
CONSTITUTIONS

MARYLAND.

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Constitutions
— OF —
MARYLAND.

Constitution of Maryland—1776.*

A DECLARATION OF RIGHTS, AND THE CONSTITUTION AND FORM OF GOVERNMENT, AGREED TO BY THE DELEGATES OF MARYLAND, IN FREE AND FULL CONVENTION ASSEMBLED.

A DECLARATION OF RIGHTS, &c.

The parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the Colonies in all cases whatsoever, and, in pursuance of such claim, endeavoured by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent States, and to assume government under the authority of the people;—Therefore we, the Delegates of Maryland, in free and full Convention assembled, taking into our most serious consideration the best means of establishing a good Constitution in this State, for the sure foundation and more permanent security thereof, declare.

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used and practised by the courts of law or equity; and also to acts of Assembly, in force on the first of June seventeen hundred and seventy-four, except such as may have since expired, or have been or may be altered by

*This Constitution was framed by a convention which met at Annapolis August 14, 1776, and completed its labors November 11, 1776. It was not submitted to the people.

acts of Convention, or this Declaration of Rights—subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State; and the inhabitants of Maryland are also entitled to all property, derived to them, from or under the Charter, granted by his Majesty Charles I, to Cæcilius Calvert, Baron of Baltimore.

IV. That all persons invested with the legislative or executive powers of government are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive, of the good and happiness of mankind.

V. That the right in the people to participate in the Legislature, is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every man, having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

VI. That the legislative, executive and judicial powers of government, ought to be forever separate and distinct from each other.

VII. That no power of suspending laws, or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed.

VIII. That freedom of speech and debates, or proceedings in the Legislature, ought not to be impeached in any other court or judicature.

IX. That a place for the meeting of the Legislature ought to be fixed, the most convenient to the members thereof, and to the depository of public records; and the Legislature ought not to be convened or held at any other place, but from evident necessity.

X. That, for redress of grievances, and for amending, strengthening and preserving the laws, the Legislature ought to be frequently convened.

XI. That every man hath a right to petition the Legis-

ture, for the redress of grievances, in a peaceable and orderly manner.

XII. That no aid, charge, tax, fee, or fees, ought to be set, rated, or levied, under any pretence, without consent of the Legislature.

XIII. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government; but every other person in the State ought to contribute his proportion of public taxes, for the support of government, according to his actual worth, in real or personal property, within the State; yet fines, duties, or taxes, may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community.

XIV. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the State; and no law, to inflict cruel and unusual pains and penalties, ought to be made in any case, or at any time hereafter.

XV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XVI. That no law, to attain particular persons of treason or felony, ought to be made in any case, or at any time hereafter.

XVII. That every freeman, for any injury done him in his person or property, ought to have remedy, by the course of the law of the land, and ought to have justice and right freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

XVIII. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties and estates of the people.

XIX. That, in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses

against him; to have process for his witnesses; to examine the witnesses, for and against him, on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

XX. That no man ought to be compelled to give evidence against himself, in a common court of law, or in any other court, but in such cases as have been usually practised in this State, or may hereafter be directed by the Legislature.

XXI. That no freeman ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

XXII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted, by the courts of law.

XXIII. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants—to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special—are illegal, and ought not to be granted.

XXIV. That there ought to be no forfeiture of any part of the estate of any person, for any crime except murder, or treason against the State, and then only on conviction and attainder.

XXV. That a well-regulated militia is the proper and natural defence of a free government.

XXVI. That standing armies are dangerous to liberty, and ought not to be raised or kept up, without consent of the Legislature.

XXVII. That in all cases, and at all times, the military ought to be under strict subordination to and control of the civil power.

XXVIII. That no soldier ought to be quartered in any house, in time of peace, without the consent of the owner; and in time of war, in such manner only, as the Legislature shall direct.

XXIX. That no person, except regular soldiers,

mariners, and marines in the service of this State, or militia when in actual service, ought in any case to be subject to or punishable by martial law.

XXX. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the Chancellor and Judges ought to hold commissions during good behavior; and the said Chancellor and Judges shall be removed for misbehaviour, on conviction in a court of law, and may be removed by the Governor, upon the address of the General Assembly; *Provided*, That two-thirds of all the members of each House concur in such address. That salaries, liberal, but not profuse, ought to be secured to the Chancellor and the Judges, during the continuance of their commissions, in such manner, and at such times, as the Legislature shall hereafter direct, upon consideration of the circumstances of this State. No Chancellor or Judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

XXXI. That a long continuance, in the first executive departments of power or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

XXXII. That no person ought to hold, at the same time, more than one office of profit, nor ought any person, in public trust, to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this State.

XXXIII. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless under colour of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or

any particular ministry; yet the Legislature may, in their discretion, lay a general and equal tax, for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county; but the churches, chapels, glebes, and all other property now belonging to the church of England, ought to remain to the church of England forever. And all acts of Assembly, lately passed, for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the Legislature shall, by act, supersede or repeal the same; but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry-men or church-wardens; and every encumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act, entitled "An act for the support of the clergy of the church of England, in this Province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

XXXIV. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect order or denomination—and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the seller or donor, or to or for such support, use or benefit—and also every devise of goods or chattels to or for the support, use or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, without the leave of the Legislature, shall be void; except always any sale, gift, lease or devise of any quantity of land, not exceeding two acres, for a church, meeting, or other house of worship, and for a burying-ground, which shall be improved, en-

joyed or used only for such purpose—or such sale, gift, lease, or devise, shall be void.

XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this State, and such oath of office, as shall be directed by this Convention, or the Legislature of this State, and a declaration of a belief in the Christian religion.

XXXVI. That the manner of administering an oath to any person, ought to be such, as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation, by the attestation of the Divine Being. And that the people called Quakers, those called Dunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation, in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath, in all such cases as the affirmation of Quakers hath been allowed and accepted within this State, instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or for the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded, and Quakers, Dunkers or Menonists ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses, in all criminal cases not capital.

XXXVII. That the city of Annapolis ought to have all its rights, privileges and benefits, agreeable to its Charter, and the acts of Assembly confirming and regulating the same, subject nevertheless to such alteration as may be made by this Convention, or any future Legislature.

XXXVIII. That the liberty of the press ought to be inviolably preserved.

XXXIX. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce; and ought not to be suffered.

XL. That no title of nobility, or hereditary honours, ought to be granted in this State.

XLI. That the subsisting resolves of this and the several Conventions held for this Colony, ought to be in

force as laws, unless altered by this Convention, or the Legislature of this State.

XLII. That this Declaration of Rights, or the Form of Government, to be established by this Convention, or any part or either of them, ought not to be altered, changed or abolished, by the Legislature of this State, but in such manner as this Convention shall prescribe and direct.

This Declaration of Rights was assented to, and passed, in Convention of the Delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A. D., 1776.

By order of the Convention.

MAT. TILGHMAN, *President*

THE CONSTITUTION, OR FORM OF GOVERNMENT,
&c.

I. THAT the Legislature consist of two distinct branches, a Senate and House of Delegates, which shall be styled, *The General Assembly of Maryland*.

II. That the House of Delegates shall be chosen in the following manner: All freemen, above twenty-one years of age, having a freehold of fifty acres of land, in the county in which they offer to vote, and residing therein—and all freemen, having property in this State above the value of thirty pounds current money, and having resided in the county, in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage, in the election of Delegates for such county; and all freemen, so qualified, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, at the court-house, in the said counties, or at such other place as the Legislature shall direct; and, when assembled, they shall proceed to elect, *viva voce*, four Delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, and having, in the State, real or personal property above the value of five hundred pounds current

money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective counties.

III. That the Sheriff of each county, or, in case of sickness, his Deputy (summoning two Justices of the county, who are required to attend, for the preservation of the peace) shall be the judges of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the Chancellor of this State for the time being.

IV. That all persons qualified, by the charter of the city of Annapolis, to vote for Burgesses, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, elect, *viva voce*, by a majority of votes, two Delegates, qualified agreeable to the said charter; that the Mayor, Recorder, and Aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid, and shall make return thereof, as aforesaid; but the inhabitants of the said city shall not be entitled to vote for Delegates for Anne Arundel county, unless they have a freehold of fifty acres of land in the county distinct from the city.

V. That all persons, inhabitants of Baltimore town, and having the same qualifications as electors in the county, shall, on the same first Monday in October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, at such place in the said town as the Judges shall appoint, elect, *viva voce*, by a majority of votes, two Delegates, qualified as aforesaid; but if the said inhabitants of the town shall so decrease, as that a number of persons, having a right of suffrage therein, shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this State, such town shall thenceforward cease to send two Delegates or Representatives to the House of Delegates, until the

said town shall have one half of the number of voters in some one county in this State.

VI. That the Commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn, as aforesaid, and shall make return thereof, as aforesaid; but the inhabitants of the said town shall not be entitled to vote for, or be elected, Delegates for Baltimore county; neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, Delegates for the said town.

VII. That on refusal, death, disqualification, resignation, or removal out of this State of any Delegate, or on his becoming Governor, or member of the Council, a warrant of election shall issue by the Speaker, for the election of another in his place; of which ten days' notice, at least, (excluding the day of notice, and the day of election) shall be given.

VIII. That not less than a majority of the Delegates, with their Speaker (to be chosen by them, by ballot) constitute a House, for the transaction of any business other than that of adjourning.

IX. That the House of Delegates shall judge of the elections and qualifications of Delegates.

X. That the House of Delegates may originate all money bills, propose bills to the Senate, or receive those offered by that body; and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this State; and may commit any person, for any crime, to the public jail, there to remain till he be discharged by due course of law. They may expel any member, for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, or appoint auditors, to state and adjust the same. They may call for all public or official papers and records, and send for persons, whom they may judge necessary in the course of their inquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the State) to be sued for any breach of duty.

XI. That the Senate may be at full and perfect liberty to exercise their judgment in passing laws—and that they may not be compelled by the House of Delegates, either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare—the House of Delegates shall not, on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies, to be raised for the support of government, or the current expenses of the State; and to prevent altercation about such bills, it is declared, that no bill, imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill, assessing, levying, or applying taxes or supplies, for the support of government, or the current expenses of the State, or appropriating money in the treasury, shall be deemed a money bill.

XII. That the House of Delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behavior, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the House of Delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from the House, or by rescuing any person committed by the House; and the Senate may exercise the same power, in similar cases.

XIII. That the Treasurers (one for the western, and another for the eastern shore) and the Commissioners of the Loan Office, may be appointed by the House of Delegates, during their pleasure; and in case of refusal, death, resignation, disqualification, or removal out of

the State, of any of the said Commissioners or Treasurers, in the recess of the General Assembly, the governor, with the advice of the Council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next General Assembly.

XIV. That the Senate be chosen in the following manner: All persons, qualified as aforesaid to vote for county Delegates, shall, on the first day of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, two persons for their respective counties (qualified as aforesaid to be elected county Delegates) to be electors of the Senate; and the Sheriff of each county, or in case of sickness, his Deputy (summoning two Justices of the county, who are required to attend, for the preservation of the peace), shall hold and be judge of the said election, and make return thereof, as aforesaid. And all persons, qualified as aforesaid, to vote for Delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, one person for the said city and town respectively, qualified as aforesaid to be elected a Delegate for the said city and town respectively; the said election to be held in the same manner, as the election of Delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect Delegates for the said town.

XV. That the said electors of the Senate meet at the city of Annapolis, or such other place as shall be appointed for convening the Legislature, on the third Monday in September, 1781, and on the same day in every fifth year forever thereafter, and they, or any twenty-four of them so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen Senators (nine of whom to be residents on the western, and six to be residents on the eastern shore) men of the most wisdom, experience and virtue, above twenty-five years of age, residents of the State above three whole years next preceding the election, and hav-

ing real and personal property above the value of one thousand pounds current money.

XVI. That the Senators shall be balloted for, at one and the same time, and out of the gentlemen residents of the western shore, who shall be proposed as Senators, the nine who shall, on striking the ballots, appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly elected; and out of the gentlemen residents of the eastern shore, who shall be proposed as Senators, the six who shall, on striking the ballots, appear to have the greatest number in their favour, shall be accordingly declared and returned duly elected; and if two or more on the same shore shall have an equal number of ballots in their favour, 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 on the first ballot shall have an equal number; and they who shall have the greatest number in their favour on the second ballot, shall be accordingly declared and returned duly elected; and if the whole number should not thus be made up, because of an equal number, on the second ballot, still being in favour of two or more persons, then the election shall be determined by lot, between those who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the Chancellor for the time being.

XVII. That the electors of Senators shall judge of the qualifications and elections of members of their body; and, on a contested election, shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favour.

XVIII. That the electors, immediately on their meeting, and before they proceed to the election of Senators, take such oath of support and fidelity to this State, as this Convention, or the Legislature, shall direct; and also an oath "to elect without favour, affection, partiality, or prejudice, such persons for Senators, as they, in their judgment and conscience, believe best qualified for the office."

XIX. That in case of refusal, death, resignation, disqualification, or removal out of this State, of any Sena-

tor, or on his becoming Governor, or a member of the Council, the Senate shall, immediately thereupon, or at their next meeting thereafter, elect by ballot (in the same manner as the electors are above directed to choose Senators) another person in his place, for the residue of the said term of five years.

XX. That not less than a majority of the Senate, with their President (to be chosen by them, by ballot) shall constitute a House, for the transacting any business, other than that of adjourning.

XXI. That the Senate shall judge of the elections and qualifications of Senators.

XXII. That the Senate may originate any other, except money bills, to which their assent or dissent only shall be given; and may receive any other bills from the House of Delegates, and assent, dissent, or propose amendments.

XXIII. That the General Assembly meet annually, on the first Monday of November, and if necessary, oftener.

XXIV. That each House shall appoint its own officers, and settle its own rules of proceeding.

XXV. That a person of wisdom, experience, and virtue, shall be chosen Governor, on the second Monday of November, seventeen hundred and seventy-seven, and on the second Monday in every year forever thereafter, by the joint ballot of both Houses (to be taken in each House respectively) deposited in a conference room; the boxes to be examined by a joint committee of both Houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both Houses shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons who, on the first ballot, shall have had an equal number; and, if the ballots should again be equal between two or more persons, then the election of the Governor shall be determined by lot, between those who have equal numbers; and if the person chosen Governor shall die, resign, move out of the State, or refuse to act, (the General Assembly sitting) the Senate and House of Delegates shall,

immediately thereupon, proceed to a new choice, in manner aforesaid.

XXVI. That the Senators and Delegates, on the second Tuesday of November, 1777, and annually on the second Tuesday of November forever thereafter, elect by joint ballot (in the same manner as Senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the State above three years next preceding the election, and having therein a freehold of lands and tenements, above the value of one thousand pounds current money, to be the Council to the Governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent; and their advice, if so required by the Governor, or any member of the Council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the Council shall be laid before the Senate, or House of Delegates, when called for by them or either of them. The Council may appoint their own Clerk, who shall take such oath of support and fidelity to this State, as this Convention, or the Legislature, shall direct; and of secrecy, in such matters as he shall be directed by the board to keep secret.

XXVII. That the Delegates to Congress, from this State, shall be chosen annually, or superseded in the mean time by the joint ballot of both Houses of Assembly; and that there be a rotation, in such manner, that at least two of the number be annually changed; and no person shall be capable of being a Delegate to Congress for more than three in any term of six years; and no person, who holds any office of profit in the gift of Congress, shall be eligible to sit in Congress; but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-one years of age, and a resident in the State more than five years next preceding the election, and having real and personal estate in this State above the value of one thousand pounds current money, shall be eligible to sit in Congress.

XXVIII. That the Senators and Delegates, immediately on their annual meeting, and before they pro-

ceed to any business, and every person, hereafter elected a Senator or Delegate, before he acts as such, shall take an oath of support and fidelity to this State, as aforesaid; and before the election of a governor, or members of the Council, shall take an oath, "to elect without favour, affection, partiality, or prejudice, such person as Governor, or member of the Council, as they, in their judgment and conscience, believes best qualified for the office."

XXIX. That the Senate and Delegates may adjourn themselves respectively; but if the two Houses should not agree on the same time, but adjourn to different days, then shall the Governor appoint and notify one of those days, or some day between, and the Assembly shall then meet and be held accordingly; and he shall, if necessary, by advice of the Council, call them before the time, to which they shall in any manner be adjourned, on giving not less than ten days' notice thereof; but the Governor shall not adjourn the Assembly, otherwise than as aforesaid, nor prorogue or dissolve it, at any time.

XXX. That no person, unless above twenty-five years of age, a resident in this State above five years next preceding the election—and having in the State real and personal property, above the value of five thousand pounds, current money, (one thousand pounds whereof, at least, to be freehold estate) shall be eligible as governor.

XXXI. That the Governor shall not continue in that office longer than three years successively, nor be eligible as Governor, until the expiration of four years after he shall have been out of that office.

XXXII. That upon the death, resignation, or removal out of this State, of the Governor, the first named of the Council, for the time being, shall act as Governor, and qualify in the same manner; and shall immediately call a meeting of the General Assembly, giving not less than fourteen days' notice of the meeting, at which meeting a Governor shall be appointed, in manner aforesaid, for the residue of the year.

XXXIII. That the Governor, by and with the advice and consent of the Council, may embody the militia; and when embodied, shall alone have the direction thereof;

and shall also have the direction of all the regular land and sea forces, under the laws of this State, (but he shall not command in person, unless advised thereto by the Council, and then, only so long as they shall approve thereof); and may alone exercise all other the executive powers of government, where the concurrence of the Council is not required, according to the laws of this State; and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct; and may, during the recess of the General Assembly, lay embargoes, to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year—summoning the General Assembly to meet within the time of the continuance of such embargo; and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she may have come, shall, on strong grounds, be suspected to be infected with the plague; but the Governor shall not, under any pretence, exercise any power or prerogative by virtue of any law, statute, or custom of England or Great Britain.

XXIV. That the members of the Council, or any three or more of them, when convened, shall constitute a board for the transacting of business; that the Governor, for the time being, shall preside in the Council, and be entitled to vote, on all questions in which the Council shall be divided in opinion; and, in the absence of the Governor, the first named of the Council shall preside; and, as such, shall also vote, in all cases, where the other members disagree in their opinion.

XXXV. That, in case of refusal, death, resignation, disqualification, or removal out of the State, of any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect by ballot another person (qualified as aforesaid) in his place, for the residue of the year.

XXXVI. That the Council shall have power to make the Great Seal of this State, which shall be kept by the Chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this State.

XXXVII. That no Senator, Delegate of Assembly, or member of the Council, if he shall qualify as such, shall

hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time for which he shall be elected; nor shall any Governor be capable of holding any other office of profit in this State, while he acts as such. And no person, holding a place of profit or receiving any part of the profits thereof, or receiving the profits of any part of the profits arising on any agency, for the supply of clothing or provisions for the Army or Navy, or holding any office under the United States, or any of them—or a minister, or preacher of the gospel, of any denomination—or any person, employed in the regular land service, or marine, of this or the United States—shall have a seat in the General Assembly or the Council of this State.

XXXVIII. That every Governor, Senator, Delegate to Congress or Assembly, and member of the Council, before he acts as such, shall take an oath “that he will not receive, directly or indirectly, at any time, any part of the profits of any office, held by any other person, during his acting in his office of Governor, Senator, Delegate to Congress or Assembly, or member of the Council, or the profits or any part of the profits arising on any agency for the supply of clothing or provisions for the Army or Navy.”

XXXIX. That if any Senator, Delegate to Congress or Assembly, or member of the Council, shall hold or execute any office of profit, or receive, directly or indirectly, at any time, the profits or any part of the profits of any office exercised by any other person, during his acting as Senator, Delegate to Congress or Assembly, or member of the Council—his seat (on conviction, in a Court of Law, by the oath of two credible witnesses) shall be void; and he shall suffer the punishment of wilful and corrupt perjury, or be banished this State forever, or disqualified forever from holding any office or place of trust or profit, as the Court may judge.

XL. That the Chancellor, all Judges, the Attorney-General, Clerks of the General Court, the Clerks of the County Courts, the Registers of the Land Office, and the Registers of Wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a Court of Law.

XLII. That there be a Register of Wills appointed for each county, who shall be commissioned by the Governor, on the joint recommendation of the Senate and House of Delegates; and that, upon the death, resignation, disqualification, or removal out of the county of any Register of Wills, in the recess of the General Assembly, the Governor, with the advice of the Council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the General Assembly.

XLIII. That Sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of Sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the Governor, to be commissioned by the Governor for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year, as usual; and no Sheriff shall be qualified to act before the same is given. In case of death, refusal, resignation, disqualification, or removal out of the county before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the Governor to execute the said office, for the residue of the said three years, the said person giving bond and security as aforesaid; and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the Governor, with the advice of the Council, may nominate and commission a fit and proper person to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held at the same time and place appointed for the election of Delegates; and the Justices, there summoned to attend for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a Clerk, to take the ballots. All freemen above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein—and all freemen above the age of twenty-one years, and having property in the State above the value of thirty pounds current

money, and having resided in the county in which they offer to ballot one whole year next preceding the election—shall have a right of suffrage. No person to be eligible to the office of Sheriff for a county, but an inhabitant of the said county above the age of twenty-one years, and having real and personal property in the State above the value of one thousand pounds current money. The Justices aforesaid shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of Sheriff for such county, and returned to the Governor and Council, with a certificate of the number of ballots for each of them.

XLIII. That every person who shall offer to vote for Delegates, or for the election of the Senate, or for the Sheriff, shall (if required by any three persons qualified to vote) before he be permitted to poll, take such oath or affirmation of support and fidelity to this State, as this Convention or the Legislature shall direct.

XLIV. That a Justice of the Peace may be eligible as a Senator, Delegate, or member of the Council, and may continue to act as a Justice of the Peace.

XLV. That no field officer of the militia be eligible as a Senator, Delegate, or member of the Council.

XLVI. That all civil officers, hereafter to be appointed for the several counties of this State, shall have been residents of the county, respectively, for which they shall be appointed, six months next before their appointment; and shall continue residents of their county, respectively, during their continuance in office.

XLVII. That the Judges of the General Court, and Justices of the County Courts, may appoint the Clerks of their respective Courts; and in case of refusal, death, resignation, disqualification, or removal out of the State, or from their respective shores, of the Clerks of the General Court, or either of them, in the vacation of the said Court—and in case of the refusal, death, resignation, disqualification, or removal out of the county, of any of the said County Clerks, in the vacation of the County Court of which he is Clerk—the Governor, with the advice of the Council, may appoint and commission a fit and proper person to such vacant office respectively,

to hold the same until the meeting of the next General Court, or County Court, as the case may be.

XLVIII. That the Governor, for the time being, with the advice and consent of the Council, may appoint the Chancellor, and all Judges and Justices, the Attorney-General, Naval Officers, officers in the regular land and sea service, officers of the militia, Registers of the Land Office, Surveyors, and all other civil officers of government (Assessors, Constables, and Overseers of the roads only excepted) and may also suspend or remove any civil officer who has not a commission, during good behaviour; and may suspend any militia officer, for one month; and may also suspend or remove any regular officer in the land or sea service; and the Governor may remove or suspend any militia officer, in pursuance of the judgment of a Court Martial.

