

C H A P.
LXIV.

the party interested, or his or her legal representative, shall have the same remedy for the recovery thereof as herein before directed for the recovery of the said original damages.

When to begin
the work, &c.

XVI. AND BE IT ENACTED, That the persons incorporated by this act shall begin the work aforesaid as soon as the sum of five thousand dollars shall be subscribed, and carry on the same with diligence till it shall be completed, according to the directions of this act, within five years, and on failure or neglect to perform the same within the time aforesaid, this act to be null and void and of no effect.

When tolls
may be collect-
ed, &c.

XVII. AND BE IT ENACTED, That as soon as the company incorporated as aforesaid shall make it appear, to the satisfaction of the county court of Worcester county, that there is a complete and safe navigation for vessels drawing at least five feet water from Saint-Martin's river or Sinepuxent bay to the Atlantic ocean, through the said contemplated inlet, then and not before shall said company proceed to collect the tolls as aforesaid directed by this act; and should complaint be at any time made to the county court aforesaid, stating the insufficiency of the navigation of said contemplated inlet, it shall and may be lawful for said county court to make such inquiry as they may deem right and proper for the true ascertainment of the alleged facts, and if found true, they shall have full power and authority to suspend the collection of said tolls, until it shall be made appear to their satisfaction that the navigation of said inlet is such as this law directs and requires.

C H A P. LXV.

Passed 7th of
January, 1804.

An ACT to ratify an amendment to the constitution of the United States of America, proposed by congress to the legislatures of the several states.

Preamble.

WHEREAS it is provided by the fifth article of the constitution of the United States of America, that congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to the said constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of the said constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress: And whereas at the first session of the eighth congress of the United States, begun and held at the city of Washington, in the territory of Columbia, on Monday the seventeenth day of October, in the year of our Lord one thousand eight hundred and three, it was resolved as followeth, to wit: Resolved by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, that in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes as part of the said constitution, to wit: The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president, but in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice; and if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death, or other constitutional disability, of the president; the person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the