House.

Mr. Blendt moved that **HA 1** to **HB 87** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Annett moved that **HA 2** to **HB 87** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Annett introduced **HA 2** to **HB 87** 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 87** be adopted by voice vote. The motion lost.

Mr. Eskridge moved that **HB 87** be given its third and final reading and taken up for consideration in order to pass the House.

HB 87—“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 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.

HB 166 committee on Appropriations, favorable 5.

Mr. Shockley moved that **HB 152** be given its third and final reading and taken up for consideration in order to pass the House.

HB 152—“An Act to Amend Chapter 297, Volume 50, Laws of Delaware, Entitled “An Act Providing for a Park Police Pension Fund for Members of the Park Police of the City of Wilmington”, By Changing the Amount Authorized to be Withheld by the City Treasurer from the Salary of each Member”.

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

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

NAYS—None.

ABSENT—Messrs. Bartleson, Fifer, Keenan—3.

HB 152 having received the constitutional majority, passed the House.

Mr Younger introduced **HA 1** to **HB 33** 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 **HB33** be placed with the bill by voice vote. The motion prevailed.

At 3:20 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 4:05 P.M. the Speaker called the House to order.

At 4:05 P.M. it was regularly moved and seconded that the House recess until 1:00 P.M. Wednesday, April 3, 1963.

The motion prevailed by voice vote.

23rd LEGISLATIVE DAY

The Speaker called the House to order at 1:55 P.M. on Wednesday, April 3, 1963.

There was a prayer by the Chaplain Rev, Donald J. Maccallum.

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

The Roll Call revealed 35 members present; 0 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, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—35.

MEMBERS ABSENT—None.

The Clerk preceeded 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 bills were introduced, given first and only reading by title only and assigned to the following committees.

HB178—"An Act to Amend Title 15, Delaware Code, Relating to Elections to Provide for Registration of Voters in the Offices of the Department of Electons." by Mr. Younger; to the committee on Elections.

HB 179—"An Act to Amend Section 108, Title 15, Delaware Code, Relating to the Compensation of Members of the Departments of Elections." by Younger; to the committee on Elections.

It was regularly moved and seconded that **HB 153** be stricken from the calendar. Without objection it was so ordered.

Mr. Dineen introduced **HB 180** it was given its first reading by title only and assigned to the Committee on Revised Statutes.

HB 180—"An Act to Amend Section 9305, Title 9, Delaware Code, Relating to Duties and Powers of County Comptrollers.

Mr. Exley introduced **HR 42** 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 42** be adopted by voice vote. The motion prevailed.

HR 42—"Authorizing the Payment of Certain Expenses for a Bronze Plaque 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 \$400.00 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay Joseph H. Franzen Company of Philadelphia, Pennsylvania for the purchase and installation of a bronze plaque for the House of Representatives of the 122nd General Assembly.

Mr. Eskridge introduced **HA 1** to **SS I** for **SB 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 1** to **SS 1** to **SB 1** be adopted.

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

YEAS—Messrs. Annett, Bartleson, Best, Correll, Downs, Eskridge, Fifer, Hale, Hocker, Jarrell, Keenan—11.

NAYS—Messrs. Atkins, Clifton, Exley, Isaacs, Lowe, Phillips, Pratt, Quigley, Walls, Wootten—10.

NOT VOTING—Blendt, Busker, Casey, Darling, Davidson, Dineen, Hanlon, Livingston, Kirkby, McGinnis, Shockley, Shulties, Younger—13.

PRESENT—Mr. Speaker—1.

HA 1 to **SS 1** to **SB 1** not having received the required majority, declared lost.

Mr. Hocker introduced **HA 2** to **SS 1** to **SB 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 **SS 1** to **SB 1** be adopted.

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

YEAS—Messrs. Annett, Bartleson, Best, Casey, Correll, Downs, Fifer, Hale, Hocker, Jarrell, Keenan—11.

NAYS—Messrs. Atkins, Clifton, Eskridge, Exley, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—18.

NOT VOTING—Messrs. Blendt, Busker, Darling, Davidson, Hanlon—5.

PRESENT—Messrs. Dineen—1.

HA 2 to SS 1 to SB 1 not havng received the constitutional majority, declared lost.

A messenger from the Senate informed the House that the Senate had passed **SB 5** and **SB 10** as Amended, **SB 54**, **SB 11**, and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 13** as amended and was returning the same to the House.

Mr. Blendt introduced **HA 1 to HB 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 amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1 to HB 111** be placed with the bill. The motion prevailed.

At 2:05 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 4:10 P.M. the Speaker call the House to order.

Mr. Exley introduced **HR 43** 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 43** be adopted by voice vote. The motion prevailed.

HR 43—"Authorizing Payment of Certain Expenses of the House of Representatives of the 122nd General Assembly for Printing of Identification Cards."

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the sum of eighteen dollars (\$18.00) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the Smyrna Times, Smyrna, Delaware for printing three hundred fifty (350) Identification Cards for the House of Representatives of the 122nd Genearl Assembly.

Without objection the privilege of the floor will be granted to Superintendent of State Police Ferguson to Announce his retirement.

The following were reported by the Committee on Appropriations: **HB 172**, favorably 5; **HB 147**, favorably 5; **HB 125**, favorably 5; **HB 124**, favorably 5; **HB 115**, favorably 5; **HB 112**, favorably 5; **HB 109**, favorably 5; **HB 108**, favorably 5; **HB 96**, favorably 5; **HB 85**, favorably 5; **HB 84**, favorably 4, merit 1; **HB 83**, favorably 5; **HB 82**, favorably 5; **HB 44**, favorably 4; **HB 25**, favorably 5.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

SB 64—"An Act to Appropriate Funds to the State Highway Department," to the committee on Appropriations.

SB 10—"An Act Making an Appropriation to the State Highway Department for the Construction of a Dam at Portsville Pond in Sussex County," to the committee on Appropriations.

SB 11—"An Act to Amend Sections 1106 and 1502, Title 10, Delaware Code, Relating to Salary of the Judges of the Family Court of Kent and Sussex Counties and the Judge of the Court of Common Pleas of Kent County," to the committee on Judiciary.

SB 5—"An Act Adopting, on Behalf of the State of Delaware, the Interstate Compact on Juveniles which deals in Certain Detail with Out-Of-State Supervision of Juvenile Delinquents, Return of Runaways, Absconders and Escapees and Authorizes Agreements for the Cooperative Institutionalization of Special Types of Juveniles," the committee on Judiciary.

Mr. Shockley introduced **HA 1** to **HB 150** 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 **HA1** to **HB 150** be adopted by voice vote. The motion prevailed.

The following were reported by the Committee on Revised Statutes: **HB 164**, Eskridge favorable 5; **HB 162**, Pratt favorable 3, merit 2; **HB 119**, Younger favorable 3, merit 2; **HB 116**, Busker favorable 5; **HB 99**, Shockley favorable 4, merit 1; **HB 6**, Dineen favorable 3, merit 2; **SB 2**, favorable 3, merit 2; **SS 1** for **SB 1**, favorable 3, merit 2.

Mr. Clifton introduced **HB 181**. It was given its first reading by title only and assigned to the committee on Miscellaneous Bills.

HB 181—"An Act to Amend Chapter 21, Title 23, Delaware Code, by Giving the Commission of Shell Fisheries Added Power to Make Rules Regarding Proof of Ownership of Motorboats."

Mr. Dineen moved that **HB 95** be given its third and

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

HB 95—"An Act to Amend Chapter 1, Title 13, Delaware Code, by Removing the Restrictions Upon the Marriage of Epileptics."

On the question, "Shall the 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, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—34.

ABSENT—Mssrs. Younger—1.

HB 95 having received the constitutional majority, passed the House.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 182—"An Act to Amend Chapter 11, Title 28, Delaware Code by Increasing the Bingo License Fee," by Mr. Shockley; to the committee on Revenue and Taxation.

HB 183—"An Act to Amend Section 2103, Title 10, Delaware Code by Limiting the Number of Extra Deputies Appointed by the Sheriff," by Mr. Casey; to the committee on Judiciary.

Mr. Isaacs introduced **HA 2** to **HB 141**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 2** to **HB 141** be placed with the bill. The motion prevailed.

Mr. Isaacs moved that **HB 148** be given its third and final reading and taken up for consideration in order to pass the House.

HB 148—"An Act Making a Supplemental Appropriation to the State Board of Examiners of Barbers to Repay Certain Barbers Amounts Paid by them in Excess of the Amounts Required under Section 414, Title 24, Delaware Code."

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

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

ABSENT—Messrs. Younger—1.

HB 148 having received the constitutional majority, passed the House.

The following were reported by the Committee on Education: **HB 155** Dineen favorable 5; **HB 11** Dineen favorable 4, merit 1.

The following were reported by the Committee on Revenue and Taxation: **HB 165** Younger favorable 3 merit 1 unfavorable 1; **SB 14** favorable 5.

Mr. Best moved that **HR 40** be taken up for consideration in order to pass the House.

HR 40 IN REFERENCE TO ELECTION OF OFFICERS

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the Minority Leader of the House of Representatives is hereby authorized to appoint Minority Attorney to serve the members of the House of Representatives. The salary shall be at the established rate for the attorneys of the House of Representatives.

On the "Question shall the Resolution pass the House?" the roll call revealed.

YEAS—Messrs. Annett, Bartleson, Best, Casey, Downs, Fifer, Hale, Hocker, Jarrell, Keenan, Quigley—11.

NAYS—Messrs. Atkins, Blendt, Busker, Clifton, Correll, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Mr. Speaker—23.

ABSENT—Messrs. Younger—1.

HR 40 not having received the required majority, was declared lost.

At 5:02 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. on Thursday, April 4, 1963. The motion prevailed by voice vote.

24th LEGISLATIVE DAY

The Speaker called the House to order at 2:18 P.M. on Thursday, April 4, 1963.

There was a prayer by the Chaplain Rev. Donald J. Maccallum.

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

The Roll Call revealed 33 members present; Absent 2.

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, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. Livingston, Shockley—2.

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

HB 175 Committee on Revenue and Taxation favorable 5.

Mr. Davdson introduced **HB 184**. It was given its first reading by title only and assigned to the Committee on Resvised Statutes.

HB 184—"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 Dutes 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."

It was regularly moved and seconded that **HB 49** be recommitted. The Motion prevailed by voice vote.

It was regularly moved and seconded that **HB 49** be stricken from the calendar. Without objection, it was so ordered.

A messenger from the Senate informed the House that the Senate had passed **SB 43**, **SB 68**, and **SS 1** for **SB 18**. and requested the concurrence of the House.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 185—"An Act to Amend Chapter 28, Title 31, Delaware Code, Pertaining to the Number of Trustees of the State Welfare at Smyrna," by Blendt; to the committee on Revised Statutes.

HB 186—"An Act Making a Supplementary Appropriation to the Commission on Modernization of State Laws for Preparing for Enactment the Uniform Commerical Code," by McGinnis; to the committee on Appropriations.

HB 187—"An Act to Amend Chapter 41, Title 21, Delaware Code Entitled "Driving Regulations" by Excepting Emergency Vehicles, As Herein Defined from its Application," by Isaacs; to the committee on Miscellaneous Bills.

Mr Walls introduced **HR 44**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 44** be adopted by voice vote. The motion prevailed.

HR 44—"Authorizing the Payment of Certain Expenses of the House of Representatives of the 122nd General Assembly for Typerwriter Repairs."

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the sum of \$13.02 is hereby appropriated out of any money in the State Treasury not

otherwise appropriated, to pay International Business Machines Corporation, Philadelphia, Pennsylvania for type-writer repairs for the House of Representatives of the 122nd General Assembly.

At 2:30 P.M.P it was regularly moved and seconded that the House recess to the call of the chair. The Motion prevailed by voice vote.

At 4:06 P.M. the Speaker called the House to order.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 188—"An Act to Amend Section 1905, Title 14, Delaware Code, Pretaining to Voter Qualifications in Special Elections held to Determine the Specified Amount or Specified Rate of Taxation for Local School Taxes," by Blendt; to the committee on Education.

HB 189—"An Act to Appropriate Funds to Implement the State Board of Education's Plan for Long-Range Staffing of the Public Schools of the State." by Blendt; to the committee on Appropriations.

Mr. Fifer moved that **HB 40** be given its third and final reading and taken up for consideration in order to pass the House.

HB 40—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of the D.A.R.'s Old Maull House from Assessment and Taxation."

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

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

ABSENT—Messrs. Annett, Exley, Livingston, McGinnis, Shockley—5.

HB 40 having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed **SCR 16** and requested the concurrence of the House.

Mr. Best moved that **HB 37** be given its third and final reading and taken up for consideration in order to pass the House.

HB 37—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of the Henlopen

Grange, No. 20, Patrons of Husbandry, Inc., from Assessments and Taxation.”

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

YEAS—Messrs. Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Quigley Shulties, Walls, Wootten, Younger, Mr. Speaker—27.

NAYS—Messrs. Atkins—1.

ABSENT—Messrs. Annett, Davidson, Exley, Livingston, McGinnis, Shockley—6.

NOT VOTING—Messrs. Pratt—1.

HB 37 having received the constitutional majority, passed the House.

SCR 16 was given its first reading in its entirety.

SCR 16—“Expressing the Sympathy of the 122nd General Assembly upon the Death of Mr. Roy Allen Cannon.”

WHEREAS, the 122nd General Assembly of the State of Delaware has learned with regret of the passing of Mr. Roy Allen Cannon, who served one term as State Senator and two terms in the House of Representatives, and

WHEREAS, Former Senator and Representative Roy Allen Cannon was a dedicated public servant whose accomplishments for the State of Delaware will never be forgotten by its citizens,

NOW THEREFORE:

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the members wish to give expression to the regret they experienced at the passing of Mr. Roy Allen Cannon, a prominent figure in his community, and

BE IT FURTHER RESOLVED, that the family of the deceased, including Mrs. Mary Cannon and Mrs. Mary Ann McCabe, has full sympathy of the members 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 Senate and 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 **SCR 16**. The motion prevailed by voice vote.

Mr Eskridge moved that **SCR 16** be given its third and

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

SCR 16—"Expressing the Sympathy of the 122nd General Assembly upon the Death of Mr. Roy Allen Cannon."

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

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

ABSENT—Messrs. Annett, Exley, Livingston, McGinnis, Shockley—5.

SCR 16 having received the constitutional majority, passed the House.

Mr. Busker moved that **SS 1** for **SB 1** be given its third and final reading and taken up for consideration in order to pass the House.

SS 1 for **SB 1**—"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, Prothonotary, Sheriff, Register in Chancery, Clergy of the Orphans' Court, Members of the Board of Assessment and Register of Wills in and for Sussex County."

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

YEAS—Messrs. Atkins, Blendt, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Fifer, Hanlon, Isaacs, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—23.

NAYS—Messrs. Bartleson, Best, Correll, Eskridge, Hale, Hocker—6.

ABSENT—Messrs. Annett, Exley, Livingston, McGinnis, Shockley—5.

NOT VOTING—Messrs. Jarrell—1.

SS 1 for **SB 1** having received the constitutional majority, passed the House.

Mr. Younger moved that **HB 165** be given its third and final reading and taken up for consideration in order to pass the House.

HB 165—"An Act to Amend Section 8002 (b) Title 9, Delaware Code so as to Limit the Tax Rate for New Castle County to Forty-Five Cents (\$.45) on each One Hundred Dollars (\$100.00) of Assessed Valuation."

Without objection the privilege of the floor was granted to Mr. William Smith, Comptroller for New Castle County to explain the bill.

It was regularly moved and seconded that action on **HB 165** be temporarily deferred.

It was regularly moved and seconded that the motion for deferment be laid on the table.

On the question "Shall the Motion pass the House?" the roll call revealed.

YEAS—Messrs. Atkins, Blendt, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Hanlon, Isaacs, Kirkby, Lowe, Phillips, Pratt, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—20.

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

ABSENT—Messrs. Annett, Exley, Livingston, McGinnis, Shockley—5.

Motion to table motion for deferment of action on **HB 165** having received the constitutional majority, passed the House.

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

YEAS—Messrs. Atkins, Blendt, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Hanlon, Isaacs, Kirkby, Lowe, Phillips, Pratt, Quigley, Shulties, Walls, Younger, Mr Speaker—19.

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

ABSTNT—Messrs. Annett, Exley, Livingston, McGinnis, Shockley, Wootten—6.

HB 165 having received the constitutional majority, passed the House.

Mr. Dineen moved that **HB 111** be given its third and final reading and taken up for consideration in order to pass the House.

HB 111 as amended by **HA 1**—"An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to State Appropriations for Vocational Education."

Mr. Blendt moved that **HA 1** having previously been placed with the bill, be adopted by voice vote. Question prevailed. On the question. "Shall this bill pass the House?" the roll call revealed:

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

NAYS—None.

ABSENT—Messrs. Annett, Exley, Livingston, McGinnis, Shockley—5.

HB 111 with **HA 1** having received its constitutional majority passed the House.

Mr. Casey moved that **SCR 7** be given its third and final reading and taken up for consideration in order to pass the House.

SCR 7—"Relative to the Erection of the State Headquarters for Mental Hygiene Clinics and Lower New Castle Therapeutic and Diagnostic Clinic."

It was regularly moved and seconded that action on **SCR 7** be temporarily deferred. The motion prevailed by voice vote.

At 5:10 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M., Monday, April 18, 1963. The motion prevailed by voice vote.

25th LEGISLATIVE DAY

The Speaker called the House to order at 1:55 P.M. on Monday, April 8, 1963.

There was a prayer by the Chaplain Rev, Donald J. Maccallum.

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, Downs, Eskridge, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Messrs. Exley, Keenan, Shulties—3.

The Clerk preceded 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. Dineen moved that **HB 172** be given its third and final reading and taken up for consideration in order to pass the House.

HB 172—"An Act Appropriating Money to the Department of Elections for New Castle County for the Special Election held in the Second Senatorial District in New Castle County."

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

YEAS—Messrs. Annett, Atkins, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge,

Fifer, Hale, Hanlon, Hocker Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Walls, Wootten, Mr. Speaker—28.

NAYS—None.

ABSENT—Messrs. Bartleson, Best, Exley, Keenan, Quigley, Shulties, Younger—7.

HB 172 having received the constitutional majority, passed the House.

Mr. Dineen moved that **HB 112** be given its third and final reading and taken up for consideration in order to pass the House.

HB 112—“An Act Making a Supplementary Appropriation to the State Board of Education for the Fiscal Year Ending June 30, 1963, for the Additional Cost of Transporting School Children.”

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

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

NAYS—None.

ABSENT—Messrs. Bartleson, Best, Exley, Keenan, Quigley, Shulties, Younger—6.

HB 112 having received the constitutional majority, passed the House.

Mr. Walls introduced **HR 45** 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 45** be adopted by voice vote. The motion prevailed.

HR 45—“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 26th 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 milage 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 names, the respective amounts set opposite their respective names, viz:

John H. Annett	\$ 52.00
Robert B. Atkins	100.00
T. Lees Bartleson	198.00
William T. Best	171.00
Carlton Blendt, Jr.	40.00
Glen W. Busker	46.80
Andrew J. Casey	100.00
Carlton Clifton	60.00
Jacob A. Correll	84.00
Gooden M. Darling	24.00
Robert C. Davidson	62.00
Russell F. Dineen	180.00
Robert N. Downs, III	96.00
Norman A. Eskridge	126.00
George H. Exley	40.00
Harvey P. Fifer	10.00
Everett Hale	90.00
Thomas J. Hanlon	100.00
Wilbert E. Høcker	120.00
M. Martin Isaacs	96.00
Maurice N. Jarrell	4.00
Ralph S. Keenan	100.00
George Kirkby	48.00
Paul F. Livingston	100.00
Granville T. Lowe	100.00
James D. McGinnis	
W. Harrison Phillips	102.00
J. Reynolds Pratt	32.00
James R. Quigley	90.00
Paul E. Shockley	100.00
H. Dawson Shulties	20.00
Joseph B. Walls	96.00
Wallace P. Wootten	26.00
Norman N, Younger	46.00
Sherman W. Tribbitt	50.00

Mr Walls introduced **HR 46** 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 46** be adopted by voice vote. The motion prevailed.

HR 46—"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 17th Legislative Day and including the 26th Legislative Day, of the current session.

John J. Argo	\$275.00
Fredrick Bell	200.00
Pauline Bennett	200.00
Gerald Berkwitz	375.00
Beverly J. Blevins	275.00
Robert Bloth, Jr.	200.00
Ida Brassure	275.00
Alvin Brown	200.00
Addie Budd	200.00
Frank Calio	250.00
Joseph W. Carey	200.00
Harold Clendaniel	200.00
Helen M. Collins	200.00
Clara Conley	200.00
Carroll Cordrey	200.00
Martha Divon	200.00
Michelene Duff	275.00
Sam C. Elliott	200.00
Emogene Ellis	275.00
Roy Freeman	396.00
Dorothy Gagnon	200.00
Charles E. Eartnett	200.00
Edna Hartsell	250.00
Cora Hilyard	200.00
Bradford Holliday	200.00
Margaret Hurley	200.00
Frank Ingram	200.00
Claude Jordon	200.00
Mildred A. Keeler	200.00
Venie R. Lloyd	275.00
Bradley J. Lofland	200.00
Rev. Donald Maccallum	160.00
Harrison Melvin	200.00
Doris Meyers	200.00
Jennings Moore	200.00
Richard Norwood	200.00

Louise Pennewill	275.00
Walter Pyle	275.00
James R. Quigley, Jr.	250.00
William Reynolds	200.00
J. Fred Robinson	200.00
Ruth Ross	200.00
James Rowlinson, Sr.	200.00
John Smith	200.00
Ralph Spitzer	200.00
Francis X. Splane	330.00
Nelson Stubbs	200.00
Olive Sutton	200.00
Catherine Swartwood	275.00
Thomas Taylor	200.00
Bailey Thomas	250.00
Alex Tomkiewicz	275.00
Harrison E. Turner	750.00
George B. Vincent	200.00
Eliz. Wainwright	250.00
Lillian Wallace	200.00
James A. Walsh	375.00
William J. Warwick	250.00
Melba Webb	330.00
Roland West	250.00
Harry White	200.00
Dorothy Williams	200.00
Harry Wootten	200.00

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 190—"An Act Appropriating Money to the State Board of Corrections to Increase Salaries of 169 Full Time Employees," by Shockley; to the committee on Appropriations.

