

CHAP. 97.

32. This section has ceased to have any operation since 1816, ch. 252, (confirmed by 1817, ch. 149,) whereby the city of Annapolis constitutes the sixth election district of Anne Arundel county, for all elections for sheriffs, electors of president and vice president, *electors of the senate of this state*, and for a member to congress; which elections are to be held by the mayor, &c. of the said city.

Governor & council to declare certain elections by proclamation.

33. AND BE IT ENACTED, That the governor and council, on receiving the returns of the elections aforesaid for electors to choose a president and vice president of the United States, and for members to represent this state in the congress of the United States, shall enumerate and ascertain the number of votes given for each and every person voted for as an elector, or member to congress aforesaid, respectively, and shall thereupon declare, by proclamation, signed by the governor, the name of the person or persons duly elected in each respective district, and the governor and council shall cause such proclamation to be inserted in such newspapers on the western and eastern shores as they may direct.

34. AND, whereas it may happen that in the election of the said electors two or more of the said candidates may have an equal number of votes. BE IT ENACTED, That in such case the governor and council shall determine, by lot, from the candidates who shall have an equal number of votes as aforesaid, who shall be the elector for the said respective districts.

To determine by lot who shall be electors of president, &c. where they have an equal number of

Warrant for elections to fill a vacancy to go to sheriff, &c.

35. AND BE IT ENACTED, That in case of an election for delegates or a delegate, or a representative in congress, to fill a vacancy, the warrant for such election shall go to the sheriff of the county or counties where the election is to be held, who shall appoint the day for holding the same, of which ten days notice at least, (exclusive of the day of notice and the day of election,) shall be given by such sheriff; and the said sheriff shall serve a copy of the said warrant, together with notice of the day appointed for holding the said election, on each of the judges in each district at least three days before the day appointed for holding such election, under the penalty of ten dollars for each and every neglect; and such election shall be holden within fifteen days after the said warrant shall be received by the sheriff to whom the same shall be directed.

Fines &c. to be recovered by indictment.

36. AND BE IT ENACTED, That all fines and penalties created and imposed by this act, unless herein otherwise particularly directed and provided for, shall and may be recovered in the name of the state, by indictment, in the county court of the county wherein the same shall accrue, and be applied, one half thereof to the use of the informer, and the other half to the use of the county, and it shall be the duty of the clerk of such county to return, annually, to their levy courts, a list of all fines and penalties recovered by virtue of this act.

This act to be given in charge to grand juries.

37. AND BE IT ENACTED, That the judges of the different county courts shall give this act in charge to the grand juries of their respective counties, at the sitting of the court next after every election to be held therein.

Laws repealed.

38. AND BE IT ENACTED, That all laws, clauses and sections of laws, repugnant to, or inconsistent with, the provisions of this act, be and the same are hereby repealed.