

HS 1 for **HB 270**—"An Act to Amend Chapter 1, Title 26, Delaware Code Relating to the Public Service Commission and Its Charges and Fees, and Reimbursement by Utilities for Certain Costs and Expenses, and the Establishment of a Revolving Fund and the Appropriation Therefor," by Shockley, King, McGinnes, Best, Fifer and Bartleson; to Appropriations.

SCR 22—"Inviting the Boys' State to be the Guests of the One Hundred and Twentieth General Assembly," was read for the first and second time by title only and on motion of Mr. Eskridge all rules were suspended in order that **SCR 22** be read for the third and final time and be taken up for consideration in order to pass the House. On further motion by Mr. Eskridge was adopted by a voice vote and having passed the House was returned to the Senate.

HA 1 to **HB 186** was introduced by Mr. Latina and Mr. Lawson. On motion of Mr. Latina **HA 1** to **HB 186** was adopted by a voice vote.

Mr. Latina moved that **HB 186** with **HA 1**—"An Act to Amend Title 19, Delaware Code Entitled 'Labor' In Respect to Wage Payments," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Clifton, Dineen, Gove, King, Lawson, Opdyke, Paskey, Quigley, Shockley, Walls, Mr. Speaker Tribbitt—11.

NAYS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Davidson, English, Fifer, Kenney, Latina, Livingston, Long, McGinnes, Pryor, Richards, Robbins, Wright—17.

NOT VOTING—Messrs. Betts, Eskridge, Graves, Johnson, Kleinbach, (Mrs.) Manning, Pawson—7.

Mr. Latina, Mr. McGinnes and Mr. Livingston changed their votes from Yea to Nay in order that **HB 186** with **HA 1** be restored to the calendar

HB 186 with **HA 1** not having received its constitutional lot in the House.

On motion of Mr. Latina **HB 186** with **HA 1** was restored.

Mr. Shockley moved that **HB 257**—"An Act to Amend Chapter 35, Title 12, Delaware Code, Relating to Trusts," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cannon, Davidson, Dineen, Eskridge, Fifer, Graves, Johnson, King, Kleinbach, Lawson, Livingston, (Mrs.) Manning, Opdyke, Pawson, Pryor, Shockley, Walls, Wright, Mr. Speaker Tribbitt—21.

NAYS—Messrs. Betts, Cain, Carmean, Clifton, English, Gove, Kenney, Long, Paskey, Quigley, Robbins—11.

NOT VOTING—Mr. McGinnes and Mr. Richards—2.

ABSENT—Mr. Latina—1.

HB 257 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Opdyke moved that **HB 304**—"An Act Relating to the Use of Certified Mail in Lieu of Registered Mail by the State of Delaware, Its Various Offices, Departments and Agencies," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

ABSENT—Mr. Lawson—1.

HB 304 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Dineen moved that **HB 315**—"An Act to Amend Title 15, Delaware Code, Relating to Absentee Ballots," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

NAYS—None.

ABSENT—Messrs. Lawson and Quigley—2.

HB 315 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley reported for Corporation Municipal **HB 321**, favorable 4 and for Judiciary Committee **HB 312**, favorable 4.

Mr. Cannon on behalf of Revenue and Taxation reported **SB 155**, favorable 2, merits 2.

Mr. Dineen on behalf of Elections Committee reported **HB 317**, favorable 5.

Mr. Walls presented **HR 71**—"Appropriating money out of the General Fund of the State Treasury to pay Certain

Expenses of the Present Session of the 120th General Assembly."

BE IT RESOLVED, by the House of Representatives of the 120th 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 120th General Assembly of the State of Delaware, up to and including the 60th 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:

Paul F. Livingston	\$200.00
Russell D. F. Dineen	200.00
Harry G. Lawson	200.00
Paul E. Shockley	220.00
Joseph F. Latina	200.00
T. Lees Bartleson	228.80
F. Earl McGinnes	188.00
Mrs. Margaret Manning	192.00
Charles S. Kleinbach	172.00
James R. Quigley	180.00
Robert E. Pawson	176.00
R. C. Davidson	124.00
Sherman W. Tribbitt	100.00
Chester Gove, Jr.	100.00
Charles R. Pryor	60.00
Charles C. King	57.20
Edward Long, Jr.	20.00
Edward F. Wright	60.00
William W. Opdyke	20.00
Charles F. Richards	12.00
Elmer L. Betts	70.00
Harvey P. Fifer	40.00
William J. Paskey	56.00
Charles W. Cain	79.20
George A. Robbins	76.00
Carlton Clifton	112.00
Edgar English	136.00
Norman Eskridge	154.00

R. Allen Cannon	172.00
Paul H. Kenney	228.00
James W. Carmean	212.00
Tilghman S. Johnson	224.00
Joseph S. Walls	184.00
William F. Graves	180.00
William T. Best	192.00

which was read for the first and only time by title only and on motion of Mr. Walls was adopted.

Mr. Shockley moved that **HB 301**—"An Act to Amend Section 6108, Title 10, Delaware Code, Relating to Transcript of Trial," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

NAYS—None.

ABSENT—Mr. Latina and Mr. Quigley—2.

HB 301 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley **HB 270** was recommitted.

A message from the Governor's office informed the House that the Governor had approved **HB 96** with **HA 1**; **HB 97**; and **HB 232** and **SB 65**. He also informed the House that he had received **HB 131** (Proposed Constitutional Amendment). Another message informed the House that the Governor had on May 28, 1959 approved **HB 200** and **HB 220**.

Mr. King moved that the House adjourn at 5:45 P.M. until Wednesday June 3, at 1:00 P.M.

61ST LEGISLATIVE DAY

The House met pursuant to adjournment at 1:50 P.M. on Wednesday, June 3rd, 1959.

Prayer by the Chaplain, Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Absent—Mr. English—1.

The Clerk proceeded to read the Journal of the previous

Session when Mr. King moved that so much be considered the reading of the Journal and the Journal be approved. Motion carried.

The following bills were introduced, read for the first and second time by title only and referred to committee as follows:

HB 330—"An Act Proposing an Amendment to Article 8, of the Constitution of the State of Delaware by Imposing a Limitation on the Amount of Bonded Indebtedness Which may be Authorized," by McGinnes and Cain; to Revised Statutes.

HB 331—"An Act to Appropriate Certain Funds to the John M. Clayton School District to Enable it to Complete Its Building Program," by Carmean; to Appropriations.

HB 332—"An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to the Public Service Commission and Its Charges and Fees, and Reimbursement by Utilities for Certain Costs and Expenses, and the Establishment of a Revolving Fund and the Appropriation Therefor," by Dineen; to Appropriations.

HB 333—"An Act to Authorize and Direct the State Treasurer to Make A Certain Tax Refund to Dale E. Wolf and Clarice E. Wolf," by Manning; to Appropriations.

HB 334—"An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to Contracts for Public Improvements," by Manning; to Revised Statutes.

HB 335—"An Act to Amend Title 19, Section 3315, Delaware Code, Relating to Disqualification for Benefits of Unemployment Compensation," by Opdyke, Latina, Kleinbach, Long, Dineen, Quigley; to Labor.

A message from the Secretary of the Senate informed the House that the Senate had concurred with **HB 271** with **HA 2** and **HB 296** and requesting the concurrence of the House on **SB 184**.

Mr. Betts on behalf of Revised Statutes Committee reported **SB 47**, 3 favorable, 1 merits; and **SB 328**, 4 favorable.

The following Senate Bills were read for the first and second time by title only and referred to committee as follows:

SB 183—"An Act to Amend Chapter 33, Title 29, Delaware Code, Relating to the Public Archives Commission, its Duties and the Transfer of Records to Its Custody," to Revised Statutes.

SB 184—"An Act to Amend Section 103, Title 15, Delaware Code, Relating to the New Castle County Department of Elections and Reducing the Membership of That Department to 12 Members," to Elections.

SB 185—"An Act to Amend Chapter 1, Title 15, Dela-

ware Code, Relating to the Departments of Elections for Kent and Sussex Counties," to Elections.

SB 178—"An Act to Amend the Charter of The Town of Milton as Established by Chapter 194, Volume 45, Laws of Delaware, Vesting the Mayor and Council with Power to Levy and Collect Taxes, for the Purpose of Helping Defray the Expenses of Constructing and Maintaining a Sanitary Sewerage System, Upon all Real Estate, Either Improved or Unimproved, Abutting on Streets Along Which Sewer Mains Have Been Constructed and are Maintained," to Corporations Municipal.

The Chair announced that he was about to sign **HCR 13**; **HR 71**; **HB 271** with **HA 2** and **HB 271**, as Amended; **HB 296** as amended with **HA 1**; **HS 1** for **HB 63** as amended with **HA 1**; **SCR 21**.

On motion of Mr. Latina **HB 192** was recommitted.

Mr. Latina introduced **HS 1** for **HB 192**—"An Act Requiring All Inspectors Employed by the State of Delaware, Its Counties and Municipalities to Receive Instructions in Safety Code Requirements," was read for the first and second time and referred to Miscellaneous Committee.

Mr. Davidson on behalf of Corporations Private reported **HB 322**, 4 merits.

Mr. Graves on behalf of Public Buildings and Highway Committee reported **HB 109**, 5 favorable.

Mr. Dineen moved that **HB 309**—"An Act to Amend Title 15, Delaware Code, Relating to Elections," be read for the third and final time and be given consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Gove, Graves, Kenney, King, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Pryor, Shockley, Wright, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Richards—8.

NOT VOTING—Mr. Johnson—1.

ABSENT—Messrs. English, Quigley, Robbins, Walls—4.

HB 309 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HA 1** to **HB 245** which had been deferred on May 20, be adopted. Motion carried.

Mr. Shockley moved that **HB 245** with **HA 1**—"An Act to Completely Revise, Recodify and Amend Title 11, Delaware Code in Relation to Sentencing, Probation, Parole and Pardon of Adult Offenders; Creating a State Probation and Parole

Commission, A State Department of Probation and Parole Services and a Probation and Parole Advisory Board; Procedures With Respect to Executive Clemency; Appropriating Funds and Repealing Contrary Provisions," be read for the third and final time and be considered in order to pass the House.

Mr. Shockley moved that action on **HB 245** with **HA 1** be deferred. Motion prevailed.

Mr. Davidson moved that **HB 294**—"An Act to Amend Title 21, Delaware Code, Relating to Motor Vehicles, by Increasing the Fines for Reckless Driving," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, Kleinbach, Lantina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—Messrs. Cannon, Opdyke, Quigley—3.

ABSENT—Messrs. English, King—2.

HB 294 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Graves moved that **SB 62**—"An Act to Amend Title 21, Delaware Code, Entitled 'Motor Vehicles' in Respect to Penalties for Violations of Speed Limits," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Clifton, Davidson, Dineen, Kleinbach, McGinnes, Opdyke, Quigley, Shockley, Walls, Wright—12.

NAYS—Messrs. Bartleson, Best, Cannon, Carmean, Eskridge, Fifer, Graves, Kenney, Lawson, Livingston, (Mrs.) Manning, Pawson, Pryor, Richards, Robbins—15.

NOT VOTING—Messrs. Johnson, Long, Paskey, Mr. Speaker Tribbitt—4.

ABSENT—Messrs. English, Gove, King, Latina—4.

Mr. Carmean, Mr. Graves and Mr. Robbins changed their votes from Yea to Nay in order that **SB 62** might be restored for further consideration.

SB 62 not having received its constitutional majority did not pass the House.

Mr. Shockley moved that **HB 302**—"An Act to Amend Chapter 35, Title 10, Delaware Code, Relating to Attachments," be read for the third and final time and be taken up

for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright—29.

NAYS—Mr. Opdyke and Mr. Quigley—2.

NOT VOTING—Mr. Speaker Tribbitt—1.

ABSENT—Messrs. Cannon, English, King—3.

HB 302 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. McGinnes moved that **SB 105**—"An Act to Amend Chapter 245, Volume 51, Laws of Delaware, Relating to the State Board of Health Building, by Authorizing the State Board of Health to Expend Remaining Moneys for the Construction of a Health Center for Sussex County," be read for the third and final time and be given consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAYS—None.

NOT VOTING—Mr. Bartleson—1.

ABSENT—Mr. Cannon and Mr. King—2.

SB 105 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Dineen moved that **HB 108**—"An Act to Amend Title 15, Delaware Code Providing that the Department of Elections Shall Select Primary Election Officers and Clerks," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

ABSENT—Mr. English, Mr. King—2.

HB 108 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Gove presented **HA 1** to **SB 158** which was read and adopted by motion of Mr. Gove.

Mr. Gove moved that **SB 158** with **HA 1**—"An Act to Amend Chapter 7, Title 7, Delaware Code, by Adding Thereto a New Subchapter Relating to the Woodchuck or Ground Hog," be read for the third and final time and be given consideration in order to pass the House.

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

YEAS—Messrs. Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Gove, Graves, Johnson, Kenney, Kleinbach, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—28.

NAYS—Mr. Lawson—1.

NOT VOTING—Messrs. Bartleson, Best, Fifer, (Mrs.) Manning—4.

ABSENT—Mr. English and Mr. King—2.

SB 158 with **HA 1** having received its constitutional majority passed the House and was ordered to the Senate for concurrence, as amended.

Mr. Betts moved that **HB 317**—"An Act to Increase the Maximum Allowable County Tax Rate in Kent County," be read for the third and final time and be considered in order to pass the House.

Mr. Betts moved that **HB 317** be deferred. Motion carried.

A message from the Senate informed the House that the Senate had passed **SB 102** with **HA 1** and **SA 2**; **SB 182**; **SB 181** and requested the concurrence of the House. The Senate also passed **HB 299** and returned same to House.

On motion of Mr. Eskridge the House adjourned at 5:45 P.M. until Thursday June 4, at 1:00 P.M.

62ND LEGISLATIVE DAY

The House met pursuant to adjournment on Thursday, June 4, 1959 at 2:30 P.M.

Prayer by the Chaplain, the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, English, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Members Absent—Mr. Gove and Mr. Latina—2.

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

On motion of Mr. Graves **SB 62** was restored to the Calendar.

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

HB 336—"An Act to increase Certain Fees Charged by the Motor Vehicle Department," by McGinnes, Best, Fifer, Betts, Manning, Cannon, (by Request); to Revenue and Taxation.

HB 337—"An Act Providing for the Issuance of Bonds to Finance The Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50, Laws of Delaware," Cannon; to Public Buildings and Highways.

HB 338—"An Act to Amend Section 2712, Title 21, Delaware Code, Relating to Special Examination for Motor Vehicle Drivers Over the Age of Seventy-Five," by Pryor and Shockley; to Revised Statutes.

HB 339—"An Act Making Appropriations For the Expenses of the University of Delaware for the Fiscal Year Ending June 30, 1960," by Eskridge, King, Cain, Shockley, Bartleson, Walls, Lawson; to Appropriations.

HB 340—"An Act to Amend Chapter 26, Title 9, Delaware Code Relating to Zoning in New Castle County," by Bartleson, Tribbitt; to Revised Statutes.

HS 1 for HB 323—"An Act to Amend Chapter 13, Title 16, Delaware Code, Relating to Treatment of Drinking Water With Chemicals," by Livingston; to Public Health.

HCR 14—"Approving the Second Interim Report of the Joint Revenue Committee and Directing That Said Committee Continue Its Study and Report to the 120th General Assembly," by McGinnes, Manning, Best, Fifer, Betts; to Miscellaneous.

Mr. Walls presented **HR 72**—"Authorizing the Payment of Certain Expenses for the Printing of Name Cards for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of Two Hundred Ten Dollars (\$210.00) is hereby appropriated out of any money in the State Treasury, not other wise appropriated, to pay McClafferty Printing Co., 832-834 Windsor St., Wilmington 1, Delaware, for the printing of Name Cards for the House of Representatives of the 120th

General Assembly," which was read for the first and only time and on further motion of Mr. Walls was adopted.

Mr. Walls presented **HR 73**—"Authorizing the Payment of Certain Expenses for the Printing of Calendars for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of Two Thousand Four Hundred Fifty Seven Dollars (\$2,457.00) is hereby appropriated out of any money in the State Treasury, not other wise appropriated, to pay The Harrington Journal, Harrington, Delaware for the printing of Calendars for the House of Representatives of the 120th General Assembly," which was read for the first and only time and on further motion of Mr. Walls was adopted.

Mr. Richards presented **HA 1** to **HB 39** which was read and on motion of Mr. Richards was adopted by a voice vote.

The Secretary of the Senate informed the House that the Senate had passed **SB 155** and requested the concurrence of the House.

Mr. Dineen on behalf of Elections Committee reported **SB 185**, favorable 4; **SB 184**, Favorable 4.

SB 181—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, to Provide For the Establishment of a Debt Limit," was for the first and second time by title only and referred to Corporation Municipal.

SB 182—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said City After A Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed," was read for the first and second time by title only and referred to Corporations Municipal.

Mr. Shockley moved that **HB 324**—"An Act to Amend Chapter 135, Volume 29, Laws of Delaware, Entitled 'An Act to Revise and Consolidate the Statutes Relating to Curbstone Markets in the City of Wilmington,' By Providing for a Building to be Known as the 'Farmers' and Trucker's Market'," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

ABSENT—Messrs. Gove, Latina, Livingston—3.

HB 324 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Richards moved that **HB 39** as amended with **HA 1** which had been deferred on May 12th, be given further consideration in order to pass the House.

On motion of Mr. Quigley seconded by Mr. King **HB 39** as amended with **HA 1** was deferred.

Mr. Shockley moved that **HB 312**—"An Act to Amend Title 11, Delaware Code Relating to Causing a Fire by Careless Use of Cigarettes, Cigars, Pipes or Other Inflammable Device," be read for the third and final time and given consideration in order to pass the House.

On motion by Mr. Lawson **HB 312** was deferred.

Mr. Betts moved that **HB 317** which had been deferred on June 3, be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Betts, Cain, Cannon, Clifton, Davidson, Dineen, English, Eskridge, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Richards, Robbins, Wright, Mr. Speaker Tribbitt—25.

NOT VOTING—Mr. Best and Mr. Fifer—2.

ABSENT—Messrs. Carmean, Gove, Latina, Opdyke, Pawson, Quigley, Shockley, Walls—8.

HB 317 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Kenney, Chairman of Passed Bills Committee, reported having delivered to the Governor's Office, **HB 63**, **HS 1** for **HB 63** with **HA 1** and **HS 1** for **HB 63**, as amended, **HCR 9**, **HCR 13**, **HR 69**, **HR 70**, **HR 71**, **HB 148**, **HB 271** with **HA 2** and **HB 271**, as amended, **HB 296** with **HA 1** and **HB 296** as amended.

On motion of Mr. King the House adjourned at 6:15 P.M. until Monday, June 8 at 1:00 P.M.

63RD LEGISLATIVE DAY

The House met pursuant to adjournment on Monday, June 8, 1959 at 1:45 P.M.

Prayer by the Chaplain Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Quigley, Richards, Robbins,

Shockley, Walls, Mr. Speaker Tribbitt—32.

Members Absent—Messrs. Pawson, Pryor, Wright—3.

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

Mr. Eskridge on behalf of Miscellaneous Committee reported **SB 50**, favorable 3; **HCR 14**, favorable 3; **HS 1** for **HB 192**, favorable 2, merits 1; **SB 15**, favorable 3; merits 2.

Mr. Latina on behalf of Labor Committee reported **HB 335**, favorable 3, merits 2; **HB 264**, merits 4.

Mr. Betts on behalf of Revised Statutes reported **HB 208**, merits 5; **HB 140**, favorable 1, merits 3, unfavorable 1; **HB 237**, favorable 2, merits 2, unfavorable 1.

The Chair announced that he was about to sign **SCR 22** and **SB 13**.

The following bills were introduced, read for the first and second time by title only and referred to committee as follows:

HB 341 —“An Act to Amend Title 10, Delaware Code Relating to the Jurisdiction of and the Procedure Upon Arrest of a Child for Criminal Violations in the Family Court In and For New Castle County and the Jurisdiction of the Juvenile Court for Kent and Sussex Counties in Motor Vehicle Violations by Children,” by Davidson, Kleinbach, McGinnes, Gove; to Judiciary.

HB 342—“ An Act to Amend Title 19, Delaware Code, Entitled ‘Labor’ Relating to Wage Payments for Railroad Employees Every Two Weeks,” by Quigley, Opdyke, Kleinbach, Shockley; to Labor.

HB 343—“An Act to Amend Title 29, Delaware Code, Entitled ‘State Government’ by Providing for a State Department of Finance, Transferring Certain Functions Thereto, Defining Its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds,” by King, Eskridge, Cain, Shockley; to Appropriations.

HB 344—“An Act to Amend Title 30, Delaware Code Entitled ‘State Taxes’ Relating to Tax on Gross Receipts of Retail Stores and Business Establishments,” by Latina; to Revenue and Taxation.

Mr. Shockley moved that **HB 258** be recommitted.

Mr. Shockley introduced **HS 1** for **HB 258**—“An Act to Amend Section 1906, Title 12, Delaware Code, Entitled ‘Assets of Estates’ Relating to Failure to file Inventory, Etc., Civil and Criminal Penalties; Removal,” which was read for the first and second time by title only and referred to Judiciary.

Mr. Shockley moved that **HB 258** be stricken.

Mr. Shockley presented **HA 2** to **HB 245** which was read and on motion of Mr. Shockley deferred.

Mr. Graves presented **HA 1** to **SB 160** which was read and on motion of Mr. Graves was adopted by a voice vote.

The Secretary of the Senate informed the House that the Senate had passed **SB 83** with **SA 1**; **SB 197**, **SB 176**, **SB 177** and requested the concurrence of the House. Also that the Senate had concurred in **HB 117** and **HB 119**.

Mr. Robbins moved that **SB 4**—"An Act to Amend Section 2112, Title 14, Delaware Code, Relating to Cancelled School Bonds and Coupons," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—29.

ABSENT—Messrs. English, Johnson, Latina, Pawson, Pryor, Wright—6.

SB 4 having received its constitutional majority passed the House and was returned to the Senate.

Mr. Dineen moved that **SB 184**—"An Act to Amend Section 103, Title 15, Delaware Code, Relating to the New Castle County Department of Elections and Reducing the Membership of that Department to 12 Members," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Quigley, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—24.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Richards—7.

ABSENT—Messrs. Johnson, Pawson, Pryor, Wright—4.

SB 184 having received its constitutional majority passed the House and was returned to the Senate.

Mr. Dineen moved that **SB 185**—"An Act to Amend Chapter 1, Title 15, Delaware Code, Relating to the Department of Elections for Kent and Sussex Counties," be read for the third and final time and be taken up for consideration in order to pass the House.

Mr. Cannon moved that action on **SB 185** be deferred.

Mr. Livingston seconded the motion. The Chair called for a roll call on the motion which revealed: YEAS: 15; NAYS: 16; ABSENT: 4. The Chair declared the motion lost and ordered the Clerk to call the roll on **SB 185** which revealed:

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Quigley, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Bartleson, Best, Cannon, Fifer, Johnson, Kleinbach, Lawson, Livingston, (Mrs.) Manning, Richards—10.

ABSENT—Messrs. Pawson, Pryor, Wright—3.

SB 185 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Livingston moved that **HB 323** be stricken. Motion carried.

Mr. Dineen moved that **HB 183** be recommitted. Motion carried.

Mr. Dineen moved that **HB 183** be stricken. Motion carried.

On motion of Mr. Betts **SB 47**—"An Act Proposing an Amendment to the Constitution of the State of Delaware by Adding a New Article Entitled 'Continuity of State and Local Governmental Operations in Periods of Emergency Resulting from Disasters Caused by Enemy Attack'," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Pawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—32.

ABSENT—Messrs. Pawson, Pryor, Wright—3.

SB 47 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Betts, **SB 49**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations upon Taxing Power, by Exempting Lands and Improvements of Pencader Grange No. 60 P. of H. Inc., from Assesment and Taxation," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon,

Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—30.

ABSENT—Messrs. English, Pawson, Pryor, Quigley, Wright—5.

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

Mr. Gove moved that **HB 75** which had been vetoed by the Governor on April 28 be reconsidered in order to over-ride the Governor's veto.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Latina, Livingston, Long, McGinnes, Pryor, Quigley, Robbins, Shockley, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Opdyke, Paskey, Walls—9.

NOT VOTING—Messrs. Johnson, Richards—2.

ABSENT—Messrs. Pawson, Wright—2.

HB 75 having received the majority necessary to over-ride a Veto passed the House and was ordered returned to the Senate for concurrence.

On motion of Mr. Clifton **HB 284**—"An Act Appropriating Money to Ellendale School District No. 125," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Shockley, Walls, Mr. Speaker Tribbitt—23.

NAYS—Messrs. Bartleson, Lawson, (Mrs.) Manning—3.

NOT VOTING—Messrs. Best, Cain, Kleinbach, Richards—4.

ABSENT—Messrs. Pawson, Pryor, Quigley, Robbins, Wright—5.

HB 284 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. McGinnes moved that **HB 321**—"An Act to Amend Chapter 428, Volume 50, Laws of Delaware, Relating to the Town of Elsmere," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Richards, Shockley, Walls, Mr. Speaker Tribbitt—30.

ABSENT—Messrs. Pawson, Pryor, Quigley, Robbins, Wright—5.

HB 321 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Dineen, **HS 1** for **HB 183**—"An Act to Amend Chapter 17, Title 10, Delaware Code, Entitled 'Municipal Court-Wilmington' Relating to Appointment of Assistant to the Chief Judge of the Municipal Court," was read for the third and final time and taken up for consideration in order to pass the House.

On the question, "Shall this bill pass the House?" roll call revealed.

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Richards, Shockley, Walls, Mr. Speaker Tribbitt—30.

ABSENT—Messrs. Pawson, Pryor, Quigley, Robbins, Wright—5.

HS 1 for **HB 183** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Eskridge, **HB 250**—"An Act to Amend Chapter 77, Title 11, Delaware Code, Relating to Parole," was read for the third and final time and taken up for consideration in order to pass the House.

On the question, "Shall this bill pass the House?" roll call revealed.

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Graves, Kenney, King, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Shockley, Walls, Mr. Speaker Tribbitt—21.

NOT VOTING—Messrs. Bartleson, Best, Fifer, Johnson, Kleinbach, Lawson, (Mrs.) Manning, Richards—8.

ABSENT—Messrs. Gove, Pawson, Pryor, Quigley, Robbins, Wright—6.

HB 250 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. King, the House adjourned at 5:00 P.M. until Tuesday, June 9th, at 1 P.M.

64TH LEGISLATIVE DAY

The House met pursuant to adjournment on Tuesday, June 9th, 1959 at 1:45 P.M.

Prayer by the Chaplain the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pyror, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Members Absent—Messrs. Carmean, Pawson—2.

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

Mr. Shockley on behalf of Corporations Municipal reported **HB 178**, 4 favorable.

Mr. Pyror on behalf of Banking and Insurance Committee reported **HB 313**, 1 favorable, 3 merits, 1 unfavorable.

The following Bills were introduced, read for the first and second time, by title only and referred to Committee as follows:

SB 177—"An Act to Amend Section 5, Chapter 128, Laws of Delaware Relating to Compensation of the Mayor and Members of Council of Middletown," to Corporations Municipal.

