

on the same first Monday of October 1779, and on the same day in every third year for ever thereafter, at such place in the said town as the judges shall appoint, elect viva voce, by a majority of votes, two delegates, qualified as aforesaid.

6. That the three oldest commissioners of the said town, for the time being, shall be judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid, but the inhabitants of the said town shall not be intitled to vote for delegates for Baltimore county.

7. That the senators be chosen in the following manner: All persons, qualified as aforesaid to vote for county delegates, shall on the first Monday of September 1783, and on the same day in every seventh year for ever thereafter, elect viva voce, by a majority of votes, two persons for their respective counties, qualified as aforesaid to be elected county delegates, to be electors of the senate; and the sheriff of each county shall hold and be judge of the said election, and make return thereof as aforesaid.

8. That the said electors of the senate meet at such place, as shall be appointed for convening the legislature, on the third Monday in September 1783, and on the same day in every seventh year for ever thereafter, they, or any twenty-four of them so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators, men of the most wisdom, experience and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, and having therein a freehold in lands or tenements, above the value of pounds sterling.

9. That the senators shall be balloted for at one and the same time, and the fifteen, who shall on striking the ballots appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly elected; but if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons, who on the first ballot shall have had an equal number; and they who shall have the greatest number in their favour on the second ballot, shall be accordingly declared and returned duly elected: but if the whole number should not thus be made up, because of an equal number on the second ballot still being in favour of two or more persons, then the election shall be determined by lot, between those who have equal numbers.

10. That

10. That the electors of senators shall judge of the qualifications and elections of members of their body, and on a contested election shall admit to a seat, as an elector, such qualified person, as shall appear to them to have the greatest number of legal votes in his favour.

11. That the electors immediately on their meeting, and before they proceed to the election of senators, take such oath or affirmation, of support and fidelity to this state, as this convention or the legislature shall direct, and an oath or affirmation, "to elect, without favour, affection, partiality, or prejudice, such persons for senators as they, in their judgment and conscience, believe best qualified for the office."

12. That the three branches of legislature meet annually, on the first Monday of November, or oftener if necessary.

13. That in case of refusal, death, resignation, disqualification, or removal out of this state, of any senator, or on his becoming governor, or a member of the council, the senate shall immediately thereupon, or at their next meeting thereafter, elect by ballot, in the same manner as the electors are above directed to chuse senators, another person in his place, for the residue of the said term of seven years.

14. That on the death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor, or a member of the council, a warrant of election shall issue by the speaker, for the election of another in his place, of which ten days notice, excluding the day of notice and the day of election, shall be given.

15. That not less than a majority of the delegates, with their speaker, (to be chosen by them by ballot) constitute an house for the transacting any business, other than that of adjourning.

16. That not less than a majority of the senate, with their president, (to be chosen by them by ballot) constitute an house for the transacting any business, other than that of adjourning.

17. That each house shall appoint its own officers, and settle its own rules of proceeding.

18. That a person of wisdom, experience, and virtue, shall be chosen governor, on the second Monday of November 1777, and on the second Monday in every year for ever thereafter, by the joint ballot of both houses, to be taken in each house respectively, deposited in a conference room, the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointments may

may be entered; which mode of taking the joint ballot of both houses shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons, who on the first ballot shall have had an equal number; but if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot, between those who have equal numbers.

19. That no person but a native, above twenty-five years of age, a resident in this state above five years next preceding the election, and having in the state a freehold in lands or tenements, above the value of _____ pounds sterling, shall be eligible as governor.

20. That the governor shall not continue in that office longer than three years successively, nor be eligible as governor until the expiration of three years, after he shall have been out of that office.

21. That the senators and delegates, on the second Tuesday of November 1777, and annually on the second Tuesday of November for ever thereafter, elect by joint ballot, in the same manner as senators are directed to be chosen, five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, and having therein a freehold in lands or tenements, above the value of _____ pounds sterling, to be the council to the governor, whose proceedings shall always be entered on record, to any part whereof any member may enter his dissent, and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate, or house of delegates, when called for by them. The council may appoint their own clerk, who shall take such oath or affirmation of support and fidelity to this state as this convention or the legislature shall direct, and of secrecy, in such matters as he shall be directed by the board to keep secret.

22. That in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect, by ballot, another person, qualified as aforesaid, in his place, for the residue of the year.

23. That

23. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator, or a delegate, before he acts as such, shall take such oath or affirmation of support and fidelity to this state as aforesaid, and before the election of the governor, or members of the council, shall take an oath or affirmation, "to elect without favour, affection, partiality, or prejudice, such person, as governor, or member of the council, as they, in their judgment and conscience, believe best qualified for the office."