XLIX. That all civil officers of the appointment of the Governor and Council, who do not hold commissions during good behaviour, shall be appointed annually in the third week of November. But if any of them shall be reappointed, they may continue to act, without any new commission or qualification; and every officer, though not reappointed, shall continue to act, until the person who shall be appointed and commissioned in his stead shall be qualified.

L. That the Governor, every member of the Council, and every Judge and Justice, before they act as such, shall respectively take an oath, "That he will not, through favour, affection or partiality vote for any person to office; and that he will vote for such person as, in his judgment and conscience, he believes most fit and best qualified for the office; and that he has not made, nor will make, any promise or engagement to give his vote or interest in favor of any person."

LI. That there be two Registers of the Land Office, one upon the western, and one upon the eastern shore; that short extracts of the grants and certificates of the land, on the western and eastern shores respectively, be made in separate books, at the public expense, and deposited in the offices of the said Registers, in such manner as shall hereafter be provided by the General Assembly.

LII. That every Chancellor, Judge, Register of Wills, Commissioner of the Loan Office, Attorney-General, Sheriff, Treasurer, Naval Officer, Register of the Land Office, Register of the Chancery Court, and every Clerk of the common law courts, Surveyor and Auditor of the public accounts, before he acts as such, shall take an oath "That he will not directly or indirectly receive any fee or reward, for doing his office of _____, but what is or shall be allowed by law; nor will directly or indirectly, receive the profits or any part of the profits of any office held by any other person; and that he does not hold the same office in trust, or for the benefit of any other person."

LIII. That if any Governor, Chancellor, Judge, Register of Wills, Attorney-General, Register of the Land Office, Register of the Chancery Court, or any Clerk of the common law courts, Treasurer, Naval Officer, Sheriff, Surveyor or Auditor of public accounts, shall receive, directly or indirectly, at any time, the profits, or any part of the profits of any office, held by any other person, during his acting in the office to which he is appointed; his election, appointment and commission (on conviction in a court of law by oath of two credible witnesses) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this State forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

LIV. That if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote to be Governor, Senator, Delegate to Congress or Assembly, member of the Council, or Judge, or to be appointed to any of the said offices, or to any office of profit or trust, now created or hereafter to be created in this State—the person giving, and the person receiving the same (on conviction in a court of law) shall be forever disqualified to hold any office of trust or profit in this State.

LV. That every person, appointed to any office of profit or trust, shall, before he enters on the execution thereof, take the following oath, to wit: "I, A. B., do swear that I do not hold myself bound in allegiance to

the King of Great Britain, and that I will be faithful, and bear true allegiance to the State of Maryland:" and shall also subscribe a declaration of his belief in the Christian religion.

LVI. That there be a Court of Appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive, in all cases of appeal, from the General Court, Court of Chancery, and Court of Admiralty; that one person of integrity and sound judgment in the law, be appointed Chancellor; that three persons of integrity and sound judgment in the law, be appointed judges of the Court now called the Provincial Court; and that the same Court be hereafter called and known by the name of *The General Court*; which Court shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places as the future Legislature of this State shall direct and appoint.

LVII. That the style of all laws run thus: "*Be it enacted by the General Assembly of Maryland:*" that all public commissions and grants run thus: "*The State of Maryland,*" &c., and shall be signed by the Governor, and attested by the Chancellor, with the seal of the State annexed—except military commissions, which shall not be attested by the Chancellor, or have the seal of the State annexed; that all writs shall run in the same style, and be attested, sealed and signed as usual; that all indictments shall conclude, "*Against the peace, government and dignity of the State.*"

LVIII. That all penalties and forfeitures, heretofore going to the King or proprietary, shall go to the State—save only such, as the General Assembly may abolish or otherwise provide for.

LIX. That this Form of Government, and the Declaration of Rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change or abolish the same shall pass the General Assembly, and be published at least three months before a new election, and shall be confirmed by the General Assembly, after a new election of Delegates, in the first session after such new election; provided that nothing in this form of government, which relates to the eastern shore particu-

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larly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof at least two-thirds of all the members of each branch of the General Assembly shall concur.

LX. That every bill passed by the General Assembly, when engrossed, shall be presented by the Speaker of the House of Delegates, in the Senate, to the Governor for the time being, who shall sign the same, and thereto affix the Great Seal, in the presence of the members of both Houses; every law shall be recorded in the General Court office of the western shore, and in due time printed, published, and certified under the Great Seal, to the several County Courts, in the same manner as hath been heretofore used in this State.

This Form of Government was assented to, and passed in Convention of the Delegates of the freemen of Maryland, begun and held at the city of Annapolis, the fourteenth of August, A. D. one thousand seven hundred and seventy-six.

By order of the Convention.

M. TILGHMAN, *President.*

AMENDMENTS TO THE CONSTITUTION OF 1776.

RATIFIED 1792.

ART. II. *Be it enacted by the General Assembly of Maryland,* That no member of Congress, or person holding any office of trust or profit under the United States, shall be capable of having a seat in the general assembly, or being an elector of the senate, or holding any office of trust or profit under this State; and if any member of the general assembly, elector of the senate, or person holding any office of trust or profit under this State, shall take his seat in Congress, or accept of any office of trust or profit under the United States, or being elected to Congress, or appointed to any office of trust or profit under the United States, not make his resignation of his seat in Congress, or of his office, as the case may be, within thirty days after notice of his election or appointment to office, as aforesaid, his seat

in the legislature of this State, or as elector of the senate, or of his office held under this State as aforesaid, shall be void: *Provided*, That no person who is now, or may be at any time when this act becomes part of the constitution, a member both of Congress and of the legislature of the State, or who now holds, or may hold at the time when this act becomes part of the constitution, an office as aforesaid, both under this State and the United States, shall be affected by this act, if within fifteen days after the same shall become part of the constitution he shall resign his seat in Congress or his office held under the United States.

RATIFIED 1795.

Art. III. That every person being a member of either of the religious sects or societies called Quakers, Menonists, Tunkers, or Nicolites, or New Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate, or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation instead of taking the several oaths appointed by the constitution and form of government, and the several acts of assembly of this State now in force, or that hereafter may be made, such persons may hold and exercise any office of profit or trust to which he may be appointed or elected, and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatsoever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act who are not conscientiously scrupulous of taking such oaths.

RATIFIED 1798.

Art. V. Section 1. That the people called Quakers, those called Nicolites, or New Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, shall be allowed to make their solemn affirmation as witnesses, in the manner that Quakers have been heretofore allowed to affirm, which affirmation shall be of the same avail as an oath, to all intents and purposes whatever.

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Sec. 2. Before any of the persons aforesaid shall be admitted as a witness in any court of justice in this State, the court shall be satisfied, by such testimony as they may require, that such person is one of those who profess to be conscientiously scrupulous of taking an oath.

RATIFIED 1799.

Art. VI. Section 1. That the several counties of this State, for the purpose of holding all future elections for delegates, electors of the senate, and sheriffs of the several counties, shall be divided into separate districts, in the manner hereinafter directed, viz: Saint Mary's County shall be divided and laid off into separate districts; Kent County shall be divided and laid off into three separate districts; Calvert County shall be divided and laid off into three separate districts; Charles County shall be divided and laid off into four separate districts; Talbot County shall be divided and laid off into four separate districts; Somerset County shall be divided and laid off into three separate districts; Dorchester County shall be divided and laid off into three separate districts; Cecil County shall be divided and laid off into four separate districts; Prince George's County shall be divided and laid off into five separate districts; Queen Anne's County shall be divided and laid off into three separate districts; Worcester County shall be divided and laid off into five separate districts; Frederick County shall be divided and laid off into separate districts; Harford County shall be divided and laid off into five separate districts; Caroline County shall be divided and laid off into three separate districts; Washington County shall be divided and laid off into five separate districts; Montgomery County shall be divided and laid off into five separate districts; Allegany County shall be divided and laid off into six separate districts; Anne Arundel County, including the city of Annapolis, shall be divided and laid off into five separate districts; Baltimore County, out of the limits of the city of Baltimore, shall be divided and laid off into seven districts; and that the city of Baltimore shall be laid off into eight districts.

Sec. 2. All and every part of the constitution and form of government, relating to the judges, time, place, and

manner of holding elections in the city of Baltimore, and all and every part of the second, third, fifth, fourteenth, and forty-second sections of the constitution and form of government of this State, which relate to the judges, place, time, and manner of holding the several elections for delegates, electors of the senate, and the sheriffs of the several counties, be and the same are hereby, abrogated, repealed, and annulled. and the same shall hereafter be regulated by law.

RATIFIED 1803.

Art. VIII. That Frederick County shall be divided and laid off into nine separate districts.

RATIFIED 1805.

Art. IX. Section 1. That this State shall be divided into six judicial districts, in manner and form following, to wit: Saint Mary's, Charles, and Prince George's Counties shall be the first district; Cecil, Kent, Queen Anne's, and Talbot Counties shall be the second district; Calvert, Anne Arundel, and Montgomery Counties shall be the third district; Caroline, Dorchester, Somerset, and Worcester Counties shall be the fourth district; Frederick, Washington, and Allegany Counties shall be the fifth district; Baltimore and Harford Counties shall be the sixth district; and there shall be appointed for each of the said judicial districts three persons of integrity and sound legal knowledge, residents of the State of Maryland, who shall, previous to, and during their acting as judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission chief judge, and the other two associate judges of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behavior; removal for misbehavior, on conviction in a court of law, or shall be removed by the governor, upon the address of the general assembly, provided that two-thirds of the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold, and exercise, in the several counties of this State, all and every the powers, authorities, and jurisdictions which the county

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courts of this State now have, use, and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act shall respectively hold their sessions in the several counties at such times and places as the legislature shall direct and appoint; and the salaries of the said judges shall not be diminished during the period of their continuance in office.

Sec. 2. In any suit or action at law hereafter to be commenced or instituted in any county court of this State, the judges thereof, upon suggestion in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action to be transmitted to the judges of any county court within the district, for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein: *Provided, nevertheless,* That suggestion shall be made as aforesaid, before or during the term in which the issue or issues may be joined in said suit or action: *And provided also,* That such further remedy may be provided by law in the premises as the legislature shall from time to time direct and enact.

Art. III. If any party presented or indicted, in any of the county courts of this State, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judge of any adjoining county court, for trial; and the judges of such adjoining county court shall hear and determine the same, in the same manner as if such prosecution had been originally instituted therein: *Provided,* That such further and other remedy may be provided by law in the premises as the legislature may direct and enact.

Art. IV. If the attorney-general, or the prosecutor for the State, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that

the State cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial; and the judges of such county court shall hear and determine the same, as if such prosecution had been originally instituted therein.

Art. V. There shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the State; which said court of appeals shall hold, use, and exercise all and singular the powers, authorities, and jurisdictions, heretofore held, used, and exercised by the court of appeals of this State, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places as the future legislature of this State shall direct and appoint; and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behavior, removable only for misbehavior, on conviction in a court of law; and, in case of death, resignation, disqualification, or removal out of the State, or from their respective shores, of either of the said clerks, in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect shall be recorded in the office of the court of appeals of the western shore.

RATIFIED 1807.

Art. X. That Saint Mary's County shall be divided into four separate districts, and that the additional dis-

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trict shall be laid off adjoining and between the first and third districts, as they are now numbered.

RATIFIED 1809.

Art. XI. Section 1. That, upon the death, resignation, or removal out of this State of the governor, it shall not be necessary to call a meeting of the legislature to fill the vacancy occasioned thereby, but the first named of the council for the time being shall qualify and act as governor, until the next meeting of the general assembly, at which meeting a governor shall be chosen in the manner heretofore appointed and directed.

Sec. 2. No governor shall be capable of holding any other office of profit during the time for which he shall be elected.

RATIFIED 1810.

Art. XII. That all such parts of the constitution and form of government as require a property qualification in persons to be appointed or holding offices of profit or trust in this State, and in persons elected members of the legislature or electors of the senate, shall be, and the same are hereby, repealed and abolished.

Art. XIII. That it shall not be lawful for the general assembly of this State to lay an equal and general tax, or any other tax, on the people of this State, for the support of any religion.

Art. XIV. That every free white male citizen of this State, above twenty-one years of age, and no other, having resided twelve months within this State, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote by ballot, in the election of such county or city, or either of them, for electors of the President and Vice-President of the United States, for Representatives of this State in the Congress of the United States, for delegates to the general assembly of this State, electors of the senate, and sheriffs.

Art. XV. That no person residing in the city of Annapolis shall have a vote in the county of Anne Arundel, for delegates of the said county; and all and every part of the constitution which enables persons holding fifty

acres of land to vote in said county, be, and is hereby, abolished.

Art. XVI. That the forty-fifth article of the constitution and form of government be, and the same is hereby, repealed and utterly abolished.

RATIFIED 1812.

Art. XVII. Section 1. That the time of the meeting of the general assembly shall be on the first Monday in December in each year, instead of the first Monday in November, as prescribed by the constitution and form of government.

Sec. 2. The governor of this State shall be chosen on the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government; and the council to the governor shall be elected on the first Tuesday after the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government.

Sec. 3. All annual appointments of civil officers in this State shall be made in the third week of December, in every year, in the same manner as the constitution and form of government now directs.

RATIFIED 1837.

Section 1. The term of office of the members of the present senate shall end and be determined whenever and as soon as a new senate shall be elected as hereinafter provided, and a quorum of its members shall have qualified, as directed by the constitution and laws of this State.

Sec. 2. At the December session of the general assembly for the year of our Lord eighteen hundred and thirty-eight, and forever thereafter, the senate shall be composed of twenty-one members, to be chosen as hereinafter provided, a majority of whom shall be a quorum for the transaction of business.

Sec. 3. At the time and place of holding elections in the several counties of this State, and in the city of Baltimore, for delegates to the general assembly for the December session of the year eighteen hundred and thirty-eight, and under the direction of the same judges

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by whom such elections for delegates shall be held, an election shall also be held in each of the several counties of this State and in the city of Baltimore respectively, for the purpose of choosing a senator of the State of Maryland for and from such county or said city, as the case may be, whose term of office shall commence on the day fixed by law for the commencement of the regular session of the general assembly next succeeding such election, and continue for two, four, or six years, according to the classification of a quorum of its members; and at every such election for senators, every person qualified to vote at the place at which he shall offer to vote for delegates to the general assembly, shall be entitled to vote for one person as senator; and of the persons voted for as senator in each of the several counties and in said city, respectively, the person having the highest number of legal votes, and possessing the qualifications hereinafter mentioned, shall be declared and returned as duly elected for said county or said city, as the case may be; and in case two persons possessing the required qualifications shall be found on the final casting of the votes given, in any one of said counties or said city, to have an equal number of votes, there shall be a new election ordered as hereinafter mentioned; and immediately after the senate shall have convened in pursuance of their election under this act, the senators shall be divided, in such manner as the senate shall prescribe, into three classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third thereof may be elected on the first Wednesday of October in every second year; and elections shall be held in the several counties and city, from which the retiring senators came, to supply the vacancies as they may occur in consequence of this classification.

Sec. 4. Such election for senators shall be conducted, and the returns thereof be made, with proper variations in the certificate to suit the case, in like manner as in cases of elections for delegates.

Sec. 5. The qualifications necessary in a senator shall be the same as are required in a delegate to the general

assembly, with the additional qualification that he shall be above the age of twenty-five years, and shall have resided at least three years, next preceeding his election, in the county or city in and for which he shall be chosen.

Sec. 6. In case any person who shall have been chosen as a senator shall refuse to act, remove from the county or city, as the case may be, for which he shall have been elected, die, resign, or be removed for cause, or in case of a tie between two or more qualified persons in any one of the counties or in the city of Baltimore, a warrant of election shall be issued by the president of the senate for the time being for the election of a senator to supply the vacancy, of which ten days' notice at the least, excluding the day of notice and the day of election, shall be given.

Sec. 7. So much of the thirty-seventh article of the constitution as provides that no senator or delegate to the general assembly, if he shall qualify as such, shall hold or execute any office of profit during the time for which he shall be elected, shall be, and the same is hereby, repealed.

Sec. 8. No senator or delegate to the general assembly shall, during the time for which he was elected, be appointed to any civil office under the constitution and laws of the State which shall have been created or the emoluments whereof shall have been increased during such time; and no senator or delegate, during the time he shall continue to act as such, shall be eligible to any civil office whatever.

Sec. 9. At the election for delegates to the general assembly for the December session of the year of our Lord eighteen hundred and thirty-eight, and at each succeeding election for delegates, until after the next census shall have been taken and officially promulged, five delegates shall be elected in and for Baltimore City and one delegate in and for the city of Annapolis, until the promulging of the census for the year eighteen hundred and forty, when the city of Annapolis shall be deemed and taken as a part of Anne Arundel County, and her right to a separate delegation shall cease; five delegates in the Baltimore County; five delegates in and for Frederick County, and four delegates in and for Anne Arun-

del Couuty, and four delegates in and for each of the several counties respectively hereinafter mentioned, to wit : Dorchester, Somerset, Worcester, Prince George's, Harford, Montgomery, Carroll, and Washington, and three delegates in and for each of the several counties respectively hereinafter next mentioned, to wit : Cecil, Kent, Queen Anne's, Caroline, Talbot, Saint Mary's, Charles, Calvert, and Alleghany.

Sec. 10. From and after the period when the next census shall have been taken and officially promulged, and from and after the official promulgation of every second census thereafter, the representation in the house of delegates from the several counties and from the city of Baltimore shall be graduated and established on the following basis : that is to say, every county which shall have by the said census a population of less than fifteen thousand souls, federal numbers, shall be entitled to elect three delegates; every county having a population by the said census of fifteen thousand souls and less than twenty-five thousand souls, federal numbers, shall be entitled to elect four delegates; and every county having by the said census a population of twenty-five thousand and less than thirty-five thousand souls, federal numbers, shall be entitled to elect five delegates; and every county having a population of upwards of thirty-five thousand souls, federal numbers, shall be entitled to elect six delegates; and the city of Baltimore shall be entitled to elect as many delegates as the county which shall have the largest representation, on the basis aforesaid, may be entitled to elect : *Provided and it is hereby enacted*, That if any of the several counties hereinbefore mentioned shall not, after the said census for the year eighteen hundred and forty shall have been taken, be entitled by the graduation on the basis aforesaid to a representation in the house of delegates equal to that allowed to such county by the ninth section of this act, at the election of delegates for the December session of the year eighteen hundred and thirty-eight, such county shall, nevertheless, after said census for the year eighteen hundred and forty, or any future census, and forever thereafter, be entitled to elect the number of delegates allowed by the provisions of said section for the said session; but nothing in the proviso contained shall be

construed to include in the representation of Anne Arundel County the delegate allowed to the city of Annapolis in the said ninth section of this act.

Sec. 11. In all elections for senators, to be held after the election for delegates, for the December session, eighteen hundred and thirty-seven, the city of Annapolis shall be deemed and taken as part of Anne Arundel County.

Sec. 12. The general assembly shall have power from time to time to regulate all matters relating to the judges, time, place, and manner of holding elections for senators and delegates, and of making returns thereof, and to divide the several counties into election districts, for the more convenient holding of elections, not affecting their terms or tenure of office.

Sec. 13. So much of the constitution and form of government as relates to the council, to the governor, and to the clerk of the council, be abrogated, abolished, and annulled, and that the whole executive power of the government of this State shall be vested exclusively in the governor, subject, nevertheless, to the checks, limitations, and provisions hereinafter specified and mentioned.

Sec. 14. The governor shall nominate, and, by and with the advise and consent of the senate, shall appoint all officers of the State whose offices are or may be created by law, and whose appointment shall not be otherwise provided for by the constitution and form of government, or by any laws consistent with the constitution and form of government: *Provided*, That this act shall not be deemed or construed to impair in any manner the validity of the commissions of such persons as shall be in office under previous executive appointment, when this act shall go into operation, or alter, abridge, or change the tenure, quality, or duration of the same, or of any of them.

Sec. 15. The governor shall have power to fill any vacancy that may occur in any such offices during the recess of the senate, by granting commissions which shall expire upon the appointment of the same person, or any other person, by and with the advice and consent of the senate, to the same office, or at the expiration of

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one calendar month, ensuing the commencement of the next regular session of the senate, whichever shall first occur.

Sec. 16. The same person shall in no case be nominated by the governor a second time during the same session for the same office, in case he shall have been rejected by the senate, unless after such rejection the senate shall inform the governor by message of their willingness to receive again the nomination of such rejected person for further consideration ; and in case any person nominated by the governor for any office shall have been rejected by the senate, it shall not be lawful for the governor at any time afterwards, during the recess of the senate, in case of vacancy in the same office, to appoint such rejected person to fill said vacancy.

Sec. 17. It shall be the duty of the governor, within the period of one calendar month next after this act shall go into operation, and in the same session in which the same shall be confirmed, if it be confirmed, and annually thereafter during the regular session of the senate, and on such particular day, if any, or within such particular period as may be prescribed by law, to nominate, and by and with the advice and consent of the senate, to appoint a secretary of state, who shall hold his office until a successor shall be appointed, and who shall discharge such duties, and receive such compensation, as shall be prescribed by law.

Sec. 18. In case a vacancy shall occur in the office of governor at any time after this act shall go into operation, the general assembly, if in session, or if in the recess at their next session, shall proceed to elect, by joint ballot of the two houses; some person, being a qualified resident of the gubernatorial district from which the governor for said term is to be taken, to be governor for the residue of said term in place of the person originally chosen; and in every case of vacancy, until the election and qualification of the person succeeding, the secretary of state, by virtue of his said office, shall be clothed, *ad interim* with the executive powers of government; and in case there shall be no secretary of state, or in case he shall refuse to act, remove from the State, die, resign, or be removed for cause, the person filling the

office of president of the senate shall, by virtue of his said office, be clothed, *ad interim*, with the executive powers of government; and in case there shall be no president of the senate, or in case he shall refuse to act, remove from the State, die, resign, or be removed for cause, the person filling the office of speaker of the house of delegates shall, by virtue of his said office, be clothed, *ad interim*, with the executive powers of government.

Sec. 19. The term of office of the governor, who shall be chosen on the first Monday of January next, shall continue for the term of one year, and until the election and qualification of a successor, to be chosen as hereinafter mentioned.

