

liv. THE CONSTITUTION AND FORM OF GOVERNMENT,

15. That the said electors of the senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September 1781, and on the same day in every fifth year for ever thereafter; and 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, (nine of whom to be residents on the western, and six to be residents on the eastern shore,) 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(e).

16. That the senators shall be balloted for at one and the same time, and out of the gentlemen, residents of the western shore, who shall be proposed as senators, the nine who shall, on striking the ballots, appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly elected; and out of the gentlemen, residents of the eastern shore, who shall be proposed as senators, the six who shall, on striking the ballots, appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly elected; and if two or more on the same shore 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; and 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, which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

17. 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.

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

19. 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 choose senators, another person in his place for the residue of the said term of five years.

(e) The persons to be elected senators were required to have in the state real and personal property above the value of one thousand pounds current money; but by November 1809, ch. 198, confirmed by 1810, ch. 18, all such parts of the constitution as required a property qualification in persons elected members of the legislature, were abolished.

(f) The alternative of an affirmation was given by the act of 1794, ch. 49, confirmed by 1795, ch. 11, but was thereby confined to Quakers, Menonists, Tunkers, or Nicolites, or New Quakers, who should be conscientiously scrupulous of taking an oath on any occasion; the provisions of which are inserted in a new section, numbered 62. It has since been extended to all persons professing the christian religion, who hold it unlawful to take an oath on any occasion, by the act of 1817, ch. 61, confirmed by 1818, ch. 163; the provisions of which are inserted in a new section numbered 65.