

# MARYLAND GAZETTE.

T H U R S D A Y, J A N U A R Y 27, 1803.

## Laws of Maryland.

PASSED NOVEMBER SESSION, 1802.

*A Further supplement to the act, entitled, An act to regulate elections.*

**W**HEREAS by an act passed at November session, eighteen hundred and one, entitled, An act to alter such parts of the constitution and form of government as relate to voters, and the qualifications of voters, and confirmed at the present session of assembly, a change has been made in the manner of voting from *viva voce* to that of voting by ballot, and it is necessary to make provisions by law to carry into effect such change; therefore,

*Be it enacted, by the General Assembly of Maryland,* That it shall be the duty of the respective sheriffs of the several counties of this state, under the penalty of five hundred dollars, to provide for, and cause to be delivered to, the judge or judges of the election in each district, previous to or at the commencement of each election, a box for receiving the ballots, and two separate books for the purpose of entering the voters names.

*And be it enacted;* That the next election of representatives of this state in the congress of the United States shall be held on the first Monday of October next, and that the next election thereof shall be held on the first Monday of October, eighteen hundred and four, and on the same day biennially for ever thereafter, any law to the contrary notwithstanding.

*And be it enacted,* That the elections for delegates to the general assembly, for electors of the senate, for sheriffs, for representatives of this state in the congress of the United States, and for electors on the part of this state to elect the president and vice-president of the United States, and each and every of them, shall commence at nine o'clock in the morning of the respective days of election, and shall continue without adjournment, and be closed at seven o'clock in the evening of the same day, and no ballot shall be taken at any such election before the said hour of nine o'clock in the morning, nor after the said hour of seven o'clock in the evening; and every voter qualified by law shall deliver to the judge or judges of the election in the district in which he offers to vote, a ballot, on which shall be written or printed the name or names of the person voted for, and the purpose for which the vote is given, and plainly designated, and the ballot so delivered in, and received by the judge or judges of the election, shall be deposited in the ballot box provided as aforesaid for that purpose, till the poll be closed, and if any judge of an election, or other person, after any ballot shall be delivered in as aforesaid, and before the poll is closed, shall unfold or open any such ballot, with design to discover the name or names therein contained, every person so offending shall forfeit and pay the sum of fifty dollars; and if any voter shall offer any more than one ballot, with a fraudulent design, every such person shall forfeit and pay the sum of twenty dollars for every such offence.

*And be it enacted,* That the name of each person offering to vote shall be entered upon the books provided as aforesaid for that purpose by the two clerks, separately and plainly.

*And be it enacted,* That when the poll shall be closed, the box wherein the ballots are deposited shall be immediately thereafter opened by the judge or judges of the election, and the said judge or judges shall publicly, in the presence of such persons as may choose to attend, carefully take out the said ballots, and read distinctly aloud the name or names written or printed thereon respectively; and the clerks of such election shall carefully enter and keep account of the same on paper prepared for that purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known; and if, upon opening any of the said ballots, there be found any more names written or printed on any of them than there ought to be, or if any two or more of such ballots or papers be deceitfully folded together, such ballots shall be rejected and not counted.

*And be it enacted,* That as soon as all the ballots shall be read off and counted, and the number for each candidate reckoned up and ascertained, the judge or judges of the election shall make out, under his or their hands, and attested by the clerks of the election, four plain, fair and distinct statements, and certificates of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office he has been voted for, which numbers shall be expressed in words at length, and not in figures only, two of which statements or certificates shall be entered, and subscribed and attested as aforesaid, on the books on which the names of the voters shall have been written, and the two other statements or certificates shall be given to each

of the said clerks; and it shall be the duty of the judge who shall preside at the close of the election to make public declaration of such number of votes for each candidate at the place of holding said election, which said books, with the statements or certificates aforesaid therein entered as aforesaid, shall be kept in the charge of the said presiding judge, and on the day and place prescribed by the fifteenth section of the original act for the meeting and attendance of the judges of the election first named in the appointment, or who shall have acted as judge at the close of the election, the said judge having charge of said books, with the certificates therein written, subscribed and attested as aforesaid, shall then and there, under the penalty in the said original act mentioned, attend, and produce the said books and certificates, and in case of accident, so that the books with the certificates aforesaid cannot be produced, then and in such case the certificates lodged with the clerks shall be produced by them, and the said judges of the several districts of the county, so assembled, shall add together the whole number of votes of all the districts of the county which shall appear to be given for each candidate, and determine who has the greatest number of votes, and who thereupon is or are elected delegates, sheriffs, electors of the senate, representative or representatives to congress, or elector or electors of the president and vice-president of the United States, as the case may be, and shall declare accordingly, and make return in the respective cases in the manner and form prescribed and now practised under the said fifteenth and sixteenth sections of the said original act; and the said books on which the names of the voters and certificates aforesaid shall be written, shall be deposited with the clerk of the county for safe keeping; and if, at the time appointed by the said original act for the assembling of the said judges, any of them should be prevented from attending, in every such case the judge or judges who shall assemble, may adjourn from day to day until the judge or judges required to attend shall assemble, and in case of the sickness, death or inability, of any judge of a district required by this act to attend at the time and place aforesaid, any other judge present at the election at the close thereof in said district may and is hereby required to attend, and the said judges, when so assembled, shall immediately thereafter proceed to perform the duties required as aforesaid.

*And be it enacted,* That all fines, penalties, and forfeitures, herein imposed, shall be recovered and appropriated as other fines, penalties and forfeitures, are recovered and appropriated under the original act.