HB 191—"An Act to Amend Chapter 1 and 5 of Title 8, Delaware Code, Relating to Corporations," by Shockley; to the committee on Corporations-Private.

A messenger from the Senate informed the House that the Senate had passed **HB 72** and was returning the same to the House.

Mr. Walls introduced **HR 47** 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 47** be adopted by voice vote. The motion prevailed.

HR 47 IN REFERENCE TO THE ELECTION OF OFFICERS.

WHEREAS, Rev Donald J. Maccallum was previously elected to the office of Chaplain of the House of Representatives of the 122nd General Assembly but has resigned effective at the close of the 24th Legislative Day on April 4, 1963,

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Rev. Donald J. Maccallum is hereby relieved from the duties of Chaplain effective at the close of the legislative day April 4, 1963.

BE IT FURTHER RESOLVED that Rev. J. Howard Link is hereby elected to serve as Chaplain effective with the 25th legislative day to serve during the pleasure of the House of Representatives of the 122nd General Assembly.

Mr. Eskridge moved that **HB 147** be given its third and final reading and taken up for consideration in order to pass the House.

HB 147—"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 Making Certain Transfers therein."

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

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

NAYS—None.

ABSENT—Messrs. Exley, Keenan, Quigley, Shulties, Younger—5.

HB 147 having received the constitutional majority, passed the House.

Mr. Shockley introduced **HB 192** it was given its first reading by title only and assigned to the committee on Revised Statutes.

HB 192—" An Act to Amend Title 23, Delaware Code of 1953 by Adding Thereto a New Chapter to be known as Chapter 23 and Titled "Delaware Commission for Interstate Water Supply for the Brandywine River in New Castle County"; Defining its Duties and Powers; Providing for its Finances; The Making of its Reports and Providing for Appropriations Therefor by the Levy Court of New Castle County and by the Mayor and Council of Wilmington."

Mr. Dineen introduced **HA 1** to **HB 160** 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 160** be placed with the bill. The motion prevailed.

Mr. Pratt introduced **HCR 8** 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 action be deferred. The motion prevailed.

HCR 8—"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."

WHEREAS, numerous organizations have been exempted from taxation and assessment for public purposes under Section 8105, Title 9, Delaware Code and,

WHEREAS, from time to time organizations are causing members of the General Assembly to introduce bills of exemption from taxes on their behalf and,

WHEREAS, misgivings have been expressed by various members of the General Assembly as to the propriety of such tax exemptions in the variety of types of organizations represented and

WHEREAS, a policy for classification as to eligibility for organizations to become tax exempt has not heretofore been adopted by the General Assembly

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 speaker of the House of Representatives and the President pro tem of the Senate shall appoint from their respective Houses a delegation of 3 members, each which shall comprise a committee to be known as the Joint Committee for re-evaluation and evaluation of organizations presently exempted from property taxation and assessment and organizations seeking such exemption in the future. This Committee shall meet at the earliest practicable date after appointment to organize and elect a chairman from among its members. The Joint Committee shall then analyze and re-evaluate all presently tax exempted organizations and proposed organizations for tax exemption by, within their discretion, consultation with County offices and officials of all counties, examination of corporate or organizational records, interviews with the Corporation Department in the Secretary of State's Office, review of the State Tax Department's records and any other means deemed appropriate;

BE IT FURTHER RESOLVED that said committee be directed to make a report along with recommendations

covering their evaluations of tax exempt organizations on or before the 50th Legislative Day of this General Assembly.

BE IT FURTHER RESOLVED that the Presiding Officer of each House be requested to furnish the herein constituted Joint Committee with copies of all legislation introduced in each House relative to amendment of Section 8105, Chapter 81, Title 9, Delaware Code in order that the Committee shall be continually abreast of proposed pertinent legislation in the 122nd General Assembly.

Expenses incurred by the Joint Committee hereinabove formed shall be borne by the 122nd General Assembly.

Mr. Lowe introduced **HB 193** "An Act to Amend Chapter 53, Title 30, Delaware Code, Pertaining to Cigarette Taxes." It was given its first and only reading by title only and assigned to the committee on Revenue and Taxation.

HB 174 Committee on Revenue and Taxation favorable 2, merit 3.

SB 64 Committee on Appropriations favorable 2, merit 3.

At 2:28 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. Casey introduced **HB 194** "An Act to Amend Section 2619, Title 9, Delaware Code, Pertaining to Violation of Zoning Regulation and Enforcement by Ajoining Landowners." It was given its first and only reading by title only and assigned to the Committee on Revised Statutes.

Mr. McGinnis introduced **HA 1** to **HSB 1** for **HB 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 amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HS 1** for **HB 20** be placed with the bill. The motion prevailed.

Mr. Quigley introduced **HA 2** to **HB 33**. 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 33** be adopted by voice vote. The motion prevailed.

Mr. Quigley moved that **HB 33** as amended be given its third and final reading and taken up for consideration in order to pass the House.

HB 33—"An Act to Amend Chapter 4, Title 24, Delaware Code, Relating to Barbers."

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

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

NAYS—None.

ABSENT—Messrs. Exley, Keenan, Shulties—3.

NOT VOTING—Messrs. Annett Jarrell—2.

HB 33 as amended having received the constitutional majority, passed the House.

Mr. Dineen introduced **HA 1 to SB 64**. 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 64** be placed with the bill. The motion prevailed.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 8**. The motion prevailed by voice vote.

HCR 8 was given its third and final reading and taken up for consideration in order to pass the House.

HCR 8—“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.”

HCR 8 was adopted by voice vote.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 195—“An Act to Amend Chapter 27, Title 18, of the Delaware Code by Providing for a Special Tax on Certain Gross Premiums of Insurance Companies, the Distribution Thereof, and Requiring certain Police Departments or Bureaus to make Certain Registrations with the State Treasurer,” by Shockley; to the committee on Insurance and Banking.

HB 196—“An Act to Amend Chapter 14, Title 14, Delaware Code, Relating to “Education”, by Prohibiting Administrative Officers from Influencing Employees to Join or Refuse to Join Unions or Associations,” by Shockley; to the committee on Education.

HB 197—“An Act to Amend Section 5523, Title 29, Delaware Code, Relating to State Employees Pension Plan,” by Annett; to the committee on Revised Statutes.

Mr. Downs introduced **HA1 to HB 131**. 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 131** be placed with the bill. The motion prevailed.

The following was reported by the Committee on Revised Statutes:

HB 182 favorable 4, merit 1; **HB 46** favorable 1, merit 3; **HB 142** favorable 3, merit 2; **HB 180** favorable 2, unfavorable 2.

Mr. Younger moved that **HB 119** be given its third and final reading and taken up for consideration in order to pass the House.

HB 119—"An Act to Amend Section 4126 Title 21, Delaware Code to Increase the Speed Limit of Motor Trucks on Four Lane Undivided Roads and on Dual Highways."

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

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

NAYS—Messrs. Annett, Best, Hale, Hocker—4.

ABSENT—Messrs. Exley, Keenan, Shulties—3.

NOT VOTING—Messrs. Busker, Casey, Correll, Downs, Fifer—5.

HB 119 having received the constitutional majority, passed the House.

At 6:17 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M., Tuesday, April 9, 1963. The motion prevailed by voice vote.

26th LEGISLATIVE DAY

The Speaker called the House to order at 4:30 P.M. on Tuesday, April 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 32 members present; 3 Absent.

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

MEMBERS ABSENT—Messrs. Exley, Isaacs, Quigley—3.

The Clerk preceeded 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 were reported by the Committee on Judiciary: **HB 103** favorable 3, merit 2; **HB 101** favorable 2, merit 3; **HB 102** favorable 2 merit 3; **HB 105** favorable 2, merit 3; **HB 100** favorable 2, merit 3; Elections **HB 178** favorable 3, merit 2.

Mr. Keenan introduced **HS 1 to HB 146** "An Act to Amend Section 1902, Title 14, Delaware Code by Exempting Residential Property Owner by Certain Persons over the Age of 65 from the Payment of School Taxes." It was given its first reading by title only and assigned to the committee on Revenue and Taxation.

Mr. Dineen moved the **HB 110** be given its third and final reading and taken up for consideration in order to pass the House.

HB 110—"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."

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

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

NAYS—Messrs. Hanlon—1.

ABSENT—Messrs. Exley, Isaacs, Quigley—3.

HB 110 having received the constitutional majority, passed the House.

Mr Casey moved that **SCR 7** having previously been deferred, be adopted by voice vote. Question prevailed.

SCR 7—"Relative to the Erection of the State Headquarters for Mental Hygiene Clinics and Lower New Castle County Therapeutic and Diagnostic Clinic."

Mr. Busker moved that **HB 116** be given its third and final reading and taken up for consideration in order to pass the House.

HB 116—"An Act to Authorize the Levy Court of Kent County to Appropriate Money to the Kent County Volunteer Firemen's Association."

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

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

NAYS—None.

ABSENT—Messrs. Exley, Isaacs—2.

HB 116 having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 182** be given its third and final reading and taken up for consideration in order to pass the House.

HB 182—“An Act to Amend Chapter 11, Title 28, Delaware Code by Increasing the Bingo License Fee.”

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

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, 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. Exley, Isaacs—2.

HB 182 having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed **SB 35**, **SB 52**, **SB 53**, **SB 74**, **SB 75**, **SA 1** and **SB 93**.

Mr. Busker moved that **SB 14** be given its third and final reading and taken up for consideration in order to pass the House.

SB 14—“An Act Authorizing and Directing the Receiver of Taxes and County Treasurer of New Castle County to Reimburse Mr. & Mrs. Robert E. Mitchell School Taxes paid in Error.”

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

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, 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. Exley, Isaacs—2.

SB 14 having received the constitutional majority, passed the House.

Mr. Shockley introduced **HB 198** “An Act to Amend Chapter 1, Title 29, Delaware Code Relating to Waiver of

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

At 5:02 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M., Wednesday, April 10, 1963. The motion prevailed by voice vote.

27th LEGISLATIVE DAY

The Speaker called the House to order at 2:04 P.M. on Wednesday, April 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, Eskridgs, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. Exley, Quigley—2.

The Clerk preceded to read the Journal of the previous session when Mr. Eskridge moved that so much be considered the reading of the Journal. Approved. Motion Pre-vailed.

Without objection the following communication was made part of the record. Letter from Rolling Hills-Windermere Civic Association.

Mr. A. J. Casey
1801 Limestone Road
Rolling Hills
Wilmington 4, Delaware

Dear Mr. Casey,

The Officer and members of the Rolling Hills-Windermere Monette Heights Civic Association respectfully ask the members of the House or Representatives to consider and support HB 175.

This is the Bill introduced by Representatives Downs, Casey and Quigley, to assess house trailers the same as real property. We feel this law would place the tax burden equally on all those who use and enjoy the County and school facilities. We do not object to paying our own way - - we just do not feel we should pay theirs, too.

This letter is sent to you with the request it be read and entered in the records of the House as the opinion of the 325 families we represent.

We will appreciate your usual co-operation with us.

Very truly yours,

John Rose
(per A. J. R.)
Pres. R. H. W. M. Civic Assoc.

The following were reported by the Committee on **SB 11** Judiciary favorable 1, merit 3, unfavorable 1; **HB 171** Municipal Corporations, favorable 5; **HB 123** favorable 5; **HB 75** Education favorable 3, merit 2.

Mr. Davidson moved that **HB 174** "An Act to Amend Section 8105, Title 9, Delaware Code, Relating to Limitations on Taxing Power," 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 174** be temporarily deferred. The motion prevailed by voice vote. Without objection it was so ordered.

Mr. Shockley introduced **HB 199** "An Act to Amend Chapter 21, Title 19, Delaware Code, Relating to Compensation of the Members of the Industrial Accident Board." It was given its first reading by title only and assigned to the Committee on Labor.

It was regularly moved and seconded that **HB 113** be stricken from the calendar. The motion prevailed by voice vote.

Mr. Blendt introduced **HA 1** to **HB 188** 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 188** be placed with the bill by voice vote. The motion prevailed.

Mr. Walls introduced **HR 48**. 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 48** be adopted by voice vote. The motion prevailed.

HR 48—"Authorizing the Payment of Certain Expenses for the Purchase of Recording Taps for the House of Representatives of 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 \$42.00 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the B & B Music Service, 231 Loockerman St., Dover, Delaware for 12 Recording Tapes for the House of Representatives of the 122nd General Assembly.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 200—"An Act to Amend Chapter 407, Volume 53, Laws of Delaware, Relating to the Provision of Benefits to the Surviving Spouse of Persons Elected to any State or County Office and Making a Supplementary Appropriation to the State Treasurer," by Eskridge; it was regularly moved and seconded that the rules be suspended in order to leave **HB 200** unassigned. Without objection it was so ordered.

SB 75 with SA 1—"An Act to Authorize the Commissioners Millsboro to Borrow \$600,00.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Improving and Extending the Water System and of Providing a Sewage Disposal Plant and System in the Town of Millsboro and to Control and Regulate the Same," to the committee on Corporations - Municipal.

SB 74—"An Act to Amend an Act Entitled "An Act to Re-Incorporate the Town of Millsboro", being Chapter 203, Volume 25, Laws of Delaware, as Amended, by Increasing the Number of Commissioners; Establishing Representative Districts; Changing Qualifications for Voters at Annual Election; and Changing the Date of the Annual Election," to the committee on Corporation - Municipal.

SB 93—"An Act to Amend Sections 2703 and 2704, Title 10, Delaware Code, Permitting the Appointment of Special Constables for Kent County and Sussex County and Defining Their Term, Powers and Duties," to the committee on Judiciary.

SB 53—"An Act to Amend Section 9701, Title 10, Delaware Code, Relating to General Rates of Cases before a Justice of the Peace," to the committee on Judiciary.

SB 68—"An Act to Permit the Employment of Retired School Employees in Event of need When so Declared by the Local Board of Education," it was regularly moved and seconded that the rules be suspended in order to leave **SB 68** unassigned. Without objection it was so ordered.

SS 1 for SB 18—"An Act to Amend Section 2702, Title 10, Delaware Code, by Providing for the Appointment of Additional Constables in New Castle County," to the committee on Judiciary.

HB 201—"An Act Amending Title 9, Chapter 15, Delaware Code, Enabling the Levy Court of New Castle to make Improvements for Drainage and Flood Control, to Establish Drainage and Flood Control Regulations and a Drainage Board and Providing for the Issuance of Bonds and the Levying of Taxes to Finance said Improvements," by Bartleson; to the committee on Revised Statutes.

At 2:30 P.M. it was regularly moved and seconder that the House recess to the call of the chair. The motion prevailed by voice vote.

At 5:03 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 taking action on **HB 200**. The motion prevailed by voice vote.

Mr. Eskridge moved the **HB 200** be give its third and final reading and taken up for consideration in order to pass the House.

HB 200—"An Act to Amend Chapter 407, Volume 53, Laws of Delaware, Relating to the Provision of Benefits to the Surviving Spouse of Persons Elected to any State or County Office and Making a Supplementary Appropriation to the State Treasurer."

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

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Davidson, Dineen, Downs, Eskridge, 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. Darling, Exley—2.

HB 200 having received the constitutional majority, passed the House.

The following bills were introduced, given first and only reading by title only and assigned to the following committees.

HB 202—"An Act to Amend Chapter 71, Title 14, Delaware Code, by Increasing the Payments for Maintenance of School District Free Libraries," by Tribbett; to the committee on Education.

HB 203—"An Act to Appropriate \$1750.00 to the Delaware Commission of Shell Fisheries for Salaries and Wages," by Dineen; to the committee on Appropriations.

SB 64 was given its third and final reading and taken up for consideration in order to pass the House.

SB 64—"An Act to Appropriate funds to the State Highway Department."

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

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

Pratt, Quigley, Shockley, Shulties, Walls Younger, Mr. Speaker—33.

ABSENT—Messrs. Exley—1.

NOT VOTING—Messrs. Wootten—1.

SB 64 having received the constitutional majority, passed the House.

The following were reported by the Committee on Education.

HB 188 Tribbitt favorable 3, merit 2; **HB 149** Livingston favorable 5.

It was regularly moved and seconded that the rules be suspended for the sole purpose of presenting Committee report on **SB 93**. The motion prevailed by voice vote. **SB 93** Judiciary favorable 2 merit 1.

Dineen introduced **HA 1** to **HB 6** it was given 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 6** be placed with the bill. The motion prevailed.

The following was reported by the committee on Miscellaneous **HB 50** favorable 2, merit 3.

Mr. Jarrell introduced **HB 204** "An Act to appropriate the Sum of \$150,000.00 to the Delaware Commission of Shell Fisheries for Cleaning and Replenishing Oyster Beds in the Delaware Bay," to the committee on Appropriations.

SB 68 was assigned to the committee on Revised Statutes.

At 5:17 P.M. it was regularly moved and seconded that the House recess to the call of the chair. The motion prevailed by voice vote.

28th LEGISLATIVE DAY

The Speaker called the House to order at 2:16 P.M. on Thursday, April 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 32 members present, 3 absent.

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

MEMBERS ABSENT—Messrs. Exley, Shockley, Wootten—3.

The Clerk preceeded 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.

Honorable William T. Best
State Representative
Dover ,Delaware

Dear Sir:

The elected Trustees of the Wilmington Police Pension Fund at a special meeting held on Wednesday, April 10, 1963 in the Public Building, Wilmington, Delaware, voted unanimously to oppose any legislature concerning the raising of any benefits under the Police Pension Fund Act at this time, namely present HB 123.

It is felt that, at this time, the additional cost of approximately \$80,000.00 per year, which **HB 123** will add to the present annual deficit of \$350,000.00, will create a serious situation in the financial structure of Wilmington Police Pension Fund.

Until legislation comparable to present HB 195 is enacted into law, we feel that no legislation should be adopted effecting the Police Pension Fund.

Your kind consideration and understanding in this matter will be greatly appreciated by the active members of this Pension Fund.

Respectfully,
Wilmington Police Pension Trustese
Donald J. McDonald
Secretary of the Board

Members of the Board:

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

April 8, 1963

Honorbale Sherman Tribbits
Speaker of the House of Representatives
State of Delaware
Dover, Delaware

Dear Sir:

In compliance with the provisions of Chapter 60, Volume 53, Laws of Delaware as aproved December 28, 1961, I, William J. Smith ,Mayor of Delaware City at the time of the referendum on a revised Charter for Delaware City, am for-

warding a copy of the revised charter, the proclamation and certification required by this Act. This referendum was held at the regular municipal election on April 2, 1963.

Yours truly,
William J. Smith
Mayor

wjs;clb
Enclosures (3)

April 8, 1963

PROCLAMATION

KNOW ALL MEN BY THESE PRESENTS, that I, William J. Smith, as Mayor of the Town of Delaware Ctiy on April 2, 1963, the date of the referendum among the qualified voters of the said Town on a revised Charter for said Town under the provisions of 22 **Delaware Code**, Section 801 et seq., did receive from the duly certified tally of the vote on sald referendum as follows:

For the revised Charter:	108
Against the revised Charter	92

NOW THEREFORE, I hereby proclaim that the said revised Charter has been approved by a majority of said voters and it is therefore adopted.

William J. Smith
Mayor

Attest:

William J. Beck
Secretary

We, the undersigned, hereby certify that the following is the tally of the vote on the referendum on a revised Charter for the Town of Delaware City held on April 2, 1963:

For the revised Charter:	108
Against the revised Charter:	92

Katherine Jordan, Judge
Jean Crompton, Clerk
Rose Meli, Clerk
Beverly Walton, Clerk

CHARTER OF THE CITY OF DELAWARE CITY

BE IT ENACTED BY A MAJORITY OF THE QUALIFIED VOTERS OF DELAWARE CITY BY SPECIAL REFERENDUM UNDER THE PROVISIONS OF 53 LAWS OF DELAWARE, CHAPTER 260 (22 DEL. CODE, Ch. 8):

SECTION 1. The inhabitants of the said City of Delaware City are hereby constituted and continued a corporation or body politic under the name and style of "The Mayor and Council of Delaware City" with power to govern themselves by such ordinances, resolutions, rules and regulations for municipal purposes as they may deem proper, not to conflict with this act, nor with the constitution and laws of the State or of the United States. The said Corporation shall be vested with all the powers, rights, privileges, franchises and immunities heretofore belonging to "The Mayor and Council of Delaware City", as a municipal corporation, shall have all the privileges and franchises incident to a corporation or body politic. The City shall have and exercise all express and implied powers and authority of local self-government and home-rule, which under the Delaware Constitution, it would be competent for the General Assembly to grant to the City by specific enumeration and which are not denied by general statutes. Any enumeration of particular powers in this Charter shall not be deemed to be exclusive. All laws, ordinances, resolutions, rules and regulations for municipal purposes now in force within said City, not inconsistent with, nor modified or repealed by the provisions of this act, shall continue in force until repealed, rescinded or changed by proper authority.

SECTION 2. The City of Delaware City shall be bounded as follows: BEGINNING at low water mark in the Delaware River, at the entrance of the Delaware and Chesapeake Canal; thence along the Southeast side of said Canal to the main drain passing under said Canal; thence with the Northeast side of said Canal to the Dragon Creek; thence with the said Northeast side of said Dragon Creek to the South side of the Road leading from Delaware City to St. Georges; thence along said South side of said Road to the intersection of said South side of said road with the Southeast side Clinton Street, extended; thence along the said Southeast side of said Clinton Street, extended, Northeasterly to a point Two Hundred feet Southwesterly from the intersection of the Southeasterly side of Clinton Street with the Southwesterly side of Fifth Street; thence along a line at right angles to said Southeast side of Clinton Street, extended, to the Southeast side of the North drain; thence with the Southeast side of said North main to the bridge on the public road leading from Delaware City to Clark's Corner; thence by and with the Northeast side of side of said Public Road, to its intersection with the Northwest boundary of the land of William D. Clarke's estate; thence with the Northwest boundary of said land to low water mark in the Delaware River; and thence by and with the low water mark in said River to the place of BEGINNING.