24. That every governor, senator, delegate, and member of the council, before he acts as such, shall take an oath, or affirmation, "That he will not receive directly or indirectly, at any time, any part of the profits of any office, held by any other person during his acting in his office of governor, senator, delegate, or member of the council, or the profits, or any part thereof, arising on any agency, for the supply of cloathing or provisions for the army or navy."

25. That every chancellor, judge, commissary general, commissioner of the loan office, attorney general, sheriff, treasurer, naval officer, register of the land office, clerk of the general and county courts, surveyor, and auditor of public accounts, before he acts as such, shall take an oath or affirmation, that he will not directly or indirectly receive any fee or reward for doing his office of _____, but what is or shall be allowed by law, nor will directly or indirectly receive the profits or any part of the profits of any office held by any other person.

26. That no senator, delegate, or member of the council, shall be capable of holding any office of profit in this state, during the time he shall act as senator, delegate, or member of the council; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such.

27. That if any senator, delegate, or member of the council, shall hold or execute any office of profit, or receive directly or indirectly, at any time, any part of the profits of any office exercised by any other person, during his acting as senator, delegate, or member of the council, his seat shall be thereupon void, and on conviction, by the oath of two credible witnesses, he shall suffer the punishment for wilful and corrupt perjury, or be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.

28. That if any governor, chancellor, judge, commissary general,

general, attorney general, register of the land office, commissioner of the loan office, clerk of the general court, or of a county court, treasurer, naval officer, sheriff, surveyor, or auditor of public accounts, shall receive directly or indirectly, at any time, the profits or any part of the profits of any office, exercised by any other person, during his acting in the office to which he is appointed, his election, appointment and commission shall be void, and on conviction in a court of law, by the oath of two credible witnesses, he shall suffer the punishment for wilful and corrupt perjury, be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.

29. That upon the death, resignation, or removal out of this state of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, and shall immediately call a meeting of the general assembly, giving not less than fourteen days notice of the meeting, at which meeting a governor shall be appointed, in manner aforesaid, for the residue of the year.

30. That the governor for the time being, by and with, and not without, the advice and consent of the council, may appoint the chancellor, and all judges and justices, the commissary general, attorney general, register of the land office, commissioners of the loan office, treasurer, naval officers, sheriffs, surveyors, clerks of the general court and county courts, and all other civil officers of government (constables and overseers of the roads only excepted) and all military officers, and may also suspend or remove any civil officer (who has not a commission during good behaviour) or any military officer.

31. That the commissary general, attorney general, judge of the court of admiralty, clerk of the general court, the clerks of the county courts, and the register of the land office, hold their commissions, during good behaviour, removable only for misbehaviour, on conviction in a court of law, or on conviction by impeachment.

32. That the sheriffs shall be appointed annually, and shall not be nominated or commissioned for more than three successive years, and having served three succeeding years, shall be incapable to serve for three years from the expiration thereof.

33. That the treasurer, naval officers, and all civil officers, who do not hold commissions during good behaviour,
shall

shall be appointed annually, in the third week of November, but if any of them shall be appointed, they may continue to act without any new commission or qualification. And every officer, though not re-appointed, shall continue to act until the person who shall be appointed and commissioned in his stead shall be qualified.

34. That the governor, by and with, and not without, the advice and consent of the council, may embody the militia, and when embodied shall alone have the direction thereof, under the laws of this state, and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons for any crime or offence, except where the prosecution shall be carried on by the delegates, or the law shall otherwise direct; but the governor shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great-Britain.

35. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days or some day between, and the assembly shall then meet and be held accordingly, and he shall, if necessary, by advice of the council, call them before the time to which they shall in any manner be adjourned, on giving not less than ten days notice thereof, but the governor shall not adjourn the assembly otherwise than as aforesaid, nor prorogue or dissolve it at any time.

36. That the delegates to the Congress, or Assembly of the United States, shall be chosen annually, or superceded in the mean time, by joint ballot of both houses of assembly.

37. That the senate shall judge of the elections and qualification of senators.

38. That the house of delegates shall judge of the elections and qualification of delegates.

39. That the house of delegates may originate all money bills; propose bills to the senate or receive those offered by that body, and assent, dissent or propose amendments, that they may enquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person for any crime to the public jail, there to remain till he be discharged by due course of law; they may impeach offenders for any crime against the law of the land, and may expel any member for

a great misdemeanor; they may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same; they may call for papers and records, and send for persons, which they may judge necessary, in the course of their enquiries, concerning affairs relating to the public interest, and may direct all bonds given by officers or persons employed in the collection or expenditure of public money to be sued for any breach of duty.

40. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given, and may receive any other bills from the house of delegates, and assent, dissent or propose amendments.

41. That no bill shall originate with the governor, nor shall he propose amendments to any bill passed by the house of delegates and senate.

42. That the house of delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behaviour, or by threats to, or abuse of their members, or by any obstruction to their proceedings; they may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting, any of their members, during their sitting, or on their way or return to the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any orders or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from, the house, or by rescuing any person committed by the house; and the senate may exercise the same power, in similar cases.

43. That there be _____ persons, learned in the law, appointed judges of the court of appeals, whose judgment shall be final and conclusive in all cases of appeal, from the general court, court of chancery, court of admiralty, and prerogative court: That one person, learned in the law, be appointed chancellor: That three persons, learned in the law, be appointed judges of the court, now called the provincial court; and that the same court be hereafter called and known by the name of *the general court*.

44. That the stile of all laws run thus, "Be it enacted by the general assembly of Maryland:" That all public commissions and grants run thus, "The state of Maryland to A. B. &c. greeting," and shall bear test by the governor, with the seal of the state annexed: That all writs shall

run in the same manner, and bear test by the clerks of the several courts : That all indictments shall conclude, " Against the peace, government and dignity of the state,"

45. That this form of government, and the charter of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the legislature, and shall be confirmed by the legislature, after a new election of delegates, in the first session after such new election.

46. That if any person give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, seustor, delegate, member of the council, or judge, or to be appointed to any of the said offices, or to any office of profit or trust, now created or hereafter to be created in this state, the person giving, and the person receiving the same, on conviction in a court of law, shall be for ever disqualified to hold any office of trust or profit in this state.

47. That every person appointed to any office of profit or trust shall, before he enters on the execution thereof, take the following oath or affirmation, to wit, " I, A. B. do swear, or solemnly, sincerely, and truly declare and affirm, That I will be true and faithful to the state of Maryland and the government thereof, as by the Convention of Maryland established ; and that I will, to the utmost of my power, support, maintain and defend the said state and government thereof ; and that I will use my utmost endeavours to disclose and make known to the governor, the council, or some one of the judges or justices of this state, for the time being, all treasons and traitorous conspiracies or attempts, which I shall know to be against this state and the government thereof ; and I do declare, that the king of Great-Britain, and no other king, prince, or state, hath or ought to have any power, jurisdiction, superiority or authority within this state."

48. That the governor shall be impeachable by the house of delegates, when out of office, for any flagrant breach of duty in the administration of his office, by which the state might have been endangered ; and all other great and dangerous offenders against the laws, shall also be impeachable by the delegates, and such impeachment may be prosecuted by the attorney general, or such other person or persons as the house may appoint, in a court to be composed of the judges

judges of the court of appeals, the chancellor, and the judges of the general court, or some seven of them, which court shall be called the court of impeachments; and if found guilty by any five of the said judges, he or they shall be either for ever, or a limited time, disabled to hold any office under government, or banished this state, or subject to such pains or penalties as the law shall direct.

49. That if the chancellor, or any judge of the court of appeals, or general court, shall, by colour of his office, corruptly offend against the law of the land, the house of delegates may, in like manner, impeach the chancellor or judge so offending, in the said court of impeachments; and he or they, if found guilty by any five of the said judges, shall be punished in the same manner as is prescribed in the preceding clause.

50. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being.

51. That all escheats, penalties, and forfeitures, heretofore going to the king or the proprietary, shall go to the state, save only such as the legislature may abolish, or otherwise provide for.

52. That to introduce this government this Convention shall elect a governor and the council under the same oath prescribed for their election hereafter; who shall continue in office until a new appointment shall be made in 1777, as aforesaid.

53. That no person, who refused or neglected to subscribe the association (unless from religious principles) on or before the eleventh day of April last, shall at any time hereafter be qualified to hold any office of profit or trust in this state.

54. That the election for the first house of delegates shall be held on the first Monday in November next, in the same manner as above directed; that the election of the electors of the first senate shall be held on the first Monday in October next agreeable to the directions aforesaid, and the electors of the senate shall meet and chuse the senate in the mode above prescribed, on the third Monday in October next, and the said house of delegates shall act as such until the first Monday in October, 1779, and the said senate shall act as such until the first Monday in September, 1783.

N. B. It is proposed that the general court shall set on the eastern-shore for transacting the business of that shore.