SB 176—"An Act to Amend Section 10, Chapter 128, Volume 33, Laws of Delaware, Relating to Responsibility for Damage Resulting to Persons or Property Upon Footways of the Town of Middletown," to Corporations Municipal.

SB 102 with **SA 1** and **SA 2**—"An Act to Amend Title 5, Delaware Code, Entitled, 'Banking' Providing for the Financing of the Sale of Motor Vehicles, The Licensing of Sales Finance Companies, the Regulation of Motor Vehicle Retail Installment Transactions, the Powers and Duties of the State Bank Commissioner, and Providing for Violations and Penalties," Banking and Insurance.

SB 110—"An Act to Amend Chapter 7, Title 4, Delaware Code Relating to Sale or Service of Liquor to an Intoxicated Person," to Temperance.

SB 111—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Search and Seizure," to Judiciary.

SB 113—"An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles; Enforcement; Arrest, Bail and Appeal," to Revised Statutes.

SB 83 with **SA 1**—"An Act to Amend Section 2920, Title 24, Delaware Code Relating to the Termination of Employment and Re-employment of Real Estate Salesmen," to Miscellaneous.

SB 197—"An Act to Amend Chapter 84, Title 9, Delaware Code, Relating to Destruction of Cancelled Bonds and Coupons by the Receiver of Taxes and County Treasurer for New Castle County," to Revised Statutes.

HB 345—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware; to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," by Dineen and Kleinbach; to Education.

HB 346—"An Act to Amend Section 2151, Title 21, Delaware Code, Relating to Increasing the Registration Fees of Certain Motor Vehicles," by McGinnes, Betts, Best, Fifer, Manning (By Request); to Revenue and Taxation.

HB 347—"An Act Making a Supplementary Appropriation to the State Board of Corrections for the Fiscal Year Ending June 30, 1960," by Quigley, Manning, Kleinbach, Livingston, Opdyke, Paskey, Long, Shockley, McGinnes, King, Kenney, Walls; to Appropriations.

HB 348—"An Act Making a Supplementary Appropriation to the Public Archives Commission for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," by Shockley; to Appropriations.

HB 349—"An Act to Amend an Act Entitled 'Housing Authority' Being Chapter 16, Volume 39, Laws of Delaware, by Repealing the Duties of the Resident Judge and by Providing for the Appointment of Commissioners," by Dineen and Lawson; to Revised Statutes.

HB 350—"An Act to Appropriate Funds to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Purpose of Replacing Steam Boilers and Making Other Repairs to Existing Facilities in the Boiler Plant," by Shockley; to Appropriations.

HB 351—"An Act Making a Supplementary Appropriation to the State Board of Health for the Fiscal Years Ending June 30, 1960 and June 30, 1961, and Relating to the Treatment at the Emily P. Bissell Hospital of Allied Pulmonary Diseases," by Shockley; to Appropriations.

HB 352—"An Act Making a Supplementary Appropriation to the Family Court of New Castle County for the Fiscal Year Ending June 30, 1960," by Dineen and Bartleson (By Request); to Appropriations.

The Chair announced that he was about to sign **HR 73** and **HR 72** and House Bills **117**, **119**, **202**, **303**, **299**.

On motion of Mr. Dineen **HB 228** with **HA 1** was re-committed.

On motion of Mr. Dineen **HB 228** with **HA 1** was stricken.

Mr. Eskridge on behalf of Miscellaneous Committee reported **HB 319**, 5 favorable.

Mr. Betts on behalf of Revised Statutes Committee reported **HB 330**, 4 merits; **HB 249**, 3 favorable, 1 merits; **HB 338**, 3 merits, 1 unfavorable.

Mr. King on behalf of Appropriation Committee reported **SB 135**, 4 favorable; **HB 333**, 4 favorable.

HA 1 to **HS 1** for **HB 267** was presented by Mr. Cannon, read for the first and only time. Mr. Cannon moved for the adoption of **HA 1** to **HS 1** for **HB 267**. Motion lost.

HA 1 to **HB 265** was presented by Mr. Quigley, read for the first and only time and on motion of Mr. Quigley was adopted by voice vote.

HA 1 to **HB 332** was presented by Mr. Dineen, read for the first and only time and on further motion of Mr. Dineen was adopted by voice vote.

On motion of Mr. McGinnes **HCR 14**—"Approving the Second Interim Report of the Joint Revenue Committee and Directing that Said Committee Continue Its Study and Report to the 120th General Assembly," was read for the third and final time and on motion of Mr. McGinnes was adopted by voice vote.

Mr. Shockley moved that **HB 305**—"An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware," be read for the third and final time and be taken up for consideration. Mr. Shockley moved that action on **HB 305** be deferred. Motion prevailed.

Mr. Shockley moved that **HB 312** which had been deferred on June 4, be brought up for further consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

ABSENT—Messrs. Carmean, Long, Pawson—3.

HB 312 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 306**—"An Act to Amend Chapter 61, Title 10, Delaware Code Relating to Condemnation, by Providing That the Goodwill or Going Concern Value of a Business Located Upon Land Taken in Eminent Domain Proceedings Shall be Considered as a Proper Element of Just

Compensation and That Evidence of Such Goodwill or Going Concern Value Shall be Competent and Relevant Evidence Upon the Issue of Just Compensation," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, King, Latina, Livingston, McGinnes, Opdyke, Paskey, Pryor, Quigley, Shockley, Walls, Wright, Mr. Speaker Tribbitt—19.

NAYS—Messrs. Bartleson, Best, Betts, Cannon, Clifton, Kleinbach, Long, (Mrs.) Manning, Richards—9.

NOT VOTING—Messrs. Cain, Johnson, Kenney, Lawson—4.

ABSENT—Messrs. Carmean, Pawson, Robbins—3.

HB 306 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Walls presented **HR 74**—"An Act Making An Appropriation to the Diamond State Telephone Company for Services Rendered through May 11, 1959.

BE IT RESOLVED by the House of Representatives of the 120th General Assembly that the sum of \$70.65 be paid the Diamond State Telephone Company for services rendered through May 11, 1959," which was read for the first and only time and adopted by a voice vote.

Mr. McGinnes moved that **HB 70** which have been passed by the House on April 20th, and had been sent to the Senate for concurrence and had been passed by the Senate with **SA 1** be brought up for consideration in order to pass the House. Mr. McGinnes moved that **SA 1** to **HB 70** be adopted by a voice vote. Motion prevailed.

On the question, "Shall **HB 70** as amended with **SA 1** pass the House?" roll call revealed:

YEAS—Messrs. Betts, Cain, Cannon, Clifton, Davidson, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

ABSENT—Messrs. Bartleson, Best, Carmean, Fifer, Johnson, Kleinbach, Latina, Lawson, Livingston, (Mrs.) Manning, Pawson, Richards—12.

HB 70 with **SA 1** having passed the House, was ordered sent to the Governor for his approval.

Mr. Betts moved that **HB 328**—"An Act to Increase the Fees of the Recorder in Kent County," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

ABSENT—Messrs. Carmean, (Mrs.) Manning, Pawson—3.

HB 328 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Clifton moved that **HB 12**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware which Maintain and Operate an Ambulance," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Livingston, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. Carmean, Latina, (Mrs.) Manning, Pawson—4.

HB 12 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Kenney moved that **HS 1** for **HB 181**—"An Act Relating to State and County Employees' Pensions by Prohibiting Persons Receiving State or County Pensions From Holding a Non-Elective State or County Public Office or Being Employed by the State or County," be read for the third and final time and be taken up for consideration in order to pass the House.

Mr. Kenney moved that the roll call be tabled. Motion prevailed.

Mr. Opdyke moved that **HB 335**—"An Act to Amend Title 19, Section 3315, Delaware Code, Relating to Disqualification for Benefits of Unemployment Compensation," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Clifton, Davidson, Dineen, Gove, Graves, Kenney, King, Kleinbach, Latina, Livingston,

Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Shockley, Walls, Wright, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Bartleson, Best, Cannon, Lawson, Richards—5.

NOT VOTING—Messrs. English, Eskridge, Fifer, Johnson, Richards—5.

ABSENT—Messrs. Carmean, (Mrs.) Manning, Pawson—3.

HB 335 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

A memorandum from the Governor's office informed the House that the Governor had approved the following legislation: **HS 1** for **HB 222**; **HS 1** for **HB 63** with **HA 1** to **HB 63**; **HB 148**; and **HB 263**. Also that the Governor's office had received **SB 136** after legislative override of the Governor's veto.

Mr. King moved that the House adjourn at 6:45 P.M. until 1:00 P.M. on Wednesday, June 10, 1959.

65TH LEGISLATIVE DAY

The House met pursuant to adjournment on Wednesday, June 10, 1959, at 2:15 P.M.

Prayer by the Rev. Park W. Huntington.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Absent—Mr. English—1.

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

Mr. Graves on behalf of Public Buildings and Highways reported **HB 318**, favorable 5.

Mr. Cannon on behalf of Revenue and Taxation, reported **HB 320**, favorable 4; Labor, **HB 342**, favorable 3, unfavorable 1.

The Chair welcomed the boys who were representing the various schools for Boys State.

Mr. King on behalf of Appropriation Committee reported **HB 343**, favorable 3, unfavorable 1.

Mr. Robbins on behalf of Education Committee reported **HB 345**, 4 favorable, merits 1.

On Mr. Latina's motion **HB 192** was stricken.

Mr. Shockley on behalf of Corporations Municipal reported **SS 1** for **SB 180**, favorable 1, merits 3; **SB 181**, favorable 2; merits 2.

Mr. Latina moved that **HS 1** for **HB 192**—"An Act Requiring All Inspectors Employed by the State of Delaware, Its Counties and Municipalities to Receive Instructions in Safety Code Requirements," be taken up for consideration, read for the third and final time in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

ABSENT—Messrs. Dineen, English—2.

HS 1 for **HB 192** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 81**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware," be read for the third and final time and taken up for consideration in order to pass the House.

Mr. Shockley moved that the roll call on **HB 81** be tabled. Motion prevailed.

Mr. Carmean moved that **HB 278**—"An Act to Amend Chapter 7, Title 14, Delaware Code, Relating to the Authority of Administrators and Teachers," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Carmean, Davidson, Johnson, King, Pryor, Richards, Wright—7.

NAYS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Eskridge, Fifer, Gove, Graves, Kenney, Latina, Livingston, Long, (Mrs.) Manning, Opdyke, Paskey, Quigley, Richards—19.

NOT VOTING—Messrs. Dineen, Kleinbach, Lawson, McGinnes, Pawson, Mr. Speaker Tribbitt—6.

ABSENT—Messrs. English, Shockley, Walls—3.

HB 278 not having received its constitutional majority was declared lost.

Mr. King introduced **HCR 15**—"Providing for Adjournment of the House of Representatives and Senate.

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware, the

Senate concurring therein, that at the close of business on Wednesday, June 10, 1959, both houses shall adjourn until Monday, June 15, at 1:00 o'clock P.M.," which was read for first and second time by title only and on Mr. King's motion that rules be suspended was adopted by a voice vote.

Mr. Shockley moved that **HB 245** with **HA 1** and **SA 1**, to pass as amended with **SA 1**.

On the question, "Shall **HB 245** as amended pass the House?" roll call revealed:

YEAS—Messrs. Bartleson, Best, Carmean, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, King, Kleinbach, Lawson, Livingston, (Mrs.) Manning, McGinnes, Pawson, Pryor, Quigley, Richards, Shockley, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Betts, Cain, Cannon, Clifton, Kenney, Long, Opdyke, Paskey, Robbins, Walls, Wright—11.

NOT VOTING—Mr. Latina—1.

ABSENT—Mr. English—1.

HB 245 as amended with **HA 1** and **SA 1** having passed the House was ordered to the Governor.

Mr. Graves moved that **SB 160** with **HA 1**—"An Act to Amend Section 4126 (c) Title 21, Delaware Code Relating to Specific Speed Limits and the Penalties Therefor," be read for the third time and be considered in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, Dineen, Eskridge, Gove, Graves, Kenney, King, Kleinbach, Latina, Livingston, McGinnes, Opdyke, Paskey, Pawson, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Bartleson, Best, Cannon, Fifer, Lawson, (Mrs.) Manning, Pryor, Richards—8.

NOT VOTING—Mr. Johnson and Mr. Wright—2.

ABSENT—Messrs. English, Long, Quigley—3.

SB 160 with **HA 1** having received its constitutional majority passed the House and was returned to the Senate.

Mr. Shockley moved that **SB 10**—"An Act to Amend Title 31, Delaware Code, Repealing Provisions Relating to Transfer of Custody of a Juvenile to State Board of Corrections," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Davidson, Eskridge, Fifer, Johnson, King, Kleinbach, Lawson, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

NAYS—Messrs. Clifton, Livingston—2.

NOT VOTING—Messrs. Gove, Kenney, McGinnes—3.

ABSENT—Messrs. Cannon, Dineen, English, Graves, Latina, Long, Quigley—7.

SB 10 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **SB 104**—"An Act to Amend Title 31, Delaware Code, by Repealing Section 5131 Relating to the Detention of Juveniles Under 18 Years of Age," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Eskridge, Fifer, Johnson, Kenney, King, Kleinbach, Lawson, Livingston, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—25.

NOT VOTING—Messrs. Clifton, Davidson, Gove—3.

ABSENT—Messrs. Cannon, Dineen, English, Graves, Latina, Long, McGinnes—7.

SB 104 having received its constitutional majority passed the House and was ordered returned to the Senate.

The Chair announced that he was about to sign **HS 1** for **HB 292**; **HS 1** for **HB 30**; **HB 47**; **HB 231**; **HB 275**; **HB 31** and **HR 72, 73, 74**.

Mr. King presented **HA 1** to **HB 291** which was read for the first and only time and action was deferred.

HB 353—"An Act Creating A Department of Labor and Industrial Relations For the State Under the Supervision and Direction of A Commissioner, Transferring the Industrial Accident Board to Said Department, Abolishing the Labor Commission, of Delaware and Transferring the Powers and Duties Thereof to Said Department, and Prescribing the Powers and Duties of Said Department, Providing for the Inspection of Welfare Funds; Providing for Secret Ballots Elections of Officers of Unions or Associations; Providing for Punishment For Violations, and Enforcements," was introduced by McGinnes and Latina, read for the first and second time by title only; to Labor.

A Message from the Secretary of the Senate informed the House that the Senate had passed **SB 89** with **SA 1** and **SCR 24** and requested the concurrence of the House. The Senate informed the House that they had passed **HB 317**; **HCR 14** and **HCR 15**.

On motion of Mr. King, the House adjourned in accordance with the provisions of **HCR 15**.

66TH LEGISLATIVE DAY

The House met pursuant to adjournment on Monday, June 15, 1959 at 2:30 P.M.

Prayer by the Chaplain, Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—35.

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

A message from the Senate informed the House that the Senate had passed **HB 89** with **SA 1**.

Mr. King presented **HA 1** to **HB 291** which was read for the first and only time and on motion of Mr. King was committed with **HB 291**.

Mr. Eskridge reported **HB 26**, 3 favorable, 1 merits.

The Chair recognized a Former Speaker of the House Albert Jones.

Mr. Quigley moved that **HB 342**—"An Act to Amend Title 19, Delaware Code, Entitled 'Labor' Relating to Wage Payments for Railroad Employees Every Two Weeks," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Fifer, Gove, Graves, Kenney, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Quigley, Robbins, Walls, Mr. Speaker Tribbitt—25.

NAY—Mr. Best—1.

NOT VOTING—Messrs. English, Eskridge, King, Pryor, Richards, Wright—6.

ABSENT—Messrs. Johnson, Livingston, Shockley—3.

HB 342 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Fifer moved that **HB 285**—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' Relating to Procurement of Land for School Sites," be read for the third and final time and be considered in order to pass the House.

On motion of Mr. Fifer roll call on **HB 285** was tabled.

Mr. Cannon moved that **HB 313**—"An Act to Provide for

Self-Insurance By the State of Delaware on All State Owned or State Used Property," be read for the third and final time and be considered in order to pass the House.

On motion of Mr. Cannon roll call on **HB 313** was tabled.

Mr. Dineen moved that **HB 345**—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—31.

NAY—Mr. Quigley—1.

ABSENT—Messrs. Johnson, Livingston, Shockley—3.

HB 345 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Paskey moved that **HB 249**—"An Act to Authorize the Levy Court of Kent County to appropriate Money to the Kent County Volunteer Firemen's Association," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Graves, Kenney, King, Latina, McGinnes, Opdyke, Pryor, Quigley, Robbins, Walls, Wright, Mr. Speaker Tribbitt—19.

NAYS—Messrs. Betts, Cain, Fifer, Gove, (Mrs.) Manning, Paskey—6.

NOT VOTING—Messrs. Bartleson, Best, Kleinbach, Lawson, Long, Pawson, Richards—7.

ABSENT—Messrs. Johnson, Livingston, Shockley—3.

Messrs. Betts, Gove and Paskey changed their vote for restoring **HB 249** to calendar.

HB 249 not having received its constitutional majority lost.

On motion of Mr. Paskey **HB 249** was restored to the calendar.

On behalf of Revised Statutes **HB 349** was reported 3 favorable, 2 merits.

The following bills were read for the first and second time by title only and referred to Committee:

HB 354—"An Act to Amend Title 21, Delaware Code Entitled 'Motor Vehicles' Relating to the Length of Motor Vehicles," by Graves; to Public Buildings and Highways.

HB 355—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," by Graves; to Education.

HB 356—"An Act Directing the State Highway Department of the State of Delaware to Repair Dykes Along the Delaware River Within the Town Limits of Delaware City in New Castle County; Appropriations Therefore," by Davidson; to Appropriations.

HB 357—"An Act to Amend Title 15, Delaware Code, Entitled 'Department of Elections' and Relating to the Departments of Elections for New Castle, Kent and Sussex Counties," by Richards, Kleinbach, Johnson; to Elections.

HB 358—"An Act to Amend Chapter 7, Title 14, Delaware Code, Relating to the Authority of Administrators and Teachers," by Carmean; to Education.

SA 1 to HB 233 was adopted by a voice vote on motion of Mr. Paskey.

HB 233 with **SA 1** was brought up for passage and was deferred on motion of Mrs. Manning.

A message received from the Governor was read and upon motion of Mr. King was ordered spread upon the Journal.

June 15, 1959

To the House of Representatives of the 120th
General Assembly of the State of Delaware:

On June 4, 1959, I received House Bill No. 271, as amended, entitled:

**AN ACT MAKING APPROPRIATIONS FOR THE
EXPENSES OF THE STATE GOVERNMENT FOR
THE FISCAL YEAR ENDING JUNE 30, 1960.**

I have this day signed House Bill No. 271, as amended, but in so doing I have disapproved and deleted the following portions of this Bill: on pages one and two of the entire appropriations for the Departments of Elections for New Castle, Kent and Sussex Counties in the amount of \$116,452.00, and the entire appropriation for the State Election Commissioner in the amount of \$19,000.00; and on page eighteen the entire appropriation for the State Highway Department Maintenance Division in the amount of \$3,710,500 and the Construction Division in the amount of \$750,000.00.

The authority for this action is found in Section 18 Article III of the Constitution of the State of Delaware.

Including the election and registration items and increasing these highway items in the Budget Bill resulted in sacrificing the urgently needed human services of education, health and assistance to the needy.

My action on this Budget Bill is based on two principles:

We must provide for the basic human needs of our citizens, and we must clear up the financial deficit which has been left by previous General Assemblies.

Serious consideration was given to vetoing the entire Budget Bill. However, since the General Assembly has required almost six months to prepare and enact this Bill, it seemed advisable to accept certain portions of the Bill that are satisfactory or that can be corrected; veto the unsatisfactory items; and, introduce supplemental bills to restore the deep and unwise cuts that have been made in a number of important services for our citizens.

We cannot afford any further delay in providing the bulk of appropriations to operate the Government of Delaware for the next year.

While some parts of the budget are in line with the requirements of our people, there are several strong reasons why this is a very backward budget to offer the people of our State. These are the reasons for the action which I have taken:

First, it is a backward budget because it has cut almost a half million dollars from the money I recommended to educate our growing number of children. The cuts made by the General Assembly would seriously endanger our present high standards of education and would cause serious damage to our school system which would take years to repair. Originally, the General Assembly cut education by nearly \$2,000,000, but \$1,370,000 has been restored by another Bill.

Second, this is a backward budget because the General Assembly has cut about \$900,000 from my recommendations for mental health, the blind, care of retarded children, tuberculosis patients, help for the aged and disabled, the polio protection program, juvenile delinquency programs, and assistance for destitute people. These are heartless reductions in human services, and it is inconceivable to me how the General Assembly can ignore these problems. I tried to provide adequate programs in these fields in line with our critical financial situation.

Third, it is a backward budget because the General Assembly has boosted the Highway Department appropriations by about \$1,700,000 at the expense of education, health and welfare needs. In our difficult financial situation, we cannot afford extravagance in any area. Good highways, of course, are important to our progress, but we must take first things first, and that means the education and health of our people.

We cannot sacrifice these things for a few miles of highway maintenance and planning, and we must hold down state expenditures everywhere possible to absolutely essential needs.

Fourth, it is a backward budget because it provides more than \$100,000.00 for the State and County Departments of Elections. This is a needless expense at the State level, and these election functions should be paid for at the local level. I recommended that the State Department of Elections be abolished, but no action has been taken by the General Assembly on this proposal.

Fifth, this backward budget has ignored the urgent request by the State Tax Department for adequate funds to do its job. The Tax Department is terribly understaffed. It is important that this office be adequately provided for in order to carry out efficiently and effectively its necessary responsibilities.

Sixth, this backward budget includes a cut of \$40,000 for the Family Court in Wilmington. Such a reduction would make necessary a 14-per cent cut in personnel and elimination of officers who presently collect an estimated \$1,000,000 a year from those men responsible for the support of their wives and children. Elimination of this service will result in more women and children becoming dependent on the State for support.

To correct these glaring deficiencies in our budget, I will approve supplemental appropriation requests restoring approximately the amounts which were cut from the budget I recommended for mental health, polio protection, care for retarded children, the aged and disabled, tuberculosis patients, and other areas of human needs. In addition, I hope the legislature will put back the education money which was cut from my budget.

In addition to specific vetoes of certain items in the budget bill, I am opposed to Sections 8 and 9 of House Bill 271, as amended.

Section 8 would repeal the present law which permits the Budget Commission to recommend a sufficient reserve fund for the hiring of more teachers to keep pace with our increasing school population.

Section 9 would prohibit the transfer of funds within an agency's appropriations, regardless of how justifiable this transfer might be. While this action might appear wise, as a practical matter it will defeat the objectives of sound and efficient administration of the Government. Many state offices and agencies may be faced with unanticipated expenses which cannot be met under this restriction. It will result in the impairment of services and operations. Good administration requires a limited flexibility to meet crises that cannot be anticipated.

Despite my objections to these two sections, I cannot, under law, veto them.

In addition, I have been advised by the Attorney General that there are serious legal questions concerning sections of the budget bill which could affect adversely the teacher tenure act and the teacher salary and wage scale act. It is the Attorney General's opinion that these questions will probably have to be resolved by the courts.

Finally, I want to discuss the overall financial problem which is a vitally important part of any decision on the state budget. The budget is only one area of the total state financial picture.

Last week, the Joint Finance Committee of the General Assembly recommended and the Senate approved a revenue estimate of \$72,000,000 for the next fiscal year. Outside tax experts hired by the Joint Revenue Committee came up with a \$73,000,000 estimate for state revenues. Since my original revenue estimate drawn up last fall was made before the booming economic recovery experienced in Delaware and nationally this year, I believe the move up-to-date \$72,000,000 revenue prediction of the Joint Finance Committee should be accepted as the official basis for budget calculations. This is based on the best judgment available.

Using round figures for the sake of clarity, the present budget bill, eliminating the items I have vetoed, would total \$62,000,000. In addition, there are regular supplemental appropriations of \$1,500,000 for fire companies, hospitals, and grants-in-aid to other organizations; and automatic appropriations of \$2,300,000 for tax refunds, welfare grants, and other state activities. There is also a supplemental appropriation of \$1,370,000 for education which has already been passed. These three items bring the budget total to \$67,200,000.

Providing the \$2,700,000 I originally recommended for highway maintenance and construction planning brings the budget to \$69,900,000. Restoring other cuts made in education, and slashes in health, welfare and other important activities in the amount of \$1,900,000 brings the budget total to \$71,800,000. Legislation needed to improve the state government, and a contingency appropriation to provide for natural disasters or other unforeseen expenses of the State require funds amounting to \$200,000, which gives us a budget of \$72,000,000.

Expected reversions from unused appropriations, amounting to \$2,000,000.00 would mean the final expense of the State for the next fiscal year would be approximately \$70,000,000.

If the anticipated revenues of \$72,000,000 projected by

the General Assembly should materialize, Delaware would have the opportunity to reduce its anticipated deficit of \$56,000,000 by \$2,000,000 next year.

If the expected increase in state revenues is derived from a prospering economy, responsible administration of the government demands that this \$2,000,000 be applied to the deficit facing the State. Even this action will still leave a substantial deficit which must be met by the General Assembly this year.

This deficit was dumped into the lap of this legislature by the previous General Assemblies. It must be paid off as soon as possible. If it is not paid off, Delaware's credit rating will be damaged, and it will cost our citizens more money to borrow funds for schools, highways, and other facilities. Also, the cost of carrying this debt through the next year would be about \$130,000. This would be a real waste of the taxpayers' money. Failure to pay our debts would be unthinkable and the height of irresponsible management of state affairs.

If the General Assembly does not make the changes recommended in this backward budget and persists in boosting the Highway Department appropriations, it will have to accept the responsibility for not cleaning up the State's financial mess or for raising new taxes to pay off the deficit. That is the choice which can only be made by the General Assembly.

The correct course of action is clear. Provide money for essential human needs, hold the line on all expenditures which are not absolutely required this next year, and put our financial house in order. Anything less than that will do serious harm to our citizens and to the government of our State.

There is no need to have a battle of the budget in Delaware. But if there is to be a battle of the budget, I will wage it on the basic principles of providing essential appropriations, and a sound financial and efficient operation of the State government that will give the people of Delaware a fair break.

This is a time for courage and foresight in facing up to our budget problems.

Respectfully submitted,
J. CALEB BOGGS, Governor

Messrs. Cannon and Latina presented **HR 75**—"Expressing the Sympathy of the House of Representatives of the Illness of Representative Paul F. Livingston."

WHEREAS, the members of the 120th General Assembly of the State of Delaware have learned that Representative Paul F. Livingston of the House of Representatives of the State of Delaware is ill, and

WHEREAS, the members of the House of Representatives desire to express and extend their regret and sympathy to Representative Paul F. Livingston, NOW THEREFORE

BE IT RESOLVED, that the members of the House of Representatives of the 120th General Assembly of the State of Delaware do hereby express their sincere wishes for a complete and speedy recovery, and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journal of the House of Representatives of the 120th General Assembly of the State of Delaware and a copy be forwarded to Representative Paul F. Livingston," which was read for the first and only time and on motion of Mr. Cannon was adopted by voice vote.

Mr. Walls presented **HR 76**—"In Reference to Election of Officers."

