

place as shall be appointed for convening the Legislature, on the Monday of 1838, and on the same day in every fifth year forever thereafter, and they or a majority of them so met, shall proceed to elect by ballot twenty one Senators, other than out of their own body, that is to say, one Senator from each county and the city of Baltimore, who shall have been resident in said county or city at least twelve months previous to said election, also residents of the State above three whole years next preceding the election, above twenty five years of age and men of the most wisdom, experience and virtue: provided however, in case one or more of the persons so chosen as electors aforesaid, shall fail to meet at the city of Annapolis or such other place as shall be appointed for convening the Legislature, on the

Monday of in the year 1838, and on the same day in every fifth year forever thereafter, or having met, shall refuse or neglect to qualify, then and in that case the electors in attendance and qualified, shall proceed to fill up by ballot the vacancies existing in their body, by reason of the failure of attendance of such absent electors, or in their attendance, a refusal or neglect to qualify, and the said person or persons when so chosen and qualified shall be entitled to all the rights and privileges of the electors or persons chosen by the people; and provided further, it shall be necessary in filling up said vacancies, to select individuals residents of the counties or of said city in which the vacancy or vacancies exist.'

5, And be it enacted, that the Senators shall be balloted for at one and the same time; and if two or more in the same county or counties or in the said city of Baltimore, shall have an equal number of ballots in their favor 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 in the first ballot shall have had an equal number, and they who shall have the greatest number in their favor on the second ballot shall be accordingly declared and duly returned, and if the whole number should not thus be made up because of an equal number on the second ballot, still being in favor of two or more persons residents of the same county or of the said city, then the election shall be determined by lot between those who