Sec. 20. At the time and places of holding the elections in the several counties of this State, and in the city of Baltimore, for delegates to the general assembly for the December session of the year eighteen hundred and thirty-eight, and before the same judges by whom the election for delegates shall be held, and in every third year forever thereafter, an election shall also be held for a governor of this State, whose term of office shall commence on the first Monday of January next ensuing the day of such election, and continue for three years, and until the election and qualification of a successor; at which said election every person qualified to vote for delegates to the general assembly, at the place at which he shall offer to vote, shall be entitled to vote for governor, and the person voted for as governor shall possess the qualifications now required by the constitution and form of government, and the additional qualification of being at least thirty years of age, and of being, and of having been for at least three whole years before, a resident within the limits of the gubernatorial district from which the governor is to be taken at such election, according to the priority which shall be determined as hereinafter mentioned; that is to say, the State shall be, and the same is hereby, divided into three gubernatorial districts, as follows: The counties of Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Somerset, and Worcester shall together compose one district, and until its number shall be determined as hereinafter

provided, shall be known as the eastern district; the counties of Saint Mary's, Charles, Calvert, Prince George's, Anne Arundel, inclusive of the city of Annapolis, Montgomery, and Baltimore city, shall together compose one district, and, until its number shall be determined as hereinafter provided, shall be known as the southern district; Baltimore, Harford, Carroll, Frederick, Washington, and Alleghany Counties shall together compose one district, and until its number shall be determined as hereinafter provided, shall be known as the northwestern district; and for the purpose of determining the respective numbers and order of priority of said districts in the same session in which this act shall be confirmed, if the same shall be confirmed as hereinafter mentioned, and on some day to be fixed by concurrence of the two branches, the speaker of the house of delegates shall present to the president of the senate, in the senate chamber, a box containing three ballots of similar size and appearance, and on which shall severally be written, eastern district, southern district, northwestern district; and the president of the senate shall thereupon draw from said box the said several ballots in succession, and the district, the name of which shall be written on the ballot first drawn, shall thenceforth be distinguished as the first gubernatorial district, and the person to be chosen governor at the election first to be held under the provisions of this section, and the person to be chosen at every succeeding third election for governor forever thereafter, shall be taken from the said first district; and the district, the name of which shall be written on the ballot secondly drawn, shall thenceforth be distinguished as the second gubernatorial district, and the person to be chosen governor at the second election to be held under the provisions of this section, and the person to be chosen at every succeeding third election for governor forever thereafter, shall be taken from the said second district, and the district, the name of which shall be written on the ballot thirdly drawn, shall thenceforth be distinguished as the third gubernatorial district, and the person to be chosen governor at the third election to be held under the provisions of this section, and the person to be chosen at every succeeding third election forever thereafter, shall be taken from

the said third district; and the result of such drawing shall be entered on the journal of the senate, and be reported by the speaker of the house of delegates on his return to that body, and be entered on the journal thereof, and shall be certified by a joint letter, to be signed by the president of the senate and the speaker of the house of delegates, and be addressed and transmitted to the secretary of state, if appointed, and if not, as soon as he shall be appointed, to be by him preserved in his office.

Sec. 21. The general assembly shall have power to regulate by law all matters which relate to the judges, time, place, and manner of holding elections for governor, and of making returns thereof not affecting the tenure and term of office thereby, and that until otherwise directed, the returns shall be made in like manner as in elections for electors of President and Vice-President, save that the form of the certificates shall be varied to suit the case, and save also that the returns, instead of being made to the governor and council, shall be made to the senate, and be addressed to the president of the senate, and be inclosed under cover to the secretary of state, by whom they shall be delivered to the president of the senate, at the commencement of the session next ensuing such election.

Sec. 22. Of the persons voted for as governor at any such election, the person having, in the judgment of the senate, the highest number of legal votes, and possessing the legal qualifications, and resident, as aforesaid, in the district from which the governor at such election is to be taken, shall be governor, and shall qualify in the manner prescribed by the constitution and laws, on the first Monday of January next ensuing his election, or as soon thereafter as may be, and all questions in relation to the number or legality of the votes given for each and any person voted for as governor, and in relation to the returns, and in relation to the qualifications of the persons voted for as governor, shall be decided by the senate, and in case two or more persons, legally qualified according to the provisions of this act, shall have an equal number of legal votes, then the senate and house of delegates, upon joint ballot, shall determine which

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one of them shall be governor, and the one which, upon counting the ballots, shall have the highest number of votes, shall be governor, and shall qualify accordingly.

Sec. 23. No person who shall be elected, and shall act as governor, shall be again eligible for the next succeeding term.

Sec. 24. The elections to be held in pursuance of this act shall be held on the first Wednesday of October, in the year eighteen hundred and thirty-eight; and for the election of delegates on the same day in every year thereafter, for the election of governor on the same day in every third year thereafter, and for the election of senators of the first class, on the same day, in the second year after their election and classification, and on the same day in every sixth year thereafter; and for the election of senators of the second class, on the same day in the fourth year after their election and classification, and on the same day in every sixth year thereafter; and for the election of senators of the third class, on the same day, in the sixth year after their election and classification, and on the same day in every sixth year thereafter.

Sec. 25. In all elections for governor, the city of Annapolis shall be deemed and taken as a part of Anne Arundel County.

Sec. 26. The relation of master and slave, in this State, shall not be abolished, unless a bill so to abolish the same shall be passed by a unanimous vote of the members of each branch of the general assembly, and shall be published at least three months before a new election of delegates, and shall be confirmed by a unanimous vote of the members of each branch of the general assembly, at the next regular constitutional session after such new election, nor then, without full compensation to the master for the property of which he shall be thereby deprived.

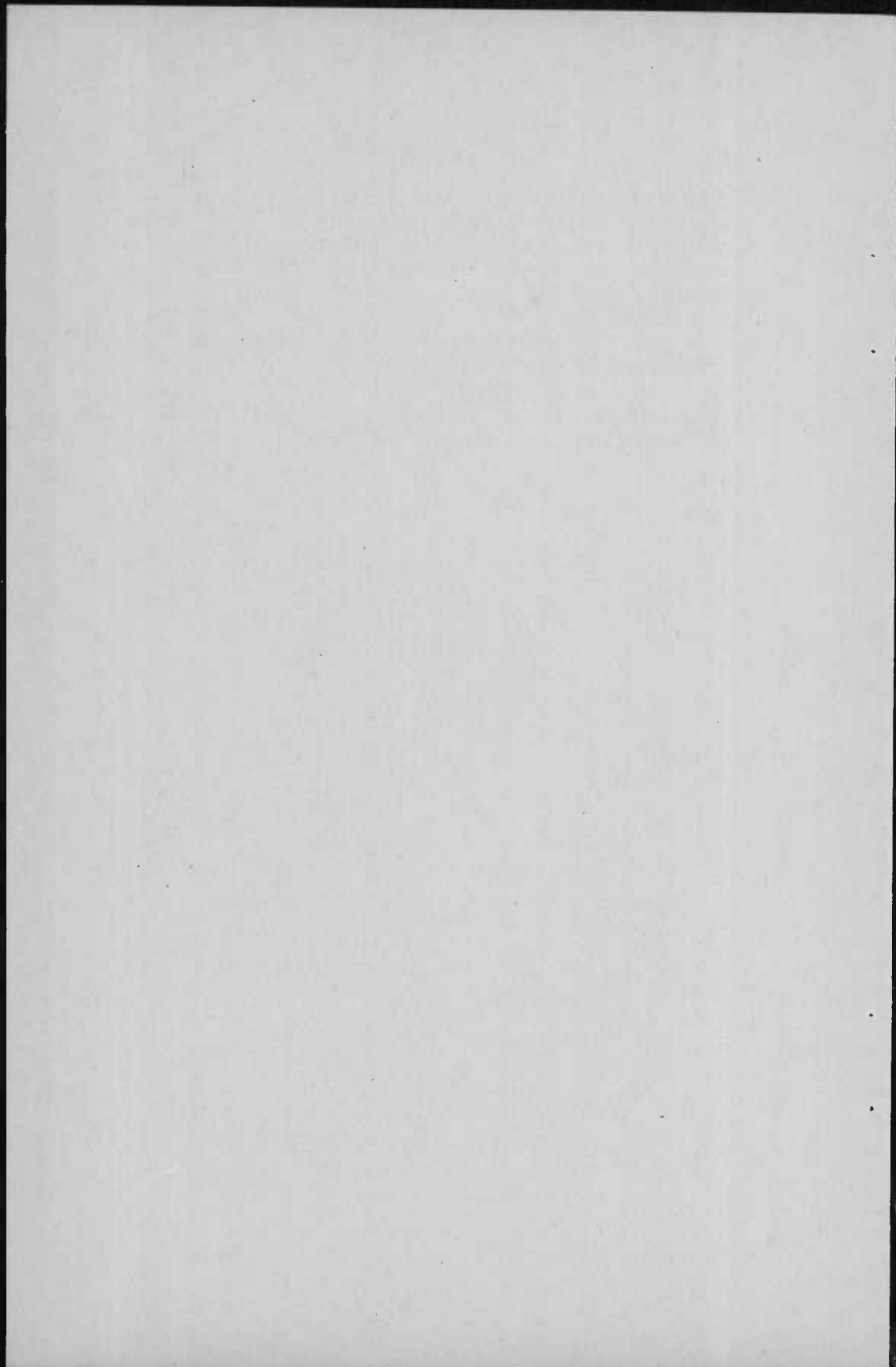
Sec. 27. The city of Annapolis shall continue to be the seat of government, and the place of holding the sessions of the court of appeals for the western shore, and the high court of chancery.

Sec. 28. If this act shall be confirmed by the general assembly, after a new election of delegates, in the first

session after such new election, agreeably to the provisions of the constitution and form of government, then and in such case this act, and the alterations and amendments of the constitution therein contained, shall be taken and considered, and shall constitute and be valid, as a part of said constitution and form of government, anything in the said constitution and form of government to the contrary notwithstanding.

RATIFIED 1846.

Art. XXVI. That the sessions of the general assembly be biennial instead of annual.



Constitution of Maryland--1851.*

THE DECLARATION OF RIGHTS.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good constitution in this State, for the sure foundation and more permanent security thereof, declare:

Article 1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times, according to the mode prescribed in this constitution, the unalienable right to alter, reform, or abolish their form of government, in such manner as they may deem expedient.

Art. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Art. 3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six, and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used, and practised by the courts of law or equity, and also of all acts of assembly in force on the first Monday of November, eighteen hundred and fifty, except such as may have since expired, or may be altered by this constitution, subject, nevertheless, to the revision of, and amendment or repeal by the legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by His Majesty Charles the First to Cæcilius Calvert, Baron of Baltimore.

*This constitution was framed by a convention which met at Annapolis November 4, 1850, and completed its labors May 13, 1851. It was ratified by the people June 4, 1851.

Art. 4. That all persons invested with the legislative or executive powers of government are the trustees of the public, and as such accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Art. 5. That the right of the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free white male citizen having the qualifications prescribed by the constitution ought to have the right of suffrage.

Art. 6. That the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

Art. 7. That no power of suspending laws, or the execution of laws, unless by or derived from the legislature, ought to be exercised or allowed.

Art. 8. That freedom of speech and debate, or proceedings in the legislature, ought not to be impeached in any court of judicature.

Art. 9. That Annapolis be the place for the meeting of the legislature; and the legislature ought not to be convened or held at any other place but from evident necessity.

Art. 10. That for the redress of grievances, and for amending, strengthening, and preserving the laws, the legislature ought to be frequently convened.

Art. 11. That every man hath a right to petition the legislature for the redress of grievances in a peaceable and orderly manner.

Art. 12. That no aid, charge, tax, burden, or fees ought to be rated or levied, under any pretence, without the consent of the legislature.

Art. 13. That the levying of taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes, for the support of government, according to his actual worth in real or personal property; yet fines, duties, or taxes may properly and justly be imposed or laid on persons or property, with a political view, for the good government and benefit of the community.

Art. 14. That sanguinary laws ought to be avoided as far as is consistent with the safety of the State; and no law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time hereafter.

Art. 15. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

Art. 16. That no law to attain particular persons of treason or felony ought to be made in any case or at any time hereafter.

Art. 17. That every freeman, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

Art. 18. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.

Art. 19. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge, in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 20. That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this State, or may hereafter be directed by the legislature.

Art. 21. That no freeman ought to be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land: *Provided*, That nothing in this article shall be so construed as to prevent the legislature from passing all such laws for the government, regulation, and disposition of the free colored population of this State as they may deem necessary.

Art. 22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the courts of law.

Art. 23. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

Art. 24. That no conviction shall work corruption of blood or forfeiture of estate.

Art. 25. That a well-regulated militia is the proper and natural defence of a free government.

Art. 26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

Art. 27. That in all cases and at all times the military ought to be under strict subordination to, and control of, the civil power.

Art. 28. That no soldier ought to be quartered in any house in time of peace without the consent of the owner, and in time of war in such manner only as the legislature shall direct.

Art. 29. That no person, except regular soldiers, mariners, and marines, in the service of this State, or

militia when in actual service, ought in any case to be subject to or punishable by martial law.

Art. 30. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the judges shall not be removed except for misbehavior, on conviction in a court of law, or by the governor, upon the address of the general assembly: *Provided*, That two-thirds of all the members of each house concur in such address. No such judge shall hold any other office, civil or military or political trust or employment of any kind whatsoever, under the constitution or laws of this State, or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties.

Art. 31. That a long continuance in the executive departments of power or trust is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

Art. 32. That no person ought to hold at the same time more than one office of profit, created by the constitution or laws of this State; nor ought any person in public trust to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this State.

Art. 33. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless under color of religion any man shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person be deemed incompetent as a witness or juror who believes in the existence of a God, and that under his dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

Art. 34. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of office as may be prescribed by this constitution, or by the laws of the State, and a declaration of belief in the Christian religion; and if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards and punishments.

Art. 35. That every gift, sale, or devise of land, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such; or any religious sect, order, or denomination, without the leave of the legislature, shall be void; except always any sale, gift, lease, or devise of any quantity of land, not exceeding five acres, for a church, meeting-house, or other house of worship, or parsonage, or for a burying-ground, which shall be improved, enjoyed, or used only for such purpose; or such sale, gift, lease, or devise shall be void.

Art. 36. That the manner of administering an oath or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination of which he is a member generally esteem the most effectual confirmation by the attestation of the Divine Being.

Art. 37. That the city of Annapolis ought to have all its rights, privileges, and benefits, agreeably to its charter and the acts of assembly confirming and regulating the same, subject to such alterations as have been or as may be made by the legislature.

Art. 38. That the liberty of the press ought to be inviolably preserved.

Art. 39. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

Art. 40. That no title of nobility or hereditary honors ought to be granted in this State.

Art. 41. That the legislature ought to encourage the diffusion of knowledge and virtue, the promotion of literature, the arts, sciences, agriculture, commerce, and manufactures, and the general melioration of the condition of the people.

Art. 42. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Art. 43. That this constitution shall not be altered, changed, or abolished, except in the manner therein prescribed and directed.

THE CONSTITUTION.

ARTICLE I.

ELECTIVE FRANCHISE.

Section 1. Every free white male person, of twenty-one years of age or upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held; and at all such elections the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, senator, delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for six months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.

Sec. 2. That if any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment or delivery

of money or any other thing to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to obtain or procure a vote for any candidate or person proposed or voted for as elector of President and Vice-President of the United States, or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the mayor and city council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office, of profit or trust, or to vote at any election thereafter.

Sec. 3. It shall be the duty of the general assembly of Maryland to pass laws to punish with fine and imprisonment any person who shall remove into any election district or ward of the city of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in the first article of the constitution.) or shall, at the same election, vote in more than one election district or ward, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 4. Every person elected or appointed to any office of profit or trust under the constitution or laws made pursuant thereto, before he shall enter upon the duties of such office shall take and subscribe the following oath or affirmation: "I, A. B., do swear [or affirm, as the case may be] that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the constitution and laws thereof; that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ——— according to the constitution and laws of this State,

and that since the adoption of the present constitution I have not in any manner violated the provisions thereof in relation to the bribery of voters or preventing legal or procuring illegal votes to be given; and [if a governor, senator, member of the house of delegates, or judge] that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as ——." And if any person, elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation, and any person swearing or affirming falsely in the premises shall, on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State.

Sec. 5. That no person above the age of twenty-one years, convicted of larceny or other infamous crime, unless he shall be pardoned by the executive, shall ever thereafter be entitled to vote at any election in this State, and no person under guardianship as a lunatic, or as a person *non compos mentis*, shall be entitled to vote.

ARTICLE II.

EXECUTIVE DEPARTMENT.

Section 1. The executive power of the State shall be vested in a governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified.

Sec. 2. The first election for governor under this constitution shall be held on the first Wednesday of November, in the year eighteen hundred and fifty-three, and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the general assembly, and every person qualified to vote for delegates shall be qualified and entitled to vote for governor; the election to be held in the same manner as the election of delegates, and the returns thereof, under seal, to be addressed to the speaker of the house of delegates, and in-

closed and transmitted to the Secretary of State, and delivered to the said speaker at the commencement of the session of the legislature next ensuing said election.

Sec. 3. The speaker of the house of delegates shall then open the said returns in the presence of both houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes, one of them shall be chosen governor by the senate and house of delegates; and all questions in relation to the eligibility of governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the house of delegates. And if the person or persons having the highest number of votes be ineligible, the governor shall be chosen by the senate and house of delegates. Every election of governor, by the legislature, shall be determined by a joint majority of the senate and house of delegates, and the vote shall be taken *viva voce*. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the votes should again be equal, then the election of a governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. The State shall be divided into three districts, Saint Mary's, Charles, Calvert, Prince George's, Anne Arundel, Montgomery, and Howard Counties, and the city of Baltimore, to be the first; the eight counties of the eastern shore to be the second; and Baltimore, Harford, Frederick, Washington, Alleghany, and Carroll Counties to be the third. The governor, elected from the third district in October last, shall continue in office during the term for which he was elected. The governor shall be taken from the first district, at the first election of governor under this constitution; from the second district at the second election, and from the third district at the third election, and in like manner, afterwards, from each district, in regular succession.

Sec. 6. A person to be eligible to the office of governor must have attained the age of thirty years, and been for five years a citizen of the United States, and for five years next preceding his election a resident of the State, and for three years a resident of the district from which he was elected.

Sec. 7. In case of the death or resignation of the governor, or of his removal from the State, the general assembly, if in session, or if not, at their next session, shall elect some other qualified resident of the same district to be the governor for the residue of the term for which the said governor had been elected.

Sec. 8. In case of any vacancy in the office of governor during the recess of the legislature, the president of the senate shall discharge the duties of said office till a governor is elected as herein provided for; and in case of the death or resignation of said president, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner, and for the same interval, devolve upon the speaker of the house of delegates, and the legislature may provide by law for the case of impeachment or inability of the governor, and declare what person shall perform the executive duties during such impeachment or inability; and for any vacancy in said office, not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the legislature shall be convened by the secretary of state for the purpose of filling said vacancy.

Sec. 9. The governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the legislature.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. He shall nominate and, by and with the advice and consent of the senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.

Sec. 12. In case of any vacancy during the recess of the senate, in any office which the governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force till the end of the next session of the legislature, or till some other person is appointed to the same office, whichever shall first occur, and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the senate within thirty days after the next meeting of the legislature.

Sec. 13. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate; or be appointed to the same office during the recess of the legislature.

Sec. 14. All civil officers appointed by the governor and senate shall be nominated to the senate within fifty days from the commencement of each regular session of the legislature; and their term of office shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless sooner removed from office,) and until their successors, respectively, qualify according to law.

Sec. 15. The governor may suspend or arrest any military officer of the State for disobedience of orders, or other military offence, and may remove him in pursuance of the sentence of a court-martial; and may remove, for incompetency [or misconduct, all civil officers who receive appointments from the executive for a term not exceeding two years.

Sec. 16. The governor may convene the legislature, or the senate alone, on extraordinary occasions; and whenever, from the presence of an enemy or from any other cause, the seat of government shall become an unsafe place for the meeting of the legislature, he may direct their sessions to be held at some other convenient place.

Sec. 17. It shall be the duty of the governor semi-annually, and oftener if he deem it expedient, to examine the bank-book, account-books, and official proceedings of the treasurer and comptroller of the State.

Sec. 18. He shall, from time to time, inform the legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 19. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases in which he is prohibited by other articles of this constitution, and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due to the State, except in cases of fines and forfeitures; and before granting a *nolle prosequi*, or pardon, he shall give notice, in one or more newspapers, of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either branch of the legislature, whenever required, the petitions, recommendations, and reasons which influence his decision.

Sec. 20. The governor shall reside at the seat of government, and shall receive for his services an annual salary of thirty-six hundred dollars.

Sec. 21. When the public interest requires it, he shall have power to employ counsel, who shall be entitled to such compensation as the legislature may allow in each case after the services of such counsel shall have been performed.

Sec. 22. A secretary of state shall be appointed by the governor, by and with the advice and consent of the senate, who shall continue in office, unless sooner removed by the governor, till the end of the official term of the governor from whom he received his appointment, and shall receive an annual salary of one thousand dollars.

Sec. 23. He shall carefully keep and preserve a record of all official acts and proceedings, (which may, at all times, be inspected by a committee of either branch of the legislature,) and shall perform such other duties as may be prescribed by law, or as may properly belong to his office.

CONSTITUTION OF

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. The legislature shall consist of two distinct branches, a senate and a house of delegates, which shall be styled "The General Assembly of Maryland."

Sec. 2. Every county of the State, and the city of Baltimore, shall be entitled to elect one senator, who shall be elected by the qualified voters of the counties and city of Baltimore, respectively, and who shall serve for four years from the day of their election.

Sec. 3. The legislature at its first session after the returns of the national census of eighteen hundred and sixty are published, and in like manner after each subsequent census, shall apportion the members of the house of delegates among the several counties of the State, according to the population of each, and shall always allow to the city of Baltimore four more delegates than are allowed to the most populous county, but no county shall be entitled to less than two members, nor shall the whole number of delegates ever exceed eighty, or be less than sixty-five; and, until the apportionment is made under the census of eighteen hundred and sixty, Saint Mary's County shall be entitled to two delegates; Kent, two; Anne Arundel, three; Calvert, two; Charles, two; Baltimore County, six; Talbot, two; Somerset, four; Dorchester, three; Cecil, three; Prince George's, three; Queen Anne's, two; Worcester, three; Frederick, six; Harford, three; Caroline, two; Baltimore City, ten; Washington, five; Montgomery, two; Alleghany, four; Carroll, three, and Howard, two.

Sec. 4. The members of the house of delegates shall be elected by the qualified votes of the counties and city of Baltimore respectively, to serve for two years from the day of their election.

Sec. 5. The first election for delegates shall take place on the first Wednesday of November, eighteen hundred and fifty-one; and the elections for delegates, and for one-half of the senators, as nearly as practicable, shall be held on the same day in every second year thereafter, but an election for senators shall be held in the year

eighteen hundred and fifty-one in Howard County, and all those counties in which senators were elected in the year eighteen hundred and forty-six.

Sec. 6. Immediately after the senate shall have convened after the first election under this constitution, the senators shall be divided, by lot, into two classes, as nearly equal in number as may be; the senators of the first class shall go out of office at the expiration of two years, and senators shall be elected on the first Wednesday of November, eighteen hundred and fifty-three, for the term of four years, to supply their places; so that after the first election, one-half of the senators may be chosen every second year: *Provided*, That in no case shall any senator be placed in a class which shall entitle him to serve for a longer term than that for which he was elected. In case the number of senators be hereafter increased, such classification of the additional senators shall be made as to preserve as nearly as may be an equal number in each class.

Sec. 7. The general assembly shall meet on the first Wednesday of January, eighteen hundred and fifty-two, on the same day in the year eighteen hundred and fifty-three, and on the same day in the year eighteen hundred and fifty-four, and on the same day in every second year thereafter, and at no other time unless convened by the proclamation of the governor.