WHEREAS, Angelo Perregrino was previously elected to the office of House Messenger but has resigned effective June 10, 1959, NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that Angelo Perregrino is hereby removed and discharged from the office of House Messenger effective June 10, 1959, and

BE IT FURTHER RESOLVED that Edward J. Budynkiewicz, Jr. is hereby elected to serve as House Messenger effective June 15, 1959 to serve during the pleasure of the House of Representatives," which was read for the first and only time and on motion of Walls was adopted by a voice vote.

on motion of Mr. Walls was adopted by a voice vote.

On motion of Mr. King the House adjourned at 6:00 P.M. until June 16, 1959 at 1:00 P.M.

67TH LEGISLATIVE DAY

The House met pursuant to adjournment on Tuesday, June 16, 1959.

Prayer by the Chaplain, the Rev. W. W. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, McGinnes, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Absent—Mr. Livingston—1.

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

The Chair administered the employees oath to Edward J. Budynkiewicz, Jr.

Mr. King on behalf of appropriations reported **HB 215**, favorable 4.

The following bills were read for the first and second time by title only and referred to committee:

HB 359—"An Act to Amend Title 9, Delaware Code, by Providing For a New Chapter 44, Entitled 'Building Permits' for Kent County," by Robbins, Long, Paskey, Betts, King; to Revised Statutes.

HB 360—"An Act Making an Appropriation to the Free Libraries-State Library Commission for the Fiscal Year Ending June 30, 1960," by King, Davidson; to Appropriation.

HB 361—"An Act to Appropriate Funds to the State Board of Education for the Purpose of Matching Funds Made Available Under the Provisions of Public Law 85864 Entitled the 'National Defense Education Act of 1958' and to Make Certain Supplementary Appropriations to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Ending June 30, 1960," by King, McGinnes, Eskridge; to Appropriation.

Mr. King presented **HR 77**—"Requesting the Governor to return House Bill No. 271 to the House of Representatives.

WHEREAS, House Bill No. 271 passed the House and the Senate of the 120th General Assembly of the State of Delaware and was sent to the Governor for his consideration on June 4, 1959, and

WHEREAS, the Governor of the State of Delaware on June 15, 1959, sent a message to the House objecting to certain items in said House Bill No.271, and

WHEREAS, the Governor failed to return said House Bill No. 271 with his objections to the House in which said Bill originated in disregard of the requirements of Article 3, Section 18 of the Constitution of the State of Delaware, and

WHEREAS, it is believed that the veto of the Governor is not valid without the return of the Bill vetoed to the House in which it originated pursuant to the requirements of Article 3, Section 18 Delaware Constitution, and

WHEREAS, the House of Representatives does not now have before it said House Bill No. 271 in order to reconsider the items to which the Governor has objected,

NOW THEREFORE BE IT RESOLVED by the House of Representatives of the 120th General Assembly that the Governor be and he is hereby requested to comply with the requirements of Article 3, Section 18 of the Constitution of the State of Delaware and to return to the House, House Bill No.

271 with his objections thereto in order that his objections may be reconsidered by the 120th General Assembly of the State of Delaware," which was read for the first and only time and on motion of Mr. King was adopted by a voice vote.

Mr. Pryor reported **SB 102** with **SA 1** and **SA 2**, merits 2, favorable 2.

The House adjourned at 4:00 P.M. until Wednesday, June 17, 1959 at 1 P.M.

68TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:15 P.M. on Wednesday, June 17, 1959.

Prayer by the Chaplain, Rev. Harry L. Mayfield.

Members Present— Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Absent—Mr. Livingston—1.

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

HB 354 was reported 3 favorable, 2 merits; **HB 213**, 3 favorable; **HB 223**, 3 favorable; **HB 361**, 3 favorable; **HB 356**, 4 favorable; **HB 244**, 3 favorable; **HB 337**, 3 favorable, 1 merits; **HB 355**, 3 favorable, 1 merits; **HB 212**, 4 favorable; **HB 359**, 4 favorable; **SB 183**, 4 favorable; **HB 212**, 3 favorable.

The following bills were introduced, read for the first and second time by title only and referred to committee as follows:

HB 362—"An Act to Amend Chapter 83, Title 11, Delaware Code by Adding A New Section Thereto Relating to Disability and Death Benefits," by Quigley, Shockley, King, Kleinbach; to Judiciary.

HB 363—"An Act Making a Supplementary Appropriation to the State Board of Registration for Professional Engineers and Land Surveyors for the Fiscal Year Ending June 30, 1960," by Bartleson, Graves; to Appropriations.

HB 364—"An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permits for Excessive Size and Weight," Graves, Quigley; to Public Buildings and Highways.

HB 365—"An Act to Amend Section 2151, Title 21, Delaware Code, Relating to Fee Schedule; Time of Payment," by Graves, Quigley; to Revised Statutes.

SCR 25—"Relating to the Anticipated Revenue of the State of Delaware in the Fiscal Year 1959-1960," to Miscellaneous.

HB 366—"An Act Appropriating Money to Millside School District No. 132," by Quigley; to Appropriations.

HB 367—"An Act to Amend Section 8325, Title 11, Delaware Code, Relating to Eligibility of Dependents for Pensions," by Quigley; to Judiciary.

HCR 16—"Thanking the American Legion, Department of Delaware, for its Sponsorship of Boys State," by Dineen and Graves. **HCR 16** was adopted by a voice vote under suspension of rules.

HCR 17—"Inviting the Girls' State to be the Guest of the One Hundred and Twentieth General Assembly," by Gove. **HCR 17** was adopted under suspension of rules.

HCR 18—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Joint Revenue Committee of the 120th General Assembly," by McGinnes, Betts, Fifer, Manning, Best, Cannon; to Appropriations.

A message was received from the Governor read and upon motion of the Chair was ordered spread upon the Journal.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

June 17, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

While I have not yet received the Resolution which was purportedly adopted yesterday with regard to the disposition of House Bill 271, known as the Budget Bill, I should like to advise you that this measure is and has been available to you at all times since the message explaining my line veto was delivered.

I regret that a matter of critical importance to all of the citizens of Delaware has been confused by a resort to legal gymnastics.

On Monday, June 15th, I advised you that I had line vetoed four specific items in the Budget Bill, in accordance with the Constitutional provisions relating to such matters. Unfortunately, the Constitution is vague on the entire question of the disposition of line vetoed bills. However, as a matter of custom and practice, this Bill was placed in the protective custody of the Governor's Secretary where it will remain until such time as the Secretary of State requests it for processing the approved portions as part of the laws of the State of Delaware or until you request it for further consideration. This is the same procedure followed on the two

previous occasions I have vetoed bills during my tenure as Governor of the State of Delaware.

Since this Bill is available to the members of the House of Representatives on request, a practice which the General Assembly has exercised in previous instances in past years, I believe your Resolution of yesterday makes a mockery of the serious nature of the situation.

The important thing to consider, I believe, is not whether the Bill should be physically located in one place or another but whether the people of this State will be granted the vitally important basic human services of education, health and assistance to the needy they want and demand.

It is discouraging to me that the House of Representatives uses its valuable time to engage in senseless and unnecessary political maneuvering rather than take the necessary action on the Budget Bill to provide the people of Delaware with more health and education services than miles of highway maintenance.

Sincerely yours,
J. CALÉB BOGGS, Governor

Mr. Shockley presented **HR 78**—"Request to the Senate of the 120th General Assembly of the State of Delaware to Return House Bill Number 6."

WHEREAS, the House of Representatives desires to give reconsideration to House Bill No. 6.

NOW THEREFORE BE IT RESOLVED, by the House of Representatives of the 120th General Assembly, that the Senate respectfully be requested to return the aforementioned bill to the House of Representatives for reconsideration," which was read for the only time and on motion of Mr. Shockley was adopted by a voice vote.

Mrs. Manning introduced **HR 79**—"Authorizing the Speaker of the House of Representatives to Use an Audible Sounding Device to Summon Members of the House."

WHEREAS on numerous occasions Members of the House have been unaware that the House has gone into session due to the lack of an audible sounding device being available for the House, and

WHEREAS the use of an audible sounding device for the House would insure the prompt attendance of all Members of the House at all its sessions, NOW THEREFORE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 120TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE, that the Speaker be and he is hereby authorized and directed to arrange for the use of an audible sounding device summoning the Members of the House to their seats at all sessions of the House," which was read for the first and only time and on motion of Mrs. Man-

ning was brought up for a voice vote. Chair declared **HR 79** lost.

Mr. Shockley moved that **SS 1** for **SB 12**—"An Act to Amend Chapter 51, Title 31, Delaware Code, Relating to Youth Services Commission of Delaware, to Redefine the Functions of the Commission, Qualifications of Executive Director, Setting His Salary, Appointment of Other Personnel, Powers and Duties of the Commission, Custody of Children Committed to Institutions Prior to July 1, 1958," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Carmean, Clifton, Dineen, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—26.

NAYS—Messrs. Cain, Carmean, Davidson, Gove, McGinnes, Opdyke, Wright—7.

ABSENT—Messrs. English, Livingston—2.

SS 1 for **SB 12** having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Pawson moved that **HB 226**—"An Act to Amend Chapter 83, Title 11, Delaware Code, Entitled 'State Police' Relating to Expanding the State Police Force, and Establishing a New State Police Station, Providing Funds Therefor," be read for the third and final time and brought up for consideration in order to pass the House.

Mr. Pawson moved that action on **HB 226** be deferred. Motion carried.

Mr. McGinnes moved that **HB 330**—"An Act Proposing an Amendment to Article 8, of the Constitution of the State of Delaware by Imposing a Limitation on the Amount of Bonded Indebtedness Which May Be Authorized," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Betts, Cain, (Mrs.) Manning, McGinnes, Paskey, Pryor—8.

NAYS—Messrs. Best, Cannon, Carmean, Clifton, Dineen, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, Opdyke, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—22.

NOT VOTING—Messrs. English, Johnson, Wright—3.

ABSENT—Messrs. Livingston, Pawson—2.

HB 330 not having received its constitutional majority was declared lost.

Mr. Shockley moved that **SB 178**—"An Act to Amend the Chapter of The Town of Milton as Established by Chapter 194, Volume 45, Laws of Delaware, Vesting the Mayor and Council With Power to Levy and Collect Taxes, for the Purpose of Helping Defray Expenses of Constructing and Maintaining a Sanitary Sewerage System, Upon All Real Estate, Either Improved or Unemployed, Abutting on Streets Along which Sewer Mains Have Been Constructed and are Maintained," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

NAYS—None.

ABSENT—Mr. Livingston and Mr. Pawson—2.

SB 178 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Paskey moved that **HB 233** with **SA 1** which had been deferred on June 15, be brought up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Shockley, Walls, Mr. Speaker Tribbitt—29.

NAYS—Mr. Bartleson and Mr. Robbins—2.

NOT VOTING—Mr. English and Mr. Wright—2.

ABSENT—Mr. Livingston and Mr. Pawson—2.

HB 233 as amended with **SA 1** having received its constitutional majority passed the House.

Mrs. Manning moved that **HB 333**—"An Act to Authorize and Direct the State Treasurer to Make Certain Tax Refund to Dale E. Wolf and Clarice E. Wolf," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer,

Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAYS—None.

ABSENT—Messrs. Latina, Livingston, Pawson—3.

HB 333 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Dineen moved that **HB 349**—"An Act to Amend an Act Entitled 'Housing Authority' Being Chapter 16, Volume 39, Laws of Delaware, By Repealing the Duties of the Resident Judge and By Providing for the Appointment of Commissioners," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Richards, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—Mr. Quigley and Mr. Robbins—2.

ABSENT—Messrs. Latina, Livingston, Pawson—3.

HB 349 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Wright moved that **HB 318**—"An Act to Amend Title 17, Delaware Code, Entitled Highways Relating to Locomotive Engines Sounding Whistles at Public Highway Crossings," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAYS—None.

NOT VOTING—Mr. McGinnes—1.

ABSENT—Messrs. Livingston, Pawson—2.

HB 318 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Davidson moved that **HB 322**—"An Act to Amend Chapter 1, Title 8, Para. 274 of the Delaware Code Relating to Surrender of Corporate Rights Before Payment of Capital

and Beginning Business," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAYS—None.

ABSENT—Messrs. Graves, Livingston, Pawson—3.

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

Mr. Eskridge moved that **SCR 25**—"Relating to the Anticipated Revenue of the State of Delaware in the Fiscal Year 1959-1960," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Latina, Long, Opdyke, Paskey, Pryor, Shockley, Walls, Mr. Speaker Tribbitt—19.

NAYS—Mr. Cannon—1.

NOT VOTING—Messrs. Bartleson, Best, Davidson, Fifer, Johnson, Kleinbach, Lawson, (Mrs.) Manning, McGinnes, Richards, Robbins—12.

NAYS—None.

ABSENT—Messrs. Livingston, Pawson, Quigley—3.

SCR 25 having received the majority required passed the House and was ordered returned to the Senate.

Mr. Cannon moved that **SB 155**—"An Act to Amend Sections 3102 and 3103, Title 30, Delaware Code, Relating to Hucksters' and Peddlers' Licenses," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Kenney, King, Kleinbach, Latina, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—24.

NAYS—None.

NOT VOTING—Messrs. Best, Fifer, (Mrs.) Manning—3.

ABSENT—Messrs. Bartleson, Graves, Johnson, Lawson, Livingston, Long, Pawson, Wright—8.

SB 155 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. King moved that **SB 135**—"An Act to Appropriate Money to Donald Dephew Short a Resident of the State of Delaware and a Veteran of Korean War for the Military Pay Act II," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Kenney, King, Kleinbach, Latina, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—26.

NAYS—None.

ABSENT—Messrs. Bartleson, English, Graves, Johnson, Lawson, Livingston, Long, Pawson, Wright—9.

SB 135 having received its constitutional majority passed the House and was returned to the Senate.

Mr. Cannon moved that **SB 45**—"An Act to Authorize the Caesar Rodney Special School District to Make Certain Tax Refunds," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, Eskridge, Fifer, Gove, Kenney, King, Kleinbach, Latina, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—24.

NAYS—None.

ABSENT—Messrs. Bartleson, Davidson, English, Graves, Johnson, Lawson, Livingston, Long, McGinnes, Pawson, Wright—11.

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

Mr. Cannon moved that **SB 46**—"An Act to Authorize the Levy Court of Kent County to Make Certain Tax Refunds," be read for the third and final time and be considered in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, Eskridge, Fifer, Gove, Kenney, King, Kleinbach, Latina, (Mrs.) Manning, Opdyke, Paskey, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—23.

NAYS—None.

ABSENT—Messrs. Bartleson, Davidson, English, Graves, Johnson, Lawson, Livingston, Long, McGinnes, Pawson, Pryor, Wright—12.

SB 46 having received its constitutional majority passed the House and was returned to the Senate.

The following Senate Bills were read for the first and second time by title only and referred to committee:

SB 115—"An Act to Amend Chapter 23, Title 24, Delaware Code, Relating to Records to be Kept and Reports to be Rendered to Police"; to Judiciary.

SB 89 with **SA 1**—"An Act to Amend Section 5523, Title 29, Delaware Code, Relating to Amount of Benefit Under State Employee' Pension Plan," to Revised Statutes.

SB 205—"An Act to Amend Title 3, Delaware Code, Relating to the Powers and Authority of the State Board of Agriculture"; to Agriculture.

SCR 24—"An Act Making Appropriations to Certain Companies for Services Rendered the 120th General Assembly," to Miscellaneous.

On motion of Mr. King House adjourned until Thursday, June 18, 1959 at 1:00 P.M.

69TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:15 P.M. on Thursday, June 18, 1959.

Prayer by the Chaplain, the Rev. Harry L. Mayfield.

Members Present— Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

Members Absent—Messrs. English, Lawson, Livingston—3.

The Clerk proceeded to read the Journal of the previous session when Mr. King moved that so much be considered the reading of the Journal, and the Journal be approved. Motion carried.

Mr. Eskridge on behalf of Miscellaneous Committee reported **SB 52**, favorable 5.

Mr. Graves on behalf of Public Buildings and Highways Committee reported **HB 364**, favorable 5.

Mr. Shockley on behalf of Judiciary Committee reported **HB 362**, favorable 4; **HB 367**, favorable 4; **HB 341**, favorable 4; **HS 1** for **HB 258**, favorable 4.

Mr. Shockley on behalf of Corporations Municipal Committee, reported **SB 177** favorable 2, merits 2; and **SB 176**, favorable 1, merits 2.

Mr. Betts on behalf of Revised Statutes Committee reported **HB 365**, merits 3; and **SB 89** with **SA 1** to **SB 89**, favorable 1, merits 2.

Mr. Long on behalf of Agricultural Committee reported **SB 205**, favorable 4.

The Chair announced that he was about to sign **HB 89**, **HB 108**, **HB 309**, **HB 315**, **HB 288**; **HB 70** with **SA 1** to **HB 70** and **HB 70**, as Amended, **HCR 14**, **SB 10**, **SB 104** and **SB 160**, as Amended, **SCR 26**.

On motion of Mr. McGinnes **HB 353** was stricken from the Calendar.

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

HB 368—"An Act to Amend Chapter 147, Volume 51, Laws of Delaware, Relating to Appropriations for Expenses of State Government, by Requiring That All Vouchers for the Payment of Monies Thereunder Be Presented Prior to the End of the Fiscal Year," by King; to Revised Statutes.

HB 369—"An Act Making A Supplementary Appropriation to Paul Podolsky, President-Director of the Former Delaware Veterans' Military Pay Commission for Services Rendered," by Shockley; to Appropriations.

HB 370—"An Act to Amend Chapter 7, Title 7, Delaware Code, Entitled 'Regulations and Prohibitions Concerning Game and Fish' and Relating to Licensing of Blinds and Providing Penalties Therefor," by Johnson, Best and Walls; to Fish, Oysters and Game.

Mr. Kenney on behalf of Passed Bills Committee reported that he had delivered **HR 77** for Signature.

A Message from the Governor informed the House that the Governor had approved the following legislation on the dates indicated:

June 15, 1959 - **HB 271** with **HA 1** with certain items line vetoed; **HB 296** with **HA 1**.

June 16, 1959 - **SB 4**; **SS 1** No. 1 with **HA 1** for **SB 13**; **SB 49**; **SB 105**; **SB 158** with **HA 1**.

June 17, 1959 - **HS 1** for **HB 30**; **HB 31**; **HB 47**; **HB 119**; **HB 202**; **HB 211**; **HS 1** for **HB 292**; **HB 299**.

On motion of Mr. Cannon, **SB 93**—"An Act to Authorize the Milford Special School District to Make Certain Tax Refunds," was read for the third and final time and taken up for consideration in order to pass the House. On further motion of Mr. Cannon, seconded by Mr. Robbins, **SB 93** was deferred.

On motion of Mr. Eskridge **SB 50**—"An Act Establishing the Last Friday in April as Arbor Day," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, Dineen, Eskridge, Fifer, Johnson, Kenney, King, Kleinbach, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Shockley, Walls, Wright, Mr. Speaker Tribbitt—25.

NAYS—Messrs. Gove, Long, McGinnes—3.

NOT VOTING—Messrs. Carmean, Latina, Robbins—3.

ABSENT—Messrs. English, Graves, Lawson, Livingston—4.

SB 50 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Kleinbach **HB 320**—"An Act to Amend Chapter 81, Title 9, Delaware Code, Relating to the Limitations Upon Taxing Power, by Exempting Lands and Improvements of the Hillside Civic Association from Assessment and Taxation," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockely, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. English, Graves, Lawson, Livingston—4.

HB 320 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Pryor **SB 102** with **SA 1** and **SA 2**—"An Act to Amend Title 5, Delaware Code, Entitled 'Banking' Providing for the Financing of the Sale of Motor Vehicles, the Licensing of Sales Finance Companies, the Regulation of Motor Vehicle Retail Installment Transactions, the Powers and Duties of the State Bank Commissioner, and Providing for Violations and Penalties," was read for the third and final time and taken up for consideration in order to pass the House.

After discussion of the Bill Mr. Cannon moved and Mr. Latina seconded the motion that action on **SB 102** with **SA 1** and **SA 2** be deferred. Motion prevailed.

On motion of Mr. Wright **HB 20**—"An Act Appropriating Money to the Veterans of Foreign Wars, Department of Delaware," was read for the third time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

ABSENT—Messrs. Bartleson, Dineen, English, Lawson, Livingston—5.

HB 20 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Graves, **HB 18**—"An Act Making Appropriations to the American Legion Department of Delaware, for the Furnishing of Services to Veterans and Their Dependents," was read for the third time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. Bartleson, English, Lawson, Livingston—4.

HB 18 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Johnson **HB 269**—"An Act to Amend an Act to Incorporate the Town of Fenwick Island, Delaware, and Relating to the Town Council," was read for the third time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAY—Mr. McGinnes—1.

ABSENT—Messrs. Bartleson, Dineen, English, Lawson, Livingston—5.

HB 269 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Paskey **HB 215**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware Which Maintain and Operate a Rescue Truck," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. Bartleson, English, Lawson, Livingston—4.

HB 215 having received its constitutional majority, passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Graves **HB 120**—"An Act to Amend Chapter 16, Title 10, Delaware Code, Entitled 'Court of Common Pleas for Sussex County,' Relating to Salaries of Clerk and Other Officers," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

ABSENT—Messrs. Bartleson, English, Johnson, Lawson, Livingston, Pawson—6.

HB 120 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Quigley moved that rules be suspended in order that **HB 362** be read for the third time and taken up for consideration in order to pass the House. Motion prevailed.

On further motion by Mr. Quigley **HB 362**—"An Act to Amend Chapter 83, Title 11, Delaware Code by Adding a New Section Thereto Relating to Disability and Death Benefits," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, Opdyke,

Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—28.

ABSENT—Messrs. Bartleson, English, Johnson, Lawson, Livingston, McGinnes, Pawson—7.

HB 362 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. King requested the personal privilege of the floor which was granted by the Chair and read the following statement:

I move the House of the 120th General Assembly to proceed to reconsider the items of House Bill No. 271 as amended disapproved by the Governor in his message of June 15, 1959 being:

On page one and two the entire appropriation for the Departments of Elections for New Castle, Kent and Sussex Counties in the amount of \$116,452.00 and the entire appropriation for the State Election Commissioner in the amount of \$19,000.00 and on page eighteen the entire appropriation for the State Highway Department Maintenance Division in the amount of \$3,710,500.00 and the Construction Division in the amount of \$750,000.00.

With the intention being to reconsider the said items disapproved by the Governor and I further move the House to re-pass the said items disapproved by the Governor. Mr. King further moved that the above statement be made a part of the Journal of the House of the 120th General Assembly. Motion prevailed.

On the question, "Shall **HB 271**, the Sections deleted by the Governor in his line Veto be restored and **HB 271** be passed over the Governor's Veto " roll call revealed:

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Gove, Graves, Kenney, King, Latina, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—24.

NAYS—Messrs. Best, Fifer, Kleinbach, (Mrs.) Manning, Richards—5.

ABSENT—Messrs. Bartleson, English, Johnson, Lawson, Livingston, Pawson—6.

The Deleted Sections of **HB 271**, in the Governor's Line Veto having passed with its constitutional majority passed the House and was ordered returned to the Senate for concurrence.

On motion of Mr. Kenney roll call on **HS 1** for **HB 181**—"An Act Relating to State and County Employees' Pensions by Prohibiting Persons Receiving State or County Pensions From Holding a Non-Elective State or County Public Office or Being Employed by the State or County," which was read

for the third time and taken up for consideration in order to pass the House on June 9, 1959; when on motion of Mr. Kenney seconded by Mr. Robbins the roll call was tabled. Motion carried and roll call was lifted from table and revealed:

YEAS—Messrs. Betts, Cain, Carmean, Davidson, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Kleinbach, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Robbins, Walls—19.

NAYS—Messrs. Bartleson, Best, Cannon, Clifton, Fifer, Lawson, Livingston, Quigley, Shockley, Mr. Speaker Tribbitt—10.

NOT VOTING—Messrs. Johnson, Latina, Long, Richards, Wright—5.

ABSENT—Mr. Pawson—1.

HS 1 for **HB 181** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Betts **SB 183**—"An Act to Amend Chapter 33, Title 29, Delaware Code, Relating to the Public Archives Commission, its Duties and the Transfer of Records to its Custody," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—26.

ABSENT—Messrs. Bartleson, Dineen, English, Johnson, Latina, Lawson, Livingston, Pawson, Shockley—9.

SB 183 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Walls presented **HR 80**—"Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representatives of the Present Session of the 120th General Assembly."

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 120TH 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 up to and including the 70th Legislative Day.

William G. Bush, 3rd\$375.00

Maurice A. Hartnett, 3rd	375.00
Joseph Kwiatkowski	750.00
Kathryn R. Crompton	330.00
Frank X. Shoemaker	250.00
Rev. Harry L. Mayfield	200.00
Alice C. Woodward	250.00
Samuel Messick	250.00
Frank E. Devine	275.00
Virgil Bork	250.00
Angelo Perregrino	100.00
Edward J. Budynkieuicz, Jr.	100.00
William P. Turner	200.00
Rosemary Tull	200.00
Olin Virdin, Sr.	200.00
David Ray	200.00
Ira Messick	200.00
Willie Holmes	200.00
Robert Allen Wilson	200.00
Alvin Adams	200.00
Lloyd Minner	200.00
Frank Ingram	200.00
Ernest S. Mattiford	200.00
Roland West	200.00
C. C. Hopkins	200.00
Rebecca Layfield	200.00
Matthew Warrington	200.00
Norman Younger	200.00
Ruth Ross	200.00
George Nicholson	200.00
Marshall Hastings	200.00
Lillian Weston	200.00
Claude W. Jordan	200.00
Beatrice V. Hubbard	275.00
Lois F. Morgan	250.00
Margaret Cathell	250.00
Clara Campese	275.00
Mildred A. Keeler	200.00
Joseph Kelleher	250.00
Clifford M. Simpler	250.00
Herman Halloway	200.00
John T. Robinson	200.00
Irving H. Brinton	275.00
Thomas Gray	150.00
Leland Watson	200.00
Helen N. Jones	162.50
Clifford E. Hall	292.50
Sara Emily Masten	250.00
Norman R. Baker	200.00
James Kates	200.00

Martha Dickerson 200.00
 which was read for the first and only time and on motion
 of Mr. Walls was adopted by a voice vote.

Mr. King moved that the House adjourn at 6:15 P. M.
 until Monday, June 22, 1959 at 1:00 P. M.

70TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:55 P.M.
 on Monday, June, 22, 1959.

Prayer by Mr. Brinton.

Members Present—Messrs. Bartleson, Best, Betts, Cain,
 Cannon, Carmean, Clifton, Davidson, Dineen, English, Esk-
 ridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach,
 Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke,
 Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shock-
 ley, Walls, Wright, Mr. Speaker Tribbitt—34.

Members Absent—Mr. Livingston—1.

The Clerk proceeded to read the Journal of the previous
 session when Mr. King moved that so much be considered the
 reading of the Journal, and that the Journal be approved. Mo-
 tion prevailed.

Mr. Eskridge on behalf of Revised Statutes Committee
 reported **HB 83** with **HA 1**, 4 favorable.

Mr. Graves requested that **HB 355** be recommitted. House
 approved.

