

of the President of the Senate to designate the day for the holding of the election. His duty and authority extend no further than the issuing of the warrant to the Sheriff, and this warrant he must issue whenever a vacancy occurs during the session.

Upon the receipt of the warrant from the President of the Senate, or from the Governor, as the case may be, it is the duty of the Sheriff to "appoint a day for the holding of the election, and to give at least ten days notice thereof, exclusive of the day of publication and day of election, by advertisement set up in the most public places within each district of the county, and by advertisements in two newspapers of general circulation in such county," and to notify the Judges of Election of the day thus fixed. (Code of Public General Laws, Article 33, sections 90 and 91.

And prior to the passage of the Australian Ballot Act, the election was directed to be held within fifteen days after the receipt by him of the warrant (Ibid, section 92 )

This latter direction of the statute is controlled, of course, by the proviso of section 13, of Article 3, of the Constitution, which declares that "unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy, shall be held on the day of the ensuing election for Delegates and Senators," and it is also modified by the provisions of the Australian Ballot Act of 1890, chapter 573, in so far as these provisions are inconsistent with or repugnant to it, for these to the extent of such repugnancy manifestly repeal the pre-existing law.

The Australian Ballot Act, in section 133, provides that when the officers to be elected are to be elected by the voters of but one county, the certificates of nomination and nomination papers must be sent to the Board of Supervisors of the county and shall be filed with them "not more than sixty days and not less than ten days before the day of election for which such nominations are made."

In section 138, it declares that "it shall be the duty of the Secretary of State AT LEAST *thirty days* before the first election at which any of the official ballots provided for can be used to cause to be prepared and transmitted to said respective Boards of Supervisors