Sec. 8. The general assembly may continue their first two sessions after the adoption of this constitution as long as, in the opinion of the two houses, the public interest may require it, but all subsequent regular sessions of the general assembly shall be closed on the tenth day of March next ensuing the time of their commencement, unless the same shall be closed at an earlier day by the agreement of the two houses.

Sec. 9. No person shall be eligible as a senator or delegate who, at the time of his election, is not a citizen of the United States, and who has not resided at least three years next preceding the day of his election in this State, and the last year thereof in the county or city which he may be chosen to represent, if such county or city shall have been so long established, and if not, then in the county from which, in whole or in part, the same may

have been formed; nor shall any person be eligible as a senator unless he shall have attained the age of twenty-five years, nor as a delegate unless he shall have attained the age of twenty-one years at the time of his election.

Sec. 10. No member of Congress, or person holding any civil or military office under the United States, shall be eligible as a senator or delegate; and if any person shall, after his election as a senator or delegate, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.

Sec. 11. No minister or preacher of the Gospel, of any denomination, and no person holding any civil office of profit or trust under this State, except justices of the peace, shall be eligible as senator or delegate.

Sec. 12. Each house shall be judge of the qualifications and elections of its members, subject to the laws of the State; appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior, and, with the consent of two-thirds, expel a member; but no member shall be expelled a second time for the same offence.

Sec. 13. A majority of each house shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

Sec. 14. The doors of each house and of committees of the whole shall be open, except when the business is such as ought to be kept secret.

Sec. 15. Each house shall keep a journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them, in the house of delegates, or one in the senate, be entered on the journal.

Sec. 16. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the house shall be sitting, without the concurrent vote of two-thirds of the members present.

Sec. 17. The style of all laws of this State shall be, "*Be it enacted by the General Assembly of Maryland,*" and all laws shall be passed by original bill, and every law enacted by the legislature shall embrace but one subject, and that shall be described in the title, and no law or section of law shall be revived, amended, or repealed by reference to its title or section only, and it shall be the duty of the legislature, at the first session after the adoption of this constitution, to appoint two commissioners, learned in the law, to revise and codify the laws of this State; and the said commissioners shall report the said code, so formed, to the legislature, within a time to be by it determined, for its approval, amendment, or rejection; and, if adopted after the revision and codification of the said laws, it shall be the duty of the legislature, in amending any article or section thereof, to enact the same as the said article or section would read when amended. And whenever the legislature shall enact any public general law, not amendatory of any section or article in the said code, it shall be the duty of the legislature to enact the same in articles and sections, in the same manner as the said code may be arranged, and to provide for the publication of all additions and alterations which may be made to the said code; and it shall also be the duty of the legislature to appoint one or more commissioners, learned in the law, whose duty it shall be to revise, simplify, and abridge the rules of practice, pleadings, forms of conveyancing, and proceedings of the courts of record in this State.

Sec. 18. Any bill may originate in either house of the general assembly, and be altered, amended, or rejected by the other, but no bill shall originate in either house during the last three days of the session, or become a law, until it be read on three different days of the session in each house, unless three-fourths of the members of the house where such bill is pending shall so determine.

Sec. 19. No bill shall become a law unless it be passed in each house by a majority of the whole number of members elected, and on its final passage the ayes and noes be recorded.

Sec. 20. No money shall be drawn from the treasury of the State, except in accordance with an appropriation

made by law, and every such law shall distinctly specify the sum appropriated, and the object to which it shall be applied: *Provided*, That nothing herein contained shall prevent the legislature from placing a contingent fund at the disposal of the executive, who shall report to the legislature at each session the amount expended and the purposes to which it was applied. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws after each regular session of the general assembly.

Sec. 21. No divorce shall be granted by the general assembly.

Sec. 22. No debt shall hereafter be contracted by the legislature, unless such debt shall be authorized by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same, and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and the interest thereon shall be fully discharged, and the amount of debts so contracted and remaining unpaid shall never exceed one hundred thousand dollars. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation, nor shall the general assembly have the power, in any mode, to involve the State in the construction of works of internal improvement, or in any enterprise which shall involve the faith or credit of the State, or make any appropriations therefor. And they shall not use or appropriate the proceeds of the internal-improvement companies, or of the State tax now levied, or which may hereafter be levied, to pay off the public debt, to any other purpose, until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the outstanding debt; but the legislature may, without laying a tax, borrow an amount, never to exceed fifty thousand dollars, to meet temporary deficiencies in the treasury, and may contract debts to an amount that may be necessary for the defence of the State.

Sec. 23. No extra compensation shall be granted or allowed by the general assembly to any public officer, agent, servant, or contractor, after the services shall

have been rendered or the contract entered into. Nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

Sec. 24. No senator or delegate, after qualifying as such, shall during the term for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased, during such term, or shall, during said term, hold any office or receive the salary or profits of any office, under the appointment of the executive or legislature.

Sec. 25. Each house may punish by imprisonment, during the session of the general assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings or any of its officers in the execution of their duties: *Provided*, Such imprisonment shall not, at any one time, exceed ten days.

Sec. 26. The members of each house shall, in all cases, except treason, felony, or other criminal offence, be privileged from arrest during their attendance at the session of the general assembly, and in going to and returning from the same, allowing one day for every thirty miles such member may reside from the place at which the general assembly is convened.

Sec. 27. No senator or delegate shall be liable, in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 28. The house of delegates may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law; they may examine and pass all accounts of the State relating either in the collection or expenditure of the revenue, and appoint auditors to state and adjust the same; they may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their inquiries concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State to be sued for any breach of duty.

Sec. 29. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a delegate or senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the speaker of the house of delegates or president of the senate, as the case may be, for the election of another person in his place, of which election not less than ten days' notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and in case of such resignation or refusal to act being communicated in writing, to the governor, by the person making it, or if such death occur during the legislative recess and more than ten days before its termination, it shall be the duty of the governor to issue a warrant of election to supply the vacancy thus created in the same manner that the said speaker or president might have done during the session of the legislature: *Provided*, however, 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.

Sec. 30. The senators and delegates shall receive a per diem of four dollars, and such mileage as may be allowed by law, and the presiding officer of each house shall be allowed an addition of one dollar per day. No book or other printed matter not appertaining to the business of the session shall be purchased or subscribed for, for the use of the members, or be distributed among them at the public expense.

Sec. 31. No law passed by the general assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein.

Sec. 32. No law shall be passed creating the office of attorney-general.

Sec. 33. The general assembly shall have full power to exclude from the privilege of voting at elections, or of holding any civil or military office in this State, any person who may thereafter be convicted of perjury, bribery, or other felony, unless such person shall have been pardoned by the executive.

Sec. 34. Every bill, when passed by the general assembly, and sealed with the great seal, shall be presented to the governor, who shall sign the same in the presence of the presiding officers and chief clerks of the senate and house of delegates. Every law shall be recorded in the office of the court of appeals, and in due time be printed, published, and certified under the great seal to the several courts in the same manner as has been heretofore usual in this State.

Sec. 35. No person who may hereafter be a collector, receiver, or holder of public moneys shall be eligible as senator or delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the treasury all sums on the books thereof, charged to and due by him.

Sec. 36. Any citizen of this State who shall, after the adoption of this constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall ever thereafter be incapable of holding any office of trust or profit under this State.

Sec. 37. No lottery-grant shall ever hereafter be authorized by the legislature.

Sec. 38. The general assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death.

Sec. 39. Laws shall be passed by the legislature to protect from execution a reasonable amount of the property of a debtor, not exceeding in value the sum of five hundred dollars.

Sec. 40. The legislature shall, at its first session after the adoption of this constitution adopt some simple and uniform system of charges in the offices of clerks of courts and registers of wills in the counties of this State and the city of Baltimore, and for the collection thereof: *Provided*, The amount of compensation to any of said officers shall not exceed the sum of twenty-five hundred dollars a year, over and above office expenses, and compensation to assistants: *And provided further*, That such compensation of clerks, registers, assistants, and

office expenses shall always be paid out of the fees or receipts of the offices respectively.

Sec. 41. The house of delegates shall have the sole power of impeachment in all cases, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the senate, and when sitting for that purpose they shall be on oath or affirmation to do justice according to the law and evidence, but no person shall be convicted without the concurrence of two-thirds of all the senators.

Sec. 42. That it shall be the duty of the legislature, so soon as the public debt shall have been fully paid off, to cause to be transferred to the several counties and the city of Baltimore stock in the internal-improvement companies, equal to the amount respectively paid by each toward the erection and completion of said works, at the then market-value of said stock.

Sec. 43. The legislature shall not pass any law abolishing the relation of master or slave, as it now exists in this State.

Sec. 44. No person shall be imprisoned for debt.

Sec. 45. The legislature hereafter shall grant no charter for banking purposes or renew any banking corporation now in existence, except upon the condition that the stockholders and directors shall be liable to the amount of their respective share or shares of stock in such banking institution for all its debts and liabilities upon note, bill or otherwise; and upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation; and if any director or other officer shall be convicted upon indictment of directly or indirectly violating this article, he shall be punished by fine or imprisonment at the discretion of the court. All banks shall be open to inspection of their books, papers and accounts, under such regulations as may be prescribed by law.

Sec. 46. The legislature shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

Sec. 47. Corporations may be formed under general

laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the object of the corporation cannot be attained under general laws. All laws and special acts, pursuant to this section, may be altered from time to time, or repealed: *Provided*, Nothing herein contained shall be construed to alter, change, or amend in any manner the article in relation to banks.

Sec. 48. The legislature shall make provision for all cases of contested elections of any of the officers not herein provided for.

Sec. 49. That the rate of interest in this State shall not exceed 6 per cent. per annum, and no higher rate shall be taken or demanded, and the legislature shall provide, by law, all necessary forfeitures and penalties against usury.

ARTICLE IV.

JUDICIARY DEPARTMENT.

Section 1. The judicial power of this State shall be vested in a court of appeals, in circuit courts, in such courts for the city of Baltimore as may be hereinafter prescribed, and in justices of the peace.

Sec. 2. The court of appeals shall have appellate jurisdiction only, which shall be coextensive with the limits of the State. It shall consist of a chief justice and three associate justices, any three of whom shall form a quorum, whose judgment shall be final and conclusive in all cases of appeals; and who shall have the jurisdiction which the present court of appeals of this State now has, and such other appellate jurisdiction as hereafter may be provided for by law. And in every case decided, an opinion, in writing, shall be filed, and provision shall be made by law for publishing reports of cases argued and determined in the said court. The governor, for the time being, by and with the advice and consent of the senate, shall designate the chief justice, and the court of appeals shall hold its sessions at the city of Annapolis, on the first Monday of June and the first Monday of December, in each and every year.

Sec. 3. The court of appeals shall appoint its own clerk, who shall hold his office for six years, and may be

reappointed at the end thereof; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, and for such other causes as may be prescribed by law.

Sec. 4. The State shall be divided into four judicial districts: Alleghany, Washington, Frederick, Carroll, Baltimore, and Harford Counties shall compose the first; Montgomery, Howard, Anne Arundel, Calvert, Saint Mary's, Charles, and Prince George's the second; Baltimore City the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset, and Worcester shall compose the fourth district. And one person from among those learned in the law, having been admitted to practice in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district, shall be elected from each of said districts by the legal and qualified voters therein, as a judge of the said court of appeals, who shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be reeligible thereto until he shall have attained the age of seventy years, and not after, subject to removal for incompetency, wilful neglect of duty, or misbehavior in office, on conviction in a court of law, or by the governor upon the address of the general assembly, two-thirds of the members of each house concurring in such address; and the salary of each of the judges of the court of appeals shall be two thousand five hundred dollars annually, and shall not be increased or diminished during their continuance in office; and no fees or perquisites of any kind shall be allowed by law to any of the said judges.

Sec. 5. No judge of the court of appeals shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or when he shall have been of counsel in said case; when the court of appeals, or any of its members, shall be thus disqualified to hear and determine any case or cases in said court, so that by reason thereof no judgment can be rendered in said court, the same shall be cer-

tified to the governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases.

Sec. 6. All judges of the court of appeals, of the circuit courts, and of the courts for the city of Baltimore, shall, by virtue of their offices, be conservators of the peace throughout the State.

Sec. 7. All public commissions and grants shall run thus: "The State of Maryland," &c., and shall be signed by the governor, with the seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed, and signed as usual; and all indictments shall conclude, "against the peace, government, and dignity of the State."

Sec. 8. The State shall be divided into eight judicial circuits, in manner and form following, to-wit: Saint Mary's, Charles, and Prince George's Counties shall be the first; Anne Arundel, Howard, Calvert, and Montgomery Counties shall be the second; Frederick and Carroll Counties shall be the third; Washington and Alleghany Counties shall be the fourth; Baltimore City shall be the fifth; Baltimore, Harford, and Cecil Counties shall be the sixth; Kent, Queen Anne's, Talbot, and Caroline Counties shall be the seventh; and Dorchester, Somerset, and Worcester Counties shall be the eighth; and there shall be elected, as hereinafter directed, for each of the said judicial circuits, except the fifth, one person from among those learned in the law, having been admitted to practise in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial circuit, to be judge thereof; the said judges shall be styled circuit judges, and shall respectively hold a term of their courts at least twice in each year, or oftener if required by law, in each county composing their respective circuits; and the said courts shall be called circuit courts for the county in which they may be held, and shall have and exercise in the several counties of this State all the power, authority, and jurisdiction which the county courts of this State now have and exercise, or which may hereafter be prescribed by law, and the

said judges in their respective circuits shall have and exercise all the power, authority, and jurisdiction of the present court of chancery of Maryland: *Provided, nevertheless*, That Baltimore County court may hold its sittings within the limits of the city of Baltimore until provision shall be made by law for the location of a county seat within the limits of the said county proper, and the erection of a court-house and all other appropriate buildings for the convenient administration of justice in said court.

Sec. 9. The judges of the several judicial circuits shall be citizens of the United States, and shall have resided five years in this State, and two years in the judicial circuit for which they may be respectively elected, next before the time of their election, and shall reside therein while they continue to act as judges; they shall be taken from among those who, having the other qualifications herein prescribed, are most distinguished for integrity, wisdom, and sound legal knowledge, and shall be elected by the qualified voters of the said circuits, and shall hold their offices for the term of ten years, removable for misbehavior, on conviction in a court of law, or by the governor, upon the address of the general assembly, provided that two-thirds of the members of each house shall concur in such address; and the said judges shall each receive a salary of two thousand dollars a year, and the same shall not be increased or diminished during the time of their continuance in office; and no judge of any court in this State shall receive any perquisite, fee, commission, or reward, in addition thereto, for the performance of any judicial duty.

Sec. 10. There shall be established for the city of Baltimore one court of law, to be styled "the court of common pleas," which shall have civil jurisdiction in all suits where the debt or damage claim shall be over one hundred dollars, and shall not exceed five hundred dollars; and shall also have jurisdiction in all cases of appeal from the judgment of justices of the peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the trustees thereof.

Sec. 11. There shall also be established for the city of

Baltimore another court of law, to be styled the superior court of Baltimore City, which shall have jurisdiction over all suits where the debt or damage claimed shall exceed the sum of five hundred dollars; and in case any plaintiff or plaintiffs shall recover less than the sum or value of five hundred dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the court. The said court shall also have jurisdiction as a court of equity within the limits of the said city, and in all other civil cases which have not been heretofore assigned to the court of common pleas.

Sec. 12. Each of the said two courts shall consist of one judge, who shall be elected by the legal and qualified voters of the said city, and shall hold his office for the term of ten years, subject to the provisions of this constitution with regard to the election and qualification of judges and their removal from office, and the salary of each of the said judges shall be twenty-five hundred dollars a year; and the legislature shall, whenever it may think the same proper and expedient, provide, by law, another court for the city of Baltimore, to consist of one judge, to be elected by the qualified voters of the said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the judge of the court of common pleas of the said city, and the said court shall have such jurisdiction and powers as may be prescribed by law.

Sec. 13. There shall also be a criminal court for the city of Baltimore, to be styled "the criminal court of Baltimore," which shall consist of one judge, who shall also be elected by the legal and qualified voters of the said city, and who shall have and exercise all the jurisdiction now exercised by Baltimore City court, and the said judge shall receive a salary of two thousand dollars a year, and shall be subject to the provisions of this constitution with regard to the election and qualifications of judges, term of office, and removal therefrom.

Sec. 14. There shall be in each county a clerk of the circuit court, who shall be elected by the qualified voters of each county, and the person receiving the greatest number of votes shall be declared and returned duly

elected clerk of said circuit court for the said county, and shall hold his office for the term of six years from the time of his election, and until a new election is held; shall be reeligible thereto, and subject to removal for wilful neglect of duty, or other misdemeanor in office, on conviction in a court of law. There shall also be a clerk of the court of common pleas in Baltimore City, and a clerk of the superior court of Baltimore City, and there shall also be a clerk of the criminal court of Baltimore City, and each of said clerks shall be elected as aforesaid by the qualified voters of the city of Baltimore, and shall hold his office for six years from the time of his election, and until a new election is held, and be reeligible thereto, subject, in like manner, to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a court of law. In case of a vacancy in the office of a clerk, the judge or judges of the court of which he was clerk shall have the power to appoint a clerk until the general election of delegates held next thereafter, when a clerk shall be elected to fill such vacancy.

Sec. 15. The clerk of the court of common pleas for Baltimore City shall have authority to issue within the said city all marriage and other licenses required by law, subject to such provisions as the legislature shall hereafter prescribe; and the clerk of the superior court for said city shall have the custody of all deeds, conveyances, and other papers now remaining in the office of the clerk of Baltimore County court, and shall hereafter receive and record all deeds, conveyances, and other papers which are required by law to be recorded in said city. He shall also have the custody of all other papers connected with the proceedings on the law or equity side of Baltimore County court, and of the dockets thereof, so far as the same have relation to Baltimore City.

Sec. 16. That the clerk of the court of appeals, and the clerks of the circuit courts in the several counties, shall respectively perform all the duties and be entitled to the fees which appertain to the offices of the clerks of court of appeals for the eastern and western shores and of the clerks of county courts, and the clerks of the court of common pleas, the superior court, and the criminal

court for Baltimore City shall perform all the duties appertaining to their respective offices, and heretofore vested in the clerks of Baltimore County court and Baltimore City court, respectively, and be entitled to all the fees now allowed by law; and all laws relating to the clerks of court of appeal, clerks of the several county courts, and Baltimore City court shall be applicable to the clerks respectively of the clerk of court of appeals, the circuit courts, the court of common pleas, the superior court, and the criminal court of Baltimore City, until otherwise provided by law; and the said clerks, when duly elected and qualified according to law, shall have the charge and custody of the records and other papers belonging to their respective offices.

Sec. 17. The qualified voters of the city of Baltimore, and of the several counties of the State, shall, on the first Wednesday of November, eighteen hundred and fifty-one, and on the same day of the same month in every fourth year forever thereafter, elect three men to be judges of the orphans' court of said city and counties respectively, who shall be citizens of the State of Maryland and citizens of the city or county for which they may be severally elected at the time of their election. They shall have all the powers now vested in the orphans' courts of this State, subject to such changes therein as the legislature may prescribe, and each of said judges shall be paid at a per diem rate for the time they are in session, to be fixed by the legislature and paid by the said counties and city respectively.

Sec. 18. There shall be a register of wills in each county of the State and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until a new election shall take place, and be reeligible thereto, subject to be removed for wilful neglect of duty or misdemeanor in office, in the same manner that the clerks of the county courts are removable. In the event of any vacancy in the office of register of wills, said vacancy shall be filled by the judges of the orphans' court until the general election next thereafter for delegates to the general assembly, when a register shall be elected to fill such vacancy.

Sec. 19. The legislature at its first session after the adoption of this constitution shall fix the number of justices of the peace and constables for each ward of the city of Baltimore, and for each election district in the several counties, who shall be elected by the legal and qualified voters thereof respectively, at the next general election for delegates thereafter, and shall hold their offices for two years from the time of their election, and until their successors in office are elected and qualified; and the legislature may, from time to time, increase or diminish the number of justices of the peace and constables to be elected in the several wards and election districts as the wants and interests of the people may require. They shall be, by virtue of their offices, conservators of the peace in the said counties and city respectively, and shall have such duties and compensation as now exist or may be provided for by law. In the event of a vacancy in the office of a justice of the peace, the governor shall appoint a person to serve as justice of the peace, until the next regular election of said officers, and in case of a vacancy in the office of constable, the county commissioners of the county in which a vacancy may occur, or the mayor and city council of Baltimore, as the case may be, shall appoint a person to serve as constable until the next regular election thereafter for said officers. An appeal shall lie in all civil cases from the judgment of a justice of the peace to the circuit court, or to the court of common pleas of Baltimore City, as the case may be, and on all such appeals, either party shall be entitled to a trial by jury, according to the laws now existing, or which may be hereafter enacted. And the mayor and city council may provide, by ordinance, from time to time, for the creation and government of such temporary additional police as they may deem necessary to preserve the public peace.

Sec. 20. There shall be elected in each county and in the city of Baltimore, every second year, two persons for the office of sheriff for each county, and two for the said city, the one of whom having the highest number of votes of the qualified voters of said county or city, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor for the said office, and, having served for two years,

such person shall be ineligible for the two years next succeeding; bond with security, to be taken every year, and no sheriff shall be qualified to act before the same be given. In case of death, refusal, disqualification, or removal out of the county, before the expiration of the said two years, the other person chosen as aforesaid shall be commissioned by the governor to execute the said office for the residue of the said two years, and said person giving bond with security as aforesaid. No person shall be eligible to the office of sheriff but a resident of such county or city respectively, who shall have been a citizen of this State at least five years preceding his election, and above the age of twenty-one years. The two candidates, properly qualified, having the highest number of legal ballots, shall be declared duly elected for the office of sheriff for such county or city, and returned to the governor, with a certificate of the number of ballots for each of them.

Sec. 21. Coroners, elisors, and notaries public shall be appointed for each county and the city of Baltimore, in the manner now prescribed by law, or in such other manner as the general assembly may hereafter direct.

Sec. 22. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of council in the case; and whenever any of the judges of the circuit courts, or of the courts for Baltimore City, shall be thus disqualified, or whenever, by reason of sickness, or any other cause, the said judges, or any of them, may be unable to sit in any cause, the parties may, by consent, appoint a proper person to try the said cause, or the judges, or any of them, shall do so when directed by law.

Sec. 23. The present chancellor and the register in chancery, and, in the event of any vacancy in their respective offices, their successors in office respectively, who are to be appointed as at present, by the governor and senate, shall continue in office, with the powers and compensation as at present established, until the expiration of two years after the adoption of this constitution by the people, and until the end of the session of the

legislature next thereafter, after which the said offices of chancellor and register shall be abolished. The legislature shall, in the mean time, provide by law for the recording, safe-keeping, or other disposition of the records, decrees, and other proceedings of the court of chancery, and for the copying and attestation thereof, and for the custody and use of the great seal of the State, when required, after the expiration of the said two years, and for transmitting to the said counties, and to the city of Baltimore, all the cases and proceedings in said court then undisposed of and unfinished, in such manner and under such regulations as may be deemed necessary and proper: *Provided*, That no new business shall originate in the said court, nor shall any cause be removed to the same from any other court, from and after the ratification of this constitution.