Mr. Graves requested that **HB 355** be stricken. House
 approved.

Mr. Graves further requested that **HB 355** be restored
 to the calendar. Motion carried.

On motion of Mr. Quigley **HA 1** to **HB 342** was adopted
 by voice vote.

On further motion by Mr. Quigley **HB 342** as amended
 was brought up for consideration and on the question, "Shall
 this bill pass the House?" roll call revealed:

YEAS—Bartleson, Betts, Cain, Cannon, Clifton, Dineen,
 English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney,
 King, Kleinbach, Latina, Lawson, Long, McGinnes, Opdyke,
 Paskey, Pawson, Quigley, Robbins, Walls, Wright, Mr. Speaker
 Tribbitt—27.

NAYS—None.

NOT VOTING—Mr. Carmean—1.

ABSENT—Messrs. Best, Davidson, Livingston, (Mrs.)
 Manning, Pryor, Richards, Shockley—7.

HB 342 with **SA 1**, **HB**, as amended having received its
 constitutional majority passed the House and was ordered
 sent to the Governor.

The Chair announced that he was about to sign **HB 233**, with **SA 1**; **HB 252**; **HB 227**; **HB 317**; **HCR 16**; **HCR 17**; **HR 78**; **HR 80**; **SS 1** for **SB 13**.

On motion of Mr. Latina **HB 186** was recommitted.

On further motion of Mr. Latina **HB 186** was stricken from the calendar.

Mr. King presented **HA 1** to **SS1** for **SB 180** which was read for the first and only time. On motion by Mr. King **HA 1** to **SS 1** for **SB 180** was committed with **SS 1** for **SB 180**. Motion carried.

On motion of Mr. McGinnes, seconded by Mr. Paskey, **HB 215** was recommitted.

On further motion by Mr. McGinnes, seconded by Mr. Paskey, sponsor of **HB 215**, **HB 215** was stricken from the calendar. (**HB 215** being an exact duplicate of **HB 21**, sponsored by Mr. Quigley and passed by the House on January 23).

Mr. King on behalf of Appropriations Committee reported **HCR, 5** favorable; **HB 360**, 5 favorable.

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

HB 371—"An Act to Provide Special Motor Vehicle Registration Plates For the Members of the State Highway Department," by Opdyke, Quigley; to Revised Statutes.

HB 372—"An Act to Amend Title 10, Delaware Code, Entitled 'Courts and Judicial Procedure' Relating to Procedure in the Court of Common Pleas for New Castle County," by Shockley; to Judiciary.

HB 373—"An Act Making Supplementary Appropriations to the State Board of Trustees of the Delaware State Hospital at Farnhurst, Delaware, for Delaware State Hospital and Hospital for the Mentally Retarded at Stockley, Delaware," by Shockley; to Appropriations.

HB 374—"An Act to Amend Chapter 177, Volume 43, Laws of Delaware, Entitled, 'An Act Changing the Name of 'Town of Rehoboth' to 'City of Rehoboth Beach', Establishing a Charter Therefor, and Repealing Chapter 247 of Volume 27, Laws of Delaware, Being Entitled 'An Act Creating a Board of Public Works for the Town of Rehoboth, Which Shall Establish, Control and Regulate a Water Works System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors'", by Best, Johnson, Walls, Graves; to Corporations Municipal.

HB 375—"An Act to Amend Title 31, Delaware Code Entitled 'Welfare' Relating to Eligibility for Assistance under the State Public Assistance Code," by Latina, Gove, Davidson; to Revised Statutes.

HS 1 for HB 355—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," by Graves; to Education.

HB 305—"An Act to Appropriate Moneys to Certain Hospitals in the State of Delaware," deferred on June 9, was brought up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Davidson, Graves, Johnson, King, Lawson, (Mrs.) Manning, Opdyke, Pawson, Quigley, Richards—11.

NAYS—Messrs. Carmean, Gove, Latina, Long, Shockley—5.

NOT VOTING—Messrs. Bartleson, Cain, Carmean, Dineen, English, Eskridge,, Fifer, Kenney, King, McGinnes, Robbins, Wright, Mr. Speaker Tribbitt—13.

PRESENT—Mr. Walls—1.

ABSENT—Messrs. Betts, Davidson, Livingston, Paskey, Pryor—5.

(Mr. Latina and Mr. Shockley changed their votes from Yea to Nay for the purpose of restoring **HB 305** to the Calendar).

HB 305 not having received its constitutional majority was declared lost by the Chair.

On motion of Mr. Shockley seconded by Mr. Best **HB 305** was restored to the Calendar.

On motion of Mr. Paskey **HB 249**—"An Act to Authorize the Levy Court of Kent County to Appropriate Money to the Kent County Volunteer Firemans' Association," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAYS—None.

ABSENT—Messrs. Livingston, Pryor, Quigley—3.

HB 249 having received its constitutional majority passed the House and was ordered to the Senate.

On motion of Mr. Graves **HB 364**—"An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permits for Excessive Size and Weight," was read for the final time

and brought up for consideration in order to pass the House.

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

YEAS—Bartleson, Best, Clifton, Davidson, Eskridge, Gove, Graves, Johnson, Kenney, King, Kleinbach, Opdyke, Paskey, Pawson, Quigley, Richards, Walls, Mr. Speaker Tribbitt—18.

NAYS—Messrs. Cannon, English, (Mrs.) Manning, Pryor—4.

NOT VOTING—Messrs. Betts, Cain, Carmean, Fifer, McGinnes, Robbins, Wright—7.

ABSENT—Messrs. Dineen, Latina, Lawson, Livingston, —4.

HB 364 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley requested that **HB 305** which had been read for the third and final time and post, then been restored to the calendar be brought up for further consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

ABSENT—Messrs. Lawson, Livingston, Long—3.

HB 305 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Quigley presented **HR 81**—"Authorizing the Payment of Certain Expenses for One Bronze Plaque for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED, by the House of Representatives of the 120th General Assembly of the State of Delaware, that the sum of Three Hundred Sixty Dollars (\$360.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay Joseph H. Franzen Co., 1315-1317 Buttonwood Street, Philadelphia, Pennsylvania, for certain expenses of one bronze plaque 22" x 47"; which was read for the first and only time by title only and on motion of Mr. Quigley was adopted by a voice vote.

The House adjourned at 6:35 P.M. on motion of Mr. King until the call of the Chair on Tuesday, June 23, at 1:00 P.M.

71ST LEGISLATIVE DAY

The House met pursuant to adjournment at 2:15 P.M. on Tuesday, June 23, 1959.

Prayer by the Chaplain the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, King, Kenney, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Members Absent—Mr. Livingston and Mr. Richards—2.

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

Communication received by Mr. Pryor was read and ordered filed.

Mr. Betts on behalf of Revised Statutes Committee reported **HB 265** 3 favorable, 2 merits; **HB 375** 5 favorable.

The Chair announced that he was about to sign **HB 191** with **HA1** and **HB 191**, as Amended; **SB 183**; **SB 155**; **SB 50**; **SB 135**; **SB 46**; **SB 45**; **SCR 25**.

On motion of Mr. Graves **HB 364** was to be recalled for further consideration.

Mr. Kenney Chairman of passed Bills Committee reported that he had prepared and sent to the Governor for his approval **HB 108-288-289-309-315-HB 70** with **SA 1** and **HB 70**, as amended; **HCR 14**; **HCR 16**; **HCR 17**; **HB 227**; **HB 252**; **HB 317**; **HB 233** with **SA 1** and **HB 233**, as Amended.

HR 75-76-78-80 were also ready for the signature of the Speaker.

A message from the Governor informed the House that the Governor had approved **HB 231** and **HB 303** and **SB 160** with **HA 1**.

Mr. Walls presented **HR 82**—"Appropriation for Postage Stamps for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED, by the House of Representatives of the 120th General Assembly of the State of Delaware, that the sum of \$500 be and the same is hereby appropriated out of the General Fund of the State of Delaware for the purchase of postage stamps to be used for the official business of the House of Representatives of the 120th General Assembly.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps out of said appropriation upon warrants approved by the Executive Director of the Legislative Reference Bureau," which was read for the first and only time and on motion of Mr. Walls was adopted by a voice vote.

Mr. Walls presented **HR 83**—"Authorizing the Payment of Certain Expenses for the Printing of Calendars for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of Seventeen Hundred Eighty Five (\$1785.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay The Harrington Journal, Harrington, Delaware for the printing of Calendars for the House of Representatives of the 120th General Assembly"; which was read for the first and only time and adopted by a voice vote on motion of Mr. Walls.

A message from the Senate informed the House that the Senate had passed **HB 272**; **HB 345**; **HB 133**; **HB 190**; **HS 1** for **HB 183**. The Senate also asked the concurrence of the House in Senate Bills **199**; **117**; **119** and **125**.

Mr. Shockley on behalf of Corporations Municipal committee reported **SB 182**, 2 favorable, 3 merits.

The following bills were read for the first and second time by title only and referred to committee as follows:

HB 376—"An Act Making a Supplementary Appropriation to the State Park Commission for the Development, Maintenance and Operation of Lums Pond, New Castle County, Delaware, for the Fiscal Year Ending June 30, 1960," by Quigley, Manning, Davidson, Kleinbach, Bartleson; to Appropriations.

HB 377—"An Act Appropriating Funds For the Improvement of Herring Creek and Guinea Creek in Sussex County," by Walls; to Appropriations.

HB 378—"An Act Appropriating Funds for the Improvement of Love Creek and Emily Gut in Sussex County," by Walls; to Appropriations.

HB 379—"An Act Making an Appropriation to the State Board of Vocational Education for the Training of Volunteer Firemen," by Paskey, Cain, Betts, King, Latina; to Appropriations.

HB 380—"An Act to Appropriate \$4,500 to the State Highway Department to Be Used for the Purpose of Covering Over and Installing Pipe or Tile in Vaughn Ditch in Sussex County," Graves (By Request); to Appropriations.

HB 381—"An Act Making a Supplementary Appropriation to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Beginning July 1, 1959, and Ending June 30, 1960," by King and Eskridge; to Appropriations.

SB 174—"An Act to Appropriate Money to the State

Highway Department for the Purpose of Repairing and Replacing the Boardwalk at Rehoboth Beach," Appropriations.

SB 140—"An Act to Amend Chapter 19, Title 9, of the Delaware Code Relating to Fire and Police Protection; New Castle County," to Revised Statutes.

SB 103—"An Act to Appropriate Funds to Provide Aid to Needy Students at University of Delaware," to Appropriations.

SB 79—"An Act to Appropriate Funds to the University of Delaware for the Purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession," to Appropriations.

SB 127—"An Act to Amend Chapter 45, Title 10, Delaware Code, Relating to Grand and Petit Juries by Changing the Qualifications for Jury Commissioners and by Changing the Method of Selection of Grand Jurors," to Judiciary.

SB 124—"An Act to Amend Chapter 23, Title 11, Delaware Code, Relating to Searches and Seizures by Providing for Short Form Affidavit and Application for Search Warrant and Short Form of Search Warrant," to Judiciary.

SB 167—"An Act to Amend Chapter 6, Title 11, Delaware Code, Relating to The Crime of Shoplifting," to Judiciary.

SB 134—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Lotteries, Gambling and Betting," to Judiciary.

SB 130—"An Act to Amend Title 11, Delaware Code, by Creating and Establishing the Office of Public Defender for New Castle County; Providing for the Assignment by the Court of a Public Defender to Act as Counsel for Persons Unable to Obtain Counsel in Criminal Prosecutions," to Judiciary.

On motion of Mr. McGinnes **HCR 18**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Joint Revenue Committee of the 120th General Assembly," was read for the third and final time and taken up for consideration in order to pass the House.

On further motion of Mr. McGinnes seconded by Mr. Betts **HCR 18** was adopted by voice vote.

The following bills were read for the third and final time and taken up for consideration in order to pass the House.

On motion of Mr. Graves **HB 354** with **HA 1** to **HB 354**—"An Act to Amend Title 21, Delaware Code, Entitled 'Motor Vehicles' Relating to the Length of Motor Vehicles."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—Mr. Quigley—1.

ABSENT—Messrs. Livingston, Opdyke, Pawson, Richards—4.

HB 354, as Amended by **HA 1** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Latina upon written request of Mr. Livingston **HS 1** for **HB 323**—"An Act to Amend Title 24, Delaware Code Entitled 'Professions and Occupations' Relating to the Sale and Dispensing of Drugs, Chemicals, Medicines and Poisons."

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

YEAS—Messrs. Betts, Cannon, Robbins—3.

NAYS—Messrs. Bartleson, Cain, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

NOT VOTING—Messrs. Betts, Clifton, Eskridge, Kenney—4.

ABSENT—Messrs. Carmean, Livingston, Opdyke, Pawson, Richards—5.

Messrs. Latina and Quigley changed their votes from Yea to Nay in order that the bill be restored. **HS 1** for **HB 323** not having received its constitutional majority was declared lost.

ON motion of Mr. Fifer **HB 109**—"An Act Amending Title 17, Delaware Code, Entitled 'Highways' Relating to Increasing the Penalty for Disposing Trash Within A Certain Distance of the Highway."

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

YEAS—Messrs. Bartleson, Best, Betts, Cannon, Clifton, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Robbins, Walls, Wright, Mr. Speaker Tribbitt—23.

NAYS—Messrs. Davidson and King—2.

NOT VOTING—Mr. Cain and Mr. English—2.

ABSENT—Messrs. Carmean, Dineen, Latina, Livingston, Opdyke, Pawson, Richards, Shockley—8.

HB 109 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. English **HB 170**—"An Act Making an Appropriation to the State Soil Conservation Commission for the Purchase of Heavy Earth Moving Machinery and Other Equipment Needed in the Soil Conservation Work of the State, making provisions for the repayment thereof and Designating the Boards of Soil District Supervisors to Over-See the Use of Said Equipment and Machinery."

On motion of Mr. Quigley and seconded by Mr. King action on **HB 170** was deferred.

On motion of Mr. Shockley **SS1** for **SB 180** with **SA1** to **SS1** for **SB 180**—"An Act to Authorize the City of Dover to Issue Revenue Bonds for the Purpose of Financing the Extension, Reconstruction or Improvement of the City's Water System, Electric System and Sewer System, and to Provide for the Payment of Such Bonds."

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. Livingston, Opdyke, Pawson, Richards—4.

SS 1 for **SB 180** with **SA 1** to **SS 1** having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Shockley **SB 181**—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, to Provide For the Establishment of a Debt Limit."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. Livingston, Opdyke, Pawson, Richards—4.

SB 181 having received its constitutional majority passed the House and was ordered to the Senate.

On Mr. Kleinbach's motion **HB 212**—"An Act to Make Water Rents and Sewer Service Charges Liens in Newark."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer,

Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

ABSENT—Messrs. Livingston, Opdyke, Pawson, Richards—4.

HB 212 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On Mr. Davidson's motion **HB 341**—"An Act to Amend Title 10, Delaware Code Relating to the Jurisdiction of and the Procedure Upon Arrest of a Child for Criminal Violations in the Family Court in and for New Castle County and the Jurisdiction of the Juvenile Court for Kent and Sussex Counties in Motor Violations By Children."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Davidson, Dineen, English, Eskridge, Fifer Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—Mr. Clifton and Mr. Robbins—2.

ABSENT—Messrs. Livingston, Opdyke, Pawson, Richards—4.

HB 341 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On Mr. Walls' motion **HB 247**—"An Act to Create an Act Entitled 'A Boat Registration and Safety Act' Providing for the Registration of Motor Boats; Classification and Required Equipment; Exemptions; Boat Liveries; Collisions, Accidents and Casualties; Transmittal of Information; Skis and Aqua-Planes; Regattas, Races, Marine Parades, Tournaments or Exhibitions; Local Regulations; Owner's Liability; Enforcement and Penalties."

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

YEAS—Messrs. Bartleson, Best, Betts, Cannon, Carmean, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—27.

NOT VOTING—Messrs. Cain, Clifton, Mr. Speaker Tribbitt—3.

ABSENT—Messrs. Latina, Livingston, Opdyke, Pawson, Richards—5.

HB 247 having received its constitutional majority pass-

ed the House and was ordered to the Senate for concurrence.

On motions of Mr. Betts **SB 89** with **SA 1** to **SB 89**—"An Act to Amend Section 5523, Title 29, Delaware Code Relating to Amount of Benefit Under State Employee' Pension Plan."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

ABSENT—Messrs. English, Latina, Livingston, Opdyke, Pawson, Richards—6.

SB 89 with **SA 1** to **SB 89** having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Kenney Chairman on passed Bills informed the House that he had delivered to the Governor's Office **HB 317**, **HB 227**, **HB 252**, **HCR 16**, **HCR 17**, **HR 78** and **HR 80**.

On motion of Mr. King the House adjourned at 6:30 until Wednesday, June 24, 1959, at 1:00 P. M.

72ND LEGISLATIVE DAY

The House met pursuant to adjournment at 2:00 P. M. on Wednesday, June 24, 1959.

Prayer by the Chaplain the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—33.

Absent—Mr. Livingston and Mr. Shockley—2.

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

Mr. King on behalf of Appropriations Committee reported **HB 381**, 4 favorable; **HB 339**, 4 favorable; **HB 363**, 4 favorable.

Mr. Eskridge moved that rules be suspended for the sole purpose of reading for the third and final time and taken up for consideration **HB 381**—"An Act Making a Supplementary Appropriation to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Beginning July 1, 1959, and Ending June 30, 1960."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Robbins, Walls, Wright, Mr. Speaker Tribbitt—28.

ABSENT—Messrs. English, Kleinbach, Livingston, Pryor, Quigley, Richards, Shockley—7.

HB 381 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Latina **HS 1** for **HB 36** was recommended.

On motion of Mr. Latina **HB 36** was stricken.

Mr. Walls presented **HR 84**—"Authorizing the Payment of Certain Expenses for the Repair of an Electric Typewriter Being Used by the House of Representatives of the 120th General Assembly."

BE IT RESOLVED, by the House of Representatives of the 120th General Assembly of the State of Delaware, that the sum of Six Dollars and Ninety-Five Cents (\$6.95) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay International Business Machines Corporation, P. O. Box 1809, 909 Delaware Avenue, Wilmington, Delaware, for certain expenses incident to the repair of an electrical typewriter connected with and necessary to the work of the present session"; which was read for the first and only time and on motion of Mr. Walls was adopted by a voice vote.

On motion of Mr. King **HS 1** for **HB 51** was read for the first and second time by title only and referred to Appropriations Committee.

The following bills were read for the first and second time by title only and referred to committee as follows:

HB 382—"An Act to Amend Chapter 33, Title 24, Delaware Code, Entitled 'Veterinarians' Relating to Definitions, Powers of the State Board of Veterinary Examiners, Examinations, Applications, Suspension or Revocation of Licenses, Appeals, Violations and Penalties," Robbins (By Request); to Revised Statutes.

HB 383—"An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permits for Excessive Size and Weight," by Graves and Quigley; to Public Buildings and Highways.

HB 384—"An Act to Amend Section 2151, Title 21, Delaware Code, Relating to Fee Schedule; Time of Payment," by Graves and Quigley; to Revised Statutes.

SB 121—"An Act to Amend Chapter 87, Title 11, Delaware Code, Relating to the State Detectives by Providing for Their Appointment and Fixing Their Salaries," to Revised Statutes.

SB 117—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Larceny and Embezzlement; Chapter 3, Title 11, Delaware Code, Relating to Obtaining Money Under False Pretenses; Chapter 3, Title 11, Relating to Fruit, Produce and Trees," to Judiciary.

SB 138—"An Act to Amend Chapter 3, Title 9, Delaware Code, Regarding Term of Levy Court Commissioners in New Castle County," to Revised Statutes.

SB 119—"An Act to Amend Title 15, Delaware Code, Relating to Regulation of Nomination and Election Expenses," to Elections.

SB 199—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Purpose of Opening the South End of Deep Hole Creek to the Broadkilm River," to Appropriations.

SB 125—"An Act to Amend Chapter 61, Title 21, Delaware Code, Relating to Driving a Vehicle Without the Consent of the Owner," to Revised Statutes.

SB 128—"An Act to Amend Chapter 3, Title 11, Delaware Code, Relating to Deadly Weapons and Firearms by Increasing the Minimum Fine for Carrying a Concealed Deadly Weapon Without a License," to Judiciary.

Mr. King on behalf of Appropriation Committee reported **HB 379**, 3 favorable.

Mr. Betts on behalf of Revised Statutes Committee reported **HB 368**, 4 favorable; **HB 371**, 4 favorable.

Mr. Robbins on behalf of Education Committee reported **HS 1** for **HB 355**, 1 favorable, 2 Merits.

On motion of Mr. Graves, **HB 354** with **HA 1** and **SA 1** and **HB 354** as amended was brought up for further consideration by the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Lawson, Long, (Mrs.) Manning, Oddyke, Paskey, Pawson, Robbins, Walls, Wright, Mr. Speaker Tribbitt—25.

NAYS—Mr. Cannon—1.

NOT VOTING—Mr. English—1.

ABSENT—Messrs. Kleinbach, Latina, Livingston, McGinnes, Pryor, Quigley, Richards, Shockley—8.

HB 354, as amended was declared passed by the Chair.

On motion of Mr. Best **HB 327**—"An Act to Amend Chapter 81, Title 9, Delaware Code, by Giving the Sussex Chapter of Delaware Humane Association Tax Exemption Status," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Robbins, Walls, Wright, Mr. Speaker Tribbitt—28.

ABSENT—Messrs. Kleinbach, Livingston, McGinnes, Pryor, Quigley Richards, Shockley—7.

HB 327 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Eskridge, **SB 83** with **SA 1**—"An Act to Amend Section 2920, Title 24, Delaware Code, Relating to the Termination of Employment and Re-Employment of Real Estate Salesman," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Lawson, Long, Opdyke, Paskey, Robbins, Walls, Wright, Mr. Speaker Tribbitt—24.

NOT VOTING—Mr. Bartleson and Mrs. Manning—2.

ABSENT—Messrs. Kleinbach, Latina, Livingston, McGinnes, Pawson, Pryor, Richards, Shockley—9.

SB 83 with **SA 1** to **SB 83** having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Eskridge **SB 15**—"An Act to Amend Chapter 43, Title 21, Delaware Code Relating to Equipment and Construction of Vehicles by Providing for a New Subchapter Thereto Entitled 'Brake Fluids'," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Lawson, (Mrs.) Manning, Opdyke, Paskey, Robbins, Walls, Wright, Mr. Speaker Tribbitt—24.

NOT VOTING—Mr. Davidson—1.

ABSENT—Messrs. Kleinbach, Latina, Livingston, Long, McGinnes, Pawson, Pryor, Quigley, Richards, Shockley—10.

SB 15 having received its constitutional majority passed the House and was ordered returned to the Senate.

A Message from the Governor's Office informed the House that on June 24, the Governor had approved **HB 108**; **227**; **252**; **289**; **309** and **315**.

On motion of Mr. King the House adjourned at 4:05 P. M. until 1:00 P. M. on Thursday, June 25, 1959.

73RD LEGISLATIVE DAY

The House met pursuant to adjournment at 1:55 P. M. on Thursday, June 25, 1959.

Prayer by the Chaplain, Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Members Absent—Mr. Livingston and Mr. McGinnes—2.

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

On motion of Mr. Shockley roll call on **HB 81**—"An Act Appropriating Money to Certain Fire Companies in the State of Delaware," which had been read for the third time on June 10, and on motion of Mr. Shockley roll call had been tabled on that date, was lifted from the table and roll call revealed:

YEAS—Messrs. Betts, Cannon, Carmean, Clifton, Davidson, Dineen, Eskridge, Gove, Graves, Kenney, King, Latina, Livingston, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Mr. Speaker Tribbitt—20.

NAYS—None.

NOT VOTING—Messrs. Bartleson, Best, Cain, Fifer, Johnson, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Pawson, Richards, Wright—13.

ABSENT—Mr. English and Mr. Walls—2.

HB 81 not having received its constitutional majority was declared lost by the Chair.

Mr. Graves on behalf of Public Buildings and Highways Committee reported **HB 383**, 3 favorable, 2 merits.

Mr. Betts on behalf of Revised Statutes Committee reported **HB 384**, 4 favorable, 1 merits.

Mr. Shockley reported on behalf of Judiciary Committee

SB 17, 2 favorable, 2 merits; **HB 372**, 4 favorable.

Mr. Shockley on behalf of Corporation Municipal Committee reported **HB 374**, 2 favorable, 2 merits.

The following bills were read for the first and second time by title only and referred to committee as follows:

HB 385—"An Act Appropriating Money to Certain Fire Stations in the State of Delaware," by Shockley; to Appropriations.

HB 386—"An Act Relating to the Payment of Taxes Based Upon Gross Receipts By Certain Business Establishments Doing Business on Sunday," by Latina; to Revenue and Taxation.

HB 387—"An Act to appropriate Funds to the State Board of Education for the Purchase of Mobile Classrooms for Migrants and Equipment for Such Classrooms," by Robbins, Bartleson, Carmean; to Appropriations.

HB 388—"An Act Making a Supplementary Appropriation to the Emily P. Bissell Hospital for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960 For Part Time Teachers for the Patients," by Shockley and Manning; to Appropriations.

HB 389—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst By Chapter 288, Volume 51, Laws of Delaware," by Shockley; to Appropriations.

Mr. Kenney Passed Bills Committee chairman reported having delivered to the Governor's Office the following: **HB 191** with **HA 1** and **HB 191**, As Amended; **HB 133**; **HB 190**; **HB 272**; **HB 345**; **HS 1** for **HB 183**; **HB 254** with **HA 1** and **SA 1** and **HB 254**, As Amended; **HB 342** with **SA 1** and **HB 342**, as Amended; and that the Chair had signed **HR 81**; **HR 82** and **HR 83**.

A message from the Governor informed the House that the Governor had approved **HB 133**; **HB 190**; **HB 288**; **HB 233** with **SA 1**; **HS 1** for **HB 183**; **HB 254** with **HA 1** and **SA 1**; and **HB 345**.

The Governor informed the House that he had vetoed **HB 117** and **HB 317**.

The Chair received the following messages from the Governor on **HB 117** which he had vetoed.

June 25, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On June 17, 1959, I received House Bill No. 117, entitled:
AN ACT TO AMEND CHAPTER 55, TITLE 29,
DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN.

I respectfully return herewith this Bill without my approval.

This Bill was intended to improve the State Employees' Pension Plan by making more equitable provision for federal social security gained from private employment in the State Pension Plan formula.

However, at a careful conference and discussion with the agencies involved and with the authors of this Bill, we find that the language of the Bill does not effectively carry out the purpose intended and that it would be administratively impossible to secure the information necessary to carry out the intended purpose.

It is apparent that this subject needs much more study and consideration.

Respectfully submitted,
J. Caleb Boggs
Governor

The following bills were read for the third and final time and taken up for consideration in order to pass the House:

On motion of Mr. Robbins **HB 359**—"An Act to Amend Title 9, Delaware Code by Providing for a New Chapter 44, Entitled 'Building Permits' for Kent County," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Latina, Lawson, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—None.

ABSENT—Messrs. Dineen, Graves, Livingston, Long, McGinnes, Quigley—6.

HB 359 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Richards **HB 39** with **HA 1** which had been read for the third and final time was taken up for further consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Fifer, Johnson, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Richards—9.

