

LAWS

OF THE

STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 3, A. D. 1893,

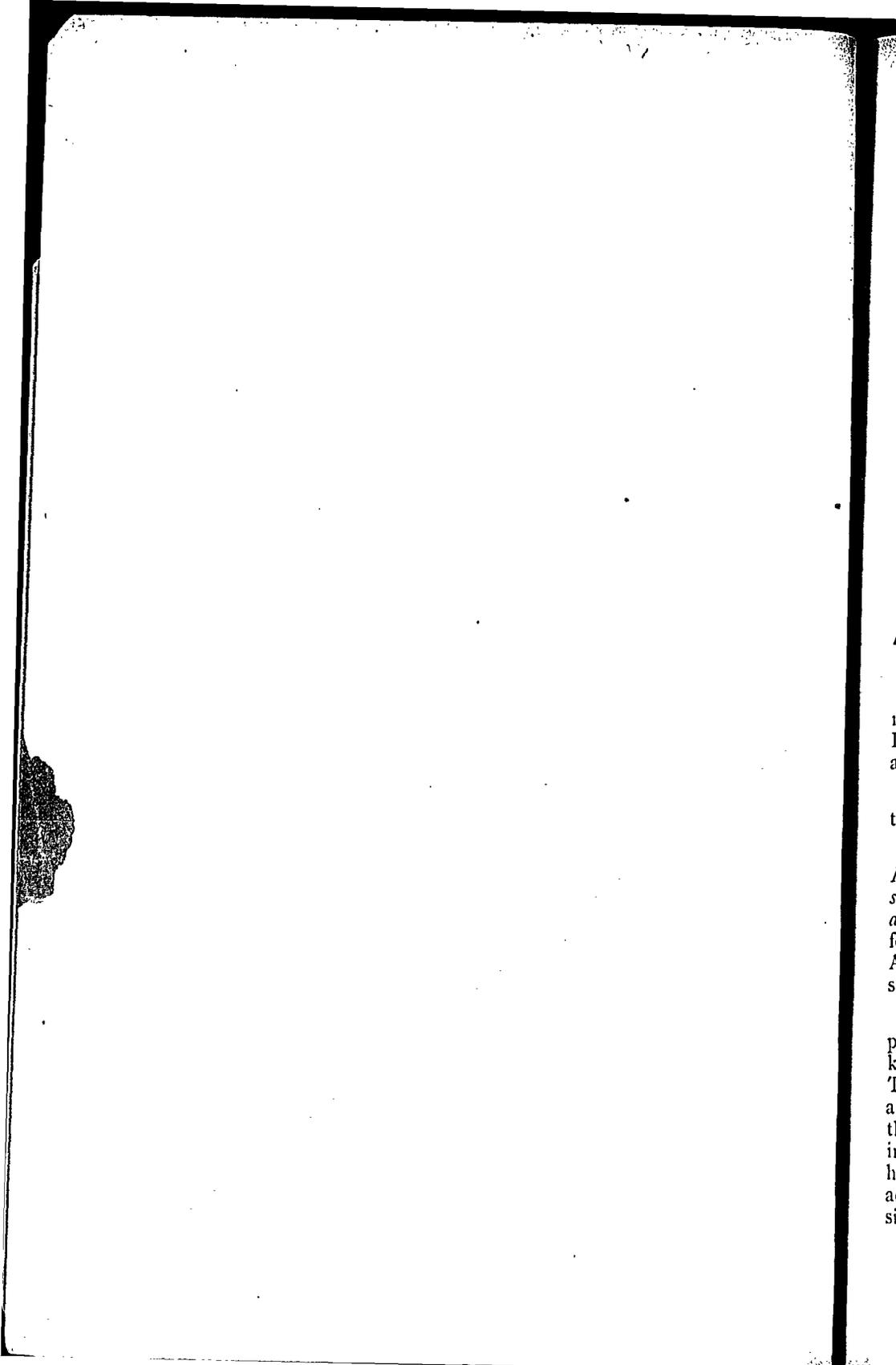
AND

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

VOLUME XIX—PART II.

1893:

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LAWS OF DELAWARE.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 540.

AN ACT to ratify a proposed Amendment to the Constitution of this State in relation to Article Nine thereof.

WHEREAS the General Assembly did propose an amend- Preamble.
ment to the Constitution of this State by an act passed at
Dover, May 16th, A. D. 1891, which act and proposed
amendment are in the words following, to wit :

An Act proposing an amendment to the Constitution of Chapter 2,
this State. Volume 19.

SECTION I. *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 Amendment
Article Nine of the Constitution of this State, that is to say, to the con-
stitution
strike out all of said article which reads thus : proposed.

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

CONSTITUTIONAL AMENDMENTS.

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.

And in lieu thereof insert the following, that is to say :

Time of voting for or against a convention to be altered.

Form of ballot.

Made of ascertaining majority.

Duty of General Assembly.

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 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, 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

CONSTITUTIONAL AMENDMENTS.

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.

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.