Sec. 24. The first election of judges, clerks, registers of wills, and all other officers, whose election by the people is provided for in this article of the constitution, except justices of the peace and constables, shall take place throughout the State on the first Wednesday of November next after the ratification of this constitution by the people.

Sec. 25. In case of the death, resignation, removal, or other disqualification of a judge of any of the courts of law, the governor, by and with the advice and consent of the senate, shall thereupon appoint a person, duly qualified, to fill said office until the next general election for delegates thereafter; at which time an election shall be held, as hereinbefore prescribed, for a judge, who shall hold the said office for ten years, according to the provisions of this constitution.

Sec. 26. In case of the death, resignation, removal, or other disqualification of the judge of an orphans' court, the vacancy shall be filled by the appointment of the governor, by and with the advice and consent of the senate.

Sec. 27. Whenever lands lie partly in one county and partly in another, or partly in a county and partly in the city of Baltimore, or whenever persons proper to be made defendants to proceedings in chancery reside some in one county and some in another, that court shall have

jurisdiction in which proceedings shall have been first commenced, subject to such rules, regulations, and alterations as may be prescribed by law.

Sec. 28. In all suits or actions at law, issues from the orphans' court, or from any court sitting in equity, in petitions for freedom, and in all presentments and indictments now pending, or which may be pending at the time of the adoption of this constitution by the people, or which may be hereafter instituted in any of the courts of law of this State, having jurisdiction thereof, the judge or judges thereof, upon suggestion in writing, if made by the State's attorney, or the prosecutor for the State, or upon suggestion in writing, supported by affidavit, made by any of the parties thereto, or other proper evidence, that a fair and impartial trial cannot be had in the court where such suit or action at law, issues or petitions, or presentment and indictment is depending, shall order and direct the record of proceedings in such suit or action, issues or petitions, presentment or indictment, to be transmitted to the court of any adjoining county: *Provided*, that the removal in all civil causes be confined to an adjoining county within the judicial circuit, except as to the city of Baltimore, where the removal may be to an adjoining county for trial, which court shall hear and determine the same in like manner as if such suit or action, issues or petition, presentment or indictment, had been originally instituted therein: *And provided also*, That such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in said suit or action, issues or petition, presentment or indictment, and that such further remedy in the premises may be provided by law as the legislature shall from time to time direct and enact.

Sec. 29. All elections of judges, and other officers provided for by this constitution, shall be certified, and the returns made by the clerks of the respective counties to the governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected; and in all such elections the person having the greatest number of votes shall be declared to be elected.

Sec. 30. If in any case of election for judges, clerks of the courts of law, and registers of wills the opposing candidates shall have an equal number of votes, it shall be the duty of the governor to order a new election; and in case of any contested election, the governor shall send the returns to the house of delegates, who shall judge of the election and qualification of the candidates at such election.

Sec. 31. Every person of good moral character, being a voter, shall be admitted to practise law in all the courts of law in this State in his own case.

ARTICLE V.

THE STATE'S ATTORNEYS.

Section 1. There shall be an attorney for the State in each county and the city of Baltimore, to be styled "the State's attorney," who shall be elected by the voters thereof, respectively, on the first Wednesday of November next, and on the same day every fourth year thereafter, and hold his office for four years from the first Monday of January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law.

Sec. 2. All elections for the State's attorney shall be certified to, and returns made thereof, by the clerks of the said counties and city to the judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons to designate which of said persons shall qualify as State's attorney, and to administer the oaths of office to the persons elected.

Sec. 3. The State's attorney shall perform such duties and receive such fees and commissions as are now prescribed by law for the attorney-general and his deputies, and such other duties, fees, and commissions as may hereafter be prescribed by law, and if any State's attorney shall receive any other fee or reward than such as is, or may be allowed by law, he shall, on conviction thereof, be removed from office.

Sec. 4. No person shall be eligible to the office of State's attorney who has not been admitted to practise the law in this State, and who has not resided for at least one year in the county or city in which he may be elected.

Sec. 5. In case of vacancy in the office of State's attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as hereinbefore specified, the said vacancy shall be filled by the judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, until the election and qualification of his successor, at which election said vacancy shall be filled by the voters of the said county or city for the residue of the term thus made vacant.

Sec. 6. It shall be the duty of the clerk of the court of appeals and the commissioner of the land-office, respectively, whenever a case shall be brought into said court or office in which the State is a party, or has an interest, immediately to notify the governor thereof.

ARTICLE VI.

TREASURY DEPARTMENT.

Section 1. There shall be a treasury department, consisting of a comptroller, chosen by the qualified electors of the State at each election of members of the house of delegates, who shall receive an annual salary of two thousand five hundred dollars; and of a treasurer, to be appointed by the two houses of the legislature, at each session thereof, on joint ballot, who shall also receive an annual salary of two thousand five hundred dollars; and neither of the said officers shall be allowed or receive any fees, commissions, or perquisites of any kind, in addition to his salary, for the performance of any duty or service whatever. In case of a vacancy in either of the offices, by death or otherwise, the governor, by and with the advice and consent of the senate, shall fill such vacancy by appointment, to continue until another election by the people or a choice by the legislature, as the case may be, and the qualification of the successor. The comptroller and the treasurer shall keep their offices at the seat of government, and shall take such oath and enter into such bonds for the faithful discharge of their duties as the legislature shall prescribe.

Sec. 2. The comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue and for the support of the public credit; prepare and report estimates of the revenue and expenditure of the State; superintend and enforce the collection of all taxes and revenue; adjust, settle, and preserve all public accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by law, all warrants for moneys to be paid out of the treasury, in pursuance of appropriations by law; prescribe the formalities of the transfer of stock or other evidences of the State debt; and countersign the same, without which such evidences shall not be valid; he shall make full reports of all his proceedings, and of the state of the treasury department, within ten days after the commencement of each session of the legislature, and perform such other duties as shall be prescribed by law.

Sec. 3. The treasurer shall receive and keep the moneys of the State, and disburse the same upon warrants drawn by the comptroller, and not otherwise; he shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be indorsed upon warrants signed by the comptroller, without which warrant, so signed, no acknowledgment of money received into the treasury shall be valid; and upon warrants issued by the comptroller he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking-fund. Every bond, certificate, or other evidence of the debt of the State shall be signed by the treasurer and countersigned by the comptroller, and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the treasurer, and authority executed in due form for the transfer of the same shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the legislature may make provision for the loss of certificates or other evidence of the debt.

Sec. 4. The treasurer shall render his accounts quarterly to the comptroller; and on the third day of each

session of the legislature he shall submit to the senate and house of delegates fair and accurate copies of all accounts by him from time to time rendered and settled with the comptroller. He shall at all times submit to the comptroller the inspection of the moneys in his hands, and perform all other duties that shall be prescribed by law.

ARTICLE VII.

SUNDRY OFFICERS.

Section 1. At the first general election of delegates to the general assembly, after the adoption of this constitution, four commissioners shall be elected as herein-after provided, who shall be styled "commissioners of public works," and who shall exercise a diligent and faithful supervision of all public works, in which the State may be interested as stockholder or creditor, and shall represent the State in all meetings of the stockholders, and shall appoint the directors in every railroad or canal company in which the State has the constitutional power to appoint directors. It shall also be the duty of the commissioners of public works to review, from time to time, the rate of tolls adopted by any company; use all legal powers which they may possess to obtain the establishment of rates of toll, which may prevent an injurious competition with each other, to the detriment of the interests of the State; and so to adjust them as to promote the agriculture of the State. It shall also be the duty of the said commissioners of public works to keep a journal of their proceedings; and at each regular session of the legislature to make to it a report, and to recommend such legislation as they shall deem necessary and requisite to promote or protect the interest of the State in the public works; and perform such other duties as may be prescribed by law. They shall each receive such salary as may be allowed by law, which shall not be increased or diminished during their continuance in office.

Sec. 2. For the election of the commissioners of public works, the State shall be divided into four districts. The counties of Alleghany, Washington, Frederick, Carroll, Baltimore, and Harford shall constitute the first district; the counties of Montgomery, Howard, Anne

Arundel, Calvert, Saint Mary's, Charles, and Prince George's shall constitute the second district; Baltimore City shall constitute the third district; the counties of Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset, and Worcester shall constitute the fourth district. One commissioner shall be elected in each district, who shall have been a resident thereof at least five years next preceding his election.

Sec. 3. The said commissioners shall be elected by the qualified voters of their districts respectively; the returns of their election shall be certified to the governor, who shall, by proclamation, declare the result of the election. Two of the said commissioners first elected shall hold their office for four years, and the other two for two years from the first Monday of December next succeeding their election. And at the first meeting after their election, or as soon thereafter as practicable, they shall determine by lot who of their number shall hold their offices for four and two years respectively; and thereafter there shall be elected as aforesaid, at each general election of delegates, two commissioners for the term of four years, to be taken from the districts respectively wherein the commissioners resided at the time of their election, whose term of service has expired. And in case of a vacancy in the office of either of said commissioners, by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint some qualified person from the same district, to serve until the next general election of delegates, when an election shall be held, as aforesaid, for a commissioner for the residue of said term. And in case of an equal division in the board of commissioners, on any subject committed to their charge, the treasurer of the State shall have power, and shall be called on to decide the same. And in the event of a tie vote for any two of the candidates for the office of commissioner in the same district, it shall be the duty of the governor to commission one or the other of the candidates having the equal number of votes. And if the governor doubt the legality or result of any election held for said commissioners, it shall be his duty to send the returns of such election to the house of delegates, who

shall judge of the election and qualification of the candidates at such election.

Sec. 4. During the continuance of the lottery system in this State, there shall be elected by the legal and qualified voters of the State, at every general election for delegates to the general assembly, one commissioner of lotteries, who shall hold his office for two years, and till the qualification of his successor, and shall be re-eligible. His whole compensation shall be paid out of the fund raised for the Maryland consolidated lottery grants, and shall not exceed the amount of commissions received by one of the present lottery commissioners, out of said fund; and he shall give such bond, for the faithful performance of his duties, as is now given by the lottery commissioners. The term of the commissioner, who shall be elected at the general election for delegates next succeeding the adoption of this constitution, shall commence at the expiration of the commissions of the present lottery commissioners, and continue for two years, and till the qualification of his successor.

Sec. 5. From and after the first day of April, eighteen hundred and fifty-nine, no lottery scheme shall be drawn, for any purpose whatever, nor shall any lottery-ticket be sold in this State; and it shall be the duty of the several commissioners elected under this constitution to make such contract or contracts as will extinguish all existing lottery-grants before the said first day of April, eighteen hundred and fifty-nine, and also secure to the State a clear yearly revenue equal to the average amount derived by the State from the system for the last five years; but no such contract or contracts shall be valid until approved by the treasurer and comptroller.

Sec. 6. There shall be a commissioner of the land office elected by the qualified voters of the State, at the first general election of delegates to the assembly after the ratification of this constitution, who shall hold his office for the term of six years from the first day of January next after his election. The returns of said election shall be made to the governor, and in the event of a tie between any two or more candidates, the governor shall direct a new election to be held by writs to the several sheriffs, who shall hold said election after at

least twenty days' notice, exclusive of the day of election. The said commissioner shall sit as judge of the land-office, and receive therefor the sum of two hundred dollars per annum, to be paid out of the State treasury. He shall also perform the duties of the register of the land-office, and be entitled to receive therefor the fees now chargeable in said office; and he shall also perform the duties of examiner-general, and be entitled to receive therefor the fees now chargeable by said officer. The office of register of the land-office and examiner-general shall be abolished from and after the election and qualification of the commissioner of the land-office.

Sec. 7. The State librarian shall be elected by the joint vote of the two branches of the legislature, for two years, and until his successor shall be elected and qualified. His salary shall be one thousand dollars per annum. He shall perform such duties as are now or may hereafter be prescribed by law.

Sec. 8. The county authorities now known as levy courts or county commissioners, shall hereafter be styled "county commissioners," and shall be elected by general ticket, and not by districts, by the voters of the several counties, on the first Wednesday in November, one thousand eight hundred and fifty-one, and on the same day in every second year thereafter. Said commissioners shall exercise such powers and duties only as the legislature may from time to time prescribe; but such powers and duties and the tenure of office shall be uniform throughout the State, and the legislature shall, at or before its second regular session, after the adoption of this constitution, pass such laws as may be necessary for determining the number for each county, and ascertaining and defining the powers, duties, and tenure of office of said commissioners; and until the passage of such laws the commissioners elected under this constitution shall have and exercise all the powers and duties in their respective counties, now exercised by the county authorities under the laws of the State.

Sec. 9. The general assembly shall provide by law for the election of road supervisors, in the several counties, by the voters of the election-districts respectively, and may provide by law for the election or appointment of such other county officers as may be required and are not

herein provided for, and prescribe their powers and duties; but the tenure of office, their powers and duties, and mode of appointment, shall be uniform throughout the State.

Sec. 10. The qualified voters of each county, and the city of Baltimore, shall, at the first election of delegates after the adoption of this constitution, and every two years thereafter, elect a surveyor for the counties, and the city of Baltimore, respectively, whose duties and compensation shall be the same as are now prescribed by law for the county and city surveyors, respectively, or as may hereafter be prescribed by law. The term of office of said county and city surveyors, respectively, shall commence on the first Monday of January next succeeding their election. And vacancies in said office of surveyors, by death, resignation, or removal from their respective counties or city, shall be filled by the commissioners of the counties, or mayor and city council of Baltimore, respectively.

Sec. 11. The qualified voters of Worcester county shall, at the first election of delegates after the adoption of this constitution, and every two years thereafter, elect a wreck-master for the said county, whose duties and compensation shall be the same as are now prescribed or may be hereafter prescribed by law. The term of office of said wreck-master shall commence on the first Monday of January next succeeding his election; and a vacancy in said office, by death, resignation, or removal from the county, shall be filled by the county commissioners of said county, for the residue of the term thus made vacant.

ARTICLE VIII.

NEW COUNTIES.

Section 1. That part of Anne Arundel County called Howard district is hereby erected into a new county, to be called Howard County, the inhabitants whereof shall have, hold, and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State; and its civil and municipal officers, at the time of the ratification of this constitution, shall continue in office until their successors shall have been

elected or appointed, and shall have qualified as such; and all rights, powers, and obligations incident to Howard district of Anne Arundel County shall attach to Howard County.

Sec. 2. When that part of Alleghany County lying south and west of a line beginning at the summit of Big Back Bone or Savage Mountain, where that mountain is crossed by Mason and Dixon's line, and running thence by a straight line to the middle of Savage River where it empties into the Potomac River, thence by a straight line to the nearest point or boundary of the State of Virginia, then with said boundary to the Fairfax stone, shall contain a population of ten thousand, and the majority of electors thereof shall desire to separate and form a new county, and make known their desire by petition to the legislature, the legislature shall direct, at the next succeeding election, that the judges shall open a book at each election-district in said part of Alleghany County, and have recorded therein the vote of each elector "for or against" a new county. In case the majority are in favor, then said part of Alleghany County to be declared an independent county, and the inhabitants whereof shall have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State: *Provided*, That the whole representation in the returns of every census of the United States, hereafter taken, to pass a law for the general assembly of the county, when divided, shall not exceed the present delegation of Alleghany County, allowed under this constitution, until after the next census.

ARTICLE IX.

MILITIA.

Section 1. It shall be the duty of the legislature to pass laws for the enrolment of the militia; to provide for districting the State into divisions, brigades, battalions, regiments, and companies, and to pass laws for the effectual encouragement of volunteer corps by some mode which may induce the formation and continuance of at least one volunteer company in every county and division in the city of Baltimore. The company, battalion, and regimental officers (staff-officers excepted) shall be elected

by the persons composing their several companies, battalions, and regiments.

Sec. 2. The adjutant-general shall be appointed by the governor, by and with the advice and consent of the senate. He shall hold his office for the term of six years, and receive the same salary as heretofore, until changed by the legislature.

ARTICLE X.

MISCELLANEOUS.

Section 1. Every officer of this State, the governor excepted, the entire amount of whose pay or compensation received for the discharge of his official duties shall exceed the yearly sum of three thousand dollars, shall keep a book, in which shall be entered every sum or sums of money received by him or on his account as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be returned yearly to the treasurer of the State for his inspection and that of the general assembly of Maryland; and each of such officers, when the amount received by him for the year shall exceed the sum of three thousand dollars, shall yearly pay over to the treasurer the amount of such excess by him received, subject to such disposition thereof as the legislature may deem just and equitable. And any such officer failing to comply with the said requisition shall be deemed to have vacated his office, and be subject to suit by the State for the amount that ought to have been paid into the treasury.

Sec. 2. The legislature shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this constitution in any department or office of the government, and the duties imposed upon them thereby.

Sec. 3. If in any election directed by this constitution any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered, unless in cases specially provided for by the constitution.

Sec. 4. The trial by jury of all issues of fact in civil proceedings, in the several courts of law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

Sec. 5. In the trial of all criminal cases the jury shall be the judges of law as well as fact.

Sec. 6. The legislature shall have power to regulate by law all matters which relate to the judges, time, place, and manner of holding elections in this State, and of making returns thereof: *Provided*, That the tenure and term of office, and the day of election, shall not be affected thereby.

Sec. 7. All rights vested, and all liabilities incurred, shall remain as if this constitution had not been adopted.

Sec. 8. The governor and all officers, civil and military, now holding commissions under this State, shall continue to hold and exercise their offices, according to their present tenure, until they shall be superseded, pursuant to the provisions of this constitution, and until their successors be duly qualified.

Sec. 9. The sheriffs of the several counties of this State, and of the city of Baltimore, shall give notice of the several elections authorized by this constitution, in the manner prescribed by existing laws for elections under the present constitution.

Sec. 10. This constitution, if adopted by a majority of the legal votes cast on the first Wednesday of June next, shall go into operation on the fourth day of July next, and on and after said day shall supersede the present constitution of this State.

ARTICLE XI.

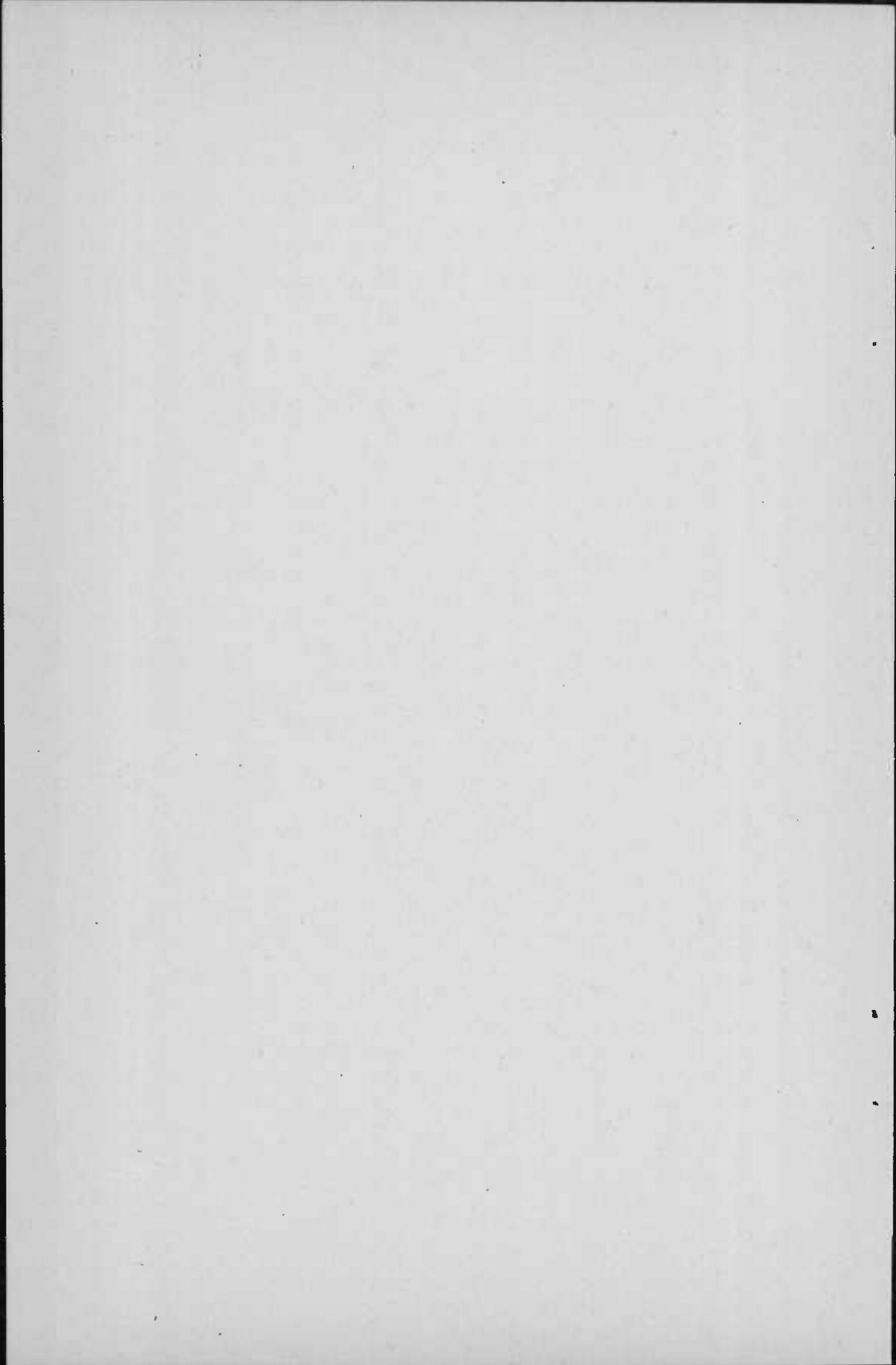
AMENDMENT OF THE CONSTITUTION.

It shall be the duty of the legislature, at its first session immediately succeeding ascertaining, at the next general election of delegates, the sense of the people of Maryland in regard to the calling a convention for altering the constitution; and in case the majority of votes cast at said election shall be in favor of calling a convention, the legislature shall provide for assembling such convention, and electing delegates thereto at the earliest convenient day; and the delegates to the said convention shall be elected by the several counties of the State and the city of Baltimore, in proportion to their representation respectively in the senate and house of delegates at the time when said convention may be called.

Done in convention, the 13th day of May, in the year of our Lord one thousand eight hundred and fifty-one, and of the Independence of the United States the seventy-fifth.

J. G. CHAPMAN, *President.*

GEORGE G. BREWER, *Secretary.*



Constitution of Maryland—1864.*

DECLARATION OF RIGHTS.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good constitution in this State, for the sure foundation and more permanent security thereof, declare.

Article 1. That we hold it to be self-evident that all men are created equally free; that they are endowed by their Creator with certain unalienable rights, among which are life, liberty, the enjoyment of the proceeds of their own labor, and the pursuit of happiness.

Art. 2 That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times the unalienable right to alter, reform, or abolish their form of government in such manner as they may deem expedient.