NAYS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Gove, Kenney, King, Opdyke, Paskey, Shockley, Walls—14.

NOT VOTING—Messrs. Eskridge, Pryor, Robbins, Wright, Mr. Speaker Tribbitt—5.

ABSENT—Messrs. Dineen, Graves, Latina, Livingston, Long, McGinnes, Quigley—7.

HB 39 with **HA 1** to **HB 39** not having received its constitutional majority was declared lost.

On motion of Mr. English **HB 19**—"An Act Appropriating Money to the Disabled American Veterans of Delaware," was read for the third time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Robbins, Shockley, Wright, Mr. Speaker Tribbitt—30.

NAYS—None.

ABSENT—Messrs. Davidson, Livingston, McGinnes, Richards, Walls—5.

HB 19 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Paskey **HB 379**—"An Act Making An Appropriation to the State Board of Vocational Education For the Training of Volunteer Fireman," was read for the third time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, English, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Robbins, Shockley, Wright, Mr. Speaker Tribbitt—29.

NAYS—None.

ABSENT—Messrs. Davidson, Eskridge, Livingston, McGinnes, Richards, Walls—6.

HB 379 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Kenney, **HB 244**—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Sussex County," was read for the third time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Wright, Mr. Speaker—31.

NAYS—None.

ABSENT—Messrs. Eskridge, Livingston, McGinnes, Walls—4.

HB 244 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Pryor **HB 213**—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in New Castle County," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Wright, Mr. Speaker Tribbitt—32.

call revealed:

ABSENT—Messrs. Livingston, McGinnes, Walls—3.

HB 213 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. King the House adjourned at 6:35 P. M. until Monday, June 29, 1959 at 1:00 P. M.

74TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:40 P.M. on Monday, June 29, 1959.

Prayer by the Chaplain the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Members Absent—Mr. Dineen and Mr. Livingston—2.

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

Mr. Latina on behalf of Labor Committee reported **HS 1** for **HB 159**, 3 merits.

Mr. Robbins on behalf of Education Committee reported **HB 295**, 2 favorable, 3 merits.

Mr. Cannon on behalf of Revenue and Taxation Committee reported **HB 336**, 5 merits; **HB 293**, 2 favorable, 3 merits; **HB 346**, 5 merits.

Mr. King on behalf of Appropriation Committee, reported **SB 103**, 4 favorable, 1 merits; **SB 79**, 4 favorable, 1 merits.

HS 1 for **HB 121**—"An Act to Amend Chapter 19, Title 30, Delaware Code, Entitled 'Corporation Income Tax' Relating to the Computation of Taxable Income," was introduced by Richards and King, read for the first and second time by title only and referred to Revenue and Taxation.

Mr. Kleinbach introduced **HA 1** to **HB 295** which on motion of Mr. Kleinbach was deferred until action was taken on **HB 295**.

Mr. McGinnes introduced **HA 1** to **HB 221** which on further motion of Mr. McGinnes was adopted by voice vote.

The following message from the Governor was read:

June 25, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On June 23, 1959, I received House Bill No. 317, entitled:

AN ACT TO INCREASE THE MAXIMUM ALLOWABLE COUNTY TAX RATE IN KENT COUNTY.

I respectfully return herewith this Bill without my approval.

This Bill was intended to provide an allowable county tax rate increase in Kent County from fifty cents to sixty cents on each \$100 of assessed valuation.

From an examination of this Bill it appears that the Title of the Bill refers only to Kent County, while the body of the Bill also includes a maximum allowable county tax rate in New Castle County also. Since this is not set forth in the Title of the Bill as required by the Constitution of the State of Delaware, Article 2, Section 16, which is as follows:

Sec. 16. "Restriction of bills and resolutions to one subject; expression in title; exception"

Section 16. "No bill or joint resolution, except bills appropriating money for public purposes, shall embrace more than one subject, which shall be expressed in its title."

it would seem that this Bill is not in compliance with the Constitution of the State of Delaware.

In the course of consideration of this Bill, many people have spoken to me about the need for increasing the maximum allowable county tax rate in Kent County and have suggested that before such increased allowable rate were en-

acted that it would seem desirable for the county government to undertake a realistic general reappraisal and reassessment program which might more equitably distribute the tax burden in Kent County and at the same time provide sufficient revenue to meet the expenditure needs of the County—as has been successfully accomplished in both New Castle County and Sussex County.

Respectfully submitted,

J. CALEB BOGGS, Governor

Mr. Walls presented **HR 85**—"Authorizing the Payment of Certain Expenses for the Photos of Members of the House of Representatives and Plaque for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of Fifty Seven Dollars (\$57.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay A. Ken Pfister, P. O. Box 669, Dover, Delaware, for 38 mounted photos of members of the House of Representatives and plaque at \$1.50 each for the House of Representatives of the 120th General Assembly," which was read for the first and only time and on motion of Mr. Walls was adopted by a voice vote.

HA 1 to SB 79 was introduced by Mrs. Manning, read for the first and only time and on further motion of Mrs. Manning was committed with **HB 79**.

HA 1 to SB 103 was introduced by Mrs. Manning, read for the first and only time and on further motion of Mrs. Manning was committed with **SB 103**.

The following Bills were introduced, read for the first and second time by title only and referred to committee as follows:

HB 390—"An Act to Amend Title 19, Delaware Code, Entitled 'Labor' by Extending Applicability of Regulations Covering Hours of Employment of Females," by McGinnes; to Labor.

HB 391—"An Act Relating to Salaries of Certain Public Officials," by King and Richards; to Miscellaneous.

HB 392—"An Act to Further Amend Section 1 of an Act Entitled 'An Act Relating to the Government of the City of Wilmington,' Being Chapter 178, Volume 18, Laws of Delaware, as Amended by Chapter 740, Volume 19, Laws of Delaware and Chapter 143, Volume 43, Laws of Delaware Relating to the Election of a City Clerk and Bailiff of Council, Defining Their Duties, Terms of Office and Salaries," by Latina; to Corporations Municipal.

HB 393—"An Act to Amend Title 29, Delaware Code, by Providing for Limitations on Annual Salary Increases of

State Officials and Employees," by Davidson; to Revised Statutes.

HB 394—"An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to Corporations," by Davidson; to Corporations Private.

HB 395—"An Act Appropriating Money to the Mayor and Council of Wilmington for Use of Its Fire Companies," by Shockley; to Appropriations.

A message from the Senate informed the House that the Senate had passed **SB 222** and requested the concurrence of the House, and that it had passed **HB 354** and was returning same to the House.

The following Bills and Resolutions were read for the first and second time and referred to committee as follows:

SJR 10—"Relative to the Eisenhower Presidential Library," to Miscellaneous.

SB 219—"Relating to the Transfer of Lands to the Interstate Highway Division of the State Highway Department of the State of Delaware by the State Board of Trustees of the Delaware State Hospital," to Public Buildings and Highways.

SB 221—"An Act Making an Appropriation to the Seaford Special School District for the Purpose of Restoring to its State Appropriation Certain Cash Collections Which Were Deposited in the General Fund of the State of Delaware", to Appropriations.

SB 97—"An Act to Amend Section 101, Title 13, Delaware Code, Relating to Void and Voidable Marriages," to Judiciary.

SB 222—"An Act Providing for the Use of Unexpended Portions of Certain Funds Appropriated to the Delaware State College and Amending Chapter 713, Volume 51," to Appropriations.

SB 196—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Mental Hygiene Clinic, by Chapter 147, Volume 51, Laws of Delaware," to Appropriations.

SS 1 for SB 95—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' by Enacting a New Chapter Providing for Tuition Charges for Pupils Attending Schools Outside Their Resident Districts," to Education.

SB 228—"An Act Making a Supplementary Appropriation to the State Board of Education, Vocational Education, and Rehabilitation Division and to the Wilmington Board of Education for the Fiscal Year Beginning July 1, 1959, and Ending June 30, 1960," to Appropriations.

On motion of Mr. Eskridge and seconded by Mr. King

SB 228 was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Paskey, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—27.

NAYS—Mr. Opdyke and Mr. Quigley—2.

ABSENT—Messrs. Carmean, Dineen, Johnson, Livingston, McGinnes, Pawson—6.

SB 228 having received its constitutional majority passed the House and was ordered returned to the Senate.

The Chair announced that he was about to sign **SB 181**; **SB 83**; as Amended; **SB 15**; **SB 89**; and **SS 1** for **SB 180**, as Amended.

Mr. Shockley moved that **HB 258** be stricken. Motion carried.

Mr. Shockley moved that **HB 385** be stricken. Motion carried.

On motion of Mr. Graves **HB 383**—"An Act to Amend Section 4504, Title 21, Delaware Code, Relating to Permits for Excessive Size and Weight," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—28.

NAYS—None.

ABSENT—Messrs. Betts, Cannon, Carmean, Dineen, Johnson, Livingston, Opdyke—7.

HB 383 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Cain **HB 223**—"An Act Appropriating Money to the State Soil Conservation Commission for the Drainage of Tax Ditches in Kent County," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves,

Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—28.

ABSENT—Messrs. Betts, Dineen, Livingston, (Mrs.) Manning, Opdyke, Quigley, Shockley—7.

HB 223 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Graves **HB 384**—"An Act to Amend Section 2151, Title 21, Delaware Code, Relating to Fee Schedule; Time of Payment," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

ABSENT—Messrs. Betts, Davidson, Dineen, Johnson, Livingston, Opdyke—6.

HB 384 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Davidson **HB 356**—"An Act Directing the State Highway Department of the State of Delaware to Repair the Dykes Along the Delaware River Within the Town Limits of Delaware City in New Castle County; Appropriations Therefor," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—None.

ABSENT—Messrs. Betts, Dineen, Johnson, Livingston, Opdyke—5.

HB 356 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley **SB 182**—"An Act to Amend the Charter of the City of Dover, Chapter 158, Volume 36, Laws of Delaware, by Authorizing the Council to Extend the Boundaries of Said City After a Special Election of the Qualified Voters and Real Estate Owners of the Territory Proposed to be Annexed," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—28.

NAYS—None.

PRESENT—Mr. Fifer and Mr. Quigley—2.

ABSENT—Messrs. Betts, Dineen, Johnson, Livingston, Opyke—5.

SB 182 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Shockley **HB 372**—"An Act to Amend Title 10, Delaware Code, Entitled 'Courts and Judicial Procedure' Relating to Procedure in the Court of Common Pleas for New Castle County," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—None.

ABSENT—Messrs. Betts, Dineen, Johnson, Livingston, Opyke—5.

HB 372 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley **HB 26**—"An Act to Amend Title 29 of the Delaware Code by Adding Increases in Federal Social Security Benefits to the Retirement Benefits of State Employees," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—None.

NOT VOTING—Mr. McGinnes—1.

ABSENT—Messrs. Betts, Dineen, Johnson, Livingston, Opyke—5.

HB 26 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley **HS 1** for **HB 258**—"An Act to Amend Section 1906, Title 12, Delaware Code, Entitled 'Assets of Estates' Relating to Failure to File Inventory, Etc.; Civil and Criminal Penalties; Removal," was read for the third and final time and brought up for consideration in order to pass the House.

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

YEAS—Mr. Shockley—1.

NAYS—Messrs. Bartleson, Best, Cannon, Carmean, Eskridge, Fifer, Gove, Graves, Kenney, King, Kleinbach, Lawson, (Mrs.) Manning, Paskey, Quigley, Richards, Robbins, Walls, Wright—19.

NOT VOTING—Messrs. Cannon, Clifton, Davidson, English, Latina, Long, McGinnes, Pawson, Pryor—9.

PRESENT—Mr. Speaker Tribbitt—1.

ABSENT—Messrs. Betts, Dineen, Johnson, Livingston, Opdyke—5.

HS 1 for **HB 258** not having received its constitutional majority was declared lost.

On motion of Mr. Best **HB 374**—"An Act to Amend Chapter 177, Volume 43, Laws of Delaware, Entitled 'An Act Changing the Name of 'The Town of Rehoboth' to 'City of Rehoboth Beach' Establishing a Charter Therefor, and Repealing Chapter 247 of Volume 27, Laws of Delaware, Being Entitled 'An Act Creating a Board of Public Works for the Town of Rehoboth, Which Shall Establish, Control and Regulate a Water Works System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors,'" was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, English, Eskridge, Fifer, Graves, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—28.

NAYS—None.

ABSENT—Messrs. Carmean, Dineen, Gove, Johnson, Livingston, McGinnes, Pawson—7.

HB 374 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Opdyke **HB 371**—"An Act to Provide

Special Motor Vehicle Registration Plates for the Members of the State Highway Department," was read for the third and final time and taken up for consideration in order to pass the House.

On further motion of Mr. Opdyke **HB 371** was deferred.

On motion of Mr. Shockley **SB 17**—"An Act to Amend Chapters 1, 3 and 5 of Title 10 of the Delaware Code Relating to the Supreme Court, Court of Chancery and Superior Court," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cannon, Clifton, Davidson, Gove, Graves, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, Paskey, Richards, Shockley, Wright, Mr. Speaker Tribbitt—18.

NAYS—Messrs. Betts, Eskridge, King, Opdyke, Pryor, Quigley, Robbins—7.

NOT VOTING—Mr. English—1.

ABSENT—Messrs. Cannon, Carmean, Dineen, Fifer, Johnson, Livingston, McGinnes, Pawson, Walls—9.

SB 17 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. King the House adjourned at 10:20 P. M. until Tuesday, June 30 at 1:00 P. M.

75TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:00 P. M. on Tuesday, June 30, 1959.

Prayer by the Chaplain, the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Members Absent—Mr. Dineen and Mr. Livingston—2.

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

Mr. Davidson on behalf of Corporations Private reported **HB 78** with **HA 1** to **HB 78**, 3 favorable, 1 merits.

Mr. King on behalf of Appropriations Committee reported **HB 395**, 3 favorable, 1 merits; **HB 389**, 4 favorable; **HB 369**, 4 favorable; **HB 332** with **HA 1**, 4 favorable; **HB 331**, 4 fav-

orable; **HB 68**, 4 favorable; **SB 196**, 4 favorable; **HB 248**, 4 favorable, 1 merits.

Mr. Eskridge on behalf of Miscellaneous Committee reported **HB 151**, 5 merits.

Mr. Carmean on behalf of Temperance Committee reported **SB 110**, 1 favorable, 3 merits.

Mr. Graves on behalf of Public Buildings and Highways Committee reported **SB 219**, 5 favorable.

On motion of Mr. Eskridge **SB 52**—"An Act to Amend Section 5401, Title 7, Delaware Code, Relating to the Delaware Archaeological Board," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—None.

ABSENT—Messrs. Cannon, Dineen, Gove, Latina, Livingston, Quigley—6.

SB 52 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Shockley rules were suspended for the sole purpose of having **SB 196**—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Mental Hygiene Clinic, by Chapter 147, Volume 51, Laws of Delaware," was read for the final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—25.

NAYS—Mr. Best and Mr. Betts—2.

NOT VOTING—Mr. Bartleson, Mr. Fifer, Mrs. Manning—3.

ABSENT—Messrs. Cain, Cannon, Dineen, Latina, Livingston—5.

SB 196 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Eskridge **HB 339**—"An Act Making Appropriations for the Expenses of the University of Dela-

ware for the Fiscal Year Ending June 30, 1960," was read for the final time and taken up for consideration in order to pass the House.

On the question, "Shall this Bill pass the House?" roll call was taken and on motion of Mr. Eskridge and Seconded by Mr. King the roll call was tabled.

On motion of Mr. Bartleson **HB 363**—"An Act Making A Supplementary Appropriation to the State Board of Registration for Professional Engineers and Land Surveyors for the Fiscal Year Ending June 30, 1960," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Clifton, English, Fifer, Graves, Johnson, Kleinbach, Lawson, (Mrs.) Manning, Opdyke, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—20.

NAYS—Messrs. Cain, Cannon, Carmean, Long, Paskey—5.

NOT VOTING—Messrs. Davidson, Gove, Kenney, McGinnes—4.

ABSENT—Messrs. Dineen, Eskridge, King, Latina, Livingston, Quigley—6.

HB 363 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley rules were suspended for the sole purpose of having **HB 389**—"An Act Relating to the Unexpended Funds Appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst by Chapter 288, Volume 51, Laws of Delaware," read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Cain, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—26.

NAYS—None.

NOT VOTING—Messrs. Best, Betts, Carmean, Long—4.

ABSENT—Messrs. Cannon, Dineen, English, Livingston, Quigley—5.

HB 389 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Eskridge roll call on **HB 339** was lifted from the table and revealed:

YEAS—Messrs. Bartleson, Clifton, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, (Mrs.) Manning, Pryor, Quigley, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—18.

NAYS—Messrs. Betts, Davidson, English, Gove, Long, Opdyke, Paskey—7.

NOT VOTING—Messrs. Best, Cain, McGinnes, Richards, Wright—5.

ABSENT—Messrs. Cannon, Carmean, Dineen, Livingston, Pawson—5.

HB 339 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. King **HB 343**—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' By Providing for a State Department of Finance, Transferring Certain Functions Thereto, Defining Its Powers and Duties, Transferring Certain Other Functions Among Existing State Agencies, Repealing Contrary Provisions and Appropriating Funds," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Gove, Graves, Kenney, King, Latina, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

NAYS—Messrs. Bartleson, Best, English, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Pawson—8.

NOT VOTING—Mr. Johnson and Mr. Richards—2.

ABSENT—Mr. Dineen and Mr. Livingston—2.

HB 343 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. McGinnes **HB 336**—"An Act to Increase Certain Fees Charged by the Motor Vehicle Department," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

PRESENT—Mr. Quigley—1.

ABSENT—Messrs. Dineen, Latina, Livingston—3.

HB 336 having received its constitutional majority pass-

ed the House and was ordered to the Senate for concurrence.

On motion of Mr. Cannon **HB 337**—"An Act Providing for the Issuance of Bonds to Finance the Continued Operation of the Hard Surfacing of Dirt Roads as Authorized by Chapter 503, Volume 50, Laws of Delaware," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Carmean, Clifton, Davidson, Eskridge, Gove, Graves, Kenney, King, Latina, Long, Opdyke, Paskey, Pryor, Shockley, Walls, Wright, Mr. Speaker Tribbitt—18.

NAYS—Messrs. Bartleson, Best, Cannon, English, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Quigley—10.

NOT VOTING—Messrs. Cain, Richards, Robbins—3.

ABSENT—Messrs. Dineen, Johnson, Livingston, McGinnes—4.

Messrs. Cannon, English and Quigley changed their votes from Yea to Nay in order that **HB 337** be restored to the Calendar.

HB 337 not having received its constitutional majority was declared lost.

On motion of Mr. Cannon, seconded by Mr. Clifton **HB 337** was restored to the calendar.

On motion of Mr. Opdyke **HB 371**—"An Act to Provide Special Motor Vehicle Registration Plates for the Members of the State Highway Department," which had been read for the third and final time and had been deferred on June 29, was taken up for further consideration in order to pass the House.

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

YEAS—Messrs. Betts, Clifton, Davidson, English, King, Long, Quigley, Shockley, Walls, Wright—10.

NAYS—Messrs. Bartleson, Best, Cain, Fifer, Gove, Graves, Kleinbach, Lawson, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor—14.

NOT VOTING—Mr. Richards and Mr. Speaker Tribbitt—2.

ABSENT—Messrs. Cannon, Carmean, Dineen, Eskridge, Johnson, Kenney, Latina, Livingston, Robbins—9.

Mr. Graves and Mr. Opdyke changed their vote from Yea to Nay in order that **HB 371** be restored to the Calendar.

HB 371 not having received its constitutional majority was declared lost.

A Message from the Senate informed the House that the Senate had passed **HB 12-HB 239- HB 242- HB 324-HB 328-HB 247** and was returning same to the House.

On motion of Mr. Gove **HB 264** was recommitted.

HS 1 for **HB 264**—"An Act to Amend Title 19, Delaware Code Entitled 'Labor' by Adding a New Chapter 9 Thereto Relating to Organization Officers," was introduced by Gove and Davidson, was given first and second reading by title only and referred to Labor Committee.

On motion of Mr. Gove **HB 264** was stricken.

A Message from the Senate informed the House that the Senate had passed **HB 311** with **HA 1** and **SA 1** and asked for the adoption of **SA 1** by the House.

On motion of Mr. Eskridge **SA 1** was read for the first and only time and on further motion of Mr. Eskridge was adopted by a voice vote.

On further motion of Mr. Eskridge **HB 311**, as amended by **HA 1** and **SA 1** was taken up for consideration.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Clifton, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pryor, Richards, Shockely, Wright, Mr. Speaker Tribbitt—24.

NAYS—Mr. Cannon and Mr. Walls—2.

NOT VOTING—Mr. Carmean and Mr. Davidson—2.

ABSENT—Messrs. Dineen, Latina, Livingston, McGinness, Pawson, Quigley, Robbins—7.

HB 311, as Amended having received its constitutional majority passed the House.

A Message from the Governor's Office informed the House that the Senate had passed **HB 191** with **HA 1** and **HB 342** with **SA 1**.

Mr. Betts, on behalf of Revised Statutes Committee reported **SB 125**, 1 favorable, 4 merits; **SB 197**, 3 favorable, 2 merits; **SB 113**, 1 favorable, 4 merits; **SB 121**, 1 favorable, 4 merits.

Mr. Shockley on behalf of Judiciary Committee reported **SB 167**, 4 favorable.

HB 396—"An Act to Reincorporate the Town of Newport," introduced by Mrs. Manning, was read for the first and second time by title only and referred to Corporations Municipal Committee.

The following were read for the first and second time by title only and referred to Committee as follows:

SB 211—"An Act Making a Supplementary Appropriation to the Youth Services Commission of Delaware For the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Appropriations.

SB 77—"An Act to Amend Chapter 31, Title 20, Delaware Code, Relating to Civil Defense," to Miscellaneous.

SJR 9—"An Act Creating a Committee to Study the Poultry Industry of the State of Delaware," to Miscellaneous.

The Chair announced that he was about to sign **HB's 3-5-11-17-23-104-120-153-257-274-318-333-349-354-362** and **HCR 18**.

On motion of Mr. Richards **HB 265** with **HA 1**—"An Act to Amend Title 21, Delaware Code, Entitled 'Motor Vehicles' By Adding a New Chapter Thereto Relating to an Unsatisfied Claim and Judgment Fund; Providing for the Creation and Maintenance of Fund; Procedure; Fees, Violation and Penalties," was read for the third and final time and taken up for consideration in order to pass the House.

After discussion on motion of Mr. Quigley **HB 165** with **HA 1** was deferred.

On motion of Mr. Lawson **HB 293**—"An Act to Amend Chapter 11, Title 30, Delaware Code, Entitled 'Income Tax', was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—None.

ABSENT—Messrs. Cannon, Dineen, Livingston, Pawson, Pryor—5.

HB 293 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley **SB 184** which had been read for the third time, passed the House and the Senate and been vetoed by the Governor was taken up for consideration in order to over-ride the Governor's Veto.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Kenney, King, Latina, Long, McGinnes, Opdyke, Paskey, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Richards—7.

NOT VOTING—Mr. Johnson—1.

ABSENT—Messrs. Dineen, Livingston, Pawson, Pryor—4.

SB 184 having received the majority needed to over-ride the Governor's Veto passed the House and was ordered returned to the Senate.

Mr. Shockley moved that **SB 185** be taken up for further consideration in order to over-ride the Governor's Veto.

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

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Kenney, King, Latina, Long, McGinnes, Opdyke, Paskey, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Richards—7.

NOT VOTING—Mr. Johnson—1.

ABSENT—Messrs. Dineen, Livingston, Pawson, Pryor—4.

SB 185 having received the majority needed to over-ride the Governor's Veto was ordered returned to the Senate.

On motion of Mr. King **SB 79** with **HA 1** introduced by Mrs. Manning and committed with **SB 79** on June 29, was taken up for consideration.

Mrs. Manning moved that **HA 1** to **SB 79** be adopted by voice vote.

Mr. Quigley moved that action on **HA 1** to **SB 79** be deferred. Chair called for a roll call.

Roll call revealed 19 Yeas, 8 Nays, 2 Not Voting, 6 Absent. Motion carried.

Mr. King moved that rules be suspended for the sole purpose of taking up for consideration and reading for the third and final time **SB 79**—"An Act to Appropriate Funds to the University of Delaware for the purpose of Establishing Scholarships at the University of Delaware to be Awarded to Students Desirous of Entering the Teaching Profession."

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—None.

NOT VOTING—Mr. Opdyke—1.

ABSENT—Messrs. Dineen, Latina, Livingston, Pawson, Pryor—5.

SB 79 having received its constitutional majority passed the House and was ordered returned to the Senate.

The Governor's message also indicated that he had received **HB 271** with **HA 2** after legislative override of his veto.

On motion of Mr. King **SB 103**—"An Act to Appropriate Funds to Provide Aid to Needy Students at University of Delaware," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, (Mrs.) Manning, McGinnes, Paskey, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—23.

NAYS—None.

NOT VOTING—Mr. Betts and Mr. Long—2.

ABSENT—Messrs. Cannon, Carmean, Dineen, Latina, Livingston, Opdyke, Pawson, Pryor, Quigley, Wright—10.

SB 103 having received its constitutional majority passed the House and was ordered returned to the Senate.

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

HB 397—"An Act to Amend Title 30, Chapter 23, Delaware Code by Providing for a New Section, Relating to License Tax for Furnished Rental Units," by McGinnes, Manning, Best, Fifer, Betts, Cannon, (By Request); to Revenue and Taxation.

HB 398—"An Act to Amend Title 30, Delaware Code by Providing for Additional Trade or Business Licenses," by McGinnes, Manning, Best, Fifer, Betts, (By Request); to Revenue and Taxation.

HB 399—"An Act to Amend Section 731, Title 4, Delaware Code by Deleting the Provisions Therefor Relating to Retaliatory Beer Tax and Regulations," by McGinnes, Betts, Fifer, Best and Manning (By Request); to Revenue and Taxation.

HB 400—"An Act to Provide by the Appointment of the Board members in Certain School Districts in New Castle County for a Term Ending June 30, 1963," by Gove and McGinnes; to Education.

On motion of Mr. King the House adjourned until the call of the Chair at 7:15 P. M.

House reconvened at 9:55 P. M.

Mr. Eskridge moved that Section 2 of Rule 1 be suspended for the rest of the 75th Legislative Day and Mr. King seconded the motion. Motion carried.

Mr. Eskridge also moved that Rule 9 be suspended until House reconvenes, Mr. King seconded motion. Motion carried.

Mr. King moved that rules be suspended in order that he make a committee report on **SB 211**. Motion carried and Mr. King on behalf of Appropriation Committee reported **SB 211**, 4 favorable.

The Chair announced that he was about to sign **SB 17**.

On motion of Mr. King that rules be suspended for the sole purpose of reading for the third time and passing **SB 211**—"An Act Making a Supplementary Appropriation to the Youth Services Commission of Delaware for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960."

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

YEAS—Messrs. Best, Eskridge, Fifer, Johnson, Kleinbach, Lawson, Pryor, Richards, Shockley—9.