PROVODDED, HOWEVER, that the jurisdiction of said

City shall extend over all wharves, docks, piers and other construction in the Delaware River adjoining the limits of said City and for One Hundred yards in the same river beyond such wharves, docks, piers and other construction.

SECTION 3. The said corporation shall have power to annex any additional contiguous territory upon the petition of the freeholders paying three-fourths of the taxes, thereof, and extend and apply to such additional territory all laws, ordinances, resolutions, rules and regulations in force within City, so far as they may be locally applicable. Before any additional territory shall be annexed to said City, the Council shall pass a resolution describing and defining accurately the territory proposed to be annexed, and shall give notice that the petition for such annexation has been presented by causing of said resolution to be posted in at least five public places in said City, and within sixty days thereafter, if sufficient cause to be contrary be not shown to the Council, it may by ordinance, two-thirds of all of the members concurring therein, annex to said City the territory described and defined in said resolution, and such territory shall thereupon become a part of said City.

SECTION 4. The said corporation shall also have power:

To make and use a corporate seal and to change, alter and renew the same at pleasure;

To sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or in any other place whatsoever:

To have, take, purchase, possess, enjoy and retain, by lawful means, to it and its successors, within said City or beyond the limits thereof, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature and quality soever, necessary for municipal purposes and the same to sell, grant, demise, alien or dispose of at pleasure; except that before any real property with a total market value of \$10,000.00 or more including the fixtures and appurtenance thereon shall be sold, granted, demised, alienated, or disposed of, or before any such property shall be franchised, leased or rented, the approval of the majority of the votes cast in a referendum held in the manner provided hereinafter in Section 14 shall be required;

To receive devises, bequests, gifts and donations of all kinds of property within said City and beyond the limits thereof for its own use and benefit, or in trust for charitable, benevolent, educational or other public purposes, and do all that is necessary to carry out the purpose of such devises, bequests, gifts and donations;

To acquire or erect and maintain public buildings for

municipal purposes and to regulate and control the management of the same;

To lay out, establish, maintain or vacate public parks and squares; to lay out, open, grade, extend, widen, improve or vacate streets and alleys, crossings and other highways; to construct, maintain or vacate sewers, drains, gutters and other works for the disposition of sewerage and the drainage of said City; the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and other highways, to extend from building line to building line;

To provide for supplying said City and its inhabitants as well as persons or companies or corporations in adjacent but not necessarily contiguous areas with water, and for the protection of the water to be used from contamination; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying water and to fix, alter, regulate and control the price and use of water so supplied;

To provide for lighting the streets and all public places in said City, and for supplying the inhabitants thereof with light; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying such light, and to fix, alter, regulate and control the price and use of light so supplied;

To fix, alter, establish and determine the lines beyond which no wharf dock, pier or other construction shall be placed, constructed or maintained in the river fronting on said City;

To grant to persons or corporations, in such manner and upon such terms and conditions as it may prescribe, franchises and privileges to locate, construct, extend and operate any enterprise in, upon or through any public park, square, street or other highway; provided that such grant shall be subject to the right to repeal and revoke the same for the abuse, misuse or non-use of the franchises and privileges granted; and provide further that no ordinance granting any such franchises or privilege shall be passed unless it shall receive the affirmative votes of two-thirds of all the members of the Council;

To regulate and control the storage, within said City, of gunpowder, or any other dangerously combustible matter and any explosive oils or compounds; to grant licenses or permits for any lawful purpose and to define the purposes for which said licenses or permits shall be required;

To make and enforce sanitary regulations; to define, abate and remove nuisances injurious to the public health or dangerous to the inhabitants of said City; and to prevent the introduction of infectious or contagious diseases; for which

purposes its jurisdiction shall extend to any distance within one mile of the limits of said City;

To regulate and control the erection of buildings within said City and to require licenses or permits to be taken out before the erection or repair of any buildings, including the establishment of zoning ordinances;

To prohibit the going at large of any horse, cow or other animal, except under regulations prescribed by it; to lay and collect fines on the owner or harbinger of any horse, cow or other animal found going at large in violation of such regulations; and to provide for the registration of dogs in said City;

To make and enforce within said City such fire, police and other regulations as are deemed expedient to protect persons and property, maintain the public peace, prevent crimes and promote the public morals;

To destroy or cause to be removed dwelling houses or other structures deemed by the Mayor and Council to be unsafe for public or private use or habitation due to fire hazard, structural weakness, or conditions dangerous to public health; the cost thereof to be entered in the regular tax book of said City against the name of the owner or owners of said property as soon as determined and to become a lien against the land on which said dwelling or structure was erected from the date of entry, and shall be collected in the same manner as hereinafter provided for the collection of taxes within the City;

To make general assessments of property in said City and assess and collect taxes and other rates and charges thereon for municipal uses and purposes; to make and collect special assessments on said property for the cost of any local or general improvement; and to enforce the payment of such taxes and other rates and charges and special assessments;

To borrow money for municipal purposes on the credit of the corporation and to issue bonds thereof in the manner and under the restrictions hereinafter provided, except that the Mayor and Council may borrow up to \$10,000.00 of total outstanding debt on the credit of the corporation without referendum;

To provide for the payment of legitimate expenses of the corporation, and for the annual payment, through the medium of a sinking fund or otherwise, of a portion of its bonded indebtedness, now existing or hereafter to be created;

To prescribe the extent of steps, porches, cellar doors and other outlets to buildings; to regulate the construction and repair of chimneys; and to regulate party walls;

To provide for the submission of questions relating to the corporation to the qualified voters of said City as hereinafter provided;

To make the violation of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment therefor by fine or imprisonment; provided that such fine shall not exceed One Hundred Dollars and such imprisonment a term of thirty days, excepting cases involving the violation of the motor vehicle code in the City, where the Council of the Mayor and Council may enact ordinances providing penalties to those provided under State Law;

To exercise all municipal powers necessary to the proper administration of the municipal government; and for the well being of the inhabitants of said City, whether such powers be expressly enumerated herein or not.

SECTION 5. There shall be one executive officer, called the Mayor, five members of the Council, one Assessor, one Treasurer, and such other officers as the Council, by ordinance, may create and appoint. The Treasurer shall be appointed by the Mayor, subject to approval of four members of Council, at the first regular meeting of the Council following the Annual Election in April of each year, and before entering upon the duties of his office shall give bond to the Corporation in such amount as shall be determined by the Council, and with surety, to be approved by the Mayor, conditioned for the faithful performance of the duties of his offices, and with a warrant of attorney for the confession of judgement thereto annexed. The Treasurer shall prepare such reports as the Council may require of him. The Council may, by ordinance, require such other officers or employees of the City to give bond in such manner and with such conditions as it may deem proper.

No resident may be elected or continue to serve in any public office of the City who has been convicted of a felony or a crime of moral turpitude. The above provision does not apply to temporary employees. If any public officer shall be so convicted while in office, the Council of the Mayor and Council shall declare that office vacant and appoint a qualified resident of the City to serve in that office until the next municipal election as provided in Section 8.

SECTION 6. No person shall be eligible to office who is not, at his election, a citizen of the State, and a resident of the City for at least one year. The Mayor must have resided in the City two years next before his election and be a freeholder in the City for a period of, at least, one year prior to his election and a non-delinquent taxpayer. A member of Council must have resided in the City two years next before his election, and must also be, at the time of his election, a freeholder in the City for a period of, at least, one year prior to his election and a non-delinquent taxpayer.

Every officer of said City, before he enters upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been appointed or elected, with fidelity.

SECTION 7. The salaries, fees or compensation of the officers and members of Council shall be established by ordinance; but no salary, fee or emolument of any officer shall be increased or reduced, for and during the period of service for which he may have been elected or appointed. No ordinance establishing the salaries, fees or emoluments of any elective office shall take effect previous to the general municipal election then next ensuing and unless notice thereof shall be posted, at least two weeks before said election, in at least five public places in said City.

SECTION 8. In case of death, removal from the City, resignation, or refusal to act, of any elective officer of said City, or in case any person elected or appointed to any office in said City, shall be ineligible to the same, or shall fail to give bond for the faithful performance of the duties of such office (when such bond is required by law or ordinance) before the time fixed for entering upon the duties of his office, such office shall thereupon be vacant, and the Council shall make temporary appointments to supply such vacancy until the same can be filled at the next general municipal election. An officer elected to fill a vacancy shall hold the residue of the term of the officer whose place he supplies.

SECTION 9. The Mayor and Council of said City shall continue to hold office during the respective terms for which they were elected or until their successors have been duly chosen and qualified. On the first Tuesday in April, A.D. 1945, and on the first Tuesday in April every two years thereafter, the Mayor and two members of Council shall be elected to hold office for the term of two years or until their successors have been duly chosen and qualified. On the first Tuesday in April, A.D. 1946, and on the first Tuesday in April every two years thereafter, three members of Council shall be elected to hold office for the term of two years or until their successors have been duly chosen and qualified.

SECTION 10. The general municipal election shall be held in the City Hall or some suitable building in said City designated by the Mayor and Council on the first Tuesday in April of each and every year from one o'clock until seven o'clock in the afternoon. All persons desiring to be candidates at any municipal election shall file with the Secretary of the Council a written statement of their candidacy, at least fifteen days prior to said election, and a vote cast for any

person whose candidacy has not been filed, shall not be counted. The Secretary of the Council is authorized to accept a withdrawal notice signed by the candidate up until five days before the said municipal election. The Mayor shall, at least twenty days before any general election, give notice of such election, together with the officers to be elected thereat, by posting notices in five or more public places in said City. There shall be an inspector and three judges, which shall also act as clerks at such election, elected by the Council. At such election every citizen of said City, who shall have attained the age of twenty-one years and shall have resided in said City for one year next preceding the day of election, and is a taxable thereof, shall have the right to vote, but no one shall be permitted to vote who has not paid all taxes due the said City of Delaware City, ten days before the City election. Any person who shall have attained the age of 21 since the last tax assessment and whose name is not included on the assessment record may vote at the next municipal election provided he pays his capitation tax the time heretofore provided for other taxpayers. The inspector and judges of the election shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be counted in public, and the persons having the highest number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly chosen and qualified. Immediately after such election, the person under whose superintendance the election is held, shall enter in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen Mayor and Members of Council, and shall subscribe the same and give the persons so elected, certificates of their election. The book containing such minutes shall be kept and preserved by the Council. All elections shall be by voting machine and a plurality of votes cast shall make a choice. A failure to hold an election, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until their successors are chosen. Any qualified voter under this Charter can bring an action in any competent court in the State of Delaware to compel the Mayor and Council to cause such an election to be held, at which election the Mayor and all Members of Council shall be elected; those receiving the highest number of votes receiving the longer terms and those receiving a lesser number of votes receiving the shorter terms, until all offices are filled.

In the event an election is not contested, it shall and may be lawful to open the polls at one o'clock P.M., and close them at two o'clock P.M.

SECTION 11. (a) It shall be the duty of the Mayor to preside at all meetings of Council and to see that the laws and ordinances of the said City are faithfully executed. He shall have the custody of the seal of the Corporation and the right of affixing the same. He shall approve, or veto, all ordinances, acts or resolutions of the Council. If approved, shall write "approved"; if not approved, shall write "not approved", and shall sign the same; at the same time, in writing, he shall state his objections; whereupon the Council may reconsider its vote, and if two-thirds of all the members elected to Council favor such ordinance, act or resolution, such ordinance, act or resolution shall become a part of the ordinances, acts and resolutions of the said City.

He shall countersign all drafts on the Treasurer, with approval or non-approval; if not approved, the Treasurer must not pay such drafts. The Mayor shall also have power to administer oath and affirmation.

(b) The Mayor is hereby constituted a conservator of the peace, within the City, and is authorized and empowered to exercise, within said City, all the authority which a Justice of the Peace may exercise under the laws of this State, with power to commit persons guilty of a breach of the peace to the New Castle County Workhouse, or to such place as may, for that purpose, be provided by said City. He may take recognizance for keeping the peace, for being of good behaviour or for appearance, or otherwise. The Mayor shall have jurisdiction for all offenses which shall be committed within said City against any of the laws of the State, laws, ordinances, regulations or constitution of said City which are or may hereinafter be prescribed. Provided, he shall not impose any fine exceeding One Hundred Dollars, and-or imprisonment of thirty days, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act or the rules and regulations adopted for the government of said City by proper authority, excepting cases involving the violation of the Motor Vehicle Code in the City, where the Mayor is empowered to impose the same fines and penalties exercised by a Justice of the Peace in accordance with the laws of the State of Delaware. It shall be the duty of the Mayor to keep a book of record or docket in which all judicial proceedings before him shall be entered, and he shall upon the expiration of his term of office deliver over to his successor such book of record or docket within ten days after the election and qualifications of such successor. Prosecution before the Mayor shall be by information without indictment by Grand Jury or trial by Petit Jury. Process issued by the Mayor may be directed to any County constable or to the sheriff of any County who shall execute the same in like manner, and be subject to the same penalties as in other cases. Appeals of any verdict by

the Mayor must be directed to the Superior Court of the State of Delaware.

If the Mayor elects not to serve in the capacity of Justice of the Peace, he may appoint an Alderman, or Aldermen, to serve in this capacity, subject to approval of four members of Council. Said Alderman, or Aldermen, may be removed from office by the Mayor subject to approval of four members of Council. Any Magistrate or Justice of the Peace serving the State of Delaware may be designated to also serve as Alderman for the City, with appeal of any verdict directed only to the Superior Court of the State of Delaware. Before appointment of any person to the position of Alderman, his ability and qualifications to act in this capacity must be approved by the Resident Judge of the Superior Court for New Castle County. All cost associated with this certification shall be paid to the Resident Judge out of City funds. Likewise, no Mayor may serve in the capacity of Justice of the Peace until his ability to serve is likewise certified. In the event that the Mayor or an Alderman cannot be so certified, the members of the Delaware City Police Department are directed to take all violators to the nearest available magistrate who is authorized to serve in the capacity of Alderman until the Mayor and Council appoint a qualified person. All costs for serving in the capacity of Alderman shall revert to the personal account of the Alderman and these cost shall be the same as for any magistrate or Justice of the Peace of the State of Delaware .

The Mayor shall have sole jurisdiction and authority over the neglects, omissions or defaults of the City Police, including the authority to appoint persons to positions as members of the Police Department subject to the approval of four members of the Council. Any person convicted of a felony or a crime involving moral turpitude may not be appointed to or continue to serve as a member of the Police Department.

The Mayor, members of Council, and members of the Police Department may pursue beyond the limits of said City, with or without warrants, any violators of the laws of the State of Delaware and-or the ordinances of said City, and arrest any persons, and bring them back to said City for trial, or take them before any Magistrate or Justice of the Peace, that they may be dealt with according to law. In case of necessity, he may command the aid of any citizen or citizens.

(c) At the time of employment of any new permanent employee, the Mayor and Council shall adopt a resolution establishing the period of service required for that employee to gain tenure in his position of employment. Employees of the City at the enactment of this Charter shall be deemed to have such tenure. Upon the completion of such period of service, the employee shall have tenure and shall not be

dismissed except upon the approval of the Mayor and four members of Council, or upon approval of five of Council without the Mayor, after a hearing at any regular or special meeting of the Mayor and Council, at which meeting the employee may be present and be represented by counsel. However, the authority to suspend any employee pending this hearing before Council shall exist. The Mayor shall have such authority of suspension over all employees appointed by him, the Council have such authority over the employees of their Departments, and the Treasurer shall have such authority over all clerical employees appointed to head the various City departments shall employees of their Departments, and the Treasurer shall have such authority over all clerical employees. The official having the authority to suspend employees as heretofore set out shall have the power to make such suspension with or without pay at their discretion, but if the employee is not dismissed after the hearing as above provided he shall receive any back-pay he might have been denied during a period of suspension.

(d) In addition to the authority as heretofore provided, the Mayor shall also have authority to appoint an Assessor at the first meeting in January of each year, subject to the approval of four Members of Council, who shall be a legally qualified vote of said City, and who shall before entering upon the duties of his office be duly qualified by oath or affirmation to perform the duties of his office to the best of his knowledge, and without favor or partiality. The said assessor shall on or before the first Tuesday in May make a true, just and impartial valuation and assessment of all the real estate within said City, locating each parcel of real property by the street and square, and also an assessment of all the residents in the said City above the age of twenty-one years, as well those owning as those not owning real property within said City. The said assessor shall on the first Tuesday in May deliver to the Council a typewritten copy containing the names of all persons assessed and the amount of their assessments, distinguishing the real and personal assessment of each, and shall upon the said first Tuesday in May hang a typewritten duplicate of such assessment in the postoffice, or such other place as the Council, shall, by ordinance, designate, there to remain for the space of two weeks for public information. And the said Council shall on the third Tuesday in May hold a court of appeals which shall continue open from six o'clock P.M. until nine o'clock, P.M., when it shall hear and determine appeals from said assessment. Notice of the hanging up of the assessment list and also of the time and place of hearing appeals shall be given by notices posted by the assessor in at least five public places in said City. The decision of the Council upon any appeal shall be final and conclusive. No member of Council shall sit upon his or her own appeal, but the same shall be heard and determined by the

others. After the valuation and assessment shall be examined and adjusted by said Council, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed, in just and resonable proportions and rates.

SECTION 12. (a) The regular meetings of the Council shall be held on the second Monday of each month. At the first regular meeting in April the Council shall choose a Secretary who may be removed at any time for any cause deemed sufficient by a majority of said Council. It shall be the duty of the said Secretary to record all the proceedings of Council and keep a correct journal of the same in a book or books, to be provided for that purpose and also the papers relative and belonging to said City, all of which are to be carefully preserved and delivered to his successor in office. His compensation shall be fixed by the Council. No ordinance, except in cases of emergency, shall be passed by the Council except at a regular meeting and unless such ordinance has been introduced at some previous regular meeting and copies of the proposed ordinance posted in three public places in said City at least ten days before final action of the Council thereon.

(b) The said Council after having ascertained the sum necessary to be raised and having apportioned the same on the assessment and valuation aforesaid, shall on the first day of July of each year, furnish the Treasurer of said City, who shall be the collector of taxes for said City, with a duplicate containing the names of the taxables, as well as the owners of real estate, as those not owning real estate, distinguishing between them, and also the tax levied on each person and also the tax on the whole valuation and assessment at the rate per hundred dollars. The said duplicate shall have a warrant annexed thereto and shall be signed by the Mayor and a majority of the members of the Council.

All taxes shall be paid at the Town Hall during the regular business hours. On all taxes paid before the first day of October, there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day of January, there shall be no abatement; and on all taxes paid after the first day of January, there shall be added interest at the rate of one-half per centum per month until payment is made. The Treasurer shall apply all monies received by him on account of taxes in payment of the oldest taxes due.

The salary of the said Treasurer shall be established by resolution of the Mayor and Council.

If any person is taxed for several parcels of real estate, or for capitation and real estate in the same tax, the whole of such person's taxes may be collected either out of real estate, or any part thereof; provided that no land alienated

shall be sold, if the person taxed has other sufficient property.

(c) The Treasurer may recover the amount of tax in an action of debt against the person taxed, before an Alderman appointed under this Charter, any Justice of the Peace in New Castle County, or before the Court of Common Pleas or Superior Court of New Castle County; and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil action.

If judgment be rendered in favor of the Treasurer, the Mayor and Council shall have an allowance for the additional expense in attending to the suit, including counsel fees, and the amount of taxes plus accrued interest, to be taxed by the Court in the costs, and execution shall issue against the real estate of the defendant; provided no execution against the real estate shall issue except out of the Superior Court of New Castle County. Where such judgment is recovered before an Alderman, Justice of the Peace, or Court of Common Pleas, and it is the desire of the Treasurer to proceed against the real estate of the defendant, the said Treasurer shall take a transcript of the judgment from the Alderman, Justice of the Peace, or Court of Common Pleas and cause the same to be entered on the docket of the Superior Court. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the date of the Treasurer's duplicate as aforesaid.

(d) That in addition to all existing methods and authority for the collection of taxes or special assessments due to "The Mayor and Council of Delaware City", the following methods and authority are hereby established:

"The Mayor and Council of Delaware City" may file, or cause to be filed, a Praeceptum in the office of the Prothonotary of the Superior Court, in and for New Castle County, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amounts of taxes or assessments due and the property against which the assessment was laid; and the statement of the lot number or numbers of the particular section in which said property is located shall be sufficient identification and description of the said property. The Prothonotary shall make a record of the same on the judgment records of said Superior Court against the property mentioned or described in said Praeceptum. Thereafter upon a Praeceptum for Monition filed in the office of the said Prothonotary by "The Mayor and Council of Delaware

City" through any person authorized on its behalf to collect taxes and assessments due "The Mayor and Council of Delaware City", a Monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessments due and the year or years thereof, together with a brief description of the property upon which said taxes or assessments are a lien, a description of such property by street and number or by numbers or unnumbers of the particular section in which said property is located shall be sufficient description. Said Monition shall be substantially in the following form:

To all persons having, or claiming to have, any title, interest, or lien upon the within described premises, take warning that unless the judgment for the taxes and assessments stated herein is paid within twenty days, after the date hereof, or within such period of twenty days evidence of the payment of taxes or assessments herein claimed shall be filed in the Office of the Prothonotary which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary of New Castle County, "The Mayor and Council of Delaware City" may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated.

Name of the person in whose name property is assessed.

Description of property.

Year or Years.

Amount of judgment.

Said Monition, or a copy thereof, shall be posted by the Sheriff upon some common place or part of the property against which said judgment for the taxes or assessments is a lien, and a copy of said Monition shall be left, in the presence of an adult person, at the usual place of abode within New Castle County of the person in whose name the property is assessed. If the person in whose name the property is assessed is a corporation, a copy of said Monition shall be left, in the presence of an adult person, at its principal place of business in New Castle County. If the said person does not reside in New Castle, or if said corporation has no place of business in New Castle County, a copy of said Monition shall be mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation. The Sheriff shall make due and proper return of his proceedings under said Monition to said Prothonotary within ten days after leaving of said copy of Monition as aforesaid or the mailing of said copy of Monition as aforesaid.