Art. 3. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Art. 4 That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed on the fourth day of July, seventeen hundred and seventy-six, and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practised by the courts of law or equity; and also of all acts of assembly in force on the first day of June, eighteen hundred and sixty-four, except such as may have since expired or may be inconsistent with the provisions of this constitution, subject, nevertheless, to

*This Constitution was framed by a convention which met at Annapolis April 27, 1864, and completed its labors September 6, 1864. It was submitted to the people, and ratified October 12 and 13, 1864, by the following vote: Home vote, 27,541 for, 29,536 against, and 61 blank; Soldiers' vote, 2,633 for, and 263 against; majority in favor of ratification, 375.

the revision of and amendment or repeal by the legislature of this State; and the inhabitants of Maryland are also entitled to all property, derived to them, from or under the charter granted by his Majesty Charles the First to Cecilius Calvert, Baron of Baltimore.

Art. 5. The Constitution of the United States and the laws made in pursuance thereof being the supreme law of the land, every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof.

Art. 6. That all persons invested with the legislative or executive powers of government are the trustees of the public, and as such accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive, of the good and happiness of mankind.

Art. 7. That the right in the people to participate in the legislature is the best security of liberty and the foundation of all free government; for this purpose elections ought to be free and frequent, and every white male citizen, having the qualifications prescribed by the constitution, ought to have the right of suffrage.

Art. 8. That the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

Art. 9. That no power of suspending laws, or the execution of laws, unless by or derived from the legislature, ought to be exercised or allowed.

Art. 10. That freedom of speech and debate, or proceedings in the legislature, ought not to be impeached in any court of judicature.

Art. 11. That Annapolis be the place for the meeting of the legislature, and the legislature ought not to be convened or held at any other place, but for evident necessity.

Art. 12. That for the redress of grievances, and for amending, strengthening, and preserving the laws, the legislature ought to be frequently convened.

Art. 13. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

Art. 14. That no aid, charge, tax, burden, or fees, ought to be rated or levied, under any pretence, without the consent of the legislature.

Art. 15. That the levying taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the government; but every other person in the State, or persons holding property therein, ought to contribute his proportion of public taxes for the support of government, according to his actual worth in real or personal property; yet fines, duties, or taxes, may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community.

Art. 16. That sanguinary laws ought to be avoided as far as is consistent with the safety of the State; and no law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time hereafter.

Art. 17. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

Art. 18. That no law to attain particular persons of treason or felony ought to be made in any case, or at any time hereafter.

Art. 19. That every man, for any injury done to him in his person or property, ought to have remedy, by the course of the law of the land, and ought to have justice and right freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

Art. 20. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.

Art. 21. That in all criminal prosecutions every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses] for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

Art. 23. That no man ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

Art. 24. That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free.

Art. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the courts of law.

Art. 26. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants—to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special—are illegal, and ought not to be granted.

Art. 27. That no conviction shall work corruption of blood, nor shall there be any forfeiture of the estate of any person for any crime, except treason, and then only on conviction.

Art. 28. That a well-regulated militia is the proper and natural defence of a free government.

Art. 29. That standing armies are dangerous to liberty, and ought not to be raised or kept up, without consent of the Legislature.

Art. 30. That in all cases, and at all times, the military ought to be under strict subordination to and control of the civil power.

Art. 31 That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Art. 32. That no person, except regular soldiers, mariners, and marines in the service of this State, or militia when in actual service, ought in any case to be subject to or punishable by martial law.

Art. 33. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the judges shall not be removed, except for misbehaviour, or conviction in a court of law, or by the governor, upon the address of the General Assembly; *Provided*, That two-thirds of all the members of each House concur in such address. No Judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the constitution or laws of this State, or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties.

Art. 34. That a long continuance, in the executive departments of power or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

Art. 35. That no person ought to hold, at the same time, more than one office of profit created by the constitution or laws of this State; nor ought any person, in public trust, to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this State.

Art. 36. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him; all persons, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless under the color of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or

maintain, or contribute, unless on contract, to maintain any place of worship, or any minister, nor shall any person be deemed incompetent as a witness or juror who believes in the existence of a God, and that under his dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

Art. 37. That no other test or qualification ought to be required on admission to any office of trust or profit than such oath or allegiance and fidelity to this State and the United States as may be prescribed by this constitution, and such oath of office and qualification as may be prescribed by this constitution, or by the laws of the State, and a declaration of belief in the Christian religion, or in the existence of God, and in a future state of rewards and punishments.

Art. 38. That every gift, sale, or devise of land, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order or denomination; and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any minister, public teacher, or preacher of the gospel, as such; or any religious sect, order, or denomination, without the prior or subsequent sanction of the legislature, shall be void; except always any sale, gift, lease or devise of any quantity of land, not exceeding five acres, for a church, meeting-house or other house of worship, or parsonage, or for a burying-ground, which shall be improved, enjoyed or used only for such purpose, or such sale, gift, lease, or devise, shall be void.

Art. 39. That the manner of administering an oath or affirmation to any person, ought to be such, as those of the religious persuasion, profession, or denomination, of which he is a member generally esteem the most effectual confirmation, by the attestation of the Divine Being.

Art. 40. That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Art. 41. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce; and ought not to be suffered.

Art. 42. That no title of nobility, or hereditary honors, ought to be granted in this State.

Art. 43. That the legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, science, agriculture, commerce, and manufactures, and the general melioration of the condition of the people.

Art. 44. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Art. 45. That the legislature shall pass no law providing for an alteration, change, or abolishment of this constitution, except in the manner therein prescribed and directed.

ARTICLE I.

ELECTIVE FRANCHISE.

Section 1. All elections shall be by ballot, and every white male citizen of the United States, of the age of twenty-one years or upwards, who shall have resided in the State one year next preceding the election, and six months in any county, or in any legislative district of Baltimore City, and who shall comply with the provisions of this article of the constitution, shall be entitled to vote at all elections hereafter held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, senator, delegate, or other officer or officers, then to entitle a person to vote for such officer he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for six months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at

any such election shall be entitled to vote in the election-district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

Sec. 2. The general assembly shall provide by law for a uniform registration of the names of voters in this State, which registration shall be evidence of the qualification of said voters to vote at any election thereafter held, but no person shall be excluded from voting at any election on account of not being registered until the general assembly shall have passed an act of registration, and the same shall have been carried into effect, after which no person shall vote unless his name appears on the register. The general assembly shall also provide by law for taking the votes of soldiers in the Army of the United States serving in the field.

Sec. 3. No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless pardoned by the governor, shall ever thereafter be entitled to vote at any election in this State, and no lunatic, or person *non compos mentis*, shall be entitled to vote.

Sec. 4. No person who has at any time been in armed hostility to the United States, or the lawful authorities thereof, or who has been in any manner in the service of the so-called Confederate States of America, and no person who has voluntarily left this State and gone within the military lines of the so-called Confederate States or armies, with the purpose of adhering to said States or armies, and no person who has given any aid, comfort, countenance, or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States, either by contributing to the enemies of the United States, or unlawfully sending within the lines of such enemies money, or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of the said enemies, or aided any person so to enter, or who has by an open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the

arms of the United States, shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor, profit, or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into the military service of the United States, and been honorably discharged therefrom, or shall be on the day of election actually and voluntarily in such service, or unless he shall be restored to his full rights of citizenship by an act of the general assembly passed by a vote of two-thirds of all the members elected to each house; and it shall be the duty of all officers of registration and judges of election carefully to exclude from voting, or being registered, all persons so as above disqualified; and the judges of election at the first election held under this constitution shall, and at any subsequent election may, administer to any person offering to vote the following oath or affirmation: "I do swear [or affirm] that I am a citizen of the United States; that I have never given any aid, countenance, or support to those in armed hostility to the United States; that I have never expressed a desire for the triumph of said enemies over the arms of the United States; and that I will bear true faith and allegiance to the United States and support the Constitution and laws thereof as the supreme law of the land, any law or any ordinance of any State to the contrary notwithstanding; that I will in all respects demean myself as a loyal citizen of the United States, and I make this oath or affirmation without any reservation or evasion, and believe it to be binding on me;" and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the right of such person to vote; and any person swearing or affirming falsely shall be liable to penalties of perjury, and it shall be the duty of the proper officers of registration to allow no person to be registered until he shall have taken the oath or affirmation above set out, and it shall be the duty of the judges of election in all their returns of the first election held under this constitution to state in their said returns that every person who has voted has taken such oath or affirmation. But the provisions of this section in relation to acts against the United States shall not apply to any person not a citizen of the United States

who shall have committed such acts while in the service of some foreign country at war against the United States, and who has, since such acts, been naturalized, or may be naturalized, under the laws of the United States, and the oath above set forth shall be taken in the case of such persons in such sense.

Sec. 5. If any person shall give, or offer to give, directly or indirectly, or hath given, or offered to give, since the fourth day of July, eighteen hundred and fifty-one, any bribe, present, or reward, or any promise, or any security for the payment or delivery of money or any other thing to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to procure a vote, for any candidate or person proposed or voted for as elector of President and Vice-President of the United States or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the mayor and city council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, or who shall be guilty of or accessory to any fraud, force, surprise, or bribery to procure himself or any other person to be nominated to any office, national, State or municipal, shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Sec. 6. It shall be the duty of the general assembly to pass laws to punish with fine and imprisonment any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a *bona-fide* residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election-district or ward in which he does not reside, (except in the case provided for in this article,) or shall at the same election vote in more than one election-district or precinct, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 7. Every person elected or appointed to any office of trust or profit under this constitution, or under the laws made pursuant thereto, before he shall enter upon the duties of such office, shall take and subscribe the following oath or affirmation: "I, ———, do swear, [or affirm, as the case may be] that I will, to the best of my skill and judgment, diligently, and faithfully, without partiality or prejudice, execute the office of ——— according to the constitution and laws of this State, and that since the fourth day of July, in the year eighteen hundred and fifty-one, I have not in any manner violated the provisions of the present or of the late constitution in relation to the bribery of voters, or preventing legal votes or procuring illegal votes to be given, and [if a governor, senator, member of the house of delegates, or judge] that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ———. I do further swear [or affirm] that I will bear true allegiance to the State of Maryland and support the constitution and laws thereof, and that I will bear true allegiance to the United States, and support, protect, and defend the Constitution, laws, and Government thereof as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding; that I have never directly or indirectly, by word, act, or deed, given any aid, comfort, or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly and loyally on the side of the United States against those in armed rebellion against the United States; and I do further swear [or affirm] that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved or the Government thereof be destroyed under any circumstances, if in my power to prevent it, and that I will at all times discountenance and oppose all political combinations having for their object such dissolution or destruction."

Sec. 8. Every person holding any office of trust or profit under the late constitution or under any law of this State, and who shall be continued in office under this constitution or under any law of the State, shall, within thirty days after this constitution shall have gone into

effect, take and prescribe the oath or affirmation set forth in the seventh section of this article, and if any such person shall fail to take said oath, his office shall be *ipso facto* vacant. And every person hereafter elected or appointed to office in this State who shall refuse or neglect to take the oath or affirmation of office provided for in the said seventh section of this article shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal to accept or resignation of an office. And any person swearing or affirming falsely in the premises shall, on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury, and thereafter shall be incapable of holding any office of profit or trust in this State.

ARTICLE II.

EXECUTIVE DEPARTMENT.

Section 1. The executive power of the State shall be vested in a governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified, but the governor chosen at the first election under this constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected, unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of said incumbent.

Sec. 2. An election for governor under this constitution shall be held on the Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-four, and on the same day and month in every fourth year thereafter, at the place of voting for delegates to the general assembly, and every person qualified to vote for delegates shall be qualified and entitled to vote for governor; the election to be held in the same manner as the election of delegates, and the returns thereof, under seal, to be addressed to the speaker of the house of delegates, and inclosed and transmitted to the secretary of state, and delivered to the said speaker at the commencement of the session of the general assembly next ensuing said election.

Sec. 3. The speaker of the house of delegates shall then open the said returns in the presence of both houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes, one of them shall be chosen governor by the senate and house of delegates; and all questions in relation to the eligibility of governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the house of delegates; and if the person or persons having the highest number of votes be ineligible, the governor shall be chosen by the senate and house of delegates. Every election of governor by the general assembly shall be determined by a joint majority of the senate and house of delegates, and the vote shall be taken *viva voce*. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the votes should be again equal, then the election of governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of governor must have attained the age of thirty years, and must have been for five years a citizen of the United States, and for five years next preceding his election a resident of the State.

Sec. 6. A lieutenant-governor shall be chosen at every regular election for governor. He shall continue in office for the same time, shall be elected in the same manner, and shall possess the same qualifications as the governor. In voting for governor and lieutenant-governor, the electors shall state for whom they vote as governor, and for whom as lieutenant-governor.

Sec. 7. The lieutenant-governor shall, by virtue of his office, be president of the senate, and whenever the senate are equally divided, shall have the right to give the casting vote.

Sec. 8. In case of the death, resignation, removal from the State, or other disqualification of the governor, the powers, duties, and emoluments of the office shall devolve upon the lieutenant-governor; and in case of his death, resignation, removal, or other disqualification, then upon the president of the senate for the time being, until the disqualification or inability shall cease, or until a new governor shall be elected and qualified; and for any vacancy in said office not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the general assembly shall be convened by the secretary of state for the purpose of filling said vacancy.

Sec. 9. Whenever the office of governor shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senate shall elect one of its own members as president *pro tempore*.

Sec. 10. The lieutenant-governor, while he acts as president of the senate, shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of delegates, and no more.

Sec. 11. The governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the general assembly.

Sec. 12. He shall take care that the laws be faithfully executed.

Sec. 13. He shall nominate and, by and with the advice and consent of the senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.

Sec. 14. In case of a vacancy, during the recess of the senate, in any office which the governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force till the end of the next session of the general assembly, or till some other person is appointed to the same office, whichever

shall first occur, and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the senate within thirty days after the next meeting of the general assembly.

Sec. 15. No person after being rejected by the senate shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the general assembly.

Sec. 16. All civil officers appointed by the governor and senate shall be nominated to the senate within fifty days from the commencement of each regular session of the general assembly, and their term of office, except in cases otherwise provided for in this constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless sooner removed from office,) and until their successors respectively qualify according to law.

Sec. 17. The governor may suspend or arrest any military officer of the State for disobedience of orders, or other military offence; may remove him in pursuance of the sentence of a court-martial; and may remove, for incompetency or misconduct, all civil officers who received appointments from the executive for a term not exceeding two years.

Sec. 18. The governor may convene the general assembly, or the senate alone, on extraordinary occasions; and whenever, from the presence of an enemy, or from any other cause, the seat of government shall become an unsafe place for the meeting of the general assembly, he may direct their sessions to be held at some other convenient place.

Sec. 19. It shall be the duty of the governor semi-annually, and oftener, if he deem it expedient, to examine the bank-book, account-books, and official proceedings of the treasurer and comptroller of the State.

Sec. 20. He shall, from time to time, inform the general assembly of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 21. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases

in which he is prohibited by other articles of this constitution, and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due to the State, except in cases of fines and forfeitures; and before granting a *nolle prosequi*, or pardon, he shall give notice in one or more newspapers of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either branch of the general assembly, whenever required, the petitions, recommendations, and reasons which influenced his decision.

Sec. 22. The governor shall reside at the seat of government, and shall receive for his services an annual salary of four thousand dollars.

Sec. 23. A secretary of state shall be appointed by the governor, by and with the advice and consent of the senate, who shall continue in office, unless sooner removed by the governor, till the end of the official term of the governor from whom he received his appointment, and shall receive an annual salary of one thousand dollars.

Sec. 24. The secretary of state shall carefully keep and preserve a record of all official acts and proceedings which may at all times be inspected by a committee of either branch of the general assembly, and shall perform such other duties as are now or may hereafter be prescribed by law, or as may properly belong to his office.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. The legislature shall consist of two distinct branches, a senate and a house of delegates, which shall be styled "The general assembly of Maryland."

Sec. 2. Immediately after the adoption of this constitution, and before there shall have been held any general election under it, the mayor and city council of Baltimore shall proceed to lay off and divide the said city into three several districts, of equal population and contiguous territory, as near as may be; which said districts shall be called the first, second, and third legislative districts of Baltimore city.

Sec. 3. Every county in the State and each legislative district of Baltimore City, as hereinbefore provided for, shall be entitled to one senator, who shall be elected by the qualified voters of the counties and of the legislative districts of Baltimore City respectively, and shall serve for four years from the date of his election, subject to the classification of senators hereinafter provided for.

Sec. 4. The white population of the State shall constitute the basis of representation in the house of delegates, and the apportionment of the delegates among the several counties and legislative districts of the city of Baltimore shall be as follows: For every five thousand persons, or a fractional part thereof above one-half, one delegate shall be chosen, until the number of delegates in each county and legislative district of the city of Baltimore shall reach five; above that number, one delegate shall be chosen for the next twenty thousand persons, or a fractional portion over one-half thereof, in each county and legislative district of the city of Baltimore; above that number each county and legislative district of the said city shall elect one delegate for every eighty thousand persons, or fractional portion thereof above one-half. Upon this principle, and as soon as practicable after each national census, or State enumeration of inhabitants, the general assembly shall apportion the members of the house of delegates among the several counties and the several legislative districts of Baltimore city according to the white population of each. But until such apportionment is made the house of delegates shall consist of eighty members, distributed as follows: Alleghany, five members; Anne Arundel, two; each of the three legislative districts in Baltimore City, six; Baltimore County, six; Calvert, one; Caroline, two; Carroll, five; Cecil, four; Charles, one; Dorchester, two; Frederick, six; Harford, four; Howard, two; Kent, two; Montgomery, two; Prince George's, two; Queen Anne's, two; Saint Mary's one; Somerset, three; Talbot, two; Washington, five; Worcester, three.

Sec. 5. The members of the house of delegates shall be elected by the qualified voters of the counties and the legislative districts of Baltimore City, respectively, to serve for two years from the day of their election.

Sec. 6. The first election for senators and delegates shall take place on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-four; and the elections for delegates, and, as nearly as practicable, for one-half of the senators, shall be held on the same day in every second year thereafter.

Sec. 7. Immediately after the senate shall have convened, after the first election under this constitution, the senators shall be divided by lots into two classes, as nearly equal in number as may be; senators of the first class shall go out of office at the expiration of two years, and senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-six, for the term of four years, to supply their places; so that, after the first election, one-half of the senators may be chosen every year. In case the number of senators be hereinafter increased, such classification of the additional senators shall be made as to preserve, as nearly as may be, an equal number in each class.

Sec. 8. No person shall be eligible as a senator or delegate who, at the time of his election, is not a citizen of the United States, and who has not resided at least three years next preceding the day of his election in this State, and the last year thereof in the county or in the legislative district of Baltimore City which he may be chosen to represent, if such county or legislative district of such city shall have been so long established, and if not, then in the county or city from which, in whole or part, the same may have been formed; nor shall any person be eligible as a senator unless he shall have attained the age of twenty-five years, nor as a delegate unless he shall have attained the age of twenty-one years, at the time of his election.

Sec. 9. No member of Congress or person holding any civil or military office under the United States shall be eligible as a senator or delegate; and if any person shall, after his election as a senator or delegate, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.

Sec. 10. No person holding any civil office of profit or trust under this State, except justices of the peace, shall be eligible to the office of senator or delegate.

Sec. 11. No collector, receiver, or holder of public moneys, shall be eligible as senator or delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the treasury all sums on the books thereof charged to and due by him.

Sec. 12. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or legislative district of Baltimore City for which he shall have been elected, of any person who shall have been chosen as a delegate or senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the speaker of the house of delegates, or president of the senate, as the case may be, for the election of another person in his place, of which election not less than ten days' notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and in case of such resignation or refusal to act, being communicated in writing to the governor by the person so resigning or refusing to act, or if such death occur during the legislative recess, and more than ten days before its termination, it shall be the duty of the governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said speaker or president might have done during the session of the general assembly. *Provided, however,* 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.

Sec. 13. The general assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-five, and on the same day in every second year thereafter, and at no other time, unless convened by the proclamation of the governor.

Sec. 14. The general assembly shall continue its session so long as in its judgment the public interest may require, and each member thereof shall receive a compensation of five dollars per diem, for every day he shall attend the sessions, but shall receive no per diem when

absent, unless absent on account of sickness: *Provided, however,* That no member shall receive any other or larger sum than four hundred dollars. When the general assembly shall be convened by proclamation of the governor, the session shall not continue longer than thirty days, and in such case the compensation shall be at the rate of five dollars per diem.

Sec. 15. No book or other printed matter not appertaining to the business of the session shall be purchased or subscribed for for the use of the members of the general assembly, or be distributed among them at the public expense.

Sec. 16. No senator or delegate, after qualifying as such, notwithstanding he may thereafter resign, shall, during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased, during such term, or shall during said whole period of time be appointed to any civil office by the executive or general assembly.

Sec. 17. No senator or delegate shall be liable, in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 18. Each house shall be judge of the qualifications and elections of its members, subject to the laws of the State; shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior, and, with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence.

Sec. 19. A majority of the whole number of the members elected to each house shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalties, as each house may prescribe.

Sec. 20. The doors of each house and of committees of the whole shall be open, except when the business is such as ought to be kept secret.

Sec. 21. Each house shall keep a journal of its proceedings, and cause the same to be published. The yeas

and nays of members on any questions shall, at the call of any five of them in the house of delegates, or one in the senate, be entered on the journal.

Sec. 22. Each house may punish, by imprisonment during the session of the general assembly, any person not a member for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties: *Provided*, Such imprisonment shall not, at any one time, exceed ten days.

Sec. 23. The house of delegates may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of the State, and may commit any person, for any crime, to the public jail, there to remain until discharged by due course of law; they may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same; they may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their inquiries concerning affairs relating to the public interest, and may direct all office bonds, which shall be made payable to the State, to be sued for any breach thereof.

Sec. 24. Neither house shall, without the consent of the other, adjourn for more than three days at any one time, nor to any other place than that in which the house shall be sitting, without the concurrent vote of two-thirds of the members present.

Sec. 25. The house of delegates shall have the sole power of impeachment in all cases, but a majority of all the members elected must concur in an impeachment; all impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be on oath or affirmation to do justice according to the law and evidence, but no person shall be convicted without the concurrence of two-thirds of all the senators elected.

Sec. 26. Any bill may originate in either house of the general assembly, and be altered, amended, or rejected by the other; but no bill shall originate in either house during the last ten days of the session, nor become a law until it be read on three different days of the session in

each house, unless three-fourths of the members of the house where such bill is pending shall so determine.

Sec. 27. No bill shall become a law unless it be passed in each house by a majority of the whole number of members elected, and on its final passage the ayes and noes be recorded.

Sec. 28. The style of all laws of this State shall be: "*Be it enacted by the General Assembly of Maryland,*" and all laws shall be passed by original bill; and every law enacted by the general assembly shall embrace but one subject, and that shall be described in the title; and no law nor section of a law shall be revised or amended by reference to its title or section only, and it shall be the duty of the general assembly in amending any article or section of the code of laws of this State, to enact the same as the said article or section would read when amended; and whenever the general assembly shall enact any public general law, not amendatory of any section or article in the said code, it shall be the duty of the general assembly to enact the same in articles and sections, in the same manner as the said code is arranged, and to provide for the publication of all additions and alterations which may be made to the code.

