

THE CHAIRMAN: Thank you.

Are there any further amendments with respect to section 3.17(ab)?

Delegate Scanlan.

DELEGATE SCANLAN: I naturally have not had the time to prepare the modification of my amendment. I could read it to the house, and if there was no objection, perhaps we could proceed on it. If not, I do not want to delay consideration.

THE CHAIRMAN: The Chair would suggest — and I think the Committee of the Whole would concur — that if the amendment can be stated in a way so that it would be understandable, we could act on it. I would like to conclude consideration of this recommendation before we recess for lunch.

DELEGATE SCANLAN: Yes. The amendment is exactly as it was previously modified and read across the desk, with the exception that the following phrase is added in line 6 of the amendment:

“With the exception of the first sentence thereof then, it would read as it is now — the provisions of Article III, section 48 of the Constitution of 1867 shall remain in effect as part of this Constitution.”

That is to accommodate the problem of permitting, under the Constitution of 1867, the exceptions for municipal purposes. That has been eliminated, and properly so, in the Committee's first sentence of its report on 3.17(ab).

So I would preserve the first sentence of the Committee's report, but —

THE CHAIRMAN: I do not think that the amendment as you stated it does that. I had understood it to be the converse, that you were preserving the first sentence of Article III, section 48 of the Constitution of 1867, which again may not —

DELEGATE SCANLAN: I believe you have misconstrued what I have said.

THE CHAIRMAN: The language was “with the exception of the first sentence thereof”. Is that what you said?

DELEGATE SCANLAN: Yes. My amendment does not attack the first sentence of the Committee's report, in other words. I do not attack —

THE CHAIRMAN: Do not tell me what it does. Read me your amendment again as you would have it.

DELEGATE SCANLAN: On pages 2 and 3, Section 3.17(ab) Corporation Charters. Strike out “all charters granted” on line 35 and lines 36 through 50, page 2, and all of lines 1 through 9 page 3 inclusive, and insert in lieu thereof the following: “With the exception of the first sentence thereof, the provisions of Article III, section 48 of the Constitution of 1867 shall remain in effect as part of this Constitution.”

Have I made myself clear?

THE CHAIRMAN: That is what the Chair understood you to say before, and that would mean that the first sentence thereof refers to the first sentence of Article III, section 48. The balance of the section is what you are adopting by reference.

Is that correct, Delegate Scanlan?

DELEGATE SCANLAN: You are right.

THE CHAIRMAN: Is that your intention?

DELEGATE SCANLAN: No. I think I will retreat.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, I say with all sympathy to Delegate Scanlan we went through this exercise of trying to figure a better way to say it if it had to be said; we finally came to the reluctant conclusion that we had to do it the way you see it before you.

With respect to the question of the effective date of the constitutional amendment which was authorized by the General Assembly by Chapter 195 of the Acts of 1890, section 2 of that act says that the foregoing section hereby proposed as amendment to the Constitution shall be at the next general election held at this State submitted to the legal and qualified voters thereof for their adoption and selection pursuant to Article 14 of this State, and that after the said election due returns shall be made to the governor of the vote for and against said proposed amendment as directed by the said Article XIV of the Constitution.

Article XIV of the Constitution says that the votes cast for and against said amendments shall be returned severally to the governor. If it shall appear to the governor that such votes were cast in favor thereof, the governor shall by his proclamation declare the said amendments, having received said majority votes, to have been