Alias or pluries Monition may issue upon like Praecipe.

The posting of said Monition and the leaving or mailing of said copy as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days next following the return of the Sheriff upon such Monition, unless before the expiration of said twenty days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date thereof prior to the filing of said lien for record in the Office of the Prothonotary as aforesaid, upon application in writing by "The Mayor and Council of Delaware City", through its Attorney, or any other person authorized in its behalf to collect taxes or assessments due to the "The Mayor and Council of Delaware City", a writ of Venditioni Exponas shall issue out of the Office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writ of Venditioni Exponas issued out of the Superior Court.

Said writ shall be substantially in the following form:
New Castle County.:

: ss.

State of Delaware.:

TO THE SHERIFF OF NEW CASTLE COUNTY, GREETINGS:

WHEREAS, by a Monition issued out of the Superior Court, date at Wilmington, the day of A.D. 19.., IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after service of a copy of said Monition stated. That on the day of A.D. 19.., you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the day of A.D. 19.., and that a copy of the said Monition was left, in the presence of an adult person, at the usual place of adobe within New Castle County of the person in whose name the property is assessed, on the day of A.D. 19.., (or that a copy of said Monition was left, in the presence of an adult person, at the principal place of business in New Castle County of the corporation in whose name the property is assessed, on the day of A.D. 19.., or that since said person or corporation does not reside in New Castle County or has no place of business in New Castle County, a copy of said Monition was mailed in

a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation, on the day of, A.D. 19...)

WE therefore, now command you to expose to public sale the real estate mentioned and described in said Monition as follows:

and that you cause to be made as well a certain debt of Dollars (\$.) lawful money of the United States, which to the said "The Mayor and Council of Delaware City", a Municipal Corporation of the State of Delaware, is due and owing, as also the sum of Dollars (\$.), lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said was convicted as it appears of record and against which said property it is a lien:

AND have you that money before the Judges of our Superior Court at Wilmington, on Monday the day of next, to render to the said "The Mayor and Council of Delaware City", a Municipal Corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable at Wilmington, the day of A.D. 19

.....

Prothonotary

(e) Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name the said property was assessed, and-or all right, title and interest of the person or persons who are the owner or owners thereof, and likewise freed and discharged from any dower or curtesy or statutory right, in the nature of a dowyer or curtesy, whether absolute or inchoate, in or to said real estate, and from all equity of redemption and liens and encumbrances held by persons and corporations against said property.

(f) The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within one year from the day of the sale thereof, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereof, together with all costs, incurred in the cause; or if the purchaser or his legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Delaware City, by paying said amount into said Court for the use of said purchasers, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a Petition to the Superior Court setting forth the appropriate facts in conformity with this Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed, conveying the title to said property to the Petitioner; and thereupon the said Superior Court shall have power, after a hearing upon said Petition to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition; and a description of said property by street and number or by lot number or numbers of the particular section in which said property is located, together with a description of said property made from a map of the assessed property of the City of Delaware City in the office of the Assessor of the City of Delaware City shall be sufficient description in any such deed.

If the owner of any real estate sold under an order of sale or his legal representatives shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon he said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the judgment, under which said real estate was sold, a memorandum that the real estate described in the proceedings upon which said judgment was entered had been redeemed and thereafter the said owner shall hold such redeemed real estate subject to the same liens order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

(g) Upon the return of the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

(h) No Motion proceedings shall be brought under this Act unless the tax or assessment sought to be collected hereunder shall, at the time of the filing of said Praecipe in the Office of the Prothonotary, be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for City purposes which may hereafter be lawfully assessed on real estate in the City of Delaware City shall constitute a prior lien thereon for a period of ten years from the First day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected, and may, with all incidental costs and expenses, be levied by sale thereof as here-

inbefore provided. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to. "The Mayor and Council of Delaware City" shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act and in the event that such person or persons is the highest bidder or bidders therefor, the title thereto shall be taken in the name of "The Mayor and Council of Delaware City", a Municipal Corporation of the State of Delaware. "The Mayor and Council of Delaware City", by resolution duly adopted, are authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

(i) Whenever the Superior Court is mentioned in this Statute, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation of said Superior Court, as well as in term time.

(j) The fees and costs to be taxes in all Monition proceedings under this Act, where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing Praecepte	\$1.10
Issuing Monition and Copy	2.75
Issuing Alias or Pluries Monition and Copy	2.75
Writ of Venditioni Exponas	2.25
Filing any Petition in Superior Court under this Act ..	1.00
Costs of paying money into Superior Court	1.00
Costs of paying money out of Superior Court for each check drawn	1.00

The following fees shall be charged by the Sheriff:

Posting Monition or copy thereof75
Posting each Alias or Pluries Monition or copy thereof	.75

All other charges not covered by this Act shall be the same as are now provided by law.

(k) In addition to the foregoing procedure for the collection of delinquent taxes, "The Mayor and Council of Delaware City" shall have the authority to employ or cause to be employed such procedure for the collection of delinquent taxes due "The Mayor and Council of Delaware City", as set forth in Chapter 135, 1155 Section 11, of Volume 40, Laws of Delaware, so far as the same refers to the attachment of personal property.

(l) The Treasurer shall supervise the collection of all taxes due and unpaid on the first day of February of each year under the Provisions of this Section, and see that the same are promptly deposited to the account of the Mayor and Council of Delaware City.

(m) The said Treasurer shall discharge himself of all moneys in his hands by drafts drawn on him by order of the Council which drafts shall be signed by three members of the Council and countersigned by the Mayor. The said Treasurer shall receive a reasonable compensation for his services to be determined by the Council.

SECTION 13. (a) The Coucil shall appoint at the regular meeting in May of each year, five substantial citizens, at least one of whom shall be a practicing physician, if available, who shall constitute a Board of Health for said City and who shall serve for one year. The said Board of Health shall take cognizance of the interest of health among the people of said City and shall report to the Council in writing whatever in its judgment is injurious to health. The said Board shall have all powers now or hereafter vested by the laws of this State in boards of health generally, and also such additional powers as may conferred by ordinances adopted by the Council. The members of said Board shall organize by the election of a President and a Secretary within ten days after notice of their appointment, and said Board shall keep a record of its proceedings. The Board of Health, at a regular meeting may authorize any of its members to make an inspection of private property through proper official identification if they believe that violation of the sanitary code exists on such property and provide that the owner is advised three days in advance of such inspection, and that the inspection is made at a reasonable hour.

(b) The Council shall appoint at the regular meeting in May of each year, five substantial citizens who shall constitute a Bureau of Fire for said City, and who shall serve for one year. The said Bureau of Fire shall have full authority to enforce the fire prevention code of the City. The said Bureau shall also have powers now or hereafter vested by the laws of this State in Fire Marshalls generally, and such additional powers as may be conferred by ordinances adopted by the Council. The members of said Bureau shall organize by the election of a President and a Secretary within ten days after notice of their appointment, and said Bureau shall keep a record of its proceedings. The said Bureau may authorize any of its members to inspect private property provided the owner is notified three days in advance and the inspection is made at a reasonable hour.

(c) If any person or persons, firm or corporation shall hereafter erect or set up a plant for the purpose of

manufacturing therein, within the limits of said City, the Council shall have power to remit taxes to the amount of \$1,000.00 annually for ten years and to remit all taxes provided a referendum is held and a majority of the voters approve such remission of taxes.

(d) The Council shall have the power upon the application of five or more citizens of said City, being seized of estates of freehold situate in said City, by petition to if for that purpose, to locate, lay out, of open any street or alley which said five or more freeholders of said City may desire to be located, laid out and opened, allowing to the persons respectively, through or over whose ground such street or alley may run, such compensations or damages therefor as it shall deem reasonable and just under all the circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of said City, out of monies of said City on warrants drawn on him by the proper authority.

Whenever the Council shall have proceeded to locate and lay out any street or alley and shall have fixed the compensation thereof, it shall be its duty immediately after the survey and location of said street or alley to notify in writing the owner or owners of the real estate, through or over which such street or alley may run, of its determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each. And if such owner or owners do not reside within the said City, to notify the holder of said real estate. If any owner or owners be dissatisfied with the amount of damages or compensation, he or they may, within ten days after receiving notice from the Council as aforesaid, appeal from the said decision or assessment by serving a written notice to that effect on the said Council, or any member of said Council. In order to prosecute said appeal, it shall be the duty of said Council to make application to the Resident Judge of New Castle County, who shall appoint five impartial freeholders of said County. The said freeholders shall view the grounds to be so taken or occupied, and taking into consideration the advantages, as well as the disadvantages which may arise to the property, they or a majority of them, shall assess the damage which might be done to the said property, and return the same, under oath or affirmation, to the Council, which shall cause such return to be entered on its journal and upon the payment or tender of the said assessed damages to the owner or owners of the property, the said property may be taken or occupied. The award of said freeholders shall be made within fifteen days after their appointment by the said Resident Judge. The said freeholders shall, severally, receive and be allowed for each day's actual service the sum of ten dollars. Any freeholder

so summoned, neglecting or refusing to serve, shall be subject to a penalty of twenty-five dollars, collectible as a common debt. In case of sickness, or unavoidable detention of any freeholder or freeholders, the said Resident Judge shall appoint forthwith impartial freeholders to fill the vacancy so occasioned.

(e) No circus, menagerie, theatrical or minstrel company or any such exhibition of any kind shall be exhibited or bills posted therefor or parade thereof on any of the streets, alleys or lanes of said City; nor shall any person, firm, company or corporation open, set up, or attempt to open or set up any pool or billiard room or any other room for the purpose of amusement for which a charge for profit is made, direct or indirect; or any temporary place of business for the purpose of selling or offering for sale, by auction or otherwise, any goods, wares, merchandise or articles of any kind; or peddle, take orders for or deliver any goods, wares, merchandise or articles of any kind on any of the streets, lanes and alleys, within the limits of said City, without having first obtained permission of the Council which shall hereby have power to grant licenses for that purpose, the charge for the same to be at its discretion. Provided, that the foregoing provisions shall not apply to theatricals or other entertainments gotten up by the citizens of said City, or to any farmer, trucker or fisherman selling such farm produce or fish as is of his own growing or catch, or any salesman taking orders from or selling to any licensed merchant. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of misdemeanor and upon conviction thereof before the Mayor or any Justice of the Peace shall be fined in a sum not exceeding twenty-five dollars for each and every offense. Each day's violation of the provisions of this Act shall constitute a separate offense.

(f) The several post and mark-stones, now set and fixed in the earth, in the middle, on the sides, or near the sides of the streets of said City, as well as such other posts and mark-stones, as shall, from time to time, be set and fixed in the earth by the City surveyor or regulators, shall, in all cases and in all courts of law, within this state, be deemed, taken and allowed as land-marks. And if any person shall willfully pluck up, or remove, any of said post or mark-stones, such person shall, for every such offense, forfeit and pay a fine of One Hundred Dollars, and the Council may reward the informer of such offense, by allowing him a portion of said penalty, not exceeding a moiety thereof.

(g) The Mayor and Council of Delaware City shall also have power and authority to levy and collect reasonable taxes upon all telephone, telegraph, electric light, electric power and trolley poles and other erections and equipment of

like character erected within the City of Delaware City, and may by ordinance prescribe the mode of levying and collecting the same. In case of any of the owners or lessees of any such poles or erections within said City shall refuse or neglect to pay the taxes that may be levied upon such poles or erections, the Council shall have authority to cause the same to be removed, and may cause to be instituted by the collector, suit to recover the amount of taxes so levied and the expenses incident thereto and the expenses incident to the removal of such poles or erections.

(h) The Council is hereby empowered, upon the written petition of five or more freeholders of said City who live within 300 feet of the owners or owners, to notify in writing, the owner or owners of any house and-or lot in said City, before or in front of which the said Council may deem proper that a pavement should be laid, to lay a pavement of brick, concrete or any other material, which may be approved by said Council. The length and width of such pavement may be prescribed by said Council, but no person shall be obliged to pave any sidewalk or footway to a greater width than four feet in front of any vacant lot or lots not near or adjoining any dwelling house. In like manner upon like petition, the Council is empowered where any pavement be deemed insufficient to notify, in writing, the owner or owners of the house and-or lot before or in front of which such pavement is or has been laid, to repair the same. In like manner and upon like petition, the Council is empowered to notify in writing, the owner or owners of any house or lot in said City to cover the sidewalk before or in front of such house and-or lot with gravel, sand or other suitable material in case the said Council deems such sidewalk not proper to the paved. If such owner or owners shall neglect or refuse, for the space of twenty days after being notified as aforesaid, to lay such pavement or repair the same, or to cover the sidewalk, as above-stated, it shall and may be lawful for the Mayor and Council of Delaware City to cause the said specified work to be done and to charge the cost of the same against the owner or owners of the premises in question, said charge to constitute a lien against said premises, from the date of the beginning of the work until paid. It shall be the duty of the Mayor and Council of Delaware City, by warrant signed by the Mayor and Secretary of said Council, with the Seal affixed thereto, and directed to the Assessor, in which shall be stated the name of the owner or owners, if known; otherwise, it shall be sufficient to list the owner or owners as unknown, the date of the commencement of the work, the nature of the work done and the amount, directing the Assessor to prepare a special assessment list with said information included, which shall be attached to and be a part of his

assessment of real estate and personal assessment within said City for the ensuing year. The right of appeal from said assessment together with the time of payment and date from which interest shall run at the rate of one-half per centum per month on said assessment and the method of collection, shall be the same in all respects as though it were a claim for real estate taxes, as set out in Section 12 of this Act, excepting that no discount shall be allowed, as is allowed in the case of payment of taxes.

(i) The Council shall also have power, and it is hereby authorized to order and direct the owner or owners of any house or lot, situated on any street where there is or may hereafter by a water main or sewer main, to tap the water main or the sewer main in said street, and to connect said sewer main or said water main, by pipe, with the property so situated on said street aforesaid; and if such owner or owners neglect or refuse so to do for the space of twenty days, the said Mayor and Council of Delaware City shall cause the same to be done and recover the cost of the same in the same manner as prescribed for the recovery of cost where new pavements, etc., have been laid.

If there be more than one owner of the premises affected by the paving, repaving or tapping of water or sewer main, notice to one shall be deemed sufficient, and if there be no owner of said premises resident in the City of Delaware City, notice to the occupier thereof shall be deemed sufficient, and if there be no occupier, then the posting of said notice upon the premises shall be deemed sufficient.

SECTION 14. The Mayor and Council of Delaware City, under the restrictions hereinafter provided, may borrow for municipal purposes on the credit of said City such sum of sums of money, at such time or times, as they may deem proper, not to exceed eight per centum of the assessed value of the real estate of said City and issue bonds for the payment of the same; provided, however, that the total indebtedness, of every kind, shall not exceed eight per centum of the assessed value of said real estate; and provided further, that the said eight per centum may be exceeded for the purpose of borrowing any sum or sums of money to refund or pay off any bond issue or issues of said City.

The Mayor and Council of Delaware City, for the purpose of carrying into effect the above provisions, may issue bonds of such denomination as they may deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually. The principal of each issue of said bonds shall be made payable in not more than thirty years from the date of issue thereof, and the said Mayor and Council of Delaware City may agree to retain the power and authority

of redeeming said bonds or any part of them at the expiration of ten years or more from the date of issue of the same. The said bonds shall be signed by the Mayor and countersigned by the Treasurer, and shall be sealed with the corporate seal, and be exempt from all State, County and Municipal taxation.

The said Council is authorized, empowered and directed to levy, assess and collect annually in the same manner as provided by law for assessing and collecting other taxes for municipal purposes, a special tax, except that revenue from other sources is adequate, for the purpose of establishing a fund adequate to the redemption at or before maturity of all bonds of any issue; provided, that the amount to be raised for the purpose of establishing said sinking fund shall not exceed the sum of five per centum of the amount of such issue.

Before any sum or sums of money shall be borrowed, the question of borrowing such sum or sums shall be submitted to the voters of said City, and be approved by a majority of the votes cast at a special election, and at every such election each person within said City, being a resident thereof, shall have the right to cast one vote for every dollar and fractional part of a dollar of tax assessed against him or her respectively; and that every male or female shall have the right to vote provided that he or she shall have paid all taxes heretofore levied and assessed against him or her and shall produce a tax receipt for the same when demanded by any person entitled to vote at said election. Notice of such election and the purpose thereof shall be posted in at least ten public places in said City, at least twenty days before time or such election. No election shall be necessary where the purpose of the new bond issue is to pay off an existing bonded indebtedness in like or less amount at a like or less rate of interest. Also, no election shall be necessary for the Mayor and Council to borrow, on the credit of the corporation, for the ordinary and necessary expenses of the corporation provided that the total outstanding debt so borrowed without an election shall not exceed \$10,000.00 at any time.

SECTION 15. Whenever at least one hundred legally qualified voters of said City shall petition the Council requesting a vote upon any ordinance or any matter which may be the subject of an ordinance for an election thereon, the Council shall appoint a day for such election and shall choose an inspector and judges therefor, and give the same notice of such election as is required to be given at a general municipal election. If two thirds of the votes cast at such election shall be against such ordinance, such ordinance shall be repealed as though repealed by the action of Council; or, if two thirds of the votes cast at such election shall favor any such matter which may be the subject matter of an ordinance,

such matter shall be an ordinance as though passed by the Council in the manner prescribed in this Act, and the action of such an election can only be voided by an additional referendum or referendums. The subject matter of any such Petition may also be the question of any municipal improvement.

No ordinance granting any franchise shall take effect or confer any rights until three months after the passage thereof, or unless such an ordinance shall sooner be submitted to the legally qualified voters of said City, and shall be approved by majority of the votes cast at a special election. Such ordinance shall be submitted to the legally qualified voters of said City upon petition for that purpose signed by at least one hundred qualified voters, submitted to the Council at any time within three months after final action of the Council upon such ordinance and unless such ordinance shall be approved by a majority of the votes cast at a special election such ordinance shall be repealed as though repealed by action of the Council.

A legally qualified voter shall mean a voter qualified to vote at the last general municipal election, and any one may vote at any special election who was qualified to vote at the general municipal election next preceding.

The Council may also submit any questions which it may deem proper to the referendum vote of the legally qualified voters of said City.

Whenever the Council shall receive a petition for an election as prescribed in Section 15 of this Act, it shall provide for an election to be held not more than sixty days from the time such petition is received.

SECTION 16. If any part of this Act shall be held unconstitutional or otherwise invalid, such holding shall not in anywise invalidate the remaining Provisions of the Act.

SECTION 17. All Acts and doings of "The Mayor and Council of Delaware City", or of any officer of said City, lawfully done or performed under the Provisions of any Law of this State, or of any ordinance of said City, are hereby ratified and confirmed and shall continue in force. All debts, fines or penalties and forfeitures due to said City, and all debts due from said City to any person or to any corporation are declared to be unaffected and unimpaired by this repeal, and all the Laws of the State for the collection and enforcement thereof shall continue in full force until the same shall be lawfully paid. All the powers now conferred by law upon the Collector for the collection and enforcement of all taxes in said City, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. The offic-

ial bond of said collector shall be unaffected and unimpaired by this repeal, and he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said City under any Law or ordinance shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Delaware City as established by Volume 45 Laws of Delaware, Chapter 191, as amended by Volume 51 Laws of Delaware, Chapter 335, and Volume 53 Laws of Delaware, Chapter 9. Upon the effective date of this Chapter as defined by Volume 53 Laws of Delaware, Chapter 260, this Chapter shall have the same effect as if duly enacted by the General Assembly and it is the intention of the electors of the City of Delaware City that all prior acts, statutes, charters, and ordinances inconsistent herewith, except as herein excepted, shall be and are repealed.

Mr. Casey introduced **HB 205**—An Act to Establish a Merit System of Personnel Administration in the State Government of the State of Delaware; To Provide for the Implementation and Operation of such System and to Appropriate Funds. It was given its first and only reading by title only and assigned to the Committee on Revised Statutes.

Mr. Dineen introduced **HA 1** to **HB 166**. 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 166** be placed with the bill. The motion prevailed.

Mr. Davidson moved that **SB 93** be given third and final reading and taken up for consideration in order to pass the House.

SB 93—"An Act to Amend Sections 2703 and 2704, Title 10, Delaware Code, Permitting the Appointment of Special Constables for Kent County and Sussex County and Defining Their Term, Powers and Duties."

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Best, Blendt, Busker, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shulties, Walls, Younger, Mr. Speaker—30.

NAYS—Messrs. Bartleson, Casey—2.

ABSENT—Messrs. Exley, Shockley, Wootten—3.

SB 93 having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed Senate Bills **15, 21** with **SA 4, 63, and 71** and requested the concurrence of the House.

Mr. Bartleson introduced **HB 206**. It was given its first and only reading by title only and assigned to the Committee on Revised Statutes.

HB 206—“An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, By Exempting Lands and Improvements of The Shellcrest Swimming Club, Inc. from Assessment and Taxation.”

Mr. Pratt introduced **HA 1** to **HB 162**.

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 162** be placed with the bill. The motion prevailed.

Mr. Davidson introduced **HA 1** to **HB 75**.

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 75** be placed with the bill. The motion prevailed.

Mr. Davidson introduced **HA 1** to **HB 174**.

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 174** be adopted by voice vote. The motion prevailed.

Mr. Davidson moved that **HB 174** as amended be given its third and final reading and taken up for consideration in order to pass the House.

HB 174—“An Act to Amend Section 8105, Title 9, Delaware Code, Relating to Limitations on Taxing Power.”

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Fifer, Hale, Hanlon, Hocker, Livingston,

Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Exley, Shockley, Wootten—3.

NOT VOTING—Mr. Pratt—1.

HB 174 having received the constitutional majority, passed the House.

Mr. Busker moved that **HB 161** be given third and final reading and taken up for consideration in order to pass the House.

HB 161—"An Act to Amend Section 2101, Title 24, Delaware Code, Relating to Optometry."

The Roll Call revealed:

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

NAYS—None.

ABSENT—Messrs. Dineen, Exley, Shockley, Wootten—4.

HB 161 having received the constitutional majority, passed the House.