*And be it enacted,* That all and singular the sections, clauses and provisions, of the original act aforesaid, which are inconsistent with, and repugnant to, the provisions of this act, be and the same are hereby severally repealed.

*An ACT to provide for the elections of representatives of this state in the congress of the United States, and of electors on the part of this state for choosing a president and vice-president of the United States.*

**B**E it enacted, by the general assembly of Maryland, That for the purpose of electing nine representatives of this state in the congress of the United States, this state shall be and the same is hereby divided into eight districts, which shall be numbered from one to eight, to wit: Saint-Mary's, Charles and Calvert counties, shall be the first; Prince-George's and Anne-Arundel counties, including the city of Annapolis, the second; Montgomery county, and that part of Frederick county adjacent, as far as Monocacy, from the mouth thereof to the Pennsylvania line, the third; the remainder of Frederick county, Washington and Allegany counties, the fourth; Baltimore town and Baltimore county shall be the fifth; Harford, Cecil and Kent counties, the sixth; Queen-Anne's, Caroline and Talbot, the seventh; and Dorchester, Somerset and Worcester counties, shall be the eighth district; and that each of the said districts shall be entitled to one representative to congress, except the fifth district, which district shall be entitled to two representatives, one of which shall be a resident of Baltimore county, and the other a resident of Baltimore city.

*And be it enacted,* That for the purpose of choosing eleven electors of the president and vice-president of the United States, this state shall be and the same is hereby divided into nine districts, which shall be numbered from one to nine in manner following; to wit: Saint-Mary's county, Charles county, and the fifth election district of Prince-George's county, or the Piscataway district, shall compose the first district; the residue of Prince-George's county, Calvert county, and the second and fifth election districts in Montgomery county, called the Montgomery Court-House Election District, and Thomas's Election District, shall compose the second district; the remainder of

Montgomery county, Anne-Arundel county, and the city of Annapolis and the city of Baltimore, shall compose the third district; Frederick county, Washington county and Allegany county, shall compose the fourth district; Baltimore county shall compose the fifth district; Harford county and Cecil county shall compose the sixth district; Kent county and Queen-Anne's county shall compose the seventh district; Talbot county, Caroline county, and the first election district of Dorchester county, shall compose the eighth district; and the remainder of Dorchester county, Somerset county and Worcester county, shall compose the ninth district; and each of the said districts shall elect and appoint one person, being a resident of the said district, except the third and fourth districts, which shall each be entitled to two electors, residents of the respective districts, as an elector or electors, as the case may be, for choosing a president and vice-president of the United States.

*And be it enacted,* That the elections for said representatives of this state in congress, and for said electors of the president and vice-president of the United States, shall be held in the several counties of this state, and in the cities of Baltimore and Annapolis, which compose the said districts respectively, at the times and in the manner, and according to the form, prescribed by the constitution and form of government, and the provisions of the act, entitled, An act to regulate elections, passed at November session, seventeen hundred and ninety-nine, and the several supplements thereto.

*And be it enacted,* That all laws, clauses and sections of laws, contrary and repugnant to this act, be and the same are hereby severally repealed, abrogated and annulled.

*A Supplement to the act, entitled, An act to provide for the election of representatives of this state in the congress of the United States, and of electors on the part of this state for choosing a president and vice-president of the United States.*

**B**E it enacted, by the General Assembly of Maryland, That Prince-George's county, except Piscataway district, Calvert county, and the third and fourth election districts in Montgomery county, commonly called and known by the names of the Montgomery Court-house District, and Thomas's District, shall compose the second election district, for the purpose of choosing an elector of the president and vice-president of the United States, any thing in the said original act to the contrary notwithstanding.

*An ACT to alter, change and abolish, such parts of the constitution and form of government as relate to the establishing a general court and court of appeals.*

**B**E it enacted, by the General Assembly of Maryland, That from and after the first day of March, eighteen hundred and four, there shall be a court of appeals, composed of three persons of integrity, and sound judgment in the law, who shall be styled in their commissions Judge of the Court of Appeals, whose judgment shall be final and conclusive in all cases of appeal from the court of chancery, county court or orphans court; and that the court of appeals shall hold two sessions on the western shore and two on the eastern shore in each year, at such times and places as the future legislature of this state shall direct and appoint.

*And be it enacted,* That from and after the said first day of March, eighteen hundred and four, this state shall be divided into five judicial districts, viz. Saint-Mary's, Calvert, Prince-George's and Charles counties, shall be the first district; Cecil, Kent, Queen-Anne's and Talbot counties, shall be the second district; Anne-Arundel, Baltimore and Harford counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; and Washington, Frederick, Montgomery and Allegany counties, shall be the fifth district; and that there shall be appointed for each of the said districts two persons of integrity, and sound judgment in the law, who shall reside in the district for which they shall be appointed, who shall be styled in their commissions District Judges of the county courts in such district; and there shall be appointed for each of the counties of this state one person of integrity, experience and knowledge, resident of the county for which he shall be appointed, who shall be styled in the commission Associate Judge of the county court of the county for which he shall be appointed; and the said district judges in their respective districts, together with the said associate judge, in the respective counties, shall compose the county court; and the county courts so established shall have, hold and exercise, all the powers, authorities and jurisdictions, that the general court and county courts of this state has heretofore held, used and exercised, except the appellate jurisdiction of the general court; and that the county courts shall hold their sittings in the