

LAWS

OF THE

STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 6, A. D. 1891,

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND FIFTEENTH.

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LAWS OF DELAWARE.

CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

AN ACT proposing An Amendment to the Constitution of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each house deeming it necessary and concurring herein and by and with the approbation of the Governor):

SECTION 1. That the following amendment be and is hereby proposed to the first clause of the first section of the Fourth Article of the Constitution of this State, that is, by adding the following thereto immediately after the word "ballot."

Amendment to the 1st Clause of 1st Section of Article 4 of the Constitution proposed.

"But the Legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections, and prevent fraud, corruption and intimidation thereat."

Means, methods and instruments of voting.

SECTION 2. The Secretary of State, after the Governor shall have approved of the above proposed amendment and this act, shall duly publish the above proposed amendment and this act in two or more newspapers of this State, for the consideration of the people of this State, at least three and not more than six months before the next general election for Senators and Representatives in this State.

Secretary of State to publish the proposed Amendment in two or more newspapers of this State.

Passed at Dover, April 28, 1891.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 2.

AN ACT proposing An Amendment to the Constitution of this State.

Amendment
to Article 9
of the Con-
stitution
proposed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each House deeming it necessary and by and with the approbation of the Governor):* That the following amendment be and the same is hereby proposed to Article Nine of the Constitution of this State, that is to say, strike out all of said article which reads thus:

“No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a special election on the third Tuesday of May in any year to vote by ballot for or against a convention as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the State, having the* right to vote for representatives, have voted for a convention, the General Assembly shall accordingly at their next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention; and whenever the General Assembly shall deem a convention necessary, they shall provide by law for the holding of a special election for the purpose of ascertaining the sense of a majority of the citizens of the State entitled to vote for representatives.”

At any Gen-
eral Election
voters may
vote for or
against a
Conven-
tion.

And in lieu thereof insert the following, that is to say:
“No convention shall be called but by the authority of the people: and the mode of making their sense known shall be, that at any general election held for representatives in the

*So enrolled.

CONSTITUTIONAL AMENDMENTS.

General Assembly, and which shall have been prescribed by the General Assembly at its regular session next preceding the said election as the proper occasion for ascertaining such sense, the citizens of this State entitled to vote for representatives at such election may vote by ballot for or against a convention as they shall severally choose to do, and in so voting the ballot shall be separate from those cast for any person voted for at such election and shall be kept distinct and apart from any other ballot so cast; and if at any such election the number of votes for a convention shall be equal to a majority of all the citizens in the State, having right to vote for representatives, as ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention, the General Assembly shall, at its next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The Legislature shall provide by law for receiving, tallying, and counting the said votes for and against a convention and for returning to the General Assembly at its next session the state of the said vote, and also for ascertaining and returning to the said General Assembly the number of ballots cast at said election on or by which representatives were voted for, so as to enable it to determine whether a majority of those who voted for representatives voted for a convention; and shall also by law enact all provisions necessary for giving full effect to this article."

Ballots for or against a Convention shall be separate from those cast for any person.

Mode of ascertaining the majority

SECTION 2. *And be it further enacted*, That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the said proposed amendment in print in the several newspapers published in this State, at least three and not more than six months before the next general election of representatives, for the consideration of the people.

Secretary of State to publish the proposed Amendment in the several newspapers in this State.

Passed at Dover, May 16, 1891.

CONSTITUTIONAL CONVENTION.

CHAPTER 3.

AN ACT to provide for the holding of a Special Election for the purpose of ascertaining the sense of the people in respect to calling a Constitutional Convention.

Preamble.

WHEREAS there appears to be a general desire that the General Assembly, at its present session, shall provide by law for the holding of a special election for the purpose of ascertaining the sense of the majority of the citizens of the State entitled to vote for representatives in respect to the calling of a convention to change, alter and amend the Constitution, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Time of holding Special Election

SECTION 1. That on the third Tuesday of May, in the year of our Lord one thousand eight hundred and ninety-one, a special election shall be held for the purpose of ascertaining, by ballot, the sense of the people of this State in respect to calling a convention to change, alter and amend the Constitution of the State.

Ballots.

At the said election the citizens of the State entitled to vote for representatives may have written or printed on their ballots the words "For a Convention" or "Against a Convention." Said ballots may be of any size and form, not exceeding the size now provided by law.

Election officers to hold election.

SECTION 2. That at said special election, to be held as prescribed in Section 1 of this act, the inspectors and judges chosen in the several hundreds throughout the State to hold the last general election shall hold said special election. Every vacancy in the said offices shall be filled in the same manner as now prescribed by law.

Dates of the Sheriff and other officers.