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

The following Committee Reports were given as follows:

HB 203—Appropriation, 4 favorable, 1 merit.

HB 143—Revenue and Taxation, 3 favorable, 1 merit.

Mr. Eskridge introduced **HB 207**. It was given its first and only reading by title only and assigned to the Committee on Appropriations.

HB 207—"An Act Appropriating Money to The Delaware Safety Council, Inc."

At 3:42 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Monday, April 15, 1963. The motion prevailed by voice vote.

29th LEGISLATIVE DAY

The Speaker called the House to order at 2:43 P.M. on Monday, April 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 34 members present; 1 absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Busker, 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.

MEMBERS ABSENT—Messrs. Blendt—1.

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 Report was given:

HB 187—Miscellaneous Bills, 4 favorable, 1 on merit.

Mr. Kirkby moved that **HB 171**—"An Act to Reincorporate the Town of Houston," be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Kirkby introduced **HA 1** to **HB 171**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 171** be adopted by voice vote. The motion prevailed.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Casey, 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—33.

NAYS—None.

ABSENT—Messrs. Blendt, Clifton—2.

HB 171 to **HA 1** having received the constitutional majority, passed the House.

At 2:52 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 5:14 P.M. the Speaker called the House to order.

Mr. Casey introduced **HB 208**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Diamond State Grange No. 1 From Assessment and Taxation."

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

Mr. Exley introduced **HR 49**. 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 49** be adopted by voice vote. The motion prevailed.

HR 49—"Authorizing the Payment of Certain Expenses for the Printing of Part of the House Calendar 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 Two hundred ninety two dollars (\$292.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the Sussex Countian, Georgetown, Delaware for printing forty (40) pages of the House Calendar for the House of Representatives of the 122nd General Assembly.

Mr. Fifer introduced **HB 209**—"An Act to Amend Chapter 43, Title 21, Delaware Code, Regulating the Stopping of School Busses."

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

Mr. Pratt moved that **HB 162**—"An Act to Amend Chapter 1, Title 26, Delaware Code Relating to Authority of the Public Service Commission over Motor Carriers of Freight, Property and/or Commodities for Hire," be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Pratt moved that **HA 1** having previously been placed with the bill, be adopted. On the question, "Shall this amendment pass the House?" the roll call revealed:

YEAS—Messrs. Atkins, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Fifer, Hanlon, Hocker, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—24.

NAYS—Messrs. Best, Downs, Hale—3.

ABSENT—Messrs. Annett, Blendt—2.

NOT VOTING—Messrs. Bartleson, Casey, Correll, Exley, Jarrell, Keenan.—6.

HA 1 to **HB 162** having received the constitutional majority, passed the House.

On the question, "Shall **HB 162** as amended under **HA 1**, pass the House?" the roll call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Busker, 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—33.

NAYS—None.

ABSENT—Annett, Blendt—2.

HB 162 to **HA 1** having received the constitutional majority, passed the House.

Mr. Dineen moved that **HB 124**—An Act Making a supplementary appropriation to the State Tax Department for the Fiscal Year Ending June 30, 1963 to Inaugurate a unit of the State Tax Department Designated as "Taxation and Statistics Research", 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, Busker, 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—33.

NAYS—None.

ABSENT—Messrs. Annett, Blendt—2.

HB 124 having received the constitutional majority, passed the House.

The following Committee Report was given:

SB 8—Revenue and Taxation, 1 favorable, 4 on merits.

At 5:36 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Tuesday, April 16, 1963. The motion prevailed by voice vote.

30th LEGISLATIVE DAY

The Speaker called the House to order at 1:43 P.M. on Tuesday, April 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 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, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—34.

MEMBERS ABSENT—Mr. Younger—1.

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.

HR 27 was read by the reading clerk. Pursuant to **HR 27**, members of the 104th General Assembly were introduced.

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

On date indicated, the Governor approved the following legislation:

January 17, 1963—**HB 2**.

February 7, 1963—**HS 1** for **HB 17**.

February 8, 1963—**HB 29**; **HB 30**; **HB 31**.

January 17, 1963—**HB 3** became law without the Governor's signature as a Constitutional Amendment.

February 25, 1963—**HB 32**.

February 27, 1963—**SB 40**.

March 4, 1963—**HB 71**.

March 13, 1963—**HJR 2**.

March 19, 1963—**SB 9**.

March 29, 1963—**HJR 1**.

On date indicated the following bills, being Constitutional Amendments, became law without the Governor's signature:

March 27, 1963—**HB 10; HB 11**.

Mr. Dineen moved that **HB 166**—"An Act Making Appropriations for the Expense of the State Government 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.

Mr. Dineen moved that **HA 1** to **HB 166** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

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

NAYS—Messrs. Atkins, McGinnis, Pratt, Shulties—4.

HB 166/HA 1 having received the constitutional majority, passed the House.

Mr. Isaacs moved that **HB 143**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Delaware Society for Crippled Children and Adults, Inc. From Assessment and Taxation," 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, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis,

Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—35.

NAYS—None.

HB 143 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 4:36 P.M. the Speaker called the House to order.

Mr. Best introduced **HB 210**—"An Act to Amend Title 29, Delaware Code, Entitled "State Government" by Providing for a Department of Finance, Transferring Certain Functions Thereto, Defining its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds."

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

Mr. Best introduced **HA 1** to **HB 184**. 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 184** be placed with the bill. The motion prevailed.

Mr. Isaacs moved that **HB 187**—An Act to Amend Chapter 41, Title 21, Delaware Code Entitled, "Driving Regulations" by Excepting Emergency Vehicles, as Herein Defined From its Application, 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, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Younger, Mr. Speaker—32.

NAYS—Messrs. Clifton, Wootten—2.

ABSENT—Mr. Quigley—1.

HB 187 having received the constitutional majority, passed the House.

Mr. Eskridge introduced **HS 1** to **HB 207**. "An Act Appropriating Money to the Delaware Safety Council, Inc."

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

Mr. Eskridge introduced **HB 211**—"An Act Amending § 7704, Title 11, Delaware Code, Relating to Parole Officers."

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

Mr. Eskridge introduced **HJR 3**. It was given its first reading by title only.

HJR 3—"Providing for the Withdrawal from the Southern Regional Education Compact."

WHEREAS, by virtue of that certain Senate Joint Resolution adopted April 5, 1955 and set forth as Chapter 646, Volume 50, Laws of Delaware, the General Assembly of the State of Delaware adopted the Southern Regional Education Compact, and

WHEREAS, the Compact in part provides and sets forth a means for withdrawal therefrom which reads as follows:

"After becoming effective this Compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two (2) years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact.", and

WHEREAS, the State of Delaware has found the objectives most worthwhile, yet it is believed that Delaware cannot materially contribute to or benefit from the Compact's objectives,

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

Section 1. The State of Delaware does hereby withdraw from the Southern Regional Education Compact subject to the agreements, covenants and obligations therein set forth and binding upon the State.

Section 2. The Chief Clerk of the House of Representatives of the 122nd General Assembly is directed to send forthwith a certified copy of this House Joint Resolution to the Board of Control for Southern Regional Education, and the Chief Clerk of the House of Representatives of the 122nd General Assembly shall notify said Board in writing of the withdrawal of the State of Delaware from said Compact such withdrawal to become effective as therein provided, to-wit: two (2) years after written notice is submitted to the Board accompanied by a certified copy of the requisite legislative action.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HJR 3**. The motion prevailed by voice vote.

Mr. Eskridge moved that **HJR 3**. "Providing for the withdrawal from the Southern Regional Education Compact," be given its third and final reading and taken up for consideration in order to pass the House.

HJR 3 was adopted by voice vote.

SB 63—"An Act to Provide tax Exemption for the Gymnasium Building Owned by the Wilmington Turngemeinde at 1600 Beech Street in the City of Wilmington," was given its first reading by title only and assigned to The Committee on Revenue and Taxation.

SB 71—"An Act to Amend Title 9, Delaware Code, Relating to the Election, Qualification, Powers and Duties of the Levy Court Commissioners for New Castle County," was given its first reading by title only and assigned to The Committee on Revised Statutes.

SB 15—"An Act to Amend Title 29, Section 5501, Delaware Code, Relating to State Pension Plan by Extending coverage to Employees of the Merit system of Personnel Administration," was given its first reading by title only and assigned to the Committee on Revised Statutes.

SB 52—"An Act to Amend Section 5922, Title 11, Delaware Code, Relating to Fees of Justice of the Peace in Criminal Cases," was given its first reading by title only and assigned to The Committee on Judiciary.

SB 35—"An Act to Waive the Sovereign Immunity of the State of Delaware and Permit a Suit in Tort Against the State of Delaware by James F. Long and Ray E. Parsons, Arising out of Water Damage Sustained on August 31, 1960 From a Drain Maintained by the State Highway Department," was given its first reading by title only and assigned to the Committee on Judiciary.

SB 43—"An Act to Raise the Maximum Amount of Old Age Assistance," was given its first reading by title only and assigned to the Committee on Revised Statutes.

SB 21/SA 4—"An Act Establishing a Capital Investment Fund and Providing for the Payment Into the Fund of all Income Tax Payments 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," 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 62/SA 1** and requested the concurrence of the House.

Mr. Annett introduced **HB 212**—"An Act Designating A Portion of Each Year for Daylight Saving Time."

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

The following Committee Report was given:

SB 53—Judiciary, 5 favorable.

Mr. Exley introduced **HA 1** to **HB 80**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 80** be adopted by voice vote. The motion prevailed.

Mr. Lowe introduced **HB 213**—"An Act to Amend Chapter 23, Title 30, Delaware Code, and Chapter 3, Title 28, Delaware Code, and chapter 5, Title 28, Delaware Code, Pertaining to Occupational Licenses for Employees and Persons Connected with Race Tracks."

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

Mr. Shockley introduced **HB 214**—"An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Capital Improvements and Expenditures in the Nature of Capital Investments for the use of the State Board of Trustees of the Delaware State Hospital at Farnhurst and to Issue Bonds and Notes Therefor."

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

Mr. Isaacs introduced **HR 50**. 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 50** be adopted by voice vote. The motion prevailed.

HOUSE RESOLUTION 50

IN REFERENCE TO ELECTION OF OFFICERS.

WHEREAS, Joseph W. Carey was previously elected to the office of Sergeant at Arms but has resigned effective April 10, 1963,

NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Joseph W. Carey is hereby relieved from the duties of Sergeant at Arms effective April 10, 1963, and

BE IT FURTHER RESOLVED that N. Eugene Campbell is hereby elected to serve as Sergeant at Arms effective April 10, 1963, to serve during the pleasure of the House of Representatives.

Mr. Best introduced **HA 1** to **HB 184**. 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 184** be placed with the bill. The motion prevailed.

At 5:08 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Wednesday, April 17, 1963. The motion prevailed by voice vote.

31st LEGISLATIVE DAY

The Speaker called the House to order at 2:07 P.M. on Wednesday, April 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 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, Keenan, Kirkby, Lowe, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. McGinnis, Pratt—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.

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

On date indicated, the Governor approved the following legislation:

April 9, 1963—**HB 77**.

April 11, 1963—**SB 64**; **SB 93**.

April 16, 1963—**HB 13/HA 1**.

Mr. Casey introduced **HB 215**—"An Act to Provide for the Enlargement and Improvement of the Newport 21 School District, Commonly Known as the Krebs School and Making a Supplementary Appropriation Therefor."

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

It was regularly moved and seconded that **HB 149** be stricken from the calendar. The motion prevailed by voice vote.

A messenger from the Senate informed the House that the Senate had passed **SB 94** and requested the concurrence of the House.

Mr. Phillips introduced **HB 216**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Nur Temple Holding Co., from Assessment and Taxation."

It was given its first reading by title only and assigned

to the Committee on Revenue and Taxation.

Mr. Dineen introduced **HB 217**—"An Act to Amend Title 31, Delaware Code, by Redefining the Financial Participation of the Counties and the State in the State Public Assistance Code."

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

Mr. Shockley introduced **HB 218**—"An Act Making an Appropriation to the Civil War Centennial Commission."

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

Mr. Lowe moved that **SB 8**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of The Eastern Shore Fox Hunters' Association," 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 **SB 8** be laid on the table. The motion prevailed by voice vote.

Mr. Quigley moved that **HB 175**—"An Act to Amend Section 1931, Title 14, Delaware Code, Relating to a Tax on Trailers," 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 **HB 175** be laid on the table. The motion was lost by voice vote.

It was regularly moved and seconded that action on **HB 175** be temporarily deferred. The motion prevailed by voice vote.

Mr. Casey introduced **HS 1** for **HB 208**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Diamond State Grange No. 2 from Assessment and Taxation."

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

Mr. Hale introduced **HB 219**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Newark New Century Club from Assessment and Taxation."

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

Mr. Busker introduced **HB 220**—"An Act to Amend

Chapter 3, Title 9, Delaware Code, by Providing for the Election of Levy Court Commissioners in Kent County on a County Wide at Large Basis.”

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

At 3:02 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 4:40 P.M. the Speaker called the House to order.

At 4:45 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Thursday, April 18, 1963. The motion prevailed by voice vote.

32nd LEGISLATIVE DAY

The Speaker called the House to order at 2:55 P. M., Thursday, April 18, 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, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT: Messrs. Blendt, Pratt, 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.

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

On date indicated, the Governor approved the following legislation:

April 16, 1963—**SB 14; SB 38; SB 44/HA 1; SJR 2; HB 72; HB 90/HA 1.**

The following Committee reports were given:

HB 216—Revenue and Taxation, 2 favorable; 2 on merits, by Mr. Phillips; **HS 1** for **HB 207**—Appropriation, 4 favorable, by Mr. Eskridge; **HB 89**—Revised Statutes, 3 favorable; 2 on merits, by Mr. Eskridge; **SB 21** with **SA 4**—Re-

vised Statutes, 3 favorable; 1 on merit; **HB 53**—Appropriation, 4 favorable; by Mr. Shockley; **HB 186**—Appropriation, 3 favorable; 1 on merit, by Mr. McGinnis.

Mr. Dineen moved that **HB 6**—“An Act to Amend Title 29, Delaware Code, Entitled “State Government,” by Providing for a Budget Director, Transferring Certain Functions Thereto, Transferring Certain Other Functions Among Existing State Agencies,” be given its third and final reading and taken up for consideration in order to pass the House.

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

It was regularly moved and seconded that action on **HB 6** with **HA 1** be temporarily deferred. The motion was lost by voice vote.

The Roll Call revealed:

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

NAYS—None.

ABSENT—Messrs. Best, Isaacs, Pratt, Shockley—4.

HB 6 As amended having received the constitutional majority, passed the House.

Mr. Lowe introduced **HB 221**—“An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Definition of “Dependent” and Credits for Dependents.”

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

Mr. Quigley introduced **HB 222**—“An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Penn Acres Swim Club, Inc. from Assessment and Taxation.”

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

Mr. Eskridge introduced **HB 223**—“An Act Increasing the Membership of the State Board of Trustees of the Delaware State Hospital at Farnhurst.”

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

Mr. Eskridge introduced **HS 1** for **HB 164**—"An Act to Amend Title 29, Section 6702, Delaware Code, Relating to Contracts for Supplies or Work."

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

Mr. Phillips introduced **HR 51**. 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 51** be adopted by voice vote. The motion prevailed.

HOUSE RESOLUTION 51

IN REFERENCE TO THE ELECTION OF OFFICERS

WHEREAS, the following persons have previously been elected to the offices appearing opposite their names but have resigned effective at the close of the Legislative Day, April 17, 1963,

NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the following persons are relieved from their duties effective at the close of the Legislative Day, April 17, 1963.

Thomas Taylor—Doorman
 W. Harrison Melvin—Sergeant-at-arms
 George B. Vincent—Sergeant-at-arms
 Harry White—Messenger
 Alvin Brown—Messenger
 Pauline Bennett—House Messenger
 Doris Meyers—Page
 Charles Hartnett—House Messenger

BE IT FURTHER RESOLVED that the following persons are hereby elected to the office appearing opposite their names effective April 17, 1963 to serve during the pleasure of the House of Representatives.

Frank P. Hudson (to replace Thomas Taylor)—Doorman.

Clarence M. Collins (to replace W. Harrison Melvin)—Sergeant-at-arms.

P. Donald Brown (to replace George B. Vincent)—Sergeant-at-arms.

Andrew P. Reynolds (to replace Harry White)—Messenger.

Willard C. Robbins (to replace Alvin Brown)—Messenger.

Helen Mullins (to replace Pauline Bennett)—House Messenger.

Gustave Richardson (to replace Doris Meyers)—Page.

Doris M. Nickerson (to replace Charles Hartnett)—House Messenger.

At 3:29 P. M. it was regularly moved and seconded that the House adjourn until 1:00 P. M., Monday, April 22, 1963.

The motion prevailed by voice vote.

33rd LEGISLATIVE DAY

The Speaker called the House to order at 3:25 P.M. on Monday, April 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 34 members present; 1 absent.

MEMBERS PRESENT—Messrs. Atkins, Bartleson, Best, Blendt, Busker, 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.

MEMBERS ABSENT—Mr. Annett—1.

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 221—Revenue and Taxation, 4 favorable, 1 on merit.

SB 74—Corporations Municipal, 4 favorable, 1 on merit.

SB 75—Corporations Municipal, 4 favorable, 1 on merit.

HB 209—Miscellaneous, 4 favorable, 1 on merit.

HB 169—Fish, Oyster & Game, 3 favorable, 2 on merits.

HB 55—Fish, Oyster & Game, 1 favorable, 4 on merits.

HB 54—Fish, Oyster & Game, 1 favorable, 4 on merits.

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

On date indicated, the Governor approved the following legislation:

April 16, 1963—**SB 14; SB 38; SB 44/HA 1; SJR 2; HB 72; HB 90/HA 1.**

Mr. Best introduced **HB 224**—“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 and Providing that Certain Revenues Shall be Applied to the Payment of the States Share of the Cost.”

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

Mr. Shulties introduced **HR 52**. 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 52** be adopted by voice vote. The motion prevailed.

HOUSE RESOLUTION 52

IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS, Robert Bloth, Jr. was previously elected to the office of Doortender of the House, but has resigned effective at the close of the 32nd Legislative day.

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that the resignation of Robert Bloth, Jr. as Doortender is hereby accepted as of the end of the 32nd legislative day, and

BE IT FURTHER RESOLVED that Cooper Hurd is hereby elected to serve as Doortender in the House, to serve during the pleasure of the House.

Mr. Shockley introduced **HB 225**—“An Act to Amend Section 1801, Title 9, Delaware Code, Relating to Indigent Sick.”

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

The following Committee Report was given:

HB 191—Corporations Municipal, 2 favorable, 2 on merits.

Mr. Exley introduced **HR 53**. 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 53** be adopted by voice vote. The motion prevailed.

HR 53—“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 \$261.80 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 for the House of Representatives of the 122nd General Assembly.

Mr. Busker introduced **HCR 9**. It was given its first reading by title only.

HCR 9—“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.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 9**.

It was regularly moved and seconded that action on motion to suspend rules be temporarily deferred. The motion prevailed by voice vote.

SB 62/SA 1—“An Act to Amend Section 9525, Title 10, Delaware Code, Relating to Deposit for Costs in Actions Before a Justice of the Peace,” was given its first reading by title only and assigned to the Committee on Judiciary.

SB 94—“An Act to Amend Section 8324, Title 11, Delaware Code, Relating to Eligibility of Permanently Injured Members of the State Police for Pension Benefits,” was given its first reading by title only and assigned to the Committee on Judiciary.

Mr. Blendt introduced **HCR 10**. It was given its first reading in its entirety and assigned to Committee on Public Buildings & Highways.

HCR 10—“Relative to the Mowing of Grass on all Highways Under the Control and Maintenance of the State Highway Department.”

WHEREAS, the State Highway Department in former years has either through contract or utilizing its own resources, kept the grass mowed on all State controlled and maintained highways throughout the State and,

WHEREAS, in recent years the grass has been allowed to grow unmowed along many state maintained side roads and,

WHEREAS, the situation of unmowed grass along the side roads is not only unsightly but presents a positive hazard to traffic safety along such roads,

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly, the Senate concurring therein,

that the Highway Department of the State of Delaware be directed to keep the grass mowed along all State controlled and maintained highways, either with the State Highway Department equipment and employees or by virtue of agreements entered into with contract mowers.

At 3:47 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 5:43 P.M. the Speaker called the House to order.

Mr. Hocker introduced **HB 226**—"An Act Proposing an Amendment to Article 5, Section 2 of the Constitution of the State of Delaware Relating to Qualifications for Voting, by Changing the Voting Age from Twenty-One to Eighteen Years of Age."

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

The following Committee Report was given:

HS 1 to **HB 164**—Revised Statutes, 5 favorable.

At 5:45 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Tuesday, April 23, 1963. The motion prevailed by voice vote.

34th LEGISLATIVE DAY

The Speaker called the House to order at 1:56 P.M. on Tuesday, April 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 34 members present; 1 absent.

MEMBERS PRESENT—Messrs. Atkins, Bartleson, Best, Blendt, Busker, 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.

MEMBERS ABSENT—Mr. Annett—1.

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 5—Judiciary, 2 favorable, 3 on merits.

SS 1 for **SB 18**—Judiciary, 2 favorable, 3 on merits.

HB 185—Revised Statutes, 1 favorable, 4 on merits.

HB 170—Revised Statutes, 1 favorable, 4 on merits.

Mr. Eskridge introduced **HB 227**—An Act to Amend Chapter 274, Volume 53, Laws of Delaware, Entitled “An Act Making Supplementary Appropriations to the State Planning Office for Operations for the Fiscal Year Ending June 30, 1962 and for the Undertaking of a Development Plan for the State.”

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

Mr. Eskridge introduced **HB 228**—“An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicles by Adopting the Uniform Rules of the Road and Making Other Amendments.”

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

Mr. Dineen introduced **HB 229**—“An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors by Increasing the License Fee for Clubs Serving Alcoholic Liquors not for Consumption on the Premises.”

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

Mr. Dineen introduced **HB 230**—“An Act to Amend Chapter 81, Title 9, Delaware Code, Entitled Limitations Upon Taxing Power.”