Sec. 29. Every bill, when passed by the general assembly and sealed with the great seal, shall be presented to the governor, who shall sign the same in the presence of the presiding officers and chief clerks of the senate and house of delegates. Every law shall be recorded in the office of the court of appeals, and, in due time, be printed, published, and certified under the great seal to the several courts, in the same manner as has been heretofore usual in this State.

Sec. 30. No law passed by the general assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein; and in case any public law is made to take effect before the said first day of June, the general assembly shall provide for the immediate publication of the same.

Sec. 31. No money shall be drawn from the treasury of the State, except in accordance with an appropriation by law, and every such law shall distinctly specify the

sum appropriated, and the object to which it shall be applied: *Provided*, That nothing herein contained shall prevent the general assembly from placing a contingent fund at the disposal of the executive, who shall report to the general assembly, at each session, the amount expended and the purposes to which it was applied. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws after each regular session of the general assembly.

Sec. 32. The general assembly shall not pass local or special laws in any of the following-enumerated cases, viz: For the assessment and collection of taxes for State or county purposes, or extending the time for the collection of taxes, providing for the support of public schools; the preservation of school funds; the location or the regulation of school-houses; granting divorces; relating to fees or salaries; relating to the interest on money; providing for regulating the election or compensation of State or county officers; or designating the places of voting; or the boundaries of election-districts; providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees; giving effect to informal or invalid deeds or wills; refunding money paid into the State treasury, or releasing persons from their debts or obligations to the State, unless recommended by the governor or officers of the treasury department; or establishing, locating, or affecting the construction of roads, and the repairing or building of bridges. And the general assembly shall pass no special law for any case for which provision has been made by an existing general law. The general assembly, at its first session after the adoption of this constitution, shall pass general laws providing for the cases enumerated in this section, and for all other cases where a general law can be made applicable.

Sec. 33. No debt shall be hereafter contracted by the general assembly unless such debts shall be authorized by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof

within fifteen years from the time of contracting the same, and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and interest thereon shall be fully discharged. The credit of the State shall not, in any manner, be given or loaned to or in aid of any association or corporation, nor shall the general assembly have the power in any mode to involve the State in the construction of works of internal improvement, nor in any enterprise which shall involve the faith or credit of the State, nor make any appropriations therefor; and they shall not use or appropriate the proceeds of the internal improvement companies, or of the State tax now levied, or which may hereafter be levied, to pay off the public debt, to any other purpose until the interest and debt are fully paid, or the sinking-fund shall be equal to the amount of the outstanding debt; but the general assembly may, without laying a tax, borrow an amount, never to exceed fifty thousand dollars, to meet temporary deficiencies in the treasury, and may contract debts to any amount that may be necessary for the defence of the State.

Sec. 34. No extra compensation shall be granted or allowed by the general assembly to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

Sec. 35. No lottery-grant shall ever hereafter be authorized by the general assembly.

Sec. 36. The general assembly shall pass no law nor make any appropriation to compensate the masters or claimants of slaves emancipated from servitude by the adoption of this constitution.

Sec. 37. No person shall be imprisoned for debt.

Sec. 38. The general assembly shall grant no charter for banking purposes, nor renew any banking corporation now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities, upon note, bill, or otherwise, and upon the further condition, that no director or other officer of said corporation shall borrow

any money from said corporation, and if any director or other officer shall be convicted, upon indictment, of directly or indirectly violating this section, he shall be punished, by fine or imprisonment, at the discretion of the court. The books, papers, and accounts of all banks shall be open to inspection, under such regulations as may be prescribed by law.

Sec. 39. The general assembly shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

Sec. 40. Any citizen of this State who shall, after the adoption of this constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those thus offending, and any citizen who has thus offended or so aided or assisted those thus offending, since the first Wednesday of June, eighteen hundred and fifty-one, shall ever thereafter be incapable of holding any office of trust or profit under this State.

Sec. 41. The general assembly shall pass laws for the preservation of the purity of elections by the registration of voters, and by such other means as may be deemed expedient; and to make effective the provisions of the constitution disfranchising certain persons, or disqualifying them from holding office.

Sec. 42. The general assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death.

Sec. 43. Laws shall be passed by the general assembly to protect from execution a reasonable amount of property of a debtor, not exceeding in value the sum of five hundred dollars.

Sec. 44. The general assembly shall provide a simple and uniform system of charges in the offices of clerks of courts and registers of wills, in the counties of this State and city of Baltimore, and for the collection thereof: *Provided*, The amount of compensation to any of said officers shall not exceed the sum of twenty-five hundred

dollars a year over and above office expenses, and compensation to assistants: *And provided further*, That such compensation of clerks, registers, assistants, and office expenses shall always be paid out of the fees or receipts of the offices respectively.

Sec. 45. The general assembly shall have power to receive from the United States any grant or donation of land, money, or securities, for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of said grant.

Sec. 46. The general assembly shall make provision for all cases of contested elections of any of the officers not herein provided for.

Sec. 47. The general assembly shall pass laws requiring the president, directors, trustees, or agents of corporations, created or authorized by the laws of this State, teachers or superintendents of the public schools, colleges, or other institutions of learning; attorneys at law, jurors, and such other persons as the general assembly shall from time to time prescribe, to take the oath of allegiance to the United States set forth in the first article of this constitution.

Sec. 48. The general assembly shall have power to accept the cession of any territory, contiguous to this State, from the States of Virginia and West Virginia, or from the United States, with the consent of Congress and of the inhabitants of such ceded territory, and in case of such cessions the general assembly may divide such territory into counties, and shall provide for the representation of the same in the general assembly, on the basis fixed by this constitution, and may, for that purpose, increase the number of senators and delegates, and the general assembly shall enact such laws as may be required to extend the constitution and laws of this State over such territory, and may create courts, conformably to the constitution, for such territory, and may for that purpose increase the number of judges of the court of appeals.

Sec. 49. The general assembly shall provide by law for the registration of births, marriages, and deaths, and shall pass laws providing for the celebration of marriage between any persons legally competent to contract mar-

riage, and shall provide that any persons prevented by conscientious scruples from being married by any of the existing provisions of law, may be married by any judge or clerk of any court of record, or any mayor of any incorporated city in this State.

Sec. 50. The rate of interest in this State shall not exceed 6 per centum per annum, and no higher rate shall be taken or demanded; and the general assembly shall provide by law all necessary forfeitures and penalties against usury.

Sec. 51. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the general assembly, the object of the corporation cannot be attained under general laws. All laws and special acts, pursuant to this section, may be altered from time to time, or repealed: *Provided*, Nothing herein contained shall be construed to alter, change, or amend in any manner the section in relation to banks.

Sec. 52. The governor, comptroller, and treasurer of the State are hereby authorized, conjointly, or any two of them, to exchange the State's interest as stockholder and creditor in the Baltimore and Ohio Railroad Company for an equal amount of the bonds or registered debt now owing by the State; and subject to such regulations and conditions as the general assembly may from time to time prescribe, to sell the State's interest in the other works of internal improvement, whether as a stockholder or a creditor; also, the State's interest in any banking corporation, and to receive in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest: *Provided*, That the interest of the State in the Washington Branch of the Baltimore and Ohio Railroad be reserved and excepted from sale: *And provided further*, That no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Susquehanna and Tide Water Canal Companies shall go into effect until the same shall be ratified by the ensuing general assembly.

Sec. 53. The general assembly before authorizing the sale of the State's interest in the Chesapeake and Ohio Canal, and before prescribing regulations and conditions for said sale, shall pass all laws that may be necessary to authorize the counties of Alleghany, Washington, Frederick, and Montgomery, or any one of them, to create a debt by the issue of bonds or otherwise, so as to enable them, or any of them, to become the purchasers of said interest.

Sec. 54. The general assembly shall have power to regulate by law, not inconsistent with this constitution, all matters which relate to the judges of election, time, place, and manner of holding elections in this State, and of making returns thereof.

Sec. 55. The general assembly shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this constitution in any department or office of the government, and the duties imposed upon them thereby.

ARTICLE IV.—JUDICIARY DEPARTMENT.

PART I.—*General Provisions.*

Section 1. The judicial power of this State shall be vested in a court of appeals, circuit courts, orphans' courts, such courts for the city of Baltimore as may be hereinafter prescribed or provided for, and justices of the peace; all said courts shall be courts of record, and each shall have a seal, to be used in the authentication of all process issuing from them. The process and official character of justices of the peace shall be authenticated as hath heretofore been practised in this State, or may hereafter be prescribed by law.

Sec. 2. The judges of the several courts, except the judges of the orphans' courts, shall be citizens of the United States, and residents of this State, not less than five years next preceding their election, or appointment by the executive in case of a vacancy; and not less than one year next preceding their election or appointment, residents in the judicial district or circuit, as the case may be, for which they may be elected or appointed; they shall not be less than thirty years of age at the time of their election, and selected from those who have

been admitted to practise law in this State, and who are most distinguished for integrity, wisdom, and sound legal knowledge.

Sec. 3. The judges of the court of appeals shall be elected by the qualified voters of the State; and the governor, by and with the advice and consent of the senate, shall designate the chief justice; and the judges of the judicial circuits shall be elected by the qualified voters of their respective circuits; each judge of the court of appeals and of each judicial circuit shall hold his office for the term of fifteen years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be reeligible thereto until he shall have attained the age of seventy years, and not after.

Sec. 4. Any judge shall be removed from office by the governor on conviction, in a court of law, of incompetency, of wilful neglect of duty, of misbehavior in office, or any other crime; or on impeachment according to this constitution, or the laws of the State; or on the address of the general assembly, two-thirds of each house concurring in such address, and the accused having been notified of the charges against him, and had opportunity of making his defence.

Sec. 5. In case of the death, resignation, removal, or other disqualification of a judge of any court of this State, except of the orphans' courts, the governor, by and with the advice and consent of the senate, shall thereupon appoint a person duly qualified to fill said office until the next general election thereafter, whether for members of general assembly or county officers, whichever shall first occur, at which time an election shall be held as herein prescribed for a judge, who shall hold said office for the term of fifteen years, and until the election and qualification of his successor.

Sec. 6. All judges shall, by virtue of their offices, be conservators of the peace throughout the State, and no fees or perquisites, commission or reward of any kind, shall be allowed to any judge in this State, besides his annual salary or fixed per diem, for the discharge of an official duty.

Sec. 7. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by law, or where he shall have been of counsel in the case.

Sec. 8. The general assembly shall provide for the trial of causes in case of the disqualification of the judge of the superior court of Baltimore City, the court of common pleas, the circuit court of Baltimore City, and the criminal court of Baltimore, and also in case of a disqualification of any judge of other circuit courts of this State, to hear and determine the same, but in case of such disqualification, the parties thereto may by consent, appoint a person to try the same; and the parties to any cause may submit the same to the court for determination without the aid of a jury.

Sec. 9. The judge or judges of any court of this State, except the court of appeals, shall order and direct the record of proceedings in any suit of action, issue, or petition, presentment or indictment, pending in such court, to be transmitted to some other court in the same or any adjoining circuit having jurisdiction in such cases, whenever any party to such cause, or the counsel of any party shall make it satisfactorily appear to the court that such party cannot have a fair and impartial trial in the court in which such suit or action, issue or petition, presentment or indictment, is pending; and the general assembly shall make such modifications of existing law as may be necessary to regulate and give force to this provision.

Sec. 10. The judge or judges of any court may appoint such officers for their respective courts as may be found necessary, and it shall be the duty of the general assembly to prescribe by law a fixed compensation for all such officers.

Sec. 11. Every person being a citizen of the United States shall be permitted to appear to and try his own case in all the courts of this State.

Sec. 12. Any person who shall, after this constitution shall have gone into effect, detain in slavery any person emancipated by the provisions of this constitution, shall, on conviction, be fined not less than five hundred dollars

nor more than five thousand dollars, or be imprisoned not more than five years; and any of the judges of this State shall discharge, on *habeas corpus*, any person so detained in slavery.

Sec. 13. The clerks of the several courts created or continued by this constitution shall have charge and custody of the records and other papers, shall perform all the duties and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law.

Sec. 14. All election of judges and other officers provided for by this constitution, State's attorneys excepted, shall be certified and the returns made by the clerks of the respective counties to the governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected; and in all such elections, the person having the greatest number of votes shall be declared to be elected.

Sec. 15. If in any case of election for judges, clerks of the courts of law, and registers of wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the governor to order a new election; and in case of any contested election the governor shall send the returns to the house of delegates, who shall judge of the election and qualification of the candidates at such election.

Sec. 16. All public commissions and grants shall run thus, "The State of Maryland," &c., and shall be signed by the governor, with the seal of the State annexed; all writs and process shall run to the same style, and be tested, sealed and signed as usual; and all indictments shall conclude "against the peace, government, and dignity of the State."

PART II.—*Court of Appeals.*

Sec. 17. The court of appeals shall consist of a chief justice and four associate justices, and for their selection the State shall be divided into five judicial districts, as follows, viz: Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne, Kent, and Cecil Counties shall compose the first district; Harford and Baltimore Counties, and the first seven wards of Baltimore City, shall compose the second district; Baltimore City, ex-

cept the first seven wards, shall compose the third district; Alleghany, Washington, Frederick, Howard, and Carroll Counties shall compose the fourth district; Saint Mary's, Charles, Anne Arundel, Calvert, Prince George's, and Montgomery Counties shall compose the fifth district, and one of the justices of the court of appeals shall be elected from each of said districts, by the qualified voters of the whole State. The present chief justice and associate justices of the court of appeals shall continue to act as such until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified; and an election for a justice of the court of appeals, to be taken from the fourth judicial district, shall be held on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-four.

Sec. 18. The court of appeals shall hold its sessions in the city of Annapolis, on the first Monday in April and the first Monday in October of each and every year, or at such other times as the general assembly may by law direct, and it shall be competent for the justices of said court, sufficient cause appearing to them, temporarily to transfer their sittings elsewhere.

Sec. 19. The jurisdiction of the court of appeals shall be coextensive with the limits of the State, and such as now is or may hereafter be prescribed for it by law, and its sessions shall continue for not less than ten months in the year, if the business before it shall so require.

Sec. 20. Any three of the justices of the court of appeals may constitute a quorum, but no cause shall be decided without the concurrence of at least three justices in the decision; and in every case decided an opinion in writing shall be filed within three months after the argument or submission of the cause, and the judgment of the court shall be final and conclusive.

Sec. 21. The salary of the justices of the court of appeals shall be three thousand dollars each per annum, payable quarterly.

Sec. 22. Provision shall be made by law for publishing reports of all causes argued and determined in the court of appeals, which the justices shall designate as proper for publication.

Sec. 23. The court of appeals shall appoint its own clerk, who shall hold his office for six years, and may be reappointed at the end thereof; he shall be subject to removal by the court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law.

PART III.—*Circuit Courts.*

Sec. 24. The State shall be divided into thirteen judicial circuits, in manner following: The counties of Saint Mary's and Charles shall constitute the first circuit; the counties of Anne Arundel and Calvert, the second; the counties of Prince George's and Montgomery, the third; the county of Ederick, the fourth; the county of Washington, the fifth; the county of Allegany, the sixth; the counties of Carroll and Howard, the seventh; the county of Baltimore, the eighth; the counties of Harford and Cecil, the ninth; the counties of Kent and Queen Anne's, the tenth; the counties of Talbot and Caroline, the eleventh; the counties of Dorchester, Somerset, and Worcester, the twelfth; and the city of Baltimore, the thirteenth.

Sec. 25. One court shall be held in each county of the State. The said courts shall be called circuit courts for the county in which they may be held, and shall have and exercise all the power, authority, and jurisdiction, original and appellate, which the present circuit courts of this State now have and exercise, or which may hereafter be prescribed by law.

Sec. 26. For each circuit (the thirteenth excepted) there shall be one judge, who shall be styled circuit judge, who, during his term of office, shall reside in one of the counties composing the circuit for which he may be elected; the said judges shall hold a term of their courts in each of the counties composing their respective circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county; special terms may be held by said judges in their discretion, whenever the business of their several counties renders such terms necessary.

Sec. 27. The present judges of the circuit courts shall continue to act as judges of the respective circuit courts within the judicial circuits in which they respectively

reside, until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified, viz: The present judges of the first, second, third, fourth, sixth, and eighth judicial circuits, as organized at the time of the adoption of this constitution, shall continue to act as judges respectively of the first, second, fourth, fifth, ninth, and twelfth judicial circuits as organized under the constitution; and an election of judges of the third, sixth, seventh, eighth, tenth, and eleventh judicial circuits shall be held on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-four.

Sec. 28. The salary of each judge of the circuit court shall be twenty-five hundred dollars per annum, payable quarterly, and shall not be increased or diminished during his continuance in office.

Sec. 29. There shall be a clerk of the circuit court for each county, who shall be selected by a plurality of the qualified voters of said county; he shall hold his office for the term of six years from the time of his election, and until a new election is held and his successor duly qualified; he shall be re-eligible at the end of his term, and shall at any time be subject to removal for wilful neglect of duty, or other misdemeanor in office, on conviction in a court of law. In the event of any vacancy in the office of the clerk of any of the circuit courts, said vacancy shall be filled by the judge of said circuit in which said vacancy occurs, until the next general election for county offices, when a clerk of said circuit court shall be elected to serve for six years thereafter.

Sec. 30. The judges of the respective circuit courts of this State, and of the courts of Baltimore City, shall render their decisions, in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

PART IV.—*Courts of Baltimore City.*

Sec. 31. There shall be in the thirteenth judicial circuit four courts, to be styled the superior court of Baltimore City; the court of common pleas; the circuit court of Baltimore City, and the criminal court of Baltimore. Each court shall consist of one judge, who shall be elected by the legal and qualified voters of said city, and

shall hold his office for the term of fifteen years, subject to the provisions of this constitution with regard to the election and qualification of judges, and their removal from office, and shall exercise the jurisdiction hereinafter specified.

Sec. 32. Each of said judges shall receive an annual salary of three thousand dollars, payable quarterly.

Sec. 33. The superior court of Baltimore City shall have jurisdiction over all suits where the debt or damage claimed, exclusive of interest, shall exceed the sum of one thousand dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of one thousand dollars, he or they shall be deemed as adjudged to pay costs in the discretion of the court. The said court shall have jurisdiction as a court of equity within the limits of the said city, and in all other civil cases which are not hereinafter assigned to the court of common pleas, and also have jurisdiction in all cases of appeals from the commissioners for opening the streets.

Sec. 34. The court of common pleas shall have civil jurisdiction in all suits where the debt or damage claimed, exclusive of interest, shall be over one hundred dollars, and shall not exceed one thousand dollars; and shall also have jurisdiction in all cases of appeal in civil cases from the judgment of justices of the peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the trustees thereof.

Sec. 35. The circuit court of Baltimore City shall have jurisdiction concurrent with the superior court of Baltimore City, in all cases in equity, in cases arising under the act to direct descents, and its supplements, and shall exercise all the power that is now conferred by law: *Provided*. Said court shall not have jurisdiction in applications for the writ of *habeas corpus*, in cases of persons charged with criminal offences.

Sec. 36. The criminal court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the criminal court of Baltimore, except in cases of appeals from commissioners for opening streets, and

shall have jurisdiction in all cases of appeals from justices of the peace in said city, for the recovery of fines, penalties, and forfeitures.

Sec. 37. The present judges of the several courts of Baltimore City shall continue to act as such until the expiration of the terms for which they were respectively elected, and until their successors are elected and qualified.

Sec. 38 All causes pending in the several courts of Baltimore City at the adoption of this constitution shall be prosecuted to final judgment, as though the jurisdiction of the several courts in which they may be pending had not been changed.

Sec. 39. There shall be a clerk of each of the said courts of Baltimore City, who shall be elected by the legal and qualified voters of said city, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office on conviction in a court of law. In case of a vacancy in the office of a clerk in any of the said courts, the judge of the court of which he was clerk shall have the power to appoint a clerk until the general election for county officers held next thereafter, when a clerk of said court shall be elected to serve for six years thereafter.

Sec. 40. The present clerk of the superior court of Baltimore city and the court of common pleas and of the criminal court of Baltimore shall continue to act as clerks of said courts respectively during the time for which they were severally elected, and until their successors are elected and qualified, and in case of the death, resignation, or disqualification of either of said clerks before the expiration of the time for which they were elected, the judge of the court where such death, resignation, or other disqualification may occur shall have the power to appoint a clerk as provided by the thirtieth section of this article. The present clerk of the circuit court of Baltimore City shall continue to act as clerk of said court until the first election for county officers next after the adoption of this constitution, when a clerk of said court shall be elected in the same man-

ner, and hold his office for the same time, and be subject to the same provisions of this constitution, as the clerks of the courts in said city.

Sec. 41. The general assembly shall, whenever it may think the same proper and expedient, provide by law another court for the city of Baltimore, to consist of one judge, to be elected by the legal and qualified voters of said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the judge of the superior court of said city, and said court shall have such jurisdiction and powers as may be prescribed by law; and the general assembly may reapportion the civil jurisdiction among the several courts in Baltimore City from time to time as in their judgments the public interest and convenience may require.

Sec. 42. The clerk of the court of common pleas shall have authority to issue within said city all marriage and other licenses required by law, subject to such provisions as the general assembly have now or may hereafter prescribe, and the clerk of the superior court of said city shall receive and record all deeds, conveyances, and other papers which are required by law to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the law or equity side of Baltimore County court, and of the dockets thereof, so far as the same have relation to the city of Baltimore.

PART V.—*Orphans' Court.*

Sec. 43. There shall be an orphans' court in the city of Baltimore, and in each of the counties of this State. The qualified voters of the city of Baltimore and of the several counties of the State, shall, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, elect three men to be judges of the orphans' court of said city and counties respectively; one of the said judges first elected shall hold his office for two years, one for four years, and the other for six years; and at the first meeting after their election and qualification, or as soon thereafter as practicable, they shall determine by lot which one of their members shall hold his office for two, four and six years

respectively, and thereafter there shall be elected as aforesaid, at each general election for county officers, one judge to serve for the term of six years. No person shall be elected judge of the orphans' court, unless he be at the time of his election a citizen of the United States and resident for twelve months in the city or county for which he may be elected. Each of said judges shall receive such compensation, to be paid by the said counties and city respectively, as is now or may hereafter be prescribed by the general assembly.

Sec. 44. In case of the death, resignation, removal, or other disqualification of a judge of an orphans' court, the governor, by and with the advice and consent of the senate, shall appoint a person duly qualified to fill said office for the residue of the term thus made vacant.

Sec. 45. The orphans' courts shall have all the powers now vested by law in the orphans' courts of this State, subject to such changes as the general assembly may prescribe, and shall have such other jurisdiction as may from time to time be provided by law.

