

place where the polls had been held and interfered with the said election, unless such military force shall be called for by the said judges of election, or by other civil authority charged with the preservation of the peace, and in case of such military interference within any election district of the counties, or precinct in the city of Baltimore, to be certified by the judges of election under oath, it shall be the duty of the Governor to order a new election, after ten days notice, in said election district or precinct, but such return and order of a new election shall not interfere with the assembling of the Convention as herein; *provided, however*, that at least sixty-five members shall be elected according to the provisions of this act before said Convention shall organize; *and, provided further*, that fifty members at least shall be necessary to constitute a quorum after organization; and the judges of election shall, at said election, administer the oath to every person offering to vote, whose vote shall be challenged on the ground that such person has served in the rebel army, or has either directly or indirectly given aid, comfort or encouragement to those in armed rebellion against the Government of the United States, or is for any other reason not a legal voter, in the manner and form provided by section twenty-one of article thirty-five of the Code of Public General Laws, relating to elections; and a judge or judges of election failing to comply with the provisions of this act, shall be liable to the same penalties as he or they would be by the noncompliance with the existing election laws of this State.

Provisos.

Penalties.

Sec. 2. *And be it enacted*, That as soon as the Governor shall receive the return of the number of ballots cast in this State for or against a Convention, and the blank ballots cast, it shall be the duty of the Governor to count and cast up the same, and if upon casting up and counting said returns so as aforesaid made to him, it shall appear to the Governor that more votes have been cast by the legal voters of this State in favor of the call of a Convention than have been cast against the call of a Convention, then it shall be the duty of the Governor to issue his proclamation for the holding and assembling of said Convention, and of the

Duty of the Governor.