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

Mr. McGinnis introduced **HB 231**—“An Act Authorizing and Directing the Levy Court of Kent County to Reimburse Charles E. Emery and Irene G. Emery, Property 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. Blendt introduced **HB 232**—“An Act Appropriating the Sum of \$10,000 to the State Board of Education to Pay a Stipend to Teachers Who Will be Trained at the University of Delaware to Teach About Communism in the Public Secondary Schools of the State.

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

Mr. Best introduced **HB 233**—“An Act to Amend Chapter 13, Title 14 by Adding Provisions for Compensation of Teachers on Sabbatical Leave.”

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

Mr. Eskridge moved that **HS 1** to **HB 164**—"An Act to Amend Title 29, Section 6702, Delaware Code, Relating to Contracts for Supplies or Work," 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, 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. Annett—1.

HS 1 to **HB 164** having received the constitutional majority, passed the House.

Mr. Bartleson moved that **HB 51**—"An Act to Amend Chapter 17, Title 9, Delaware Code, Relating to Employees' Pensions of 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 **HB 51** be temporarily deferred. The motion prevailed by voice vote.

A messenger from the Senate informed the House that the Senate had passed **SB 60** and requested the concurrence of the House.

Mr. Shockley moved that **SB 74**—An Act to Amend an Act Entitled "An Act to Re-Incorporate The Town of Millsboro," Being Chapter 203, Volume 25, Laws of Delaware, as Amended, by Increasing the Number of Commissioners; Establishing Representative Districts; Changing Qualifications for Voters at Annual Election; and Changing the Date of the Annual Election, 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, 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. Annett—1.

SB 74 having received the constitutional majority, passed the House.

Mr. Shockley moved that **SB 75/SA 1**—“An Act to Authorize the Commissioners of Millsboro to Borrow \$600,000 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Improving and Extending the Water System and of Providing a Sewage Disposal Plant and System in the Town of Millsboro and to Control and Regulate the Same,” 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, Blendt, Busker, 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. Annett—1.

SB 75/SA 1 having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 216**—“An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Nur Temple Holding Co., from Assessment and Taxation,” 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, Casey, Clifton, Correll, Davidson, Dineen, Downs, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shulties, Walls, Younger, Mr. Speaker—27.

NAYS—Messrs. Busker, Eskridge, Shockley—3.

ABSENT—Mr. Annett—1.

NOT VOTING—Messrs. Darling, Pratt, Wootten—3.

PRESENT—Mr. Blendt—1.

HB 216 having received the constitutional majority, passed the House.

Mr. Shockley introduced **HA 2** to **HB 75**. 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 75** be placed with the bill. The motion prevailed.

Mr. Hocker introduced **HB 234**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of Wilbert E. Hocker Enterprises from Assessment and Taxation."

It was given its first reading in its entirety.

It was regularly moved and seconded that **HB 234** be laid on the table. The motion prevailed by voice vote.

Mr. Hocker introduced **HB 235**—"An Act to Amend Section 8103, Title 9, Delaware Code, Relating to Exemptions from Taxation of Certain Property Owned by Governmental, Religious, Educational or Charitable Agencies."

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

Mr. Walls introduced **HR 54**. 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 54** be adopted by voice vote. The motion prevailed.

HR 54—"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 36th 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	\$ 52.00
Robert B. Atkins	100.00
T. Lees Bartleson	110.00
William T. Best	95.00
Carlton Blendt, Jr.	40.00
Glenn W. Busker	26.00
Andrew J. Casey	100.00
Carlton Clifton	60.00
Jacob A. Correll	84.00
Gooden M. Darling	24.00
Robert C. Davidson	62.00
Russell F. Dineen	100.00
Robert N. Downs, III	96.00
Norman A. Eskridge	70.00
George H. Exley	40.00
Harvey P. Fifer	10.00
Everette Hale	90.00
Thomas J. Hanlon	100.00
Wilbert E. Hocker	120.00
M. Martin Isaacs	96.00
Maurice N. Jarrell	4.00
Ralph S. Keenan	100.00
George Kirkby	48.00
Paul F. Livingston	100.00
Granville T. Lowe	100.00
James D. McGinnis	
W. Harrison Phillips	102.00
J. Reynolds Pratt	32.00
James R. Quigley	90.00
Paul E. Shockley	100.00
H. Dawson Shulties	20.00
Joseph B. Walls	96.00
Wallace P. Wootten	26.00
Norman N. Younger	46.00
Sherman W. Tribbitt	50.00

Mr. Walls introduced **HR 55**. 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 55** be adopted by voice vote. The motion prevailed.

HR 55—“Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representa-

tives 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 27th Legislative Day and including the 36th Legislative Day, of the current session.

John J. Argo	\$250.00
Frederick Bell	200.00
Pauline Bennett	80.00
Gerald Berkowitz	375.00
Beverly J. Blevins	275.00
Robert Bloth, Jr.	120.00
Ida Brassure	275.00
Alvin Brown	80.00
P. Donald Brown	120.00
Addie Budd	200.00
Frank Calio	250.00
N. Eugene Campbell	200.00
Harold Clendaniel	200.00
Clarence M. Collins	120.00
Helen M. Collins	200.00
Clara Conley	200.00
Carroll Cordrey	200.00
Martha Dixon	200.00
Micheline Duff	275.00
Sam C. Elliott	200.00
Emogene Ellis	275.00
Roy Freeman	198.00
Dorothy Gagnon	200.00
Charles E. Hartnett	80.00
Edna Hartsell	250.00
Cora Hilyard	200.00
Cooper Hurd	80.00
Bradford Holliday	200.00
Frank P. Hudson	120.00
Margaret Hurley	200.00
Frank Ingram	200.00
Claude Jordon	200.00
Mildred A. Keeler	200.00
J. Howard Link	240.00

Venie R. Lloyd	275.00
Barney J. Lofland	200.00
Harrison Melvin	80.00
Doris Meyers	80.00
Jennings Moore	200.00
Helen Mullins	120.00
Richard Norwood	200.00
Doris M. Nickerson	120.00
Louise H. Pennewill	275.00
Walter Pyle	275.00
James R. Quigley, Jr.	250.00
Andrew P. Reynolds	120.00
William Reynolds	200.00
Willard C. Robbins	120.00
J. Fred Robinson	200.00
Gustave Richardson	120.00
Ruth Ross	200.00
James Rowlinson, Sr.	200.00
John Smith	200.00
Ralph Spitzer	200.00
Francis X. Splane	330.00
Nelson Stubbs	200.00
Olive Sutton	200.00
Catherine Swartwood	275.00
Thomas Taylor	80.00
Bailey Thomas	250.00
Alex Tomkiewicz	275.00
Harrison E. Turner	750.00
George B. Vincent	80.00
Elizabeth Wainwright	250.00
Lillian Wallace	200.00
James A. Walsh	375.00
William J. Warwick	250.00
Melba Webb	165.00
Roland West	250.00
Harry White	80.00
Dorothy Williams	200.00
Harry Wootten	200.00

At 4:45 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Wednesday, April 24, 1963. The motion prevailed by voice vote.

35th LEGISLATIVE DAY

The Speaker called the House to order at 3:05 P.M. on Wednesday, April 24, 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. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Messrs. Annett, Lowe, 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.

On date indicated, the Governor approved the following legislation:

April 19, 1963—**SS 1** for **SB 1**; **HB 7/HA 2**.

The following Committee Report was given:

HB 156—Revised Statutes, 4 favorable, 1 on merits.

A messenger from the Senate informed the House that the Senate had passed **House Bills 98, 166** with **HA 1** and **HJR 3** and was returning the same to the House.

At 3:10 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 3:34 P.M. the Speaker called the House to order.

Mr. Blendt introduced **HB 236**—“An Act Appropriating the Sum of \$80,000 to the State Board of Education for the Purpose of Establishing Adult Evening High Schools.”

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

Mr. Blendt introduced **HB 237**—“An Act to Establish a Merit System of Personnel Administration for the Civil Service of New Castle County.”

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

Mr. Blendt introduced **HA 1** to **HB 188**. 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 188** be adopted.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Blendt, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Fifer, Hanlon, Livingston, Isaacs, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—25.

NAYS—Messrs. Best, Casey, Hale, Jarrell—4.

ABSENT—Messrs. Annett, Lowe—2.

NOT VOTING—Messrs. Correll, Downs, Hocker, Keenan—4.

Roll Call on adoption of **HA 1** to **HB 188** having received the constitutional majority, passed the House.

Mr. Blendt moved that **HB 188** with **HA 1**—“An Act to Amend Section 1905, Title 14, Delaware Code, Pertaining to Voter Qualifications in Special Elections Held to Determine the Specified Amount or Specified Rate of Taxation for Local School Taxes,” 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, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Livingston, Isaacs, Keenan, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—30.

NAYS—Messrs. Best, Hocker—2.

ABSENT—Messrs. Annett, Lowe—2.

NOT VOTING—Mr. Jarrell—1.

HB 188 with **HA 1** having received the constitutional majority, passed the House.

Mr. Fifer moved that **HB 209**—“An Act to Amend Chapter 43, Title 21, Delaware Code, Regulating the Stopping of School Busses,” 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 209** be temporarily deferred. The motion was lost by voice vote.

The Roll Call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston,

Isaacs, Jarrell, Keenan, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Annett, Lowe—2.

HB 209 having received the constitutional majority, passed the House.

Mr. Atkins moved that **HB 61**—“An Act to Amend Chapter 41, Title 21, of the Delaware Code of 1953 by Prohibiting Evidence Obtained From Electronic Radar Speed Meters to be used in Prosecutions for Violations of the Speed Laws of the State of Delaware,” 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 61** be laid on the table. The motion prevailed by roll call vote.

The Roll Call revealed:

YEAS—Messrs. Atkins, Clifton, Darling, Davidson, Dineen, Fifer, Hanlon, Livingston, Isaacs, Kirkby, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger—18.

NAYS—Messrs. Bartleson, Best, Busker, Casey, Correll, Downs, Eskridge, Exley, Hale, Hocker, Jarrell, Keenan, McGinnis—13.

ABSENT—Messrs. Annett, Lowe—2.

NOT VOTING—Mr. Blendt, Mr. Speaker—2.

The motion to lay the roll call on **HB 61** on the table having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 75**—“An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to State Supported Salary Schedules for School Employees and Making a Supplementary Appropriation to the State Board of Education,” be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Davidson moved that **HA 1 to HB 75** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

Mr. Shockley moved that **HA 2 to HB 75** having previously been placed with the bill, be adopted by voice vote. Question prevailed. On the question, “Shall this bill pass the House?” the roll call revealed:

YEAS—Messrs. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Downs, Eskridge,

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

NAYS—None.

ABSENT—Messrs. Annett, Lowe—2.

PRESENT—Mr. Dineen—1.

HB 75 with **HA 1 and 2** having received the constitutional majority, passed the House.

Mr. Pratt moved that **HB 44**—“An Act Making a Supplementary Appropriation to the State Law Library in Kent County for the Fiscal Year Ending June 30, 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. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Annett, Lowe—2.

HB 44 having received the constitutional majority, passed the House.

At 4:44 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Thursday, April 25, 1963. The motion prevailed by voice vote.

36th LEGISLATIVE DAY

The Speaker called the House to order at 2:26 P.M. on Thursday, April 25, 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. 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, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Messrs. Annett, 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.

The following Committee Reports were given:

HS 1 for **HB 208**—Revenue and Taxation, 3 favorable, 2 on merits, by Mr. Casey; **HB 230**—Revenue and Taxation, 3 favorable, 1 on merit, by Mr. Dineen; **HB 231**—Revenue and Taxation, 3 favorable, 1 on merit, by Mr. McGinnis; **HB 235**—Revenue and Taxation, 4 favorable, by Mr. Hocker; **HB 211**—Judiciary, 2 favorable, 3 on merits, by Mr. Eskridge; **SB 10**—Appropriation, 5 favorable; **SB 24**—Appropriation, 5 favorable; **HB 45**—Military Affairs, 4 favorable, 1 on merit, by Mr. Kirkby.

SB 60—“An Act Making a Supplementary Appropriation to the Blades School District #172 Sussex County for Operational Expenses for the Fiscal Year Ending June 30, 1963,” was given its first reading by title only and assigned to the Committee on Appropriations.

Mr. Dineen introduced **HB 238**—“An Act to Repeal Section 312, Title 18, Delaware Code Relating to Expenses and Contingent Fund of the Insurance Commissioner.”

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

Mr. Dineen introduced **HB 239**—“Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making Appropriations Therefor.”

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

Mr. Best introduced **HB 240**—“An Act to Amend Title 15, Delaware Code, with Respect to Registration of Voters, by Providing for a General Registration every Eight Years, for Supplementary Registrations, for limited absentee registration, and for the Times, Places and Procedure for all Such Registrations.”

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

Mr. Best introduced **HB 241**—“An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Department of Elections for New Castle County.”

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

Mr. Best introduced **HB 242**—"An Act to Amend Chapter 1, Title 15, Delaware Code, to Provide That the President and Secretary not Belong to the Same Political Party."

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

Mr. Best introduced **HB 243**—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Departments of Elections for Kent and Sussex Counties."

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

Mr. Walls introduced **HR 56**. 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 56** be adopted by voice vote. The motion prevailed.

HR 56—"Authorizing the Payment of Certain Expenses Incurred by the House of Representatives of the 122nd General Assembly for Purchase of a Typewriter."

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the 122nd General Assembly of the State of Delaware that the sum of three-hundred seventy-nine dollars (\$379.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated to pay the IBM Corporation, 909 Delaware Avenue, Wilmington 99, Delaware for one I.B.M. Typewriter for the Chief Clerk's Office of the House of Representatives of the 122nd General Assembly.

Mr. Hocker introduced **HB 244**—"An Act to Amend Section 1117, Title 30, Delaware Code, Relating to Deductions."

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

Mr. Eskridge moved that **HB 50**—"An Act to Amend Title 31, Delaware Code, with Respect to Support From Relatives of Persons Applying for or Receiving Public Assistance," be given 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, Correll, Darling, Dineen, Downs, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Annett, Davidson, Fifer, Shockley—4.

HB 50 having received the constitutional majority, passed the House.

Mr. Younger introduced **HB 245**—“An Act to Amend Chapter 3, Title 19, Delaware Code, by Providing Conditions for Employment of Female Labor Between the Hours of 11:00 P.M. and 7:00 A.M.”

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

At 2:40 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 4:57 P.M. the Speaker called the House to order.

Mr. Eskridge introduced **HB 246**—“An Act Providing for the Transfer of the Functions of the Interstate Commission on the Delaware River Basin and for the Disposition of its Unexpended Funds and Properties and Repealing Chapter 5, Title 23, Delaware Code Relating to Conservation and Safeguard of Water Resources in the Delaware River Basin.”

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

The Chair recognized Mr. Howard Mills of the 119th General Assembly.

Mr. Dineen introduced **HB 247**—“An Act to Amend Section 1307, Title 14, Delaware Code, Relating to Salary Schedule for Principals Subordinate to a Chief School Officer, and Making a Supplementary Appropriation for the Fiscal Year Ending June 30, 1964.”

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

Mr. Pratt introduced **HB 248**—“An Act to Amend Title 18, Delaware Code, to Prohibit the Charging of Certain Fees in Connection with the Issuance and Cancellation of Insurance Policies and Providing Criminal Penalties Therefor.”

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

Mr. Busker moved that **SB 21** with **SA 1-2-4**—“An Act Establishing a Capital Investment Fund and Providing for the Payment into the Fund of all Income Tax Payments to the State of Delaware Based on Taxable Income Resulting

from Distributions of Divested Stock as Defined in Section IIII of the United States Internal Revenue Code of 1954," 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, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—23.

NAYS—Messrs. Bartleson, Best, Casey, Correll, Downs, Hale, Hocker, Jarrell, Keenan—9.

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

SB 21 with **SA 1, 2** and **4** having received the constitutional majority, passed the House.

At 5:05 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Monday, April 29, 1963. The motion prevailed by voice vote.

37th LEGISLATIVE DAY

The Speaker called the House to order at 1:58 P.M. on Monday, April 29, 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 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, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, 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 communication was made part of the record.

Frankford, Delaware
April 25, 1963

The Honorable Robert B. Atkins
Member of the General Assembly
State of Delaware
Dover, Delaware

Dear Sir:

This is to express the opposition of the Sidney J. Clark Democratic Club of Sussex County to House Bill 20 and its substitute 1.

Reasons for our opposition are as follows:

1. Both House Bill 20 and its substitute 1 provide only for consolidation, not integration, of schools which will comprise the new districts. This means that all aspects of the operation of the presently segregated Negro schools will be centered in school officials who are racially homogeneous (white), leaving the Negro schools stripped of all authority in the operation of the schools designed for the education of Negroes.

Such provision, as we understand the democratic way of life is diametrically opposed to a fundamental principle of democracy; namely, that individuals and/or groups to be affected by the adoption of some major policy, plan, or operation should have some voice in the formulation of such major policy, plan, or operation.

While the provision either for the appointment or election (after five years) of board members appears on the surface to be democratic, actually that is not the case, since racial discrimination, on a wholesale basis, is daily practiced in all walks of life, including education. What chance, for instance, even at the expiration of five years, would a Negro candidate for board membership have in Kent and Sussex Counties of being elected? What opportunity, then, in the absence of accurately kept fiscal records would there be of knowing whether an equable share of per pupil appropriations were actually being expended on the same basis? Experience has taught us that such an arrangement cannot be trusted to insure fair treatment where Negro children are involved.

2. Substitute Bill 1 exempts from consolidation the three (3) Negro high schools: William C. Jason, William Henry, and Louis L. Redding Comprehensive High Schools, solely on the ground that consolidation of these schools, would mean the loss of jobs of a large number of Negro teachers.

Since the number of units of school children will not be

reduced, we cannot see how there would be any loss of jobs by Negro teachers—unless, of course, the sponsors of the bill assumed correctly that the new boards would not employ Negro teachers in situations in which any part of the class membership would be white.

Since there is no distinction in certification requirements between White and Negro teachers for filling any given teaching position, the refusal of new boards to permit Negro teachers to follow the children into any situation in which any part of the class membership would be white clearly constitutes discrimination based on race, not a lack of officially recognized qualifications.

Further, we oppose Substitute 1 because it “robs Peter to pay Paul.” In attempting to save jobs of teachers in the three schools referred to above, it discriminates glaringly in the treatment of Negro students who must experience the many inconveniences of traveling the length and breadth of entire counties in order to reach their high schools while passing by the very entrances in some instances, of a number of presently all white high schools.

Let’s “put the shoe on the other foot.” Who among members of the General Assembly would tolerate their childrens’ daily duplicating the distances traveled by Negro children merely to satisfy the whim of some other racial group who, by whatever means, had come to feel that its children were above association with other children in the course of acquiring a formal education? Do we hear any “ayes”?

Finally, we oppose the substitute bill because of financial reasons. If the schools in question were to integrate, not only could the educational program be vastly improved for all concerned, but also a great saving to the taxpayers would result.

For the reasons set forth above, therefore, the undersigned are in complete opposition to both **House Bill 20** and its **Substitute Bill 1**.

Respectfully,

SIDNEY J. CLARK
DEMOCRATIC CLUB

WILLIE E. CLARK, Pres.

RAYMOND L. MOORE, Secy.

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

April 25, 1963

Honorable Sherman Tribbitts
 Speaker of the House
 State of Delaware

Dear Sherman:

This is to certify that John H. Annett, a member of the State Legislature from Staytonville, did attend all sessions of the American Shore and Beach Preservation Association on April 22, April 23 and April 24 in Fort Lauderdale, Florida.

Yours,

JOE S. ROBINSON,
 State Highway Engineer
 EDWARD L. SIMPSON,
 State Highway Engineer
 ALBERT S. MOOR,
 State Highway Commissioner
 JOHN S. SEYBOLD,
 Maj. Gen. Ret.
 Executive Sec.-Treas.
 American Shore & Beach
 Preservation Association

April 25, 1963

Mr. John H. Annett
 Harrington, Delaware

Dear Mr. Annett:

We are very pleased to welcome you to the American Shore and Beach Preservation Association and hope that your membership will be mutually rewarding to you and the Association. You will be placed on our mailing list immediately and should receive your first issue of the Monthly News Letter early next month. The first number of the 1963 volume of SHORE & BEACH will also go out about that time.

Do not hesitate to ask for any help or information which you feel this headquarters could furnish.

Very truly yours,

J. S. SEYBOLD, Maj. Gen. (Ret.)
 Executive Secretary & Treasurer

The following Committee Reports were given:

HB 247—Education, 5 favorable.

HB 227—Appropriation, 4 favorable, 1 on merit.

HB 218—Appropriation, 5 favorable, 3 on merits.

HB 158—Appropriation, 2 favorable, 3 on merits.

SB 60—Appropriation, 1 favorable, 4 on merits.

SB 15—Revised Statutes, 4 favorable, 1 on merit.

HB 69—Insurance and Bank, 1 favorable, 3 on merits, 1 unfavorable.

Mr. Hanlon moved that **HB 156**—“An Act to Amend Section 2713, Title 29, Delaware Code Relating to the “State Treasurer” and the Method of Payment of State Officials and Employees,” 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, Busker, Casey, Clifton, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—Messrs. Best, Pratt—2.

NOT VOTING—Mr. Bartleson—1.

PRESENT—Mr. Correll—1.

HB 156 having received the constitutional majority, passed the House.

Mr. Shockley introduced **HA 1** to **HB 191**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 191** be adopted by voice vote. The motion prevailed.

Mr. Shockley moved that **HB 191** w/**HA 1**—“An Act to Amend Chapter 1 and 5 of Title 8, Delaware Code, Relating to Corporations,” 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 191/HA 1** be temporarily deferred. The motion prevailed by voice vote.

Mr. Dineen moved that **HB 123**—“An Act to Amend Chapter 636, Volume 50, Laws of Delaware, Relating to Police Pension Fund of the City of Wilmington,” 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, Fifer, Hale, Hanlon, Hocker, Liv-

ingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—35.

NAYS—None.

HB 123 having received the constitutional majority, passed the House.