Sec. 46. There shall be a register of wills in each county of the State and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible and subject at all times to removal for wilful neglect of duty or misdemeanor in office in the same manner that the clerks of courts are removable. In the event of any vacancy in the office of register of wills, said vacancy shall be filled by the judges of the orphans' court in which such vacancy occurs, until the next general election for county officers, when a register shall be elected to serve for six years thereafter.

PART VI. — *Justices of the Peace.*

Sec. 47. The governor, by and with the advice and consent of the senate, shall appoint such number of justices of the peace, and the county commissioners of the several counties, and the mayor and city council of Baltimore, shall appoint such number of constables for the several election-districts of the counties and wards of the city of Baltimore, as are now or may hereafter be

prescribed by law; and justices of the peace and constables so appointed shall be subject to removal by the judge having criminal jurisdiction in the county or city for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law. The justices of the peace and constables so appointed and commissioned shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction; duties and compensation, subject to such right of appeal in all cases, from the judgment of justices of the peace, as hath been heretofore exercised; or shall be hereafter prescribed by law.

Sec. 48. In the event of a vacancy in the office of a justice of the peace, the governor shall appoint a person to serve as justice of the peace for the residue of the term, and in case of a vacancy in the office of constable, the county commissioners of the county in which the vacancy occurs, or the mayor and city council of Baltimore, as the case may be, shall appoint a person to serve as constable for the residue of the term.

PART VII.—*Sheriffs.*

Sec. 49. There shall be elected in each county, and in the city of Baltimore, in every second year, one person, resident in said county or city, above the age of twenty-five years, and at least five years preceding his election a citizen of this State, to the office of sheriff. He shall hold his office for two years, and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, refusal to serve, or neglect to qualify or give bond, by disqualification or removal from the county or city, the governor shall appoint a person to be sheriff for the remainder of the official term.

Sec. 50. Coroners, elisors, and notaries public may be appointed for each county and the city of Baltimore, in the manner, for the purposes, and with the powers now fixed or which may hereafter be prescribed by law.

ARTICLE V.

ATTORNEY-GENERAL.

Section 1. There shall be an attorney-general elected

by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-four, and on the same day in every fourth year thereafter, who shall hold his office for four years from the first Monday of January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law.

Sec. 2. All elections for attorney-general shall be certified to, and returns made thereof by the clerks of the circuit courts for the several counties, and the clerk of the superior court of Baltimore City, to the governor of the State, whose duty it shall be to decide upon the election and qualifications of the person returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as attorney-general, and to administer the oath of office to the person elected.

Sec. 3. It shall be the duty of the attorney-general to prosecute and defend, on the part of the State, all cases which at the time of his election and qualification, and which thereafter may be depending in the court of appeals, or in the Supreme Court of the United States, by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the general assembly, or either branch thereof, the governor, the comptroller, the treasurer, or any State's attorney, on any matter or subject depending before them, or either of them, and when required by the governor or the general assembly he shall aid any State's attorney in prosecuting any suit or action brought by the State in any court of this State; and he shall commence and prosecute or defend any suit or action in any of said courts, on the part of the State, which the general assembly or the governor, acting according to law, shall direct to be commenced, prosecuted, or defended; and he shall receive for his services an annual salary of twenty-five hundred dollars; but he shall not be entitled to receive any fees, perquisites, or rewards whatever in addition to the salary aforesaid for the performance of any official duty, nor have power to appoint any agent,

representative, or deputy, under any circumstances whatever.

Sec. 4. No person shall be eligible to the office of attorney-general who has not resided and practised law in this State for at least seven years next preceding his election.

Sec. 5. In case of vacancy in the office of attorney-general, occasioned by death, resignation, or his removal from the State, or his conviction, as hereinbefore specified, the said vacancy shall be filled by the governor for the residue of the term thus made vacant.

Sec. 6. It shall be the duty of the clerk of the court of appeals and the commissioner of the land-office, respectively, whenever a case shall be brought into said court or office, in which the State is a party or has an interest, immediately to notify the attorney-general thereof.

THE STATE'S ATTORNEYS.

Sec. 7. There shall be an attorney for the State in each county and the city of Baltimore, to be styled "the State's attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day every fourth year thereafter, and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law.

Sec. 8. All elections for the State's attorney shall be certified to and returns made thereof by the clerks of the said counties and city to the judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's attorney, and to administer the oaths of office to the persons elected.

Sec. 9. The State's attorney shall perform such duties and receive such fees and commissions as are now or may hereafter be prescribed by law, and if any State's attor-

ney shall receive any other fee or reward than such as is or may be allowed by law, he shall, on conviction thereof, be removed from office: *Provided*, That the State's attorney for Baitimore City shall have power to appoint one deputy, at a salary of not more than fifteen hundred dollars per annum, to be paid by the State's attorney out of the fees of his office, as has heretofore been practised.

Sec. 10. No person shall be eligible to the office of State's attorney who has not been admitted to practise law in this State, and who has not resided for at least one year in the county or city in which he may be elected.

Sec. 11. In case of vacancy in the office of State's attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.

ARTICLE VI.

TREASURY DEPARTMENT.

Section 1. The treasury department of this State shall consist of a comptroller and a treasurer.

Sec. 2. The comptroller shall be chosen by the qualified electors of the State at each regular election for members of the general assembly. He shall hold his office for two years, commencing on the second Wednesday in January next ensuing his election, and shall receive an annual salary of twenty-five hundred dollars, but shall not be allowed, nor shall he receive, any fees, commissions, or perquisites of any kind, in addition thereto, for the performance of any official duty or service. He shall keep his office at the seat of government, and shall take such oath and enter into such bond for the faithful performance of his duty as are now or may hereafter be prescribed by law. A vacancy in the office of comptroller shall be filled by the governor for the residue of the term. The first election for comptroller under this constitution shall be held on the Tuesday next after after the first Monday in the month of November, in the year eighteen hundred and sixty-four; but the comptroller then elected shall not enter upon the dis-

charge of the duties of his office until the expiration of the term of the present incumbent, unless the said office shall sooner become vacant.

Sec. 3. The comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvements and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; superintend and enforce the collection of all taxes and revenue; adjust, settle, and preserve all public accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by law, all warrants for moneys to be paid out of the treasury in pursuance of appropriations by law, prescribe the formalities of the transfer of stock or other evidences of the State debt, and countersign the same, without which such evidences shall not be valid; he shall make full reports of all his proceedings and of the state of the treasury department within ten days after the commencement of each session of the general assembly, and perform such other duties as are now or may hereafter be prescribed by law.

Sec. 4. The treasurer shall be elected on joint ballot by the two houses of the general assembly at each regular session thereof. He shall hold his office for two years, and shall receive an annual salary of twenty-five hundred dollars, but shall not be allowed, nor shall he receive, any fees, commissions, or perquisites of any kind in addition thereto for the performance of any official duty or service. He shall keep his office at the seat of government, and shall take such oath and enter into such bond for the faithful discharge of his duty as are now or may hereafter be prescribed by law. A vacancy in the office of treasurer shall be filled by the governor for the residue of the term. The general assembly, at its first session after the adoption of this constitution, shall elect a treasurer, but the treasurer then elected shall not enter upon the discharge of the duties of his office until the expiration of the term of the present incumbent, unless the said office shall sooner become vacant.

Sec. 5. The treasurer shall receive and keep the moneys of the State, and disburse the same upon warrants drawn by the comptroller, and not otherwise; he shall take re-

ceipts for all moneys paid by him, and all receipts for moneys received by him shall be indorsed upon warrants signed by the comptroller, without which warrants, so signed, no acknowledgment of money received into the treasury shall be valid: and, upon warrants issued by the comptroller, he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking-fund. Every bond, certificate, or other evidence of the debt of the State shall be signed by the treasurer and countersigned by the comptroller, and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the treasurer, and authority executed in due form for the transfer of the same shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the general assembly may make provision for the loss of certificates or other evidences of the debt.

Sec. 6. The treasurer shall render his accounts quarterly to the comptroller, and on the third day of each regular session of the general assembly he shall submit to the senate and house of delegates fair and accurate copies of all accounts by him from time to time rendered and settled with the comptroller. He shall at all times submit to the comptroller the inspection of the moneys in his hands, and perform all other duties that are now or may hereafter be prescribed by law.

ARTICLE VII.

SUNDRY OFFICES.

Section 1. The governor, the comptroller of the treasury, and the treasurer shall constitute the board of public works in this State; they shall keep a journal of their proceedings, and shall hold regular sessions in the city of Annapolis on the first Wednesday in January, April, July, and October in each year, and oftener if necessary, at which sessions they shall hear and determine such matters as affect the public works of the State, and as the general assembly may confer upon them the power to decide.

Sec. 2. They shall exercise a diligent and faithful supervision of all public works in which the State may be

interested as stockholder or creditor, and shall appoint the directors in every railroad or canal company in which the State has the legal power to appoint directors, which said directors shall represent the State in all meetings of the stockholders of every railroad or canal company in which the State is a stockholder; they shall require the directors of all public works, from time to time, and as often as there shall be any change in the rates of toll on any of said works, to furnish said board of public works a schedule of such modified rates of toll, and shall use all legal powers which they may possess to obtain the establishment of rates of toll which may prevent an injurious competition with each other to the detriment of the interests of the State; and so to adjust them as to promote the agricultural interests of the State; they shall report to the general assembly at each regular session, and recommend such legislation as they shall deem necessary and requisite to promote or protect the interests of the State in said public works; they shall perform such other duties as may be hereafter prescribed by law, and a majority of them shall be competent to act.

The governor, comptroller, and treasurer shall receive no additional salary for services rendered by them as members of the board of public works.

Sec. 3. There shall be a commissioner of the land-office, elected by the qualified voters of the State, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and seventy, and on the same day in every sixth year thereafter, who shall hold his office for the term of six years from the first Monday in January ensuing his election. The returns of said election shall be made to the governor, and in the event of a tie between two or more candidates, the governor shall direct a new election to be held, by writs to the sheriffs of the several counties, and of the city of Baltimore, who shall hold said election after at least twenty days' notice, exclusive of the day of election. He shall perform such duties as are now required of the commissioner of the land-office, or such as may hereafter be prescribed by law, and shall also be the keeper of the chancery records. He shall receive a salary of two thousand dollars per annum, to be paid out of the treas-

ury, and shall charge such fees as are now or may be hereafter fixed by law. He shall make a semi-annual report of all the fees of his office, both as commissioner of the land-office and as keeper of the chancery records, to the comptroller of the treasury, and shall pay the same semi-annually into the treasury. In case of vacancy in said office by death, resignation, or other cause, the governor shall fill such vacancy until the next general election for members of the general assembly thereafter, when a commissioner of the land-office shall be elected for the full term of six years ensuing.

Sec. 4. The State librarian shall be elected by a joint vote of the two branches of the general assembly for four years, and until his successor shall be elected and qualified. His salary shall be fifteen hundred dollars per annum, and the general assembly shall pass no law whereby he shall receive any additional compensation. He shall perform such duties as are now or may hereafter be prescribed by law. In case of a vacancy in the office of State librarian from death, resignation, or any other cause, the governor shall fill such vacancy until the next meeting of the general assembly thereafter, and until a successor be elected and qualified.

Sec. 5. The county commissioners shall be elected, on a general ticket, by the qualified voters of the several counties in this State; an election for county commissioners shall be held on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-five, and as nearly one-half as may be of said commissioners shall hold their office for two years, and the other half for four years. At the first meeting after their election and qualification, or as soon thereafter as practicable, the said commissioners shall determine by lot which of their number shall hold office for two and four years respectively; and thereafter there shall be elected as aforesaid, at each general election for county officers, county commissioners for four years to fill the places of those whose term has expired. The said commissioners shall exercise such powers and perform such duties (which shall be similar throughout the State) as are now or may hereafter be prescribed by law. Their number in each county, and their compensation, their

powers and duties, may at any time hereafter be changed and regulated by the general assembly.

Sec. 6. The general assembly shall provide by law for the appointment of road supervisors in the several counties by the county commissioners, and the number of said supervisors, as well as their powers and duties in the several counties, shall be determined by the said county commissioners.

Sec. 7. The qualified voters of each county and of the city of Baltimore shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-five, and every two years thereafter, elect a surveyor for the counties and city of Baltimore, respectively, whose term of office shall commence on the first Monday in January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by law. Any vacancy in the office of surveyor shall be filled by the commissioners of the counties or by the mayor and city council of Baltimore, respectively, for the residue of the term.

Sec. 8. The qualified voters of Worcester County shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-five, and every two years thereafter, elect a wreck-master for said county, whose duties and compensation shall be the same as are now or may be hereafter prescribed by law; the term of office of said wreck-master shall commence on the first Monday in January next preceding his election, and a vacancy in said office shall be filled by the county commissioners of said county for the residue of the term.

Sec. 9. The general assembly may provide by law for the election or appointment of such other officers as may be required, and are not herein provided for, and prescribe their tenure of office, powers, and duties.

ARTICLE VIII.

EDUCATION.

Section 1. The governor shall, within thirty days after the ratification by the people of this constitution, appoint, subject to the confirmation of the senate, at its first

session thereafter, a State superintendent of public instruction, who shall hold his office for four years and until his successor shall have been appointed and shall have qualified. He shall receive an annual salary of twenty-five hundred dollars, and such additional sum for travelling and incidental expenses as the general assembly may by law allow; shall report to the general assembly, within thirty days after the commencement of its first session under this constitution, a uniform system of free public schools, and shall perform such other duties pertaining to his office as may from time to time be prescribed by law.

Sec. 2. There shall be a State board of education, consisting of the governor, the lieutenant-governor, and the speaker of the house of delegates, and the State superintendent of public instruction, which board shall perform such duties as the general assembly may direct.

Sec. 3. There shall be in each county such number of school commissioners as the State superintendent of public instruction shall deem necessary, who shall be appointed by the State board of education; shall hold office for four years, and shall perform such duties and receive such compensation as the general assembly or State superintendent may direct; the school commissioners of Baltimore City shall remain as at present constituted, and shall be appointed, as at present, by the mayor and city council, subject to such alterations and amendments as may be made from time to time by the general assembly, or the said mayor and city council.

Sec. 4. The general assembly, at its first session after the adoption of this constitution, shall provide a uniform system of free public schools, by which a school shall be kept open and supported free of expense for tuition in each school-district, for at least six months in each year; and in case of a failure on the part of the general assembly so to provide, the system reported to it by the State superintendent of public instruction shall become the system of free public schools of the State: *Provided*, That the report of the State superintendent shall be in conformity with the provisions of this constitution, and such system shall be subject to such alterations, conformable to this article, as the general assembly may from time to time enact.

Sec. 5. The general assembly shall levy at each regular session after the adoption of this constitution an annual tax of not less than ten cents on each one hundred dollars of taxable property throughout the State, for the support of the free public schools, which tax shall be collected at the same time and by the same agents as the general State levy; and shall be paid into the treasury of the State, and shall be distributed, under such regulations as may be prescribed by law, among the counties and the city of Baltimore, in proportion to their respective population between the ages of five and twenty years: *Provided*, That the general assembly shall not levy any additional school-tax upon particular counties, unless such county express by popular vote its desire for such tax. The city of Baltimore shall provide for its additional school-tax as at present, or as may hereafter be provided by the general assembly, or by the mayor and city council of Baltimore.

Sec. 6. The general assembly shall further provide by law, at its first session after the adoption of this constitution, a fund for the support of the free public schools of the State, by the imposition of an annual tax of not less than five cents on each one hundred dollars of taxable property throughout the State, the proceeds of which tax shall be known as the public-school fund, and shall be invested by the treasurer, together with its annual interest, until such time as said fund shall, by its own increase and any additions which may be made to it from time to time, together with the present school-fund, amount to six millions of dollars, when the tax of ten cents in the hundred dollars authorized by the preceding section may be discontinued in whole or in part, as the general assembly may direct. The principal fund of six millions hereby provided shall remain forever inviolate as the free public-school fund of the State, and the annual interest of said school-fund shall be disbursed for educational purposes only, as may be prescribed by law.

ARTICLE IX.

MILITIA AND MILITARY AFFAIRS.

Section 1. The militia shall be composed of all able-bodied male citizens, residents of this State, being eighteen years of age, and under the age of forty-five

years, who shall be enrolled in the militia, and perform military duty in such manner, not incompatible with the constitution and laws of the United States, as may be prescribed by the general assembly of Maryland; but persons whose religious opinions and conscientious scruples forbid them to bear arms shall be relieved from doing so on producing to the proper authorities satisfactory proof that they are thus conscientious.

Sec. 2. The general assembly shall provide at its first session after the adoption of this constitution, and from time to time thereafter, as the exigency may require, for organizing, equipping, and disciplining the militia in such a manner, not incompatible with the laws of the United States, as shall be most effective to repel invasion and suppress insurrection, and shall pass such laws as shall promote the formation of volunteer militia associations in the city of Baltimore and in every county, and to secure them such privileges or assistance as may afford them effectual encouragement.

Sec. 3. There shall be an adjutant-general, who shall be appointed by the governor, by and with the advice and consent of the senate. He shall hold his office at the pleasure of the governor; shall perform such duties, and shall receive such compensation or emoluments as are now or may be hereafter fixed by law.

ARTICLE X.

COUNTIES AND TOWNSHIPS.

Section 1. The general assembly may provide for organizing new counties, locating and removing county-seats, and changing county-lines, but no new county shall be organized without the consent of a majority of the legal voters residing within the limits about to form said county, nor shall the lines of any county be changed without the consent of a majority of the legal voters residing within the limits of the lines proposed to be changed, nor shall any new county contain less than four hundred square miles nor less than ten thousand white inhabitants, nor shall any county be reduced below that amount of square miles, nor below that number of white inhabitants.

Sec. 2. The general assembly shall provide by general law for dividing the counties into townships or perma-

ment municipal corporations, in place of the existing election-districts, prescribing their limits and confiding to them all powers necessary for the management of their public local concerns; and whenever the organization of these township corporations shall be perfected, all officers provided for in this constitution, but whose official functions shall have been superseded by such organizations shall be dispensed with, and the affairs of such townships and of the counties as affected by the action of such townships shall be transacted in such manner as the general assembly may direct.

ARTICLE XI.

AMENDMENTS TO THE CONSTITUTION.

Section 1. The general assembly may propose any amendment or amendments to this constitution, which shall be agreed to by three-fifths of all the members elected to both houses. Such proposed amendment or amendments, with the yeas and nays thereon, shall be entered on the journal of each house; shall be printed with the laws passed at the same session, and shall be published, by order of the governor, in all the newspapers printed in the different counties of this State, and in three newspapers printed in the city of Baltimore, (one of which shall be printed in the German language,) for at least three months preceding the next election for members of the general assembly, at which election the said proposed amendment or amendments shall be submitted to the qualified electors of the State for their confirmation or rejection; and if it shall appear to the satisfaction of the governor, from the returns of said election made to him by the proper authorities, that a majority of the qualified votes cast at said election on the proposed amendment or amendments were in favor of the said proposed amendment or amendments, he shall, by proclamation, declare said amendment or amendments to be part of the constitution of this State. When two or more amendments shall be submitted by the general assembly to the qualified electors of the State at the same election, they shall be so submitted that the electors may vote for or against each amendment separately.

Sec. 2. Whenever two-thirds of the members elected to each branch of the general assembly shall think it

necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election for members of the general assembly for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the general assembly shall, at their next session, provide by law for calling the same.

The convention shall consist of as many members as both houses of the general assembly, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

Sec. 3. At the general election to be held in the year one thousand eight hundred and eighty-two, and in each twentieth year thereafter, the question, "Shall there be a convention to revise, alter or amend the constitution," shall be submitted to the electors of the State, and in any case a majority of all the electors voting at such election shall decide in favor of a convention, the general assembly at its next session shall provide by law for the election of delegates and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution agreed upon by any convention assembled in pursuance of this article shall take effect until the same shall have been submitted to the electors of the State, and adopted by a majority of those voting therefor.

ARTICLE XII.

SCHEDULE.

Section 1. Every person holding any office created by or existing under the constitution or laws of the State, the entire amount of whose pay or compensation received for the discharge of his official duties shall exceed the yearly sum of three thousand dollars, except wherein otherwise provided by this constitution, shall keep a book in which shall be entered any sum or sums of money received by him or on his account as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be returned yearly to the comptroller of the State for his inspection and that of the general assembly of

the State, and each of the said officers, when the amount received by him for the year shall exceed three thousand dollars, shall yearly pay over to the treasurer of the State the amount of such excess by him received, subject to such disposition thereof as the general assembly may direct; and such officer failing to comply with this requisition shall be deemed to have vacated his office and be subject to suit by the State for the amount that ought to be paid into the treasury.

Sec. 2. The several courts, except as herein otherwise provided, shall continue with like powers and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department provided by this constitution.

Sec. 3. If at any election directed by this constitution any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered, except in cases specially provided for by this constitution.

Sec. 4. In the trial of all criminal cases, the jury shall be the judges of law as well as fact.

Sec. 5. The trial by jury of all issues of fact in civil proceedings in the several courts of law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

Sec. 6. All officers, civil and military, now holding office, whether by election or appointment, under the State, shall continue to hold and exercise their offices, according to their present tenure, unless otherwise provided in this constitution, until they shall be superseded pursuant to its provisions, and until their successors be duly qualified, and the compensation of such officers which has been increased by this constitution shall take effect from the first day of January, eighteen hundred and sixty-five.

Sec. 7. General elections shall be held throughout the State on the Tuesday next after the first Monday in the month of November of each and every year; at the election held in the year eighteen hundred and sixty-four, all State officers required to be elected under this constitution during that year shall be elected, and in like manner in every second year thereafter an election shall be held

for those State officers whose terms are about to expire; at the election held in the year eighteen hundred and sixty-five, all county officers required to be elected under this constitution in that year shall be elected, and in like manner in every second year thereafter an election shall be held for those county officers whose terms are about to expire: *Provided, however,* The judges of the several courts of this State, except the judges of the orphans' court, shall be elected at the regular election, whether for State or county officers, as the case may be, immediately preceding the expiration of the term of the incumbent whose place is to be filled.

VOTE ON THE CONSTITUTION.

Sec. 8. For the purpose of ascertaining the sense of the people of this State in regard to the adoption or rejection of this constitution, the governor shall issue his proclamation within five days after the adjournment of this convention, directed to the sheriff of the city of Baltimore, and to the sheriffs of the several counties of this State, commanding them to give notice, in the manner prescribed by law, that an election will be held in the city of Baltimore on the twelfth day of October, in the year eighteen hundred and sixty-four, and in the several counties in this State on the twelfth and thirteenth days of October, in the same year, at the usual places of holding elections in said city and counties, for the adoption or rejection of this constitution, which election shall be held in the said city of Baltimore on the twelfth day of October, eighteen-hundred and sixty-four, between the hours of eight o'clock a. m. and five o'clock p. m., and in the said several counties of the State on the said twelfth and thirteenth days of October, eighteen hundred and sixty-four, between the hours of eight o'clock a. m. and five o'clock p. m., and the judges of election of said city, and of the several counties of the State, shall receive at said election the votes only of such electors as are qualified according to the provisions of this constitution, who may offer to vote at such election, and the said sheriffs shall also give notice on or after the twelfth day of October, eighteen hundred and sixty-four, for all elections