NAYS—Messrs. Bartleson, Betts, Cannon, Carmean, Clifton, King, Latina, Long, (Mrs.) Manning, Opdyke, Paskey, Walls, Wright—13.

NOT VOTING—Messrs. Cain, Davidson, English, Graves, Kenney, McGinnes, Robbins, Mr. Speaker Tribbitt—8.

ABSENT—Messrs. Dineen, Gove, Livingston, Pawson, Quigley—5.

Messrs. Bartleson, King and Mrs. Manning changed their votes from Yea to Nay in order that **SB 211** be restored to the calendar.

On motion of Mr. King **SB 211** was restored to the calendar. Motion carried.

SCR 27—"Providing for the Rescinding of Senate Concurrent Resolution No. 25 and Relating Further to the Anticipated Revenue of the State of Delaware in the Fiscal Year Beginning July 1, 1959."

On motion of Mr. Eskridge and seconded by Mr. King rules were suspended in order that **SCR 27** be read for the third and final time in order to pass the House. Motion carried.

On the question, "Shall **SCR 27** pass the House?" roll call revealed:

YEAS—Messrs. Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, McGinnes, Opdyke, Pas-

key, Pryor, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—25.

NAYS—Mr. Fifer—1.

NOT VOTING—Messrs. Bartleson, Best, (Mrs.) Manning, Richards—4.

ABSENT—Messrs. Dineen, Lawson, Livingston, Pawson, Quigley—5.

SCR 27 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Kenney **HB 187**—"An Act Appropriating Money to Delmar School District No. 163," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—26.

NAYS—Messrs. Bartleson, Cain, (Mrs.) Manning—3.

NOT VOTING—Mr. Opdyke and Mr. Richards—2.

ABSENT—Messrs. Dineen, Lawson, Livingston, Pawson—4.

HB 187 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Pryor **SB 102** with **SA 1** and **SA 2** which had been read for the third and final time and deferred on June 18, was taken up for further consideration in order to pass the House.

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

YEAS—Messrs. Carmean, King, McGinnes, Opdyke, Paskey, Pryor, Quigley, Shockley, Walls, Mr. Speaker Tribbitt—10.

NAYS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Clifton, Davidson, Fifer, Gove, Graves, Kenney, Kleinbach, Long, (Mrs.) Manning, Wright—15.

NOT VOTING—Messrs. English, Eskridge, Johnson, Richards, Robbins—5.

ABSENT—Messrs. Dineen, Latina, Lawson, Livingston, Pawson—5.

On motion of Mr. Pryor, seconded by Mr. King roll call on **HB 102** with **SA 1** and **SA 2** to **HB 102** was tabled.

HS 1 for **HB 270** was introduced by Mr. Shockley, read for the first and second time by title only and referred to Appropriation Committee.

Mr. Long moved that **HB 270** be recommitted.

The Chair on request of Mr. Shockley asked for a roll call on whether **HB 270** be recommitted. Roll call revealed 22 Yeas, 4 Nays, 5 Not Voting and 4 Absent. **HB 270** was ordered recommitted by Chair.

Mr. Long moved that **HB 270** be stricken. Motion carried.

HS 2 for **HB 270** was introduced by Mr. Long and Mr. McGinnes read for the first and second time and referred to Appropriation Committee.

SCR 28—"Fixing the Time for Temporary Adjournment By the Senate and the House of Representatives of the 120th General Assembly of the State of Delaware," was read for the first and second time by title only and referred to Miscellaneous Committee. On motion of Mr. Eskridge, seconded by Mr. King, **SCR 28** was read for the third and final time after rules had been suspended for the sole purpose of passing **SCR 28** and taken up for consideration in order to pass the House. On further motion of Mr. Eskridge and seconded by Mr. King, **SCR 28** was adopted by voice vote and ordered returned to the Senate.

Mr. Long moved that rules be suspended for the sole purpose of making report on **HS 2** for **HB 270**. Motion carried. Mr. King reported for Appropriation Committee **HS 2** for **HB 270**, 4 favorable.

On motion of Mr. Graves **HB 166** with **HA 1** to **HB 166** which had been read for the third and final time was taken up for further consideration in order to pass the House.

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

YEAS—Messrs. Best, Cannon, Carmean, Clifton, English, Eskridge, Graves, Johnson, Kenney, Kleinbach, McGinnes, Opdyke, Quigley, Richards, Robbins, Shockley, Walls—17.

NAYS—Messrs. Bartleson, Cain, Cannon, Gove, King, Latina, (Mrs.) Manning, McGinnes, Paskey, Pryor—10.

NOT VOTING—Messrs. Davidson, Fifer, Mr. Speaker Tribbitt—3.

ABSENT—Messrs. Dincen, Lawson, Livingston, Pawson, Wright—5.

On motion of Mr. Graves seconded by Mr. Shockley roll call on **HB 166** with **HA 1** to **HB 166** was tabled.

Mr. Long moved that rules be suspended for the sole purpose of reading **HS 2** for **HB 270** for the third and final time and taken up for consideration in order to pass the House.

Mr. Shockley moved that **HS 2** for **HB 270** be deferred. Motion declared lost by Chair.

On the question, "Shall **HS 2** for **HB 270** pass the House?" roll call revealed:

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—None.

NOT VOTING—Mr. Latina and Mr. Shockley—2.

ABSENT—Messrs. Dineen, Lawson, Livingston, Pawson—4.

HS 2 for **HB 270** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Rules were suspended for the purpose of handing up the Committee report on **HB 400**.

Mr. Robbins on behalf of Education Committee reported **HB 400**, 3 favorable.

On motion of Mr. Gove and seconded by Mr. McGinnes rules were suspended for the sole purpose of reading **HB 400** for the third and final time and taking it up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Gove, Graves, Johnson, Kenney, King, Kleinbach, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—26.

NAYS—None.

NOT VOTING—Mr. Best and Mr. Fifer—2.

ABSENT—Messrs. Dineen, English, Latina, Lawson, Livingston, Pawson, Pryor—7.

HB 400 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

HB 401—"An Act to Provide for A Soft Drink Tax," was introduced by McGinnes, Betts, Fifer, Best and Manning (By Request) was read for the first and second time by title only and referred to Revenue and Taxation Committee.

HB 402—"An Act to Incorporate the Town of Oak Orchard in the County of Sussex, State of Delaware," was introduced by Mr. Walls, read for the first and second time by title only and referred to Corporations Municipal.

Mr. Walls presented **HR 86**—"Appropriating Money Out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

BE IT RESOLVED, by the House of Representatives of the 120th 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 120th General Assembly of the State of Delaware, up to and including the 75th 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 the respective members of the House of Representatives hereinafter named, the respective amounts set opposite their respective names, viz:

Paul F. Livingston	\$150.00
Russell D. F. Dineen	150.00
Harry G. Lawson	150.00
Paul E. Shockley	150.00
Joseph F. Latina	150.00
T. Lees Bartleson	156.00
F. Earl McGinnes	141.00
Mrs. Margaret Manning	144.00
Charles S. Kleinbach	129.00
James R. Quigley	135.00
Robert E. Pawson	132.00
R. C. Davidson	93.00
Sherman W. Tribbitt	75.00
Chester Gove, Jr.	75.00
Charles R. Pryor	45.00
Charles C. King	39.00
Edward Long, Jr.	15.00
Edward F. Wright	45.00
William W. Opdyke	15.00
Charles F. Richards	9.00
Elmer L. Betts	52.50
Harvey P. Fifer	30.00
William J. Paskey	42.00
George W. Cain	54.00
George A. Robbins	57.00
Carlton Clifton	84.00
Edgar English	102.00
Norman Eskridge	105.00
R. Allen Cannon	129.00
Paul H. Kenney	171.00

James W. Carmean	159.00
Tilghman S. Johnson	168.00
Joseph S. Walls	138.00
William F. Graves	135.00
William T. Best	144.00

which was read for first and only time and on motion of Mr. Walls was adopted by a voice vote.

Mr. Walls presented **HR 87**—"Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representatives of the Present Session of the 120th General Assembly."

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 120TH 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 up to and including the 75th Legislative Day.

William G. Bush, 3rd	\$187.50
Maurice A. Hartnett, 3rd	187.50
Joseph Kwiatkowski	375.00
Kathryn R. Crompton	165.00
Frank X. Shoemaker	125.00
Rev. Harry L. Mayfield	100.00
Alice C. Woodward	125.00
Samuel Messick	125.00
Frank E. Devine	137.50
Virgil Bork	125.00
Edward J. Budynkieuicz, Jr.	100.00
William P. Turner	100.00
Rosemary Tull	100.00
Olin Virdin, Sr.	100.00
David Ray	100.00
Ira Messick	100.00
Willie Holmes	100.00
Robert Allen Wilson	100.00
Alvin Adams	100.00
Lloyd Minner	100.00
Frank Ingram	100.00
Ernest S. Mattiford	100.00
Roland West	100.00
C. C. Hopkins	100.00
Rebecca Layfield	100.00
Matthew Warrington	100.00
Norman Younger	100.00
Ruth Ross	100.00
George Nicholson	100.00

Marshall Hastings	100.00
Lillian Weston	100.00
Claude W. Jordan	100.00
Beatrice V. Hubbard	137.50
Lois F. Morgan	125.00
Margaret Cathell	125.00
Clara Campese	137.50
Mildred A. Keeler	100.00
Joseph Kelleher	125.00
Clifford M. Simpler	125.00
Herman Halloway	100.00
John T. Robinson	100.00
Irving H. Brinton	137.50
Thomas Gray	75.00
Leland Watson	100.00
Helen N. Jones	100.00
Clifford E. Hall	180.00
Sara Emily Masten	125.00
Norman R. Baker	100.00
James Kates	100.00
Martha Dickerson	100.00
Rosemary Tull	200.00

which was read for first and only time by title only and on motion of Mr. Walls was adopted by a voice vote.

Mr. Walls presented **HR 88**—"An Act Authorizing Payment to The Diamond State Telephone Company for Services Rendered through June 11, 1959.

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of \$107.51 be paid to the Diamond State Telephone Company for services rendered through June 11, 1959, which was read for first and only time and on motion of Mr. Walls was adopted by a voice vote.

HR 89—"Expressing the Best Wishes of the House of Representatives of the 120th General Assembly to Representative Edward Long, Jr., on His Birthday.

WHEREAS, the Members of the House of Representatives of the 120th General Assembly have learned that June 29 is the birthday of Representative Edward Long, Jr., and

WHEREAS, the Members of the House of Representatives wish to express their best wishes to Representative Long, **NOW THEREFORE**,

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware, that the best wishes of its members for the continued good health and happiness of Representative Long for many more years are hereby extended to Representative Long.

BE IT FURTHER RESOLVED, that a copy of this Re-

solution be entered on the Journal of the House, a copy be delivered to the press and a copy be given to Representative Long," was introduced by Mr. Davidson, read for the first and only time and on further motion by Mr. Davidson was adopted by a voice vote.

The Chair announced that he was about to sign **HR 85**, **86**, **87** and **88**.

The Chair announced that he was about to sign **HB 328**, **324**, **247**, **242**, with **HA 1** to **HB 242** and **HB 242**, as Amended, **239** and **12**.

Mr. Robbins on behalf of Education Committee reported **SS 1** for **SB 95**, favorable 4, merits 1.

On motion of Mr. Robbins seconded by Mrs. Manning that rules be suspended for the sole purpose of reading **SS 1** for **SB 95**—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' By Enacting a New Chapter Providing For Tuition Charges for Pupils Attending Schools Outside Their Resident Districts," for the third and final time and taking it up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Carmean, English, Fifer, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Shockley—18.

NAYS—Messrs. Cannon, Eskridge, Gove, Kenney, Opdyke, Quigley, Walls, Mr. Speaker Tribbitt—8.

NOT VOTING—Messrs. Betts, Cain, Clifton, Davidson, Graves, Johnson, Wright—7.

ABSENT—Messrs. Dineen and Livingston—2.

SS 1 for **SB 95** having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. King on behalf of Appropriations Committee reported **SB 221**, favorable 5.

The following bills were read for the first and second time and assigned to Committee as follows:

SB 215—"An Act to Amend Title 18, Delaware Code by Adding a New Chapter Relating to Credit Insurance," Banking and Insurance.

SB 8—"An Act to Amend Title 30, Delaware Code, Entitled 'State Taxes' Relative to the Salaries of Appointees of the Tax Commissioner," Revised Statutes.

SB 171—"An Act to Amend Chapter 51, Title 29, of the Delaware Code by Authorizing the State Treasurer to Make Certain Payroll Deductions and Providing Compensation to the State Therefor," to Revised Statutes.

On motion of Mr. Eskridge seconded by Mr. King rules

were suspended for the sole purpose of reading **SB 221**—"An Act Making an Appropriation to the Seaford Special School District for the Purpose of Restoring to its State Appropriation Certain Cash Collections Which were Deposited in the General Fund of the State of Delaware," for the third and final time and taking it up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Latina, Lawson, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—Mr. Kleinbach—1.

ABSENT—Messrs. Dineen, English, Livingston, Long—4.

SB 221 having received its constitutional majority passed the House and was ordered returned to the Senate.

HA 1 to **SB 211** was introduced by Mr. King and Mr. Bartleson read for the first and only time and on further motion of Mr. King was adopted by voice vote.

HA 1 to **HB 337** was introduced by Mr. Best was read for the first and only time and on further motion of Mr. Best was adopted by voice vote.

On Mr. Latina's motion **HB 179**—"An Act to Amend Title 6, Delaware Code by Creating and Establishing a Consumer Protection Department," was read for the third and final time and taken up for consideration in order to pass the House.

Mr. King moved that action on **HB 179** be deferred and the Chair asked for a roll call. Roll call revealed 3 Yeas, 25 Nays, and 7 Absent. Motion declared lost by Chair.

On the question, "Shall **HB 179** pass the House?" roll call revealed:

YEAS—Messrs. Betts, Carmean, Clifton, Davidson, Eskridge, Gove, Graves, Kenney, King, Latina, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—19.

NAYS—Messrs. Bartleson, Best, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Richards, Wright—8.

NOT VOTING—Messrs. English, Fifer, Johnson—3.

ABSENT—Messrs. Cain, Cannon, Dineen, Livingston, Long—5.

HB 179 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. King **SB 211** with **HA 1** which had been read for the third and final time was taken up for further consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Clifton, Davidson, English, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Richards, Robbins, Shockley, Wright, Mr. Speaker Tribbitt—27.

NAYS—Messrs. Gove, Latina, Pawson—3.

ABSENT—Messrs. Cannon, Dineen, Livingston, Quigley, Walls—5.

SB 211 with **HA 1** having received its constitutional majority was ordered returned to the Senate asking for their concurrence in **HA 1** to **SB 211**.

On motion of Mr. Shockley rules were suspended for the sole purpose of reading for the third and final time and taking up for consideration **HB 395**—"An Act Appropriating Money to the Mayor and Council of Wilmington for Use of Its Fire Companies," that it could pass the House.

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

YEAS—Messrs. Betts, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—27.

NAYS—Mr. Bartleson and Mr. Lawson—2.

NOT VOTING—Mr. Best, Mr. Cannon and Mr. Fifer—3.

ABSENT—Messrs. Dineen, Livingston, Richards—3.

HB 395 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

SB 210—"An Act Making a Supplementary Appropriation to the Family Court of New Castle County for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," was read for the first and only time by title only and referred to Appropriation Committee.

SCR 29—"An Act Making Appropriations to Certain Companies for Supplies and Services Rendered the 120th General Assembly," was read for the first and second time by title only and on motion of Mr. Eskridge and seconded by Mr. King that rules be suspended for the sole purpose of reading **SCR 29** for the third and final time and taking it up for consideration in order to pass the House. On further motion of Mr. Eskridge, seconded by Mr. King **SCR 29** was adopted by voice vote and returned to the Senate.

On motion of Mr. Cannon **HA 1** to **HB 337** was brought up before the House for further consideration. Mr Cannon's motion was seconded by Mr. Shockley.

On Mr. Cannon's motion that **HA 1** to **HB 337** be deferred the Chair called for a roll call which revealed:

YEAS—Messrs. Betts, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Gove, Graves, Kenney, King, Latina, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Wright, Mr. Speaker Tribbitt—22.

NAYS—Messrs. Bartleson, Best, Cain, Fifer, Johnson, King, Lawson, (Mrs.) Manning, Pawson, Quigley, Walls—11.

ABSENT—Mr. Dineen and Mr. Livingston—2.

The Chair declared that **HA 1** to **HB 337** be deferred.

On motion of Mr. Carmean rules were suspended for the sole purpose of passing **HB 331**, which was read for the third and final time and taken up for consideration in order to pass the House.

HB 331—"An Act to Appropriate Certain Funds to the John M. Clayton School District to Enable It to Complete Its Building Program".

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, Opdyke, Paskey, Pawson, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

NAYS—None.

NOT VOTING—Mrs. Manning—1.

ABSENT—Messrs. Dineen, Livingston, McGinnes—3.

HB 331 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Richards moved that rules be suspended for the sole purpose of bringing up **HB 78** with **HA 1** for passage. Motion carried.

On motion of Mr. Richards **HB 78** with **HA 1** to **HB 78**—"An Act to Amend Title 30, Chapter 19, Entitled 'Corporation Income Tax' by Providing for Refunds," was read for the third and final time in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAYS—None.

NOT VOTING—Mr. Long—1.

ABSENT—Mr. Dineen and Mr. Livingston—2.

HB 78 with **HA 1** to **HB 78** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

A Message from the Governor informed the House that the Governor had approved **HB 3**, **HB 5**, **HB 11**, **HB 17**, **HB 23**, **HB 104**, **HB 120**, **HB 257**, **HB 274**, **HB 318**, **HB 333**, **HB 349**, **HB 354** and **HB 362**.

On motion of Mr. Johnson **HB 43**—"An Act Appropriating Money to Selbyville American Legion Post No. 39, at Selbyville, Delaware, with Which to Operate and Maintain an Ambulance," was read for the third and final time and was taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—31.

NAYS—None.

ABSENT—Messrs. Cannon, Dineen, English, Livingston—4.

HB 43 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Fifer **HB 159** was stricken.

On motion of Mr. Fifer **HS 1** for **HB 159**—"An Act Adding a New Chapter 9 to Title 19, Delaware Code, Entitled 'Labor' and Relating to Emigrant Labor Agents; Application for License; License Fees; Clerk of the Peace of Each County to Issue Licenses; Penalty for Violations," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Davidson, English, Fifer, Gove, Graves, Johnson, Kleinbach, Lawson, Long, (Mrs.) Manning, Pawson, Pryor, Richards, Robbins, Walls, Wright—19.

NAYS—Messrs. Cain, Carmean, Clifton, Eskridge, Kenney, King, Latina, McGinnes, Opdyke, Paskey, Quigley—11.

NOT VOTING—Mr. Shockley and Mr. Speaker Tribbitt—2.

ABSENT—Messrs. Cannon, Dineen, Livingston—3.

HS 1 for HB 159 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Johnson **HS 1 for HB 99**—"An Act to Appropriate Certain Funds to the Selbyville School District to Enable It to Purchase Certain Lands Adjoining Selbyville School No. 32," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—30.

NAYS—None.

ABSENT—Messrs. Cannon, Dineen, Latina, Livingston, McGinnes—5.

HS 1 for HB 99 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Shockley **HB 106**—"An Act to Amend Chapter 9, Title 10, Delaware Code, by Increasing the Salary of the Judges of the Family Court in and For New Castle County," was read for the third and final time and taken up for consideration in order to pass the House.

On the question, "Shall this Bill pass the House?" roll call was taken. On motion of Mr. Shockley roll call was tabled. Motion carried.

A Message from the Senate informed the House that the Senate had passed **HS 2 for HB 270** as amended by **SA 1 to HS 2 for HB 270**.

Mr. King moved that the House approved **HS 2** as amended by **SA 1**; motion was seconded by Mr. Eskridge. The Chair called for a roll call on question, "Shall **HS 2 for HB 270** as amended by **SA 1** pass the House? roll call revealed:

YEAS—Messrs. Bartleson, Best, Betts, Cain, Clifton, Davidson, English, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Quigley, Richards, Robbins, Shockley, Wright, Mr. Speaker Tribbitt—27.

NAYS—None.

ABSENT—Messrs. Cannon, Carmean, Dineen, Graves, Latina, Livingston, Pryor, Walls—8.

HS 2 to HB 270, as amended by **SA 1** passed the House.

Mr. Cannon asked that rules be suspended for the sole purpose of handing up Committee Reports on behalf of Rev-

enue and Taxation Committee **HB 397**, 4 favorable, 1 merits; **HB 398**, 3 favorable, 2 merits; **HB 399**, 3 favorable, 2 merits.

Mr. Quigley introduced **HCR 19**—"Providing Funds for Janitorial Services in the Legislative Hall," which was read for the first and second time by title only and referred to Appropriations.

The Chair announced that he was about to sign **HB 271** with **HA 2** and **HB 271**, as amended and overridden. **HB 12**, **239**, **247**, **324**, **328**, **242** with **HA 1** and **HB 242**, as amended, **359**, **400**, **389**, **379**, **339**, **322**, **305**, **284**, **281**, **280**, **244**, **238**, **223**, **213**, **19**, **10**, **9** with **HA 1**, **6**, **204**, **395**, **18**, **HS 2** for **HB 270** as amended by **SA 1**; **HR 85**, **86**, **87**, **88**, **89**.

Mr. King moved that the House adjourn in accordance with provisions of **SCR 28**. Motion carried.

76TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:15 P.M. on Monday, August 3, 1959.

Prayer by the Speaker, Mr. Tribbitt.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—35.

ABSENT—None.

On motion of Mr. Walls **HB 402** was stricken.

A message from the Senate informed the House that the Senate had passed **SB 252**, **SB 253**, **SB 247**, **SB 225**, **SB 243** and **SB 234**.

The following Bills were read for the first and second time, by title only and referred to Committee as follows:

SB 242—"An Act to Amend Sections 2301 and 2307, Title 19, Delaware Code Relating to Workmen's Compensation," to Labor.

SB 226—"An Act to Amend Chapter 5, Volume 52, Laws of Delaware, Relating to the State Fire Prevention Commission," to Revised Statutes.

SB 59—"An Act to Amend Section 1933, Title 14, Delaware Code, Relating to the Collection of a Tax on House Trailers," to Revised Statutes.

SB 252—"An Act Appropriating Certain Money to Mary Jester, Widow of Daniel Jester, in the Death of Her Husband While in the Performance of Official Duties in Line of Service of the State of Delaware," to Claims.

SB 253—"An Act Appropriating Certain Moneys to Elsie Warner, Mother of Charles H. Warner, in the Death of Her

Son, While in the Performance of Official Duties in Line of Service of the State of Delaware," to Claims.

SB 26—"An Act to Amend Part III, Title 6, Delaware Code, Entitled 'Weights, Measures and Standards' by Repealing Most of the Present Provisions and Substituting New Administrative and Substantive Provisions, Defining Certain Crimes and Appropriating Funds," to Agriculture.

SB 137—"An Act to Amend Chapter 3, Title 9, Delaware Code, Regarding Salaries of Levy Court Commissioners in New Castle County," to Judiciary.

SS 1 for **SB 81** with **SA 1** to **SS 1** for **SB 81**—"An Act to Amend Title 7, Delaware Code, Entitled 'Conservation' for a Water Resources Commission, Define its Powers and Duties, Provide for Hearings and Appeals, Provide Penalties and Appropriate Funds," to Agriculture.

SB 225—"An Act to Amend Section 2128, Title 21, Delaware Code Relating to the Status of Plates Upon a Transfer of Title to a Motor Vehicle," to Revised Statutes.

SB 234—"An Act Making an Appropriation to the Delaware State Development Department for Advertising to Induce Industry to Locate in Delaware," to Appropriations.

SB 247—"An Act Appropriating Money to the Booker T. Washington School," to Appropriations.

SB 248—"An Act Making a Supplementary Appropriation to the State Geological Survey for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," to Appropriations.

HB 403—"An Act to Amend Title 28, Section 522, Delaware Code Relative to Application and Rejection and Award of Dates and Maximum Racing Days and Qualifications for License for Harness Horse Racing," by Cain, Richards, Kleinbach, Johnson, Eskridge, Dineen, Cannon, Tribbitt, Long, Betts and Walls, was read for the first and second time by title only and referred to Revised Statutes.

A Message from the Senate informed the House that the Senate had Overrode the Governor's Veto of **HB 7** and **HB 14** and were returning same to House.

On motion of Mr. King the House adjourned at 6:40 P. M. until Thursday, August 6, 1959 at 1:00 P. M.

77TH LEGISLATIVE DAY

The House met pursuant to adjournment at 2:30 P.M. on Thursday, August 6th, 1959.

Prayer by the Chaplain, the Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Latina,

Lawson, Livingston, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—33.

Absent—Mr. Graves and Mr. Long—2.

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

Mr. King on behalf of Appropriations Committee reported **HB 373**, favorable 4, merits, 1; **HB 350**, Favorable 4; **HB 352**, favorable 5.

On motion by Mr. Bartleson, seconded by Mrs. Manning **HB 142** and **HB 143** were stricken.

Mr. Latina introduced **HA 1** to **SB 215** which on motion of Mr. Latina action was deferred and **HA 1** to **SB 215** was committed with **SB 215**.

HCR 20—"An Act Making Appropriations to Various Companies for Supplies and Services Rendered the 120th General Assembly," was introduced by Mr. Walls and read for the first and second time by title only.

On motion of Mr. Eskridge rules were suspended for the sole purpose of reading **HCR 20** for the third and final time in order to pass the House. On further motion of Mr. Eskridge **HCR 20** was adopted by a voice vote and was ordered to the Senate for concurrence.

The following bills were introduced and read for the first and second time by title only and referred to committee as follows:

HB 404—"An Act to Amend Title 15, Delaware Code by Providing that Clerks and Officers of Election Serving Outside of the District in Which They are Registered to Vote May Leave the Polling Place on Election Day to Vote; and Providing That Clerks of Election May be Appointed Outside of the Election District But Within the Representative District in Which They Serve," by Dineen; to Elections.

HB 405—"An Act Proposing an Amendment to Article 5, Section 2 of the Constitution of the State of Delaware Entitled 'Qualifications for Voting; Members of the Armed Services of the United States Stationed Within State; Persons Disqualified; Forfeiture of Right' By Providing for the Retention of Voting Privileges in the Hundred or Election District of Original Residence Until the Elector Acquires A New Voting Residence," by Dineen; to Elections.

HB 406—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Preparation of Lists of Registered Voters; Providing for Monthly Meetings of the Department of Elections; Expenses of the Departments of Elec-

toin; Applications for Ballots and Communications; Removal of Records of Deceased Persons from Registration Records, Merger of Election Districts; Certification of Vote; Disqualified Ballots; Canvass of Vote," by Dineen; to Elections.

HB 407—"An Act to Amend Chapter 5, Title 31, Delaware Code, to Provide for Recovery of Assistance From the Real Property of Recipients of Old Age Assistance," by King and Bartleson; to Revised Statutes.

HB 408—"An Act Appropriating Money to the New Castle County Law Library," by Latina; to Appropriations.