Mr. Quigley moved that **HB 82**—“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, Busker, 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—35.

NAYS—None.

HB 82 having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 25**—“An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware,” 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 25** be temporarily deferred. The motion prevailed by voice vote.

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

Mr. Annett introduced **HB 249**—“An Act to Amend Title 14, Section 324, Delaware Code by Providing for a School Board When a Consolidating School District Offers Education Less Than Grades 1 Through 12.”

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

At 5:40 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Tuesday, April 30, 1963. The motion prevailed by voice vote.

38th LEGISLATIVE DAY

The Speaker called the House to order at 1:35 P.M. Tuesday, April 30, 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 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, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, 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.

The following Committee Reports were given:

HB 228—Revised Statutes, 5 favorable.

HB 184—Revised Statutes, 4 favorable, 1 on merit.

HB 145—Labor, 4 favorable.

HB 199—Labor, 3 favorable, 1 on merit.

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

Message from the Governor delivered by F. Earl McGinnis.

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT**

April 30, 1963

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

Enclosed herewith is my official estimate of revenue for the fiscal year ending June 30, 1964. The breakdown of this \$102 million estimate is attached.

I further estimate that, based upon my estimate of revenue for the current fiscal year, anticipated reversions of \$1,500,000, and supplementary appropriations enacted to date, the cash balance at the end of this fiscal year will be approximately \$8,554,955.

The total of the cash balance carried forward to fiscal 1964 and the revenue anticipated during fiscal 1964 is \$110,554,955.

The total appropriations required for Automatic Appropriations, House Bill No. 166, and the various routine Grant-in-Aid measures of Fiscal 1964, less anticipated reversions of \$1,500,000, is \$105,812,078. Further, as I have frequently expressed in the past, it is my view that a cash balance of \$5 million at the end of Fiscal 1964 is required for the sound fiscal operation of our State.

Respectfully submitted,

ELBERT N. CARVEL
Governor

GOVERNOR'S OFFICE

April 26, 1963

**Revised Estimate of Revenue
For Fiscal Year Ending June 30, 1963**

Income Tax & Penalties	\$ 37,000,000
Franchise Tax & Penalties	14,000,000
Motor Fuel Tax (net)	11,700,000
Corporation Income Tax	8,300,000
Motor Vehicle Registration	4,400,000
Pari-Mutuel & Admissions	5,100,000
Alcoholic Beverage Taxes	2,150,000
Cigarette Taxes	3,700,000
Inheritance & Estate	4,650,000
Insurance Taxes	1,650,000
Mercantile Licenses	1,800,000
All Other Taxes & Fees	6,300,000
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TOTAL, FISCAL 1963	\$100,750,000
CASH BALANCE, JULY 1, 1962	5,435,000
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TOTAL AVAILABLE	\$106,185,000

**Estimate of Expenditures
For Fiscal Year Ending June 30, 1963**

Automatic Appropriations (tax refunds, etc.)	\$ 4,200,000
Budget Act for Fiscal 1963	91,718,398
Grants-in-Aid (hospitals, fire companies, etc.)	1,215,450
All Other Supplementals	1,996,197
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GROSS APPROPRIATED	99,130,045

Less Anticipated Reversions	1,500,000
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ESTIMATE OF	
ACTUAL EXPENDITURES	97,630,045
Anticipated Cash Balance,	
June 30, 1963	\$ 8,554,955

**Estimate of Revenue
For Fiscal Year Ending June 30, 1964**

Income Tax & Penalties	\$ 39,300,000
Franchise Tax & Penalties	14,500,000
Motor Fuel Tax (net)	12,800,000
Corporation Income Tax	8,600,000
Motor Vehicle Registration	4,500,000
Pari-Mutuel & Admissions	4,500,000
Alcoholic Beverage Taxes	2,300,000
Cigarette Taxes	4,000,000
Inheritance & Estate	1,500,000
Insurance Taxes	1,700,000
Mercantile Licenses	1,900,000
All Other Taxes & Fees	6,400,000

TOTAL, FISCAL 1964	\$102,000,000
ANTICIPATED CASH BALANCE	8,554,955

TOTAL AVAILABLE	\$110,554,955
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**Estimate of Expenditures
For Fiscal Year Ending June 30, 1964**

Automatic Appropriations (tax refunds, etc.)	\$ 4,250,000
Budget Act, HB 166	101,797,128
Grants-in-Aid (hospitals, fire companies, etc.)	1,264,950

GROSS RECOMMENDED	
APPROPRIATION	\$107,312,078
Less Anticipated Reversions	1,500,000

ESTIMATE OF ACTUAL	
EXPENDITURE	\$105,812,078
RECOMMENDED MINIMUM	
CASH BALANCE	5,000,000

TOTAL REQUIRED FOR	
FISCAL 1964	\$110,812,078

Mr. Annett introduced **HA 1** to **HB 212**. It was given its first and only reading in its entirety. It was regularly

moved and seconded that **HA 1** to **HB 212** be placed with the bill. The motion prevailed.

Mr. Walls introduced **HA 1** to **HB 204**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 204** be placed with the bill. The motion prevailed.

Mr. Casey moved that **HS 1** to **HB 208**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Diamond State Grange No. 2 from Assessment and Taxation," 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, Davidson, Dineen, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Phillips, Shulties, Walls, Wootten, Younger, Mr. Speaker—27.

NAYS—Messrs. Busker, Darling, Eskridge, Shockley—4.

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

NOT VOTING—Mr. Pratt—1.

HS 1 to **HB 208** having received the constitutional majority, passed the House.

Mr. Dineen introduced **HB 250**—An Act to Amend Chapter 118, Volume 33, Laws of Delaware, as Amended by Chapter 180, Volume 49, Laws of Delaware Entitled "An Act Providing for a Firemen's Pension Fund for Members of the Bureau of Fire of the Department of Public Safety of the City of Wilmington" by Providing for a Base Monthly Minimum Pension Payment.

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

Mr. Davidson moved that **SS 1** for **SB 18**—"An Act to Amend Section 2702, Title 10, Delaware Code, by Providing for the Appointment of Additional Constables 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. Atkins, Blendt, Busker, Clifton, Darling, Davidson, Dineen, Eskridge, Exley, Hanlon, Livingston, Isaacs, Kirkby, Lowe, McGinnis, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—23.

NAYS—Messrs. Bartleson, Best, Casey, Correll, Fifer, Hale, Hocker, Jarrell—8.

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

NOT VOTING—Mr. Annett—1.

SS 1 to SB 18 having received the constitutional majority, passed the House.

Mr. Blendt moved that **HB 169**—“An Act to Amend Chapter 17, Title 7, Delaware Code, by Defining the Immediate Control of a Dog Owner,” 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, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Eskridge, Exley, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Kirkby, Lowe, McGinnis, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—29.

NAYS—Messrs. Bartleson, Phillips—2.

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

PRESENT—Mr. Fifer—1.

HB 169 having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed **SB 92** and **SJR 3** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 135 w/SA 1**, **HB 147** and **HB 161** and was returning the same to the House.

Mr. Exley introduced **HR 57**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 57** be adopted by voice vote. The motion prevailed.

HR 57—“Authorizing Payment for Certain Expenses Incurred by the House of Representatives of the 122nd General Assembly for the Printing of House Calendars.”

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the sum of \$365.00 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the Sussex Countian, Georgetown, Delaware for printing five hundred (500) copies of the House Calendar for the House of Representatives of the 122nd General Assembly.

Mr. Hocker moved that **HB 235**—“An Act to Amend Section 8103, Title 9, Delaware Code, Relating to Exemp-

tions from Taxation of Certain Property Owned by Governmental, Religious, Educational or Charitable Agencies," 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 235** be temporarily deferred. The motion prevailed by voice vote.

Mr. Dineen moved that **SB 60**—"An Act Making a Supplementary Appropriation to the Blades School District #172 Sussex County for Operational Expenses for the Fiscal Year Ending June 30, 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, 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—33.

NAYS—None.

ABSENT—Messrs. Downs, Keenan—2.

SB 60 having received the constitutional majority, passed the House.

Mr. Blendt introduced **HCR 11**. It was given its first reading by title only and assigned to the Committee on Miscellaneous Bills.

HCR 11—"A Resolution Expressing the Desire of the House and Senate of the 122nd General Assembly Relative to the Hours of the Day That the Inspection Lanes of Motor Vehicle Department Shall be Open."

WHEREAS, due to the present hours maintained by the Motor Vehicle Department in the operation of its inspection lanes, many owners of motor vehicles are forced to lose time from their place of employment in order to have their vehicles inspected as provided by law, and

WHEREAS, this tends to cause many owners to forego inspection until the approach of the termination date for such inspection as set out in Chapter 21, Title 21, Delaware Code, and

WHEREAS, such delay on the part of said owners tends to cause extreme congestion of said inspection lanes immediately prior to the various inspection termination dates.

NOW THEREFORE, BE IT RESOLVED, That it is the express desire of the 122nd General Assembly that the Motor Vehicle Commissioners operate the inspection lanes of the Motor Vehicle Department in addition to the present hours, from the hours of 6:00 P.M. to 9:00 P.M. on Monday, Tuesday, Wednesday and Thursday during the months of February, May, August and November.

Mr. Younger introduced **HA 1 to HB 179**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1 to HB 179** be placed with the bill. The motion prevailed.

Mr. Younger introduced **HB 251**—"An Act to Amend Chapter 18, Title 9, Delaware Code Relating to Indigent Sick of New Castle County by Providing Certain Definitions, Procedures and Requirements for the Granting of Relief to Said Indigent Sick."

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

At 2:58 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 4:55 P.M. the Speaker called the House to order.

At 4:56 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Wednesday, May 1, 1963. The motion prevailed by voice vote.

39th LEGISLATIVE DAY

The Speaker called the House to order at 2:05 P.M. on Wednesday, May 1, 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 27 members present; 8 absent.

MEMBERS PRESENT—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Downs, Eskridge, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Shulties, Walls, Wootten, Mr. Speaker—27.

MEMBERS ABSENT—Messrs. Busker, Dineen, Exley, Fifer, Pratt, Quigley, Shockley, Younger—8.

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. Clifton introduced **HR 58**. 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 58** be adopted by voice vote. The motion prevailed.

HOUSE RESOLUTION 58

IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS, Frank Ingram was previously elected to the office of Door Tender in the House of Representatives of the 122nd General Assembly of the State of Delaware but has resigned effective at the close of the 36th Legislative Day,

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware that Frank Ingram is hereby removed and discharged from the office of door tender, and

BE IT FURTHER RESOLVED that Percy D. Haughey is hereby elected to serve as door tender effective at the close of the 36th Legislative Day, to serve during the pleasure of the House.

Mr. Bartleson introduced **HB 252**—"An Act to Amend Section 451, Title 11, Delaware Code, Relating to Contempt Before a Justice of the Peace."

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

Mr. Eskridge moved that **HB 158**—"An Act Making a Supplementary Appropriation to the State Board of Trustees of the Delaware State Hospital at Farnhurst to be used for Mental Health Planning," 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, Best, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—29.

NAYS—Messrs. Atkins, Bartleson, Fifer—3.

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

HB 158 having received the constitutional majority, passed the House.

Mr. Eskridge moved that **HS 1** to **HB 207**—“An Act Appropriating Money to the Delaware Safety Council, Inc.,” 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, Dineen, Downs, Eskridge, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Mr. Speaker—30.

NAYS—Mr. Atkins—1.

ABSENT—Messrs. Busker, Exley—2.

NOT VOTING—Messrs. Davidson, Younger—2.

HS 1 to **HB 207** having received the constitutional majority, passed the House.

A messenger from the Senate informed the House that the Senate had passed **SB 101, 108** and **112** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 6** and **200** and was returning the same to the House.

Mr. Quigley introduced **HCR 12**. It was given its first reading by title only.

HOUSE CONCURRENT RESOLUTION 12

RELATIVE TO THE OBSERVANCE OF LAW DAY

WHEREAS, the first day of May of each year has been set aside by Joint Resolution of the Senate and House of Representatives of the United States of America in Congress as Law Day, U. S. A. and

WHEREAS, it is the desire of the people of the State of Delaware to join in this special celebration of their liberties and reaffirmation of their loyalty to State and nation,

NOW THEREFORE

BE IT RESOLVED, that the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate Concurring therein authorize and request the Governor of the State of Delaware to issue a proclamation calling upon all public officials to display the Flags of the United States and the State of Delaware on all public buildings on such day and inviting the people of the State of Delaware to observe such day with suitable ceremonies and

other appropriate ways, through public bodies and private organizations as well as in schools and other suitable places.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **HCR 12**. The motion prevailed by voice vote.

Mr. Quigley moved that **HCR 12**—"Relative To The Observance of Law Day," be given its third and final reading and taken up for consideration in order to pass the House.

HCR 12 was adopted by voice vote.

Without objection the personal privilege of the floor was granted to Harrison Turner, Esq., House Attorney, who gave a short address in observance of Law Day.

Mr. Dineen moved that **HS 1 to HB 65** be given its third and final reading and taken up for consideration in order to pass the House.

HS 1 for HB 65 as amended by **HA 1** as amended by **HA 2**—"An Act to Amend Title 10, Delaware Code, Relating to the Number, Method of Appointment, Terms and Qualifications of the Judges of the Family Court for New Castle County."

Mr. Dineen moved that **HA 1 to HS 1 to HB 65** having previously been placed with the bill, be adopted by voice vote. Question prevailed.

It was regularly moved and seconded that action on **HS 1 to HB 65/HA 1** be temporarily deferred. The motion prevailed by voice vote.

Mr. Dineen moved that **HB 247**—"An Act to Amend Section 1307, Title 14, Delaware Code, Relating to Salary Schedule for Principals Subordinate to a Chief School Officer, and Making a Supplementary Appropriation 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.

It was regularly moved and seconded that action on **HB 247** be temporarily deferred. The motion prevailed by voice vote.

Mr. McGinnis moved that **HB 186**—"An Act Making a Supplementary Appropriation to the Commission on Modernization of State Laws for Preparing for Enactment the Uniform Commercial Code," 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, 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. Exley, Livingston,—2.

HB 186 having received the constitutional majority, passed the House.

Mr. McGinnis moved that **HB 231**—“An Act Authorizing and Directing the Levy Court of Kent County to Reimburse Charles E. Emery and Irene G. Emery Property 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, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Isaacs, Jarrell, Keenan, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

NAYS—None.

ABSENT—Messrs. Exley, Livingston—2.

HB 231 having received the constitutional majority, passed the House.

Mr. Shockley moved that **HB 25**—“An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware,” having previously been deferred be given its third and final reading 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. 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.

NAYS—None.

ABSENT—Mr. Livingston—1.

HB 25 having received the constitutional majority, passed the House.

Mr. Downs introduced **HR 59**. It was given its first and only reading in its entirety.

HOUSE RESOLUTION 59

IN REFERENCE TO EXPRESSION OF GRATITUDE TO HOUSE ATTACHES

WHEREAS, nothing in this political life is more conducive to the promotion of harmony, healing of wounds and general good clean fun than a bi-partisan clam-bake, hoe-down or just an evening complete with refreshment, wit and first class entertainment.

NOW THEREFORE,

BE IT RESOLVED, that without objection, the Minority Party of the House extends its heartfelt thanks and gratitude to the House Attaches for the tremendous evening afforded said Party last Thursday and assures said Attaches of a heartfull of love and affection.

It was regularly moved and seconded that action on **HR 59** be temporarily deferred. The motion prevailed by voice vote.

Mr. Shockley moved that **HB 191/HA 1**—"An Act to Amend Chapter 1 and 5 of Title 8, Delaware Code, Relating to Corporations," 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, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—34.

NAYS—None.

ABSENT—Mr. McGinnis—1.

HB 191/HA 1 having received the constitutional majority, passed the House.

Mr. Dineen moved that **HS 1** to **HB 159**—"An Act to Amend Chapter 31, Title 19, Delaware Code, Relating to Compensation of Members of the Employment Security Commission," 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, Blendt, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley,

Hale, Hanlon, Livingston, Isaacs, Keenan, Kirkby, Lowe, Phillips, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—26.

NAYS—Messrs. Annett, Atkins, Best, Fifer, Hocker, Jarrell, Pratt—7.

ABSENT—Messrs. Busker, McGinnis—2.

HS 1 to **HB 159** having received the constitutional majority, passed the House.

House Communication No. 1 from Mr. Keenan was read in its entirety and presented to the acting Chief Clerk.

Mr. Quigley introduced **HB 253**—“An Act to Amend Title 19, Delaware Code, by the Inclusion of a New Chapter 2 Providing Rights of Employees to Bargain Collectively, Imposing Duties Upon the Department of Labor and Industrial Relations in Connection Therewith and Providing for Enforcement of Said Rights.”

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

Mr. Walls introduced **HB 254**—“An Act to Amend Title 19, Delaware Code, by the Inclusion of a New Chapter 2 Providing Rights of Employees to Bargain Collectively, Imposing Duties Upon the Department of Labor and Industrial Relations in Connection Therewith and Providing for Enforcement of Said Rights.”

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

The following Committee Report was given:

HB 238—Insurance and Banking, 2 favorable, 3 on merits.

Mr. Exley moved that **HB 84** 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 84** be temporarily deferred. The motion prevailed by voice vote.

The following Committee Report was given:

HB 239—Revised Statutes, 4 on merits.

Mr. Dineen introduced **HA 1** to **HB 199**. 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 199** be placed with the bill. The motion prevailed.

It was regularly moved and seconded that **HB 14** and **HB 8** be stricken to the calendar. Without objection it was so ordered.

Mr. Dineen introduced **HA 1 to HB 46**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1 to HB 46** be placed with the bill. The motion prevailed.

Mr. Downs introduced **HB 255**—"An Act to Amend Article Five, Section 2, of the Constitution of the State of Delaware."

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

Mr. Hocker, by request, introduced **HB 256**—"An Act to Amend Section 24, Chapter 302, Volume 49, Delaware Laws, Pertaining to the Charter of the Town of Fenwick Island and the Assessment and Collection of Taxes."

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

Mr. Livingston moved that **HB 85**—"An Act to Aid Homes for the Aged by Appropriating Money to Palmer Home, Incorporated and Layton Home for Aged Colored Persons," 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, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—35.

NAYS—None.

HB 85 having received the constitutional majority, passed the House.

Mr. Best introduced **HA 2 to HS 1 to HB 65**. 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 HS 1 to HB 65** be adopted by voice vote. The motion prevailed.

Mr. Dineen moved that **HS 1 to HB 65** with **HA 12** having previously been deferred be taken up for consideration in order to pass the House.

HS 1 for HB 65 as amended by **HA 1** as amended by **HA 2**—"An Act to Amend Title 10, Delaware Code, Relat-

ing to the Number, Method of Appointment, Terms and Qualifications of the Judges of the Family Court for New Castle County.”

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Busker, Casey, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Younger, Mr. Speaker—30.

NAYS—Messrs. Lowe, Younger—2.

PRESENT—Messrs. Blendt, Clifton, Wootten—3.

HS 1 to **HB 65/HA 1** and **2** having received the constitutional majority, passed the House.

Mr. Eskridge introduced **HR 60**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HR 60** be adopted by a standing vote of thanks. Amidst cheers, the resolution was adopted.

HOUSE RESOLUTION 60

IN REFERENCE TO EXPRESSION OF GRATITUDE TO HOUSE ATTACHES

WHEREAS, The Members of the House of Representatives of the 122nd General Assembly enjoyed themselves at a bi-partisan party hosted by the Attaches of the Assembly on April 25, 1963,

NOW THEREFORE,

BE IT RESOLVED, that the members of the House extend their heartfelt thanks and gratitude to the House Attaches for the tremendous evening afforded said members last Thursday and assure said Attaches of a grateful appreciation.

Mr. Eskridge introduced **HA 1** to **HB 228**. 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 228** be placed with the bill. The motion prevailed.

Mr. Lowe moved that **HB 221**—“An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Definition of ‘Dependent’ and Credits for Dependents,” 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 221** be temporarily deferred. The motion prevailed by voice vote.

Mr. Busker introduced **HA 1 to HB 220**. 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 220** be placed with the bill. The motion prevailed.

Mr. Shockley introduced **HB 257**—"An Act to Amend 10 Delaware Code, Section 9578 Relating to Entry of Security on Appeal from the Justice of the Peace to Provide Circumstances under Which Plaintiff Need Not Enter Security."

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

Mr. Shockley introduced **HB 258**—"An Act to Amend Title 10, Delaware Code, Chapter 31, Section 3112 to Provide a Method for Service of Process Upon the Foreign Personal Representative of the Non-Resident Owner or Operator of a Motor Vehicle Involved in an Accident in this State."

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

Mr. Shockley introduced **HB 259**—"An Act to Amend Section 8705 of Title 10, Delaware Code, Relating to the Fees of the Prothonotary in Civil Proceedings."

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

Mr. Shockley introduced **HB 260**—"An Act to Amend Title 12, Delaware Code, Chapter 35, Section 3508 Relating to Appointment of Fiduciary to Receive Benefits Payable by the United States of America."

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

Mr. Shockley introduced **HB 261**—"An Act to Repeal §4309, Title 10, Delaware Code, Relating to Admissibility of Book of Original Entries."

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

Mr. Shockley introduced **HB 262**—"An Act to Amend Chapter 19, Title 12, Delaware Code, Relating to Decedents' Estates."

It was given its first reading by title only and assigned

to the Committee on Judiciary.

Mr. Shockley introduced **HB 263**—"An Act to Amend Chapter 51, Title 11, Delaware Code, Relating to Crimes and Criminal Procedures."

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

Mr. Shockley introduced **HB 264**—"An Act to Amend Section 2733, Title 21, of the Delaware Code Relating to Discretionary Suspension or Revocation of Drivers Licenses."

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

Mr. Shockley introduced **HB 265**—"An Act to Amend Title 10, Delaware Code, Chapter 31, to Provide a Method for Service of Process on Resident Owners or Operators of Motor Vehicles Involved in an Accident in this State Where Such Resident Departs from this State Subsequent to the Accident."