AND WHEREAS the said act and the amendment therein and thereby proposed have been duly approved by the Governor, and since his said approbation have been published in print in two or more newspapers of this State for the consideration of the people, at least three and not more than six months before the general election of representatives in this State held on Tuesday, the eighth day of November, Anno Domini one thousand eight hundred and ninety-two, which was the next general election of representatives after the passage of the said act, in conformity with the provisions of the constitution and of the said act in that behalf; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of each branch of the Legislature concurring):

SECTION 1. That the amendment proposed by the said act entitled "An act proposing an amendment to the Constitution of this State," passed at Dover, May 16th, A. D. 1891, be and the same hereby is ratified and declared to be valid to all intents and purposes as part of the Constitution of the State of Delaware.

Passed at Dover, January 20, 1893.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 541.

AN ACT ratifying a proposed Amendment to the Constitution of this State.

Preamble.
Chapter 1,
Volume 19.

WHEREAS the General Assembly of this State, by an act passed at Dover, April 28, 1891, entitled "An act proposing an amendment to the Constitution of this State," did propose to amend the first clause of the first section of the Fourth Article of said constitution by adding the following thereto, immediately after the word "ballot":

Means of
voting.

"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."

Further
Preamble.

AND WHEREAS the Governor did approve said amendment, which was, after said approval, duly published in two or more newspapers of this State for the consideration of the people, at least three and not more than six months before the last general election of representatives after the passage of said act of April 28, 1891; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of each branch of the Legislature concurring therein):

Amendment
ratified.

SECTION 1. That the amendment proposed by the said act entitled "An act proposing an amendment to the Constitution of this State," passed at Dover, April 28, 1891, be and the same is hereby ratified and confirmed; and said amendment shall be valid to all intents and purposes as part of the Constitution of this State.

Passed at Dover, February 15, 1893.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 542.

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 the same is hereby proposed to the third section of Article Six of the Constitution of this State, that is, by adding the following additional clause thereto: Revised Code of 1874 page xxxiv.

“Said court shall have the exclusive cognizance of granting divorces, but for the causes and upon the conditions prescribed by the Legislature.” Power of Superior Court to grant divorces.

SECTION 2. 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 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, after approval by Governor to publish proposed amendment.

Passed at Dover, April 20, 1893.

CONSTITUTIONAL CONVENTION.

CHAPTER 543.

AN ACT prescribing the next General Election as the proper occasion for ascertaining the sense of the people in respect to calling a Convention to revise, alter and amend the Constitution.

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

General election of 1894 prescribed as proper occasion for ascertaining the sense of the people.

SECTION 1. That at the general election to be held in this State on the Tuesday next after the first Monday in the month of November in the year of our Lord one thousand eight hundred and ninety-four, 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.

Ballots, form of, &c.

SECTION 2. That the ballots for or against a convention shall be of such uniform and suitable size that they may readily be distinguished from the ballots prescribed by law for candidates for office, and of such quality, color and thickness of paper that the printing thereon cannot be recognized from the back thereof.

The words "For a Convention" shall be printed on the right hand side of each ballot, and the words "Against a Convention" on the left hand side thereof; and, in voting, each voter shall mark, with the stamp provided for the said general election, his ballot within the space immediately above either the said words "For a Convention" or "Against a Convention," and thereby indicate on which side he desires to vote. The said ballots shall be provided, printed, packed, supplied, distributed, received, opened, signed, delivered for voting, voted, deposited, counted, preserved and destroyed by the same persons, at the same times and places, in the

CONSTITUTIONAL CONVENTION.

same manner, according to the same regulations and subject to the same penalties so far as applicable to the purposes of this act as is now or hereafter shall be prescribed concerning the said general election by the act entitled "An act to provide for the secrecy and purity of the ballot," passed at Dover, May fifteenth, eighteen hundred and ninety-one, or any amendment or supplement thereto.

SECTION 3. That the sheriffs or other officers who are required by law to deliver to the proper election officers the ballot boxes, tally lists and other prescribed articles for use at the said general election, shall also, in addition thereto deliver to the same persons at the same times, two suitable ballot boxes for each voting place, with tape and sealing wax therefor, together with such written or printed forms of tally lists, certificates of the votes cast for or against a convention and other articles as shall be required for the purposes of this act. The votes given for or against a convention shall be received, counted, tallied and certified, and the state of the vote for or against a convention canvassed, ascertained and certified by the same persons, 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 applicable to the purposes of this act as is now or hereafter shall be prescribed by law concerning the said general election. The certificates respectively of said votes shall contain and show accurately the number, in words at length, of votes cast for a convention and against a convention.

Duty of
Sheriff and
Clerk of the
Peace.

Duty of
election offi-
cers.

SECTION 4. That the returns of the state of the vote for or against a convention canvassed, ascertained and certified as aforesaid by the board of canvass of each county, 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 this State.

Returns and
certificates,
to whom
delivered.

SECTION 5. That the General Assembly shall at the next session thereof after said general election, and on the third 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 the state of the vote for or against a convention, and to ascertain therefrom the result of said vote throughout the State by

General As-
sembly to
canvass vote

CONSTITUTIONAL CONVENTION.

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.

If vote be
affirmative
Convention
to be called.

SECTION 6. That if thereupon it shall appear that at said general 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 said next session after said general 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.

Duty of
Sheriff and
other officers
in relation to
returns of
election, &c.

SECTION 7. That it shall be the duty of the sheriff or other officers to whom the ballot boxes used at said general 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 the vote for or against a convention 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, April 6, 1893.