SECTION 3. The Sheriff of each county shall, on or before the twelfth day of May in the said year of holding said special election, deliver to the inspector of each hundred or election district of his county two suitable ballot boxes, with tape and sealing wax therefor, together with alphabetical lists of voters and of delinquents, and written or printed forms

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of tally-lists, of certificates of election, of official oaths or affirmations of the election officers and the certificates and directions relating thereto, and also a proper election stamp, all prepared (subject however to such alterations thereof as may be necessary to adapt them to the requirements of said special election) as now prescribed by law for the general election. The said alphabetical lists of voters and of delinquents shall be delivered by the Clerk of the Peace of each county to the Sheriff of his county on or before the fifth day of May in the said year of holding said special election. The said special elections shall be held at the same places, during the same hours, in the same manner, according to the same regulations and subject to the same penalties, so far as the same may be applicable to the purposes of this act, as now prescribed concerning the general election; and the votes cast at said special election shall be counted, tallied and certified by the inspector, judges and clerks of each poll, and the state of the said election shall be ascertained and certified by the board of canvass of each county, on the Thursday next succeeding the day of holding the said special election, at the same times, in the same manner, at the same places and by the same persons as prescribed in Chapter Eighteen of the Revised Statutes and any amendments and supplements thereto for the counting, tallying and certifying the votes cast at, and for the ascertaining and certifying the state and result of the last general election throughout each county. The certificates, respectively, of said special election shall contain and show accurately the number, in words at length, of votes cast "For a Convention" and "Against a Convention."

SECTION 4. That the returns of said special election, so certified by the board of canvass of each county as aforesaid, and duplicates thereof, shall be delivered in the same manner, by the same persons, in the same way, and to the same officers as the returns of the election for Governor and duplicates thereof are required to be delivered by direction of the Constitution of the State.

SECTION 5. That the General Assembly shall, at the next session thereof after said special election, and on the second Wednesday after its organization, meet in joint session, in the Hall of the House of Representatives, to be present at the opening and publishing of the said returns of such election, and to ascertain therefrom the result of said election through-

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out the State, by calculating the aggregate amount of all the votes that shall have been given respectively "For a Convention" and "Against a Convention" in all the counties of the State.

Calling a
Convention.

SECTION 6. That if thereupon it shall appear that a majority of all the citizens in the State having a right to vote for representatives have voted at said special election "For a Convention," the General Assembly shall, accordingly, at its said next session after said election, make provision by appropriate legislation for the calling and election of a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention.

Mode of as-
certaining
the ma-
jority.

Duty of
Sheriff and
other offi-
cers.

SECTION 7. That it shall be the duty of the Sheriffs, or other officers to whom the ballot boxes used at said special election shall be delivered for the purposes of this act, to keep the said boxes, and the ballots and the certificates and tally-lists of said election deposited therein, safely, until the meeting of the General Assembly at its said next session after the said election, and to hold the same subject to the order of the General Assembly during the said session.

Passed at Dover, March 31, 1891.

CONSTITUTIONAL CONVENTION.

CHAPTER 4.

AN ACT to provide Tickets for the Electors at the Election to be held May 18, 1891, to decide for or against a Constitutional Convention.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Clerks of the Peace of the several counties be and they are hereby authorized and directed to have printed on regular ballot paper, of a proper uniform and convenient size, tickets for and against a Constitutional Convention, on or before the fourteenth day of May, A. D. 1891, and distribute them at the voting place of each hundred or election district.

Tickets for Special Election. Duty of Clerk of the Peace in printing and distributing tickets.

SECTION 2. That the Clerks aforesaid are hereby authorized to draw a draft on the State Treasurer to pay all necessary expense for paper and printing the said tickets and the State Treasurer is hereby authorized to pay the same.

Clerks to draw draft on State Treasurer for tickets.

Passed at Dover, May 8, 1891.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation and Laws.

CHAPTER 5.

OF SOVEREIGNTY AND JURISDICTION.

AN ACT to amend Chapter 448, Volume 18 of the Laws of Delaware entitled "An Act in relation to the Boundary Line between the State of Delaware and the Commonwealth of Pennsylvania," passed at Dover, April 25, 1889.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Additional appropriation of \$2,500 to be expended under the direction of the commissioners.

SECTION 1. That the additional sum of two thousand five hundred dollars, or as much thereof as may be found to be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended, for the purposes in the said act mentioned, under the direction of the Commissioners appointed under the said act to which this is an amendment and subject to the provisions of Section 3 of said act.

Passed at Dover, April 27, 1891.

CHAPTER 6.

OF LIMITS.

AN ACT dividing the Brandywine Hundred West Election District into two Election Districts.

Brandywine hundred west election district divided into two election districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of holding elections for State and County officers in* Brandywine Hundred West

*So enrolled.