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

Mr. Shockley introduced **HB 266**—"An Act to Amend Chapter 35, Sub-Chapter I, Title 12 of the Delaware Code of 1953, Entitled "Appointment of Trustees by Court; Title of Appointee to Trust Property," by Amending Section 3509 Thereof Relating to the Vesting of Title to Trust Property in Successor Trustees and the Giving of Bond by Such Trustees.

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

Mr. Shockley introduced **HB 267**—"An Act to Amend Chapter 45 of Title 10 of the Delaware Code Relating to Drawing of Petit Jury."

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

SJR 3 was given its first reading by title only.

SENATE JOINT RESOLUTION 3

PROVIDING FOR THE WITHDRAWAL FROM THE SOUTHERN REGIONAL EDUCATION COMPACT

WHEREAS, by virtue of that certain Senate Joint Resolution adopted April 5, 1955 and set forth as Chapter 646, Volume 50, Laws of Delaware, the General Assembly of the State of Delaware adopted the Southern Regional Education Compact, and

WHEREAS, the Compact in part provides and sets forth a means for withdrawal therefrom which reads as follows:

“After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two (2) years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact,” and

WHEREAS, the State of Delaware has found the objectives most worthwhile, yet it is believed that Delaware cannot materially contribute to or benefit from the Compact’s objectives,

NOW THEREFORE:

BE IT RESOLVED, by the Senate of the 122nd General Assembly of the State of Delaware, the House of Representatives concurring therein, that

Section 1. The State of Delaware does hereby withdraw from the Southern Regional Education Compact subject to the agreements, covenants and obligations therein set forth and binding upon the State.

Section 2. The Secretary of the Senate of the 122nd General Assembly is directed to send forthwith a certified copy of this Senate Joint Resolution to the Board of Control for Southern Regional Education, and the Secretary of the Senate of the 122nd General Assembly shall notify said Board in writing of the withdrawal of the State of Delaware from said Compact such withdrawal to become effective as therein provided, to-wit two (2) years after written notice is submitted to the Board accompanied by a certified copy of the requisite legislative action.

It was regularly moved and seconded that the rules be suspended for the sole purpose of taking action on **SJR 3**. The motion prevailed by voice vote.

Mr. Eskridge moved that **SJR 3**—“Providing for the Withdrawal from the Southern Regional Education Com-

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

NAYS—None.

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

SJR 3 having received the constitutional majority, passed the House.

Mr. Exley moved that **HB 84** having previously been deferred be taken up for consideration in order to pass the House.

HB 84 as amended by **HA 1**—"An Act Appropriating Certain Moneys to the Delaware State Fair Inc. for Prizes."

Mr. Exley introduced **HA 1** to **HB 84**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 84** 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, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

NAYS—None.

ABSENT—Dineen, McGinnis, Quigley—3.

HB 84/HA 1 having received the constitutional majority, passed the House.

SB 92—"An Act to Authorize the Delaware State College to Acquire Property Adjacent to its Campus and Appropriating Moneys Therefor," was given its first reading by title only and assigned to the Committee on Appropriations.

At 5:50 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Thursday, May 2, 1963. The motion prevailed by voice vote.

40th LEGISLATIVE DAY

The Speaker called the House to order at 2:20 P.M. on Thursday, May 2, 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, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shulties, Walls, Wootten, Younger, Mr. Speaker—33.

MEMBERS ABSENT—Messrs. McGinnis, Shockley—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 80—Appropriations, 4 favorable, 1 on merit.

SB 92—Appropriations, 4 favorable, 1 on merit.

Mr. Exley moved that **HB 83**—“An Act to Aid Certain Organizations Which Maintain an Ambulance in the Public Service, by Appropriating Moneys for Maintenance of the Ambulances,” 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, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

NAYS—None.

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

HB 83 having received the constitutional majority, passed the House.

Mr. Busker introduced **HA 2** to **HB 184**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 2** to **HB 184** be adopted by voice vote. The motion prevailed.

Mr. Annett introduced **HA 1** to **HB 249**. It was given its first and only reading in its entirety. It was regularly moved and seconded that **HA 1** to **HB 249** be placed with the bill. The motion prevailed.

It was regularly moved and seconded that **HCR 11** be

stricken from the calendar. The motion prevailed by voice vote.

Mr. Blendt introduced **HCR 13**. It was given its first reading by title only and assigned to the Committee on Miscellaneous Bills.

HCR 13—"A Resolution Expressing the Desire of the House and Senate of the 122nd General Assembly Relative to the Hours of the Day That the Inspection Lanes of Motor Vehicle Department Shall be Open."

WHEREAS, due to the present hours maintained by the Motor Vehicle Department in the operation of its inspection lanes, many owners of motor vehicles are forced to lose time from their place of employment in order to have their vehicles inspected as provided by law, and

WHEREAS, this tends to cause many owners to forego inspection until the approach of the termination date for such inspection as set out in Chapter 21, Title 21, Delaware Code, and

WHEREAS, such delay on the part of said owners tends to cause extreme congestion of said inspection lanes immediately prior to the various inspection termination dates

NOW THEREFORE,

BE IT RESOLVED, that it is the express desire of the 122nd General Assembly that the Motor Vehicle Commissioner where he finds necessity, shall operate the inspection lanes of the Motor Vehicle Department in addition to the present hours, from the hours of 6:00 P.M. to 9:00 P.M. on Monday, Tuesday, Wednesday and Thursday during the months of February, May, August and November with pay for overtime work to properly compensate the employees involved.

Mr. Bartleson introduced **HB 268**—"An Act Appropriating Moneys to the State Soil Conservation Commission for the Construction, Improvement and Protection of Ditches in New Castle County."

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

Mr. Darling introduced **HB 269**—"An Act Making an Appropriation to the Board of Game and Fish Commissioners of the State of Delaware for the Purchase and Development of Public Recreational Facilities of Delaware Bay at Bowers, Kent County, Delaware."

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 **SB 125, 134** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 162** with **HA 1** and **HCR 3** and was returning the same to the House.

At 5:30 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Monday, May 6, 1963. The motion prevailed by voice vote.

41st LEGISLATIVE DAY

The Speaker called the House to order at 1:50 P.M. on Monday, May 6, 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, Clifton, Correll, Darling, Davidson, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—31.

MEMBERS ABSENT—Messrs. Busker, Casey, Dineen, McGinnis—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.

Wilmington, Delaware
May 3, 1963

Hon. James R. Quigley
Legislative Hall
Dover, Delaware

Dear Mr. Quigley:

There have been many articles in the newspapers insinuating that President Kennedy controls the press.

I submitted the enclosed answer to an article on election reform that appeared in the Wilmington papers on April 25th and 26th. This article referred to a bill which was introduced by Representative William T. Best, Republican from Rehoboth Beach. When the aforementioned answer

was printed, certain portions were omitted. I am sure that these portions would have been embarrassing to the Republicans.

Please note on the copy I am enclosing those parts, enclosed within brackets. You will find these to be the parts the newspapers chose to leave out.

May I ask, "Who controls the Wilmington press?"

Sincerely,

EDWIN W. HUTCHISON

I read with interest the news-stories concerning the alleged Election Laws Reform legislation demanded by the Republicans in return for their help in passing the Highway Bond Bill in the Wilmington papers of April 25th and 26th. This reform legislation was introduced by Representative William T. Best, Republican of Rehoboth Beach, minority leader.

[First, I, as Secretary of the Department of Elections for New Castle County, would like to go into the past history of the Department of Elections for this county. For over thirty years the Republicans controlled the Department of Elections and the Bureau of Registration with seven Republican members and from one to two Democratic members. By court order, in 1950, the Bureau of Registration was separated from the Department of Elections and came under the control of the Democrats with two Democratic members and one Republican member. In 1953, under a Republican Governor and Republican Legislature a ripper bill was introduced that eventually took the Bureau of Registration from the control of the Democrats and consolidated it with the Republican controlled Department of Elections.

In 1955, the Democrats regained control of all three county Departments of Elections and have carried on up to the present time. Since it has been under Democratic control, we are proud of the improvement in the registration and election laws and their administration. The Permanent Registration System that is used in Delaware is also used in some of the largest states of the country.

I would like to answer point by point the Representative from Rehoboth since it seems he is not too familiar with the election laws and procedures that we follow in the State of Delaware.]

Fraud has been reduced to a minimum.

1. He states that new registration is needed since the election rolls are filled with names that no longer be-

long there, including deceased persons and transients who have moved from the State.

(In every year of no election, our records are cleared of all those who have failed to vote in one of two consecutive previous general elections. In 1961, 11,000 names were removed in this manner. In 1963, we expect to remove 7,359 names.

Four times a year, we receive from the Registrar of Vital Statistics a list of all those people who have died in the State of Delaware. These names are removed as fast as we receive them from the Registrar. From June 1, 1962 to April 1, 1963, 1,124 names of deceased persons were removed. These figures relate only to New Castle County.

If a person moves to another state, that name remains on our books until they fail to vote in one of two consecutive previous general elections after which the names are removed. Every state that has the Permanent Registration System or any other registration system has a problem concerning the removal of these people.)

2. Mr. Best states, "There should be no room for political advantages in our elections and the people should expect to be free of partisan manipulation."

(This department, The Department of Elections for New Castle County has helped both political parties with anything within the law. We have been complimented by the Republican Party in many instances for the co-operation that we have shown in the past. Our department is open to the public and we invite either political party to make a check of any of our records as they are public records.

We have not been accused of any fraud in the past and we do not expect any accusations in the future.

As to the statement that was made with reference to the Voters' Identification Card, the Department of Elections of New Castle County put this card into effect in 1959 for the sole purpose of protection for the electors of the State of Delaware and the cost of printing these identification cards is \$4.80 per thousand. It takes approximately one minute for a typist to type the needed information on one so the cost is very small.

The general public carries in their wallets drivers' licenses, lodge cards, Social Security cards and many others and yet a card stating that they are a registered voter and which enables them to prove that they may exercise the greatest privilege one has and that is to vote the way they please in a free election is a hardship to carry according to the Republicans.

This card can also be used the same as a birth certificate when leaving this country and returning.

In 1958, there were 250 persons disfranchised only because they applied for a transfer when they should have applied for a new registration because they were not on the books of registered voters. If a person changes his or her name legally or by marriage since first registering, he or she must apply for a new registration and transfer. There were many who applied for a transfer only and we had no record of their new name. Had the identification card been in effect in 1958, these problems would not have occurred and they haven't re-occurred since 1959.

The Representative from Rehoboth also mentions the number of Democratic and Republican members on the various boards. In New Castle County, there are nine Democratic members and three Republican members. All members devote many hours of their time in supervising the registrations and elections and we are proud to have people of their calibre in the Department of Elections.)

This is not to say that the election and registration laws are perfect. Some changes are needed. The Departments of Elections of all three counties have a bill in the legislature permitting registration at the offices of the three departments at any time beginning January 1964 up to October 1st of an election year.

Also, the time specified for the last registration day in the election districts before election is too close to election to permit proper processing of registrations. The Delaware Constitution requires amendment so that the last registration day in the election districts may be held no later than thirty days before election.

SB 112—"An Act Making a Supplementary Appropriation to the Public Archives Commission for the Fiscal Year Ending June 30, 1963 for Salaries and Wages of Employ-

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

SB 101—"An Act to Amend Section 513, Title 7, Delaware Code, Relating to Compensation to Persons Authorized to Sell Hunting, Trapping and Fishing Licenses," was given its first reading by title only and assigned to the Committee on Fish, Oysters and Game.

SB 134—"An Act to Amend Section 4111, Title 9, Delaware Code, Relating to the Limitation of Borrowing Power of the Levy Court of Kent County," was given its first reading by title only and assigned to the Committee on Revised Statutes.

SB 125—"An Act Authorizing the Levy Court of New Castle County to Appropriate County Moneys to Minquas Fire Co., No. 1, for the Maintenance of a Rescue Squad," was given its first reading by title only and assigned to the Committee on Revised Statutes.

Mr. Dineen moved that **SB 92**—"An Act to Authorize the Delaware State College to Acquire Property Adjacent to its Campus and Appropriating Moneys 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, Busker, 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, Wooten, Younger, Mr. Speaker—35.

NAYS—None.

SB 92 having received the constitutional majority, passed the House.

Mr. Pratt introduced **HB 270**—"A Supplementary Appropriation Act to Re-Imburse Certain Trucking Companies for Filing Fees Paid to the Public Service Commission Under a Provision of the Delaware Code Now Rescinded."

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

Mr. Blendt introduced **HB 271**—"An Act Making a Supplementary Appropriation to the State Board of Agriculture for the Year Ending June 30, 1964."

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

Mr. Blendt introduced **HB 272**—"An Act to Amend Section 2103, Title 14, Delaware Code, Relating to the Pledging of the Faith and Credit of the State of Delaware for Issuing Local School Bonds."

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

Mr. Busker moved that **SB 2**—"An Act to Amend Section 8606, Title 9, Delaware Code, Relating to the Collection of Taxes by Repealing the Requirement That the Receiver of Taxes Sit at Different Places," be given 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, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, McGinnis, Phillips, Pratt, Quigley, Shockley, Shulties, Walls, Wooten, Younger, Mr. Speaker—35.

NAYS—None.

SB 2 having received the constitutional majority, passed the House.

At 2:12 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 6:21 P.M. the Speaker called the House to order.

Mr. Hanlon introduced **HB 273**—"An Act to Amend Chapter 23, Title 30, Delaware Code, by Deleting Persons Employed Exclusively as Guards from Tax as Private Detectives."

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

At 6:23 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P. M. Tuesday, May 7, 1963. The motion prevailed by voice vote.

42nd LEGISLATIVE DAY

The Speaker called the House to order at 1:52 P.M. on Tuesday, May 7, 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. Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Davidson, Dineen, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Shockley, Shulties, Walls, Wootten, Younger, Mr. Speaker—32.

MEMBERS ABSENT—Annett, McGinnis, 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.

The following Committee Reports were given:

HB 250—Corporations-Municipal, 4 favorable, 1 on merit.

HB 249—Education, 1 favorable, 3 on merits.

A messenger from the Senate informed the House that the Senate had passed **SB 54, 55, 56** and **SCR 17** and **18** and requested the concurrence of the House.

He also informed the House that the Senate had passed **HB 95** and **HCR 12** and was returning the same to the House.

Mr. Blendt requested the following co-sponsors added for **HB 268**: Shockley, Quigley, Casey, Downs, Hale, Keenan, Correll, Bartleson. Ordered without objection.

Mr. Blendt introduced **HB 274**—"An Act to Amend Chapter 23, Title 30, Delaware Code by Exempting Florist and Plant Nursery from Annual Tax When Gross Income Earned by Such Occupations is Below \$250 and \$500 Respectively."

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

Mr. Eskridge introduced **HA 2** to **HB 228**. 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 228** be placed with the bill. The motion prevailed.

Mr. Eskridge introduced **HB 275**—"An Act Making a Supplementary Appropriation to the Public Archives Commission for the Fiscal Year Ending June 30, 1964 to be Used for Preservation of the Sign of the Buck Building."

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

Mr. Busker introduced **HA 1** to **HB 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 amendment. The motion prevailed by voice vote. It was regularly moved and seconded that **HA 1** to **HB 96** be placed with the bill. The motion prevailed.

Mr. Busker introduced **HA 3** to **HB 184**. 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 3** to **HB 184** be placed with the bill. The motion prevailed.

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 2:52 P.M. the Speaker called the House to order.

Mr. Best moved that **HA 1** to **HB 184** having previously been placed with the bill, be adopted by voice vote. Motion lost.

Mr. Busker introduced **HA 2** to **HB 184**. 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 184** be adopted by voice vote. The motion prevailed.

Mr. Davidson moved that **HB 184** as amended 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 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 Roll Call revealed:

YEAS—Messrs. Atkins, Best, Darling, Downs, Hanlon, Hocker, Keenan, Kirkby, Pratt, Mr. Speaker—10.

NAYS—Messrs. Annett, Bartleson, Blendt, Clifton, Correll, Davidson, Dineen, Fifer, Hale, Livingston, Isaacs, Lowe, McGinnis, Quigley, Shockley, Shulties, Walls, Younger—18.

NOT VOTING—Messrs. Busker, Casey, Eskridge, Exley, Jarrell—5.

PRESENT—Messrs. Phillips, Wootten—2.

The motion to defer action on **HB 184** with **HA 2** not having received the constitutional majority, was lost.

It was regularly moved and seconded that action on **HB 184** with **HA 2** be deferred until 50th Legislative Day. The motion prevailed by voice vote.

Mr. Walls introduced **HR 61**. 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 61** be adopted by voice vote. The motion prevailed.

HOUSE RESOLUTION 61

IN REFERENCE TO ELECTION OF OFFICERS

WHEREAS, John Smith was previously elected to the office of Sergeant-At-Arms to the House of Representatives of the 122nd General Assembly, but has since resigned,

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware that John Smith is hereby removed and discharged from the Office of Sergeant-At-Arms effective at the close of the 40th Legislative Day.

BE IT FURTHER RESOLVED that Ralph E. Vines is hereby elected to serve as Sergeant-At-Arms effective with the commencement of the 41st Legislative Day, to serve during the pleasure of the House.

Mr. Walls introduced **HR 62**—"Making an Appropriation to the Diamond State Telephone Company for Services Rendered for the Period Ending April 11, 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 **HR 62** be adopted by voice vote. The motion prevailed.

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly that the sum of \$46.43 be paid to the Diamond State Telephone Company for services rendered for the period ending April 11, 1963 for phone 736-6180.

SA 1 to **HB 135** was given its first and only reading by title only.

Mr. Dineen moved that **HB 135** with **SA 1**—"An Act Making a Supplemental Appropriation in the Fiscal Year Ending June 30, 1963 to Honor an Obligation Incurred in

the Fiscal Year Ending June 30, 1962," be 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 135** with **SA 1** be laid on the table. 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 **HB 249**. The motion prevailed by voice vote.

Mr. Annett moved that **HB 249** be given third and final reading and taken up for consideration in order to pass the House.

HB 249 with **HA 1**—"An Act to Amend Title 14, Section 324, Delaware Code by Providing for a School Board When a Consolidating School District Offers Education Less Than Grades 1 Through 12."

Mr. Annett moved that **HA 1** having previously been placed with the bill, be adopted by voice vote. Question prevailed. On the question, "Shall this bill pass the House?" the roll call revealed:

YEAS—Messrs. Annett Atkins, Casey, Clifton, Correll, Downs, Eskridge, Exley, Fifer, Hale, Hanlon, Hocker, Livingston, Jarrell, Keenan, Kirkby, Lowe, Phillips, Shulties, Walls, Wootten, Younger—22.

NAYS—Mr. Shockley—1.

ABSENT—Messrs. Busker, Quigley—2.

NOT VOTING—Messrs. Bartleson, Best, Blendt, Darling, Davidson, Dineen, Isaacs, McGinnis, Mr. Speaker—9.

PRESENT—Mr. Pratt—1.

HB 249 with **HA 1** having received the constitutional majority, passed the House.

Mr. Shockley introduced **HB 276**—"An Act Proposing an Amendment to Article 2, Section 15 of the Constitution of the State of Delaware Relating to Compensation by Increasing the Annual Salary from \$3,000.00 to \$5,000.00."

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

It was regularly moved and seconded that the results of the roll call on **HB 135** as amended with **SA 1** be lifted from the table. The motion prevailed by voice vote.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Busker, Casey, Clifton, Correll, Darling, Dineen, Downs, Eskridge, Fifer, Hanlon, Hocker, Livingston, Isaacs, Jarrell, Keenan, Kirkby, Lowe, Phillips, Pratt, Quigley, Shock-

ley, Walls, Wootten, Younger, Mr. Speaker—30.

NAYS—None.

ABSENT—Messrs. Davidson, Exley, Hale, McGinnis, Shulties—5.

HB 135 with **SA 1** having received the constitutional majority, passed the House.

The following Committee Reports were given:

HB 268—Appropriations, 4 favorable, 1 on merit.

HB 204—Appropriations, 4 favorable, 1 on merit.

Mr. Dineen introduced **HA 1** to **HB 238**. 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 238** be placed with the bill. The motion prevailed.

Mr. Davidson moved that **SB 11**—“An Act to Amend Sections 1106 and 1502, Title 10, Delaware Code, Relating to Salary of the Judges of the Family Court of Kent and Sussex Counties and the Judge of the Court of Common Pleas of Kent County,” be given its third and final reading and taken up for consideration in order to pass the House.

HA 1 to **SB 11** 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 11** be adopted by voice vote. The motion prevailed.

Mr. Davidson moved that **SB 11** with **HA 1** “An Act to Amend Sections 1106 and 1502, Title 10, Delaware Code, Relating to Salary of the Judges of the Family Court of Kent and Sussex Counties and the Judge of the Court of Common Pleas of Kent County,” be given third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Busker, Casey, Clifton, Darling, Davidson, 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—Messrs. Best, Blendt, Correll, Hocker—4.

SB 11 with **HA 1** having received the constitutional majority, passed the House.

Mr. Dineen moved that **HB 239**—"Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making Appropriations Therefor," be given its third and final reading and taken up for consideration in order to pass the House.

Mr. Best introduced **HA 1** to **HB 239**. 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 239** be adopted.

The Roll Call revealed:

YEAS—Messrs. Annett, Atkins, Bartleson, Best, Casey, Correll, Downs, Fifer, Hale, Hocker, Jarrell, Keenan, Kirkby—13.

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

HA 1 to **HB 239** not receiving the constitutional majority, was defeated.

Mr. Dineen moved that **HB 239**—"Relating to Salaries of Certain Public Officials by Raising Certain Salaries and Making Appropriations Therefor," be given third and final reading and taken up for consideration in order to pass the House.

The Roll Call revealed:

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

NAYS—Messrs. Annett, Atkins, Bartleson, Best, Blendt, Casey, Correll, Downs, Fifer, Hale, Hocker, Jarrell, Keenan, Younger—14.

HB 239 having received the constitutional majority, passed the House.

At 5:18 P.M. it was regularly moved and seconded that the House adjourn until 1:00 P.M. Wednesday, May 8, 1963. The motion prevailed by voice vote.

43rd LEGISLATIVE DAY

The Speaker called the House to order at 2:17 P.M. on Wednesday, May 8, 1963.

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