HB 409—"An Act to Authorize the State of Delaware to Borrow A Certain Sum of Money to Provide Funds for the Enlargement and Improvement of the System of Free Public Schools of Delaware and the University of Delaware; to Provide Funds for the Construction, Reconstruction, Surfacing, and Improvement of Roads, Streets, Highways, Bridges, and Buildings Under the Jurisdiction of the State Highway Department, and the Acquisition of Lands and Rights of Way Incidental Thereto: To provide funds for Beach Erosion Control Upon Beach and Shoreline Areas Under the Jurisdiction of the State Highway Department; and to Issue Bonds and Anticipation Notes Therefor and Appropriating Said Funds: Providing for Contributions From Certain School Districts; Defining School Districts: Authorizing the Issuance of Bonds by Certain School Districts to Make Such Contributions: Authorizing the Acceptance of Federal Funds for School Building Purposes: and Creating Local School Building Commissions," by King and Tribbitt: to Appropriations.

HB 410—"An Act Appropriating Money to The State Highway Department. State Police Division," by King and Quigley: to Appropriations.

HB 411—"An Act to Amend Title 14, Delaware Code, Entitled 'Education' and Relating to the Consolidation of Districts: Procedure." by Robbins: to Education.

Mr. Gove on behalf of Fish, Oysters and Game Committee reported **HB 370**, merits 4.

Mr. Betts on behalf of Revised Statutes Committee re-reported **HB 340**, favorable 5; **HB 403**, favorable, 5; **SB 225**, favorable 5.

Mr. Walls on behalf of Claims Committee reported **SB 252**, favorable, 4, merits 1: **SB 253**, favorable 4, merits 1.

A message from the Governor was read and on motion of Mr. King was ordered spread upon the Journal.

July 9, 1959

To the House of Representatives of the 120th
General Assembly of the State of Delaware:

On July 1, 1959, I received House Bill No. 153, entitled:
An Act Appropriating Money to Wilmington Manor

Fire Company with Which to Operate and Maintain
An Ambulance.

I respectfully return herewith this Bill without my approval for the reason that this is a duplication. Provision for Wilmington Manor Fire Company grant to be used for the operation and maintenance of its ambulance for the public service has been included in House Bill No. 12 which I approved this date.

Respectfully submitted,
J. Caleb Boggs,
Governor

Mr. Walls introduced **HR 90**—"In Reference to Election officers.

WHEREAS, Edward J. Budynkiewicz, Jr. was previously elected to the office of House Messenger but has resigned effective August 3, 1959, NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that Edward J. Budynkiewicz, Jr. is hereby removed and discharged from the office of House Messenger effective August 3, 1959, and

BE IT FURTHER RESOLVED that Richard P. DiMaio is hereby elected to serve as House Messenger effective August 3, 1959 to serve during the pleasure of the House of Representatives, which was read for the first and only time and on motion of Mr. Walls was adopted by a voice vote.

Mr. Quigley presented **HR 91**—"Authorizing the Payment of Certain Expenses for the Printing of Calendars for the House of Representatives of the 120th General Assembly.

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of One Thousand Three Hundred Twenty Six Dollars (\$1326.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the Harrington Journal, Harrington, Delaware for the printing of Calendars for the House of Representatives of the 120th General Assembly," which was read for the first and only time and on motion of Mr. Quigley was adopted by a voice vote.

Mr. Kenney, Chairman on Passed Bills reported that he had delivered the following passed bills to the Governor's Office: **HB 10, HB 280, HB 281, HB 305, HB 339, HB 359, HB 6, HB 9** with **HA 1** and **HB 9**, as Amended, **HB 19, HB 213, HB 223, HB 238, HB 244, HB 284, HB 322, HB 379, HB 389, HB 400, HB 18, HB 204, HB 395, HS 2** for **HB 270** with **SA 1** to **HB 270** and **HB 270** as Amended. Also **HR 89**.

Mr. King, Chairman of Appropriation Committee moved that rules be suspended for the sole purpose of making Committee Report on **HB 409**. Motion carried. Mr. King reported **HB 409**, favorable 4, unfavorable 1.

Mr. King further moved that rules be suspended for the sole purpose of reading **HB 409** for the third and final time in order to pass the House. Motion carried.

HB 409—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide Funds for the Enlargement and Improvement of the System of Free Public Schools and the University of Delaware: to Provide Funds for the Construction, Reconstruction, Surfacing, and Improvement of Roads, Streets, Highways, Bridges, and Buildings Under the Jurisdiction of the State Highway Department, and the Acquisition of Lands and Rights of Way Incidental Thereto: To Provide Funds for Beach Erosion Control Upon Beach and Shoreline Areas Under the Jurisdiction of the State Highway Department: and to Issue Bonds and Anticipation Notes Therefor and Appropriating Said Funds: Providing For Contributions From Certain School Districts: Defining School Districts: Authorizing the Issuance of Bonds by Certain School Districts to Make Such Contributions: Authorizing the Acceptance of Federal Funds for School Building Purposes: and Creating Local School Building Commissions." having been read for the third and final time was brought up for further consideration in order to pass the House.

Mr. Eskridge moved that action on **HB 409** be deferred until the first order of business when the House convened on Monday, August 10, 1959. Mr. Best seconded the motion. Motion carried.

Mr. Shocklev moved that the roll call on **HB 106** which had been tabled on June 30, be lifted from the table. Motion carried and the Speaker called for the result of roll call on **HB 106**. Roll Call revealed:

YEAS—Messrs. Bartleson, Best, Cannon, Davidson, Fifer, Johnson, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, Opdyke, Paskev, Pawson, Quigley, Robbins, Shocklev, Walls, Wright, Mr. Speaker Tribbitt—22.

NOT VOTING—Messrs. Eskridge, Kenney, Richards—3.

ABSENT—Messrs. Carmean, Clifton, Dineen, English, Graves, McGinnes—6.

NAYS—Messrs. Betts, Cain, Gove, Pryor—4.

HB 106 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. McGinnes **HB 399**—"An Act to Amend Section 731, Title 4, Delaware Code by Deleting the Provisions

Therefor Relating to Retaliatory Beer Tax and Regulations," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Latina, Lawson, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—31.

NOT VOTING—Mr. Shockley—1.

ABSENT—Messrs. Graves, Livingston, Long—3.

HB 399 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley presented the written request of Mr. Graves that **SB 219**—"Relating to the Transfer of Lands to the Interstate Highway Division of the State Highway Department of the State of Delaware by the State Board of Trustees of the Delaware State Hospital," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Johnson, Kenney, King, Latina, Livingston, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Robbins, Shockley, Walls, Wrigth, Mr. Speaker Tribbitt—26.

NAYS—Messrs. Bartleson, Cain, Fifer, Kleinbach, Lawson—5.

NOT VOTING—Mr. McGinnes and Mr. Richards—2.

ABSENT—Mr. Graves and Mr. Long—2.

SB 219 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Shockley **SB 176**—"An Act to Amend Section 10, Chapter 128, Volume 33, Laws of Delaware, Relating to Responsibility for Damage Resulting to Persons or Property Upon Footways of the Town of Middletown," was read for the third and final time and brought up for consideration in order to pass the House.

After consideration of the Bill Mr. Carmean moved that action on **SB 176** be deferred. Mr. Latina seconded the motion. Motion carried. **SB 176** was deferred.

On moton of Mr. King the House adjourned at 4:50 P. M. until Monday, August 10, 1959 at 1:00 P. M.

78TH LEGISLATIVE DAY

House met pursuant to adjournment at 2:25 P. M. on Monday, August 10, 1959.

Prayer by the Chaplain, Rev. Harry L. Mayfield.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Members Absent—Mr. Cannon—1.

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

Mr. King on behalf of Appropriations Committee reported **HCR 19**, 5 favorable; **HB 378**, 3 favorable, 2 merits; **SB 248**, 4 favorable.

On motion of Mr. McGinnes **HB 340** was recommitted.

On motion of Mr. Dineen **HB 406** was stricken.

The Chair announced that he was about to sign **HR 91** and **HR 90**.

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

HB 412—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' By Providing A Voter with the Right to Vote if He Moves His Residence to Another Election District in the Same Hundred Within Thirty Days Prior to A General Election," by McGinnes; to Elections.

HB 413—"An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to State Employees' Pension Plan By Providing for Credit for Other Employment," by Carmean, McGinnes, Robbins, Dineen; to Revised Statutes.

HA 1 to **HB 409** was introduced by Mr. Eskridge and on further motion by Mr. Eskridge was adopted.

Mr. Betts moved that **SB 225**—"An Act to Amend Section 2128, Title 21, Delaware Code, Relating to the Status of Plates Upon A Transfer of Title to a Motor Vehicle," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Long, (Mrs.) Manning, Mc-

GINNES, OPDYKE, PASKEY, PAWSON, PRYOR, QUIGLEY, RICHARDS, ROBBINS, SHOCKLEY, WALLS, WRIGHT, MR. SPEAKER TRIBBITT—29.

NAYS—Messrs. Bartleson, Best, Lawson—3.

NOT VOTING—Mr. Fifer—1.

ABSENT—Mr. Cannon and Mr. Livingston—2.

SB 225 having received its constitutional majority passed the House and was returned to the Senate.

Mr. Shockley moved that **HB 369**—"An Act Making a Supplementary Appropriation to Paul Podolsky, President-Director of the Former Delaware Veterans' Military Pay Commission for Services Rendered," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, Dineen, Eskridge, Gove, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Long, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—27.

NAYS—Mrs. Manning—1.

NOT VOTING—Messrs. Bartleson, Best, Fifer—3.

ABSENT—Messrs. Cannon, English, Graves, Livingston—4.

HB 369 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Pawson, **HB 226** which had been read for the third and final time was brought before the House for further consideration in order to pass the House.

On motion of Mr. McGinnes, seconded by Mr. King action on **HB 226** was deferred until first order of business next Legislative Day.

On motion of Mr. Betts **SB 113**—"An Act to Amend Chapter 7, Title 21, Delaware Code, Relating to Motor Vehicles; Enforcement; Arrest, Bail and Appeal," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Davidson, Eskridge, Fifer, Graves, Johnson, King, Kleinbach, Lawson, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Mr. Speaker Tribbitt—16.

NAYS—Messrs. Bartleson, Best, Betts, Clifton, Kenney, Long, Opdyke, Quigley, Shockley, Walls, 10.

NOT VOTING—Messrs. Cain, Carmean, Dineen, English, Latina, Livingston, Wright—7.

PRESENT—Mr. Gove—1.

ABSENT—Mr. Cannon—1.

Mr. Bartleson, Mr. Best and Mr. Betts changed their votes from Yea to Nay in order that **SB 113** be restored.

SB 113 not having received its constitutional majority lost.

A message from the Senate informed the House that the Senate had passed **SB 193** and **SCR 31** and asked their concurrence. The message also informed the House that the Senate had passed **HB 311**, as amended; **HB 21** and **HB 199**.

Mr. King moved that **HB 409** as amended with **HA 1**—“An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide Funds for Enlargement and Improvement of the System of Free Public Schools of Delaware and the University of Delaware; to Provide Funds for the Construction, Reconstruction, Surfacing and Improvement of Roads, Streets, Highways, Bridges, and Buildings Under the Jurisdiction of the State Highway Department, and the Acquisition of Lands and Rights of Way Incidental Thereto; to Provide Funds for Beach Erosion Control Upon Beach and Shoreline Areas Under the Jurisdiction of the State Highway Department; and to Issue Bonds and Anticipation Notes Therefor and Appropriating Said Funds; Providing for Contributions From Certain School Districts; Defining School Districts; Authorizing the Issuance of Bonds by Certain School Districts to Make Such Contributions; Authorizing the Acceptance of Federal Funds for School Building Purposes; and Creating Local School Building Commissions,” be read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Graves, Kenney, King, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—25.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Richards—8.

ABSENT—Mr. Cannon and Mr. Johnson—2.

HB 409 as amended by **HA 1** not having received its constitutional majority was declared lost.

On motion of Mr. Dineen **HB 332** as amended with **HA 1** was recommitted; on further motion by Mr. Dineen **HB 332**, as amended was stricken.

Mr. Latina introduced **HCR 21**—“Commending the Delaware State Police For Their Solution of the Rayfield Blast In Collins Park, New Castle County, State of Delaware,”

which was read for the first and second time by title only and referred to Miscellaneous.

On motion of Mr. Walls **SB 253** was recommitted.

HB 414, presented by Mrs. Manning. Withdrawn.

On motion of Mr. King the House adjourned at 5:15 until Wednesday, August 12th at 1:00 P. M.

79TH LEGISLATIVE DAY

The House met pursuant to adjournment on Wednesday, August 12, 1959 at 2:45 P. M.

Prayer by Mr. Brinton.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Members Absent—Mr. Cannon—1.

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

Mr. Davidson on behalf of Corporation Private Committee reported **HB 394**, 1 favorable, 3 merits.

Mr. King on behalf of Appropriations Committee reported **HB 348**, 5 favorable; **HB 410**, 4 favorable, 1 merits; **SB 222**, 3 favorable, 2 merits.

Mr. Dineen on behalf of Elections Committee reported **HB 404**, 2 favorable, 3 merits; **HB 405**, 2 favorable, 2 merits, 1 unfavorable; **SB 119**, 2 favorable, 3 merits.

Mr. Shockley on behalf of Judiciary Committee reported **SB 115**, 1 favorable, 4 merits.

Mr. Latina on behalf of Labor Committee reported **SB 242**, 1 favorable, 2 merits.

Mr. Pryor on behalf of Banking and Insurance Committee reported **SB 215** as amended by **SA 1**, 1 favorable, 4 merits.

Mr. King and Mr. Eskridge introduced **HCR 22**—"Fixing the Time for Temporary Adjournment by the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware," which was read for the first and second time by title only. On further motion by Mr. King, seconded by Mr. Eskridge rules were suspended for the sole purpose of reading **HCR 22** for the third and final time in order that it might pass the House. **HCR 22** was adopted by voice vote and ordered to the Senate for concurrence.

The following bills were introduced, read for the first and second time by title only and referred to committees as follows:

HB 415—"An Act Making an Appropriation to the Levy Court of New Castle County to be Used for the Purpose of Paying for the Construction of Roads in Marshallton Heights, New Castle County, Delaware," by Manning; to Appropriation.

HB 416—"An Act to Incorporate the Town of Oak Orchard in the County of Sussex, State of Delaware," by Walls. Mr. Walls further moved that rules be suspended for the sole purpose of reading **HB 416** for the third and final time in order that it pass the House. Motion carried.

HB 416 was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Pawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

ABSENT—Mr. Cannon—1.

HB 416 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

The following bills were introduced, read for the first and second time by title only and referred to committee as follows:

HB 417—"An Act to Amend Title 9, Delaware Code, By Adding Thereto a New Chapter 27 Concerning Trenches and Excavation in the State of Delaware," by Latina; to Judiciary.

HB 418—"An Act Creating A Department of Labor and Industrial Relations for the State under the Supervision and Direction of a Commissioner, Transferring the Industrial Accident Board to Said Department, Abolishing the Labor Commission of Delaware and Transferring the Powers and Duties Thereof to Said Department, and Prescribing the Powers and Duties of Said Department, its Commissioner and Divisions; Providing for Punishment for Violations and Enforcement," by Latina and McGinnes to; Labor .

HB 419—"An Act to Amend Title 15, Delaware Code, Entitled 'Elections' Relating to Preparation of Lists of Registered Voters; Timing and Dating of Documents; Applications for Ballots and Communications; Removal of Records of Deceased Persons from Registration Records; Removal of Records of Persons Convicted of A Felony; Certification of Vote," by Dineen and Manning; to Elections.

HB 420—"An Act Appropriating Monies to the New Castle County Department of Elections," by Dineen and King; to Appropriations.

HB 421—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," by Paskey, Betts, Fifer and Robbins.

On motion of Mr. Paskey rules were suspended for the sole purpose of reading **HB 421** for the third and final time and taking it up for consideration in order to pass the House.

Mr. Best moved that action on **HB 421** be deferred and motion was seconded by Mr. Bartleson. Motion carried.

HB 422—"An Act to Amend Chapter 9, Title 29, Delaware Code Relating to Legislative Bills by Providing that Amended Bills May be Stenciled," by McGinnes; to Revised Statutes.

HB 423—"An Act to Amend Title 18, Delaware Code, Relating to Insurance, by Increasing Certain Taxes, Fees and Charges Collected by the Insurance Commissioner," McGinnes, Manning, Fifer, Best, Betts (By Request); to Revenue and Taxation.

HB 424—"An Act Appropriating Funds to the Milford Special School District for the Purchase of Lands for the Benjamin Banneker School and for Improvement thereof and for Alterations and Repairs to the Benjamin Banneker School Building," by Robbins; to Appropriations.

HB 425—"An Act to Amend Chapter 16, Title 10, Delaware Code Relating to the Court of Common Pleas for Sussex County," by Graves and Johnson; to Miscellaneous.

HB 426—"An Act to Amend Title 29, Delaware Code, Entitled 'State Government' Relating to the Powers and Duties of the Budget Commission and the Auditor of Accounts," by Gove and Pryor; to Revised Statutes.

HB 427—"An Act to Authorize the State of Delaware to Borrow a Certain Sum of Money to Provide for School Building Improvements in the Slaughter Neck School No. 193 and to Issue Bonds and Notes Therefore and Appropriating Said Funds," by Clifton and Best; to Education.

HB 428—"An Act to Amend Chapter 5, Title 28, Delaware Code by Increasing the Maximum Racing Days for New Castle County Harness Racing," by Latina; to Revised Statutes.

HB 429—"An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Powers and Duties of the Highway Department, and Providing Restrictions on Acquisition and Condemnation of Property, On incurring Obligations and Disbursement of Fund for the Construction of Roads and Highways Involving Grants-In-Aid," by Livingston; to Public Buildings and Highways.

HS 1 for **HB 329** by Dineen, Carmean and Johnson; to Appropriations.

HB 430—"An Act Making A Supplementary Appropriation to Increase the Salaries and Wages of the Employees of Various Departments of the State of Delaware for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," by Shockley; to Appropriations.

A message from the Senate informed the House that the Senate had concurred with **HB 240**, as amended by **HA 1** and **HA 2**, and asked the House to concur with **SB 276**.

HA 1 to **HB 398** was introduced by Mr. McGinnes and on further motion by Mr. McGinnes was adopted by voice vote.

Mr. Walls presented **HR 92**—"Authorizing Payments for Services Rendered by Attaches and Employees of the House of Representatives of the Present Session of the 120th General Assembly."

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 120TH 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 up to and including August 12, 1959.

William G. Bush, 3rd	\$187.50
Maurice A. Hartnett, 3rd	187.50
Joseph Kwiatkowski	375.00
Kathryn R. Crompton	165.00
Frank X. Shoemaker	125.00
Rev. Harry L. Mayfield	100.00
Alice C. Woodward	125.00
Samuel Messick	125.00
Frank E. Devine	137.50
Virgil Bork	125.00
Edward J. Budynkieuicz, Jr.	20.00
William P. Turner	100.00
Rosemary Tull	100.00
Olin Virdin, Sr.	100.00
David Ray	100.00
Ira Messick	100.00
Willie Holmes	100.00
Robert Allen Wilson	100.00
Alvin Adams	100.00
Lloyd Minner	100.00
Frank Ingram	100.00
Ernest S. Mattiford	100.00
Roland West	100.00
C. C. Hopkins	100.00

Rebecca Layfield	100.00
Matthew Warrington	100.00
Norman Younger	100.00
Ruth Ross	100.00
George Nicholson	100.00
Marshall Hastings	100.00
Lillian Weston	100.00
Claude W. Jordan	100.00
Beatrice V. Hubbard	137.50
Lois F. Morgan	125.00
Margaret Cathell	125.00
Clara Campese	137.50
Mildred A. Keeler	100.00
Joseph Kelleher	125.00
Clifford M. Simpler	125.00
Herman Halloway	100.00
John T. Robinson	100.00
Irving H. Brinton	137.50
Thomas Gray	75.00
Leland Watson	100.00
Helen N. Jones	150.00
Clifford E. Hall	360.00
Sara Emily Masten	125.00
Norman R. Baker	100.00
James Kates	100.00
Martha Dickerson	100.00
Richard P. DiMaio	80.00

which was read for the only time and on further motion by Mr. Walls was adopted by a voice vote.

HR 93—"Expressing the Best Wishes of the House of Representatives of the 120th General Assembly to Representative Charles C. King on His Birthday."

WHEREAS, the Members of the House of Representatives of the 120th General Assembly have learned that August 12 is the birthday of Representative Charles C. King, and

WHEREAS, the Members of the House of Representatives wish to express their best wishes to Representative King,

NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware, that the best wishes of its members for the continued good health and happiness of Representative King for many more years are hereby extended to Representative King.

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

King, was introduced by Mr. Walls," was read for the first only time and on further motion by Mr. Walls was adopted by voice vote.

HR 94—"Appropriating Money out of the General Fund of the State Treasury to Pay Certain Expenses of the Present Session of the 120th General Assembly."

BE IT RESOLVED, by the House of Representatives of 12th 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 120th General Assembly of the State of Delaware, up to and including August 12, 1959, 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:

Paul F. Livingston	\$50.00
Russell D. F. Dineen	50.00
Harry G. Lawson	50.00
Paul E. Shockley	50.00
Joseph F. Latina	50.00
T. Lees Bartleson	52.00
F. Earl McGinnes	47.00
Mrs. Margaret Manning	48.00
Charles S. Kleinbach	43.00
James R. Quigley	45.00
Robert E. Pawson	44.00
R. C. Davidson	31.00
Sherman W. Tribbitt	25.00
Chester Gove, Jr.	25.00
Charles R. Pryor	15.00
Charles C. King	13.00
Edward Long, Jr.	5.00
Edward F. Wright	15.00
William W. Ondyke	5.00
Charles F. Richards	3.00
Elmer L. Betts	17.50
Harvey P. Fifer	10.00
William J. Paskey	14.00
George W. Cain	18.00

George A. Robbins	19.00
Carlton Clifton	28.00
Edgar English	34.00
Norman Eskridge	35.00
R. Allen Cannon	43.00
Paul H. Kenney	57.00
James W. Carmean	53.00
Tilghman S. Johnson	56.00
Joseph S. Walls	46.00
William E. Graves	45.00
William T. Best	48.00

was introduced by Mr. Walls," read for the only time and on further motion by Mr. Walls was adopted by a voice vote.

HR 95—"Authorizing Payment for Telephone Services for the House of Representatives of the 120th General Assembly."

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that the sum of \$95.54 is hereby appropriated out of any money in the State Treasury, not otherwise appropriated to pay the Diamond State Telephone Company for services rendered through July 11, 1959, was introduced by Mr. Walls," read for the first time and on motion of Mr. Walls was adopted by a voice vote.

HB 226 which had been read for the third and final time was brought up for further consideration and on motion of Mr. King seconded by Mr. Best was deferred until first order of business on the next Legislative Day.

On motion of Mr. Betts **SB 113** was restored to the Calendar.

On motion of Mr. Graves **HS 1** for **HB 355**—"An Act to Amend Chapter 283, Volume 51, Laws of Delaware, to Provide for the Financing of Capital Improvements Thereunder and Appropriating the Necessary Funds," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

ABSENT—Mr. Cannon—1.

HS 1 for **HB 355** having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

On motion of Mr. Cain **HB 403**—"An Act to Amend Title 28, Section 522, Delaware Code Relative to Application and Rejection and Award of Dates and Maximum Racing Days and Qualifications for License for Harness Horse Racing," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Clifton, Davidson, Dineen, English, Eskridge, Gove, King, Kleinbach, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—22.

Nays—Messrs. Bartleson, Best, Fifer, Livingston, (Mrs.) Manning—5.

NOT VOTING—Messrs. Carmean, Graves, Johnson, Kenney, Latina, Lawson—6.

ABSENT—Mr. Cannon and Mr. Pawson—2.

HB 403 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Shockley moved that **HB 373**—"An Act Making Supplementary Appropriations to the State Board of Trustess of of the Delaware State Hospital at Farnhurst, Delaware, for Delaware State Hospital and Hospital for the Mentally Retarded at Stockley, Delaware," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Livingston, Long, (Mrs.) Manning, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

NAY—Mr. McGinnes—1.

ABSENT—Mr. Cannon and Mr. Latina—2.

HB 373 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. McGinnes moved that **HB 398**, as amended with **HA 1**—"An Act to Amend Title 30, Delaware Code by Providing for Additional Trade or Business Licenses," be read for the third and final time and taken up for consideration in order to pass the House.

Mr. King moved and Mr. Eskridge seconded the motion that action on **HB 398**, as amended by **HA 1** be deferred. Motion carried.

Mr. Quigley moved that **HCR 19**—"Providing Funds for Janitorial Services in the Legislative Hall," be read for the third and final time and taken up for consideration in order to pass the House.

Mr. Eskridge moved that action on **HCR 19** be deferred and Mr. Quigley seconded the motion. Motion carried.

SCR 31 was read for the first and second time by title only—"Relative to the Appointment of the Honorable J. Caleb Boggs as Chairman of the National Governors' Conference," and on motion of Mr. Eskridge rules were suspended for the sole purpose of reading **SCR 31** for the third and final time in order to pass the House.

On further motion by Mr. Eskridge **SCR 31** was adopted by voice vote and having passed the House was ordered returned to the Senate.

Mr. Shockley moved that **HB 240**, as amended by **SA 1** and **SA 2**, be brought up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Kenney, King, Kleinbach, Latina, Livingston, Long, McGinnes, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—25.

NAYS—Messrs. Bartleson Best, (Mrs) Manning—3.

NOT VOTING—Messrs. Fifer, Johnson, Pawson, Richards,—4.

ABSENT—Messrs. Cannon, Graves, Lawson—3.

HB 240 as amended with **SA 1** and **SA 2** passed the House and was ordered to the Governor for approval.

Mr. King moved that **SB 248**—"An Act Making A Supplementary Appropriation to the State Geological Survey for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960, be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Fifer, Johnson, King, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Richards—10.

NAYS—Messrs. Betts, Cain, Clifton, Graves, Kenney, Latina, Livingston, Long, Opdyke, Paskey, Quigley, Shockley, Walls, Wright—14.

NOT VOTING—Messrs. Carmean, Davidson, Dineen, English, McGinnes, Pryor, Mr. Speaker Tribbitt—7.

ABSENT—Messrs. Cannon, Eskridge, Graves, Robbins—4.

SB 248 not having received its constitutional majority did not pass the House.

House recessed at 5:30 P.M. until 8:30 P.M., or until the call of the Chair.

House reconvened at 9:30 P.M.

On motion of Mr. Eskridge Section 2 of Rule 1 was suspended until end of this Session.

Chair announced that he was about to sign **HB 177**.

A message from the Senate informed the House that the Senate had passed **HB 198, HB 331, HB 249, HB 187, HB 177, HS 1** for **HB 355, HB 269, HB 43, HS 1** for **HB 99, HB 212, HB 416, HB 369, HB 106, HCR 22, HCR 20** and requested the concurrence of the House on **SB 244, SB 235, SB 233, SB 284, SB 278, SB 283, SB 257, SB 279, SB 245, SB 14, SB 162** with **SA 1, SCR 32**.

Mr. McGinnes moved that **HB 398** with **HA 1**—"An Act to Amend Title 30, Delaware Code by Providing for Additional Trade or Business Licenses," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, English, Fifer, Gove, Graves, Johnson, Kenney, Kleinbach, Lawson, Livingston, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—29.

NAYS—Mr. Bartleson and Mr. Long—2.

NOT VOTING—Mr. Eskridge—1.

ABSENT—Messrs. Cannon, King, Latina—3.

HB 398 as amended with **HA 1** having received its constitutional majority, passed the House and was ordered to the Senate for concurrence.

Mr. Paskey moved that **HB 421** be brought up for further consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—32.

ABSENT—Messrs. Cannon, Carmean, Latina—3.

HB 421 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. Dineen moved that rules be suspended for the sole purpose of reading **SB 119**—"An Act to Amend Title 15, Delaware Code, Relating to the Regulation of Nomination and Election Expenses," for the third and final time and taken up for consideration in order to pass the House.

On motion of Mr. King and seconded by Mr. Eskridge action on **SB 119** was deferred.

On motion of Mr. Shockley **HB 350**—"An Act to Appropriate Funds to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the Purpose of Replacing Steam Boiler and Making Other Repairs to Existing Facilities in the Boiler Plant," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Clifton, Davidson, Dineen, Eskridge, Fifer, Gove, Johnson, King, Kleinbach, Lawson, Livingston, (Mrs.) Manning, Pawson, Pryor, Quigley, Richards, Shockley, Walls, Wright—21.

NAYS—Messrs. Opdyke, Paskey—2.

NOT VOTING—Messrs. Betts, Cain, Carmean, English, Kenney, Long, Paskey, Robbins, Mr. Speaker Tribbitt—9.

ABSENT—Messrs. Cannon, Graves, Latina—3.

HB 350 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

SB 276—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of Improvement of the Indian River Bay Channel Via Pepper's Creek in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirement of the United States Government Relative to the State's Contribution to Said Improvement," was read for the third and final time after rules had been suspended on motion of Mr. Carmean for the sole purpose of further consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Betts, Cain, Carmean, Clifton, Dineen, English, Eskridge Fifer, Gove, Kenney, King, Kleinbach, Livingston, (Mrs.) Manning, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Wright, Mr. Speaker, Tribbitt—23.

NAYS—Messrs. Lawson, Opdyke—2.

ABSENT—Messrs. Best, Cannon, Davidson, Graves, Johnson, Latina, Long, McGinnes, Shockley, Walls—10.

SB 276 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. King moved that rules be suspended in order that he make a Committee report on behalf of Appropriations Committee on **HB 424**. Motion carried. Mr. King reported **HB 424** favorable 4; **SB 234** favorable 3, **SB 247** favorable 4; **SB 199** favorable 4.

Mr. Dineen moved that **SB 119** be brought up for further consideration and Mr. King moved that action be deferred. The chair called for a roll call on whether **SB 119** be discussed further. Roll call revealed: Yeas: 7; Nays: 15; Not Voting: 4; Absent: 9. Motion declared lost.

Mr. King moved that rules be suspended for the sole purpose of reading **SB 199** for the third and final time and taking it up for consideration in order to pass the House. Motion carried.

SB 199—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the Purpose of Opening the South End of Deep Hole Creek to the Broadkilk River," was read for the third and final time and taken up for consideration in order to pass the House.

Mr. Eskridge moved that action on **SB 199** be deferred. Motion carried.

Mr. Clifton presented **HA 1** to **SB 199** and moved for adoption.

Action was deferred on motion of Mr. Clifton.

SB 244—"An Act Making A Supplementary Appropriation to the State Highway Department for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," was read for the first and second time by title only and on motion of Mr. Eskridge rules were suspended for the sole purpose of reading **SB 244**—"An Act Making A Supplementary Appropriation to the State Highway Department for the Fiscal Year Beginning July 1, 1959 and Ending June 30, 1960," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Dineen, English, Eskridge, Gove, Kenney, King, Livingston, Long, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—21.

NAYS—Messrs. Bartleson, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Pawson, Richards—7.

NOT VOTING—Mr. Johnson—1.

ABSENT—Messrs. Best, Cannon, Davidson, Graves, Latina, McGinnes—6.

SB 244 having received its constitutional majority passed the House and was ordered returned to the Senate.

Mr. Walls moved that **SB 253**—"An Act Appropriating Certain Monies to Elsie Warner, Mother of Charles Warner in the Death of Her Son, While in the Performance of Official Duties in Line of Service of the State of Delaware," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Dineen, English, Eskridge, Gove, Johnson, Kenney, King, Long, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Shockley, Walls, Wrigth, Mr. Speaker Tribbitt—21.

NOT VOTING—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, Livingston, Pawson, Richards, Robbins—9.

ABSENT—Messrs. Cannon, Davidson, Gove, Latina, McGinnes—5.

SB 253 having received its constitutional majority passed the House and was ordered returned to the Senate.

SB 245—"An Act Appropriating Money to the Millsboro School District No. 23," was read for the first and second time by title only and referred to Appropriations Committee. Mr. King moved that rules be suspended for the purpose of presenting Committee Report on **SB 245**. Motion carried. **SB 245** reported favorable 3.

On motion of Mr. King that rules be suspended for the sole purpose of reading for the third and final time **SB 245**—"An Act Appropriating Money to the Millsboro School District No. 23," and bring it up for discussion the Chair called for a roll call. Roll call revealed: Yeas: 20; Nays: 6; Not Voting: 1; Absent: 8. Motion carried.

On motion of Mr. King, **SB 245**—"An Act Appropriating Money to the Millsboro School District No. 23," was read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, English, Eskridge, Gove, Johnson, Kenney, King, Long, Opdyke, Paskey, Pryor, Quigley, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—20.

NAYS—Messrs. Bartleson, Best, Fifer, Kleinbach, Lawson, (Mrs.) Manning, Pawson—7.

NOT VOTING—Mr. Livingston and Mr. Richards—2.

ABSENT—Messrs. Cannon, Davidson, Dineen, Graves, Latina, McGinnes—6.

SB 245—having received its constitutional majority passed the House and was ordered returned to the Senate.

SB 283—"An Act Appropriating Money to The Frederick Douglas School in the Seaford Special School District," was read for the first and second time by title only.

Mr. Eskridge moved that rules be suspended for the purpose of reading **SB 283**—"An Act Appropriating Money to the Frederick Douglas School in the Seaford School District," for the third and final time and taking it up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Davidson, English, Eskridge, Fifer, Gove, Johnson, Kenney, King, Kleinbach, Lawson, Long, (Mrs.) Manning, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—26.

NAYS—Messrs. Livingston, Opdyke—2.

NOT VOTING—Messrs. Bartleson, Cannon, Dineen, Graves, Latina, McGinnes—6.

SB 283 having received its constitutional majority passed the House and was ordered returned to the Senate.

On motion of Mr. Fifer **HB 25**, which had been read for the third and final time was brought up for consideration in order to pass the House.

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

YEAS—Messrs. Fifer, Kleinbach, Lawson, Richards, Robbins, Walls—6.

NAYS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, English, Eskridge, Gove, Kenney, King, Long, (Mrs.) Manning, Opdyke, Paskey, Quigley, Shockley—17.

NOT VOTING—Messrs. Davidson, Livingston, Pryor, Wright, Mr. Speaker Tribbitt—5.

ABSENT—Messrs. Cannon, Dineen, Graves, Johnson, Latina, McGinnes, Pawson—7.

Mr. Bartleson, Mr. Best and Mrs. Manning changed their votes from Yea to Nay in order that **HB 25** might be restored to the Calendar.

HB 25 not having received its constitutional majority lost in House.

On motion of Mr. Fifer **HB 25** was restored to Calendar.

Mr. Quigley moved that **HB 248**—"An Act Appropriating Certain Monies to the New Castle Historic Building Commission," be read for the third and final time and be taken up for consideration in order to pass the House.

The Chair called for a roll call on **HB 248** and on motion of Mr. Quigley the roll call was tabled.

Mr. Pryor moved that **HB 68**—"An Act Appropriating Money to the Delaware Society for the Prevention of Cruelty to Animals," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Bartleson, Best, Betts, Cain, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Kenney, King, Kleinbach, Lawson, Livingston, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—2.

NAYS—0.

ABSENT—Messrs. Cannon, Graves, Johnson, Latina, Long, McGinnes, Pawson—7.

HB 68 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

Mr. King moved that rules be suspended for the sole purpose of reading **SB 247** for the third and final time in order that it might pass the House. Motion prevailed. **SB 247**—"An Act Appropriating Money to the Booker T. Washington School," was read for the third and final time and taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Dineen, English, Eskridge, Fifer, Gove, Kenney, King, Kleinbach, Lawson, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—24.

NAYS—Mr. Bartleson—1.

NOT VOTING—Mr. Best—1.

ABSENT—Messrs. Cannon, Davidson, Graves, Johnson, Latina, Livingston, Long, McGinnes, Pawson—9.

SB 247 having received its constitutional majority passed the House and was ordered to the Senate.

Mr. Robbins moved that rules be suspended for the sole purpose of reading **HB 424** for the third and final time. Motion carried.

Mr. Robbins moved that **HB 424**—"An Act Appropriating Funds to the Milford Special School District for the Purchase of Lands for the Benjamin Banneker School and for Improvement Thereof and For Alterations and Repairs to the Benjamin Banneker School Building," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Gove, Kenney, King, Kleinbach, Livingston, (Mrs.) Manning, Opdyke, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—23.

NAYS—Mr. Bartleson and Mr. Lawson—2.

NOT VOTING—Messrs. Best, Fifer, Pawson—3.

ABSENT—Messrs. Cain, Cannon, Graves, Johnson, Latina, Long, (Mrs.) Manning, McGinnes—8.

HB 424 having received its constitutional majority passed the House and was ordered to the Senate for concurrence.

SB 235—"An Act Making A Supplementary Appropriation to the State Board of Education for Completion of the Athletic Field of the Bridgeville Consolidated School District No. 90," was read for the first and second time by title only. Mr. Eskridge moved that rules be suspended for the sole purpose of reading **SB 235** for the third and final time in order that it might pass the House. Motion prevailed.

Mr. Eskridge moved that **SB 235**—"An Act Making A Supplementary Appropriation to the State Board of Education for Completion of the Athletic Field of the Bridgeville Consolidated School District No. 90," be read for the third and final time and be taken up for consideration in order to pass the House.

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

YEAS—Messrs. Betts, Cain, Carmean, Clifton, Dineen, English, Eskridge, Gove, Kenney, King, Kleinbach, Paskey, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Mr. Speaker Tribbitt—19.

NAYS—Mrs. Manning—1.

NOT VOTING—Messrs. Best, Fifer, Lawson, Livingston, Pawson, Wright—6.

ABSENT—Messrs. Bartleson, Cannon, Davidson, Graves, Johnson, Latina, Long, McGinnes, Opdyke—9.

SB 235 having received its constitutional majority passed the House and was ordered returned to the Senate.

The following bills were read for the first and second time by title only and referred to committees as follows:

SB 14—"An Act Appropriating Money to Slaughter Beach Volunteer Memorial Fire Company," to Appropriations.

SB 162 with **SA 1**—"An Act Appropriating Certain Moneys to the State Highway Department to Conduct an Educational Campaign on Street and Highway Safety," to Appropriations.

SB 278—"An Act Making an Appropriation to the Delaware Commission of Shell Fisheries for the State's Share of the Initial Costs of the Improvements of White's Creek between Indian River Bay and a Point Beyond Assawoman Canal to Lord Baltimore School in Sussex County, and Authorizing and Empowering the Said Commission to Act as the Agency of the State of Delaware to Do All Things Necessary to Comply with the Requirements of the United States Government, 'Relative to State's Contribution to Said Government,'" to Appropriations.

SB 193—"An Act to Amend Section 5403, Title 7, Delaware Code, Relating to the Purposes of the Delaware Archaeological Board," to Revised Statutes.

Mr. Carmean moved that **SB 110**—"An Act to Amend Chapter 7, Title 4, Delaware Code Relating to Sale or Service of Liquor to an Intoxicated Person," be read for the third and final time and be taken up for consideration in order to pass the House.

On the question, "Shall this bill pass the House?" roll call revealed.

YEAS—Messrs. Bartleson, Best, Betts, Carmean, Clifton, Dineen, Eskridge, Fifer, Graves, Johnson, Kenney, King, Kleinbach, Lawson, (Mrs.) Manning, McGinnes, Paskey, Pawson, Pryor, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—24.

NAYS—Mr. Opdyke and Mr. Shockley—2.

NOT VOTING—Messrs. Cain, English, Long—3.

ABSENT—Messrs. Cannon, Davidson, Latina, Livingston—4.

PRESENT—Mr. Gove and Mr. Quigley—2.

SB 110 having received its constitutional majority passed the House and was ordered returned to the Senate.

The House adjourned on Mr. Kings motion in accordance with **HCR 22**.

80TH LEGISLATIVE DAY

The House met pursuant to adjournment on Monday, September 14th, 1959, at 2:40 P. M.

Prayer by Mr. Brinton.

Members Present—Messrs Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Davidson, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Richards, Robbins, Walls, Wright, Mr. Speaker Tribbitt—35.

Members Absent—None.

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

Mr. Shockley on behalf of Judiciary Committee reported **SB 137**, 1 favorable, 1 unfavorable, 2 merits.

Mr. Dineen on behalf of Elections Committee reported **HB 419**, 4 favorable, 1 merits; **HB 412**, 3 favorable, 2 merits.

Mr. Latina on behalf of Labor Committee reported **HB 390**, 4 favorable, 1 merits.

A message received from the Governor's Office informed the House that on August 24, 1959 the Governor had approved **HB 177**.

A Messenger from the Governor delivered the House the following Messages from the Governor which were read and ordered spread upon the Journal.

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received House Bill No. 21, entitled:
AN ACT APPROPRIATING MONEY TO CERTAIN
FIRE COMPANIES IN THE STATE OF DELA-
WARE WHICH MAINTAIN AND OPERATE A
RESCUE TRUCK.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond the estimated revenue shall not be passed.

Respectfully submitted,
J. Caleb Boggs
Governor

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 19, 1959, I received House Bill No. 43, entitled:
AN ACT APPROPRIATING MONEY TO SELBY-
VILLE AMERICAN LEGION POST NO. 39, AT
SELBYVILLE, DELAWARE, WITH WHICH TO
OPERATE AND MAINTAIN AN AMBULANCE.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond estimated revenue shall not be passed.

Respectfully submitted,
J. Caleb Boggs
Governor

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 19, 1959, I received House Substitute No. 1 to House Bill No. 99, entitled:

AN ACT TO APPROPRIATE CERTAIN FUNDS
TO THE SELBYVILLE SCHOOL DISTRICT TO
ENABLE IT TO PURCHASE LANDS ADJOINING
SELBYVILLE SCHOOL NO. 32.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond estimated revenue shall not be passed.

Respectfully submitted,
J. Caleb Boggs
Governor

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received House Bill No. 106, entitled:

AN ACT TO AMEND CHAPTER 9, TITLE 10,
DELAWARE CODE BY INCREASING THE SAL-
ARY OF THE JUDGES OF THE FAMILY COURT
IN AND FOR NEW CASTLE COUNTY.

This bill provides a \$5,000 a year salary increase for each of the two Family Court Judges.

I am unable to sign this bill and return it herewith for the following reasons:

(1) This salary increase amounting to \$10,000 a year for the two judges would necessarily have to come from the \$160,000 appropriation provided by the General Assembly for the operation of the Court. This would mean curtailing the operation of the Court in other areas in order to comply with this salary increase.

(2) When the General Assembly is able to provide adequate funds for the over-all operation of the Family Court, the salaries of the judges should then be increased.

Respectfully submitted,
J. Caleb Boggs
Governor

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received House Bill No. 187, entitled:

AN ACT APPROPRIATING MONEY TO DELMAR SCHOOL DISTRICT NO. 163.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond estimated revenue shall not be passed.

Respectfully submitted,
J. Caleb Boggs
Governor

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received House Bill No. 331, entitled:

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE JOHN M. CLAYTON SCHOOL DISTRICT TO ENABLE IT TO COMPLETE ITS BUILDING PROGRAM.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing

statutes on this subject holds appropriations beyond estimated revenue shall not be passed.

Respectfully submitted,
J. Caleb Boggs
Governor

August 28, 1959

To the House of Representatives of the 120th General Assembly of the State of Delaware:

On August 18, 1959, I received House Bill No. 369, entitled:

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO PAUL PODOLSKY, PRESIDENT-DIRECTOR OF THE FORMER DELAWARE VETERANS' MILITARY PAY COMMISSION FOR SERVICES RENDERED.

I respectfully return herewith this bill without my approval for the following reason:

The laws of the State of Delaware prohibit appropriations beyond the estimated anticipated revenue. This appropriation added to previous appropriations already enacted exceeds the General Assembly's present estimate of revenue. The Attorney General's recent opinion clarifying the existing statutes on this subject holds appropriations beyond estimated revenue shall not be passed.

Respectfully submitted,
J. Caleb Boggs
Governor

Mr. Cain presented **HR 96**—"In Reference to Election of Officers."

WHEREAS, Robert Allen Wilson, was previously elected to the office of File Clerk but has resigned effective August 12, 1959, NOW THEREFORE

BE IT RESOLVED by the House of Representatives of the 120th General Assembly of the State of Delaware that Robert Allen Wilson, is hereby removed and discharged from the office of File Clerk effective August 12, 1959, and

BE IT FURTHER RESOLVED that Frank Breeding is hereby elected to serve as File Clerk effective September 14, 1959 to serve during the pleasure of the House of Representatives.

which was read for the first and only time and on motion of Mr. Cain was adopted by a voice vote.

The House adjourned at 6:25 P.M. until Thursday, September 17, 1959 at 1 P. M.

81ST LEGISLATIVE DAY

The House met pursuant to adjournment at 2:45 P. M. on Thursday, September 17th, 1959.

Prayer by Mr. Brinton.

Members Present—Messrs. Bartleson, Best, Betts, Cain, Cannon, Carmean, Clifton, Dineen, English, Eskridge, Fifer, Gove, Graves, Johnson, Kenney, King, Kleinbach, Latina, Lawson, Livingston, Long, (Mrs.) Manning, McGinnes, Opdyke, Paskey, Pawson, Pryor, Quigley, Richards, Robbins, Shockley, Walls, Wright, Mr. Speaker Tribbitt—34.

Absent—Mr. Davidson—1.

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

Mr. Eskridge on behalf of Miscellaneous Committee reported **SJR 10**, 5 favorable.

Mr. Eskridge moved that rules be suspended for the purpose of having **SJR 10**—"Relative to the Eisenhower Presidential Library," read for the third and final time and taking it up for consideration in order that it might pass the House.

On Mr. Eskridge's motion **SJR 10**, was adopted by a voice vote, and having passed the House was ordered returned to the Senate.

The following bills were read for the first and second time by title only and referred to Committees as follows:

SB 233—"An Act Relating to the Purchase of the Railroad Station of the Delaware Railroad Company at Dover, Delaware," to Miscellaneous.

SB 32—"An Act Proposing Amendments to Article V of the Constitution of the State of Delaware, Relating to the Superior Court Acting as a Board of Canvass," to Appropriations.

SB 257—"An Act Making an Appropriation to the Youth Services Commission for Rehabilitative Program at First Offenders Building, for Fiscal Year Ending June 30, 1960," to Appropriations.

SB 279—"An Act Appropriating Money to Caesar Rodney Special School District," to Appropriations.

SB 284—"An Act Making a Supplementary Appropriation to the Lord Baltimore School District No. 28 for the Fiscal Year Ending June 30, 1960," to Appropriations.

The Secretary of the Senate informed the House that the Senate had passed **HB 403**.

The following bills were introduced, read for the first and second time by title only and referred to committee as follows:

HB 431—"An Act Authorizing the State of Delaware to Borrow Money to be Used for the State Highway Depart-

ment's Capital Improvements Programs and to Issue Notes and Bonds Therefor and Appropriating the Money Borrowed to the State Highway Department," by King, Eskridge, Richardson, Bartleson; to Appropriations.

HB 432—"An Act to Amend Chapter 57, Volume 52, Laws of Delaware," by King; to Revised Statutes.

HB 433—"An Act Authorizing the State Treasurer to Transfer Certain Balances in the Account of Former State Treasurer Howard H. Dickerson to the General Fund of the State of Delaware," by King; to Miscellaneous.

HB 434—"An Act to Amend Section 701, Title 21, Delaware Code Relating to Officers Who May Arrest for Motor Vehicle Violations," by Shockley; to Revised Statutes.

Mr. King presented a Resolution adopted by the State Highway Department which was read and the Speaker ordered that it be spread upon the Journal in its entirety.

**RESOLUTION ADOPTED BY STATE
HIGHWAY DEPARTMENT ON SEPTEMBER 16, 1959
DETERMINING ITS CAPITAL IMPROVEMENTS
PROGRAMS**

WHEREAS, the Chief Engineer of the Department, pursuant to Section 117 of Title 17 of the Delaware Code, has recommended to the Commissioners capital improvements programs covering matters and property which are under the jurisdiction of the Department to be undertaken or commenced by the Department during the biennium beginning July 1, 1959 and has stated that the estimated cost of such programs to the State of Delaware (including the cost of acquiring necessary land and rights-of-way but exclusive of such portions of the cost of any projects included in the programs as might be paid by the Federal Government) is Twenty-eight Million Dollars (\$28,000,000) for the biennium beginning July 1, 1959 and Fourteen Million Dollars (\$14,000,000) for each year of such biennium; and

WHEREAS, the Chief Engineer further reported that on the basis of the Department's experience over many years it is not realistic to predict or assume that all of the projects that may be approved by the Department will be consummated or even undertaken during the biennium because unforeseen difficulties (such as inability to acquire rights-of-way for legal or financial reasons) frequently arise which make it necessary to postpone or abandon a project; and, further, that conditions arise during the biennium which make it necessary to undertake immediately projects which were not listed on the original programs;

NOW, THEREFORE, after consideration of the Chief Engineer's recommendations and report, it is resolved as follows:

I. The Commissioners of the State Highway Department hereby determine and approve the following as the capital improvements program to be undertaken or commenced by the Department during the biennium beginning July 1, 1959:

A. CONSTRUCTION PROGRAM COVERING
HIGHWAYS, BRIDGES, BUILDINGS
AND OTHER PROPERTY UNDER THE
JURISDICTION OF THE DEPARTMENT

1. PRIMARY, SECONDARY, URBAN HIGHWAYS
FEDERAL AID ABC FUNDS
NEW CASTLE COUNTY

PROJECT	Estimated		
	Project Cost	Fed. Share	State Share
Milltown Road	\$ 1,100,000	\$ 457,600	\$ 642,400
North DuPont Road	638,000	265,408	372,592
U. S. 13 - N. B. Smyrna to Rt. 896	465,000	193,440	271,560
2nd Street-Wilmington	370,000	153,920	216,080
Faulkland Rd. - Center- ville Rd. - N. DuPont Rd.	570,000	231,120	332,880
Kennett Pike Interchange	1,050,000	436,800	613,200
New Castle Avenue Rt. 273, Christiana- Hare's Cor.	850,000	353,600	496,400
Harmony Road	280,000	116,480	163,520
Harmony Road	200,000	83,200	116,800
Limestone Rd. - Pa. Line - Rt. 2	1,200,000	499,200	700,800
W. Cleveland Ave. Ext., Newark	75,000	31,200	43,800
S. Union St. Connection - Wilm.	225,000	93,600	131,400
Foulk Rd. - Concord Pk. - Silverside Rd.	1,300,000	540,800	759,200
Bay Bridge Connector - Rt. 40 - Summit R/W & Grading	500,000	208,000	292,000
Sub Total	\$ 8,823,000	\$ 3,670,368	\$ 5,152,632

KENT COUNTY

Rt. 10, Md. Line - Willow Grove	\$ 470,000	\$ 195,520	\$ 274,480
Rt. 10, Willow Grove - Wyoming	570,000	237,120	332,880

Lebanon Rd. - U. S. 13 - D.A.F.B.	1,150,000	478,400	671,600
U. S. 13, N.B. Bishops Cor. - Smyrna	390,000	162,240	227,760
Dixon's Cor. - Little Creek	300,000	124,800	175,200
Rt. 44, Hartly - Everett's Cor.	250,000	104,000	146,000
Rd. 355 - Moore's Lake - Rd. 365	157,000	65,312	91,688
Sub Total	\$ 3,287,000	\$ 1,367,392	\$ 1,919,608

SUSSEX COUNTY

Rt. 16 - Md. Line - Greenwood	\$ 640,000	\$ 266,240	\$ 373,760
Rt. 14 - Line - Bethany Bch. (1 Lane of Future Dual)	810,000	336,960	473,040
U. S. 113, Milford to Wal- nut St. Ext.	1,000,000	416,000	584,000
Rt. 18, Rd. 319-Harbeson Rt. 404 & Rt. 18 - U. S. 13 to Cokesbury Church	400,000	166,400	233,600
Rt. 24 - W. Laurel to Md. Line	480,000	199,680	280,320
Millsboro Bridge	220,000	91,520	128,480
Rd. 249, Milton to Rt. 18 Rd. 549, Rd. 20A to Rd. 553 (Seaford)	175,000	72,800	102,200
Double Bridges to Redden Millsboro - Wash. St. - Main St.	75,000	31,200	43,800
Scott's Cor. to Greenwood	290,000	120,640	169,360
Bacon to Whitesville	280,000	116,480	163,520
Sub Total	\$ 5,190,000	\$ 2,159,040	\$ 3,030,960
Totals for Primary, Secondary and Urban Highways (Federal Aid System)	\$17,300,000	\$ 7,196,800	\$10,103,200

2. INTERSTATE & DEFENSE HIGHWAY SYSTEM

Estimated

PROJECT	Project Cost	Fed. Share	State Share
FAI - 1 & FAI - 2			
Contract Design & R/W	(60% - 40% Funds)		
Acquisition	\$ 1,901,966	\$ 1,141,180	\$ 760,786

FAI - 1, FAI - 2, FAI - 3, Design & R/W Acquisition	(90% - 10% Funds)		
	3,100,000	2,790,000	310,000
FAI - 1 Construction; Basin Road Interchange, Various contracts in Christina River Inter- change area, and other projects west of Farn- hurst toward Mary- land Line.	32,292,140	29,062,826	3,229,214
TOTAL	\$37,294,106	\$32,994,006	\$ 4,300,000

3. Non-Federal Aid Highway System, Buildings
and Other Projects
(100% STATE FUNDS)

NEW CASTLE COUNTY

Penny Hill Police Station	\$250,000	
New Castle Co. Maintenance Buildings	566,000	
Claymont School Streets	60,000	
Road 441 - Odessa to Road 449	260,000	
Spruce & Poplar Streets - Elsmere	250,000	
Kennett Pike Widening thru Green- ville	225,000	
New Bridge Road - Widening	125,000	
Hot Mix Surfacing & Initial Surf. Treat.	100,000	
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Sub Total		\$ 1,836,000

KENT COUNTY

Main Street, Smyrna	\$ 50,000	
Liberty Street, Harrington	100,000	
South Bowers Causeway	200,000	
Testing Lab Addition	125,000	
Hot Mix Surfacing & Initial Surf. Treat.	209,000	
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Sub Total		\$ 684,000

SUSSEX COUNTY

Woodland Ferry and Slips	\$ 75,000
Police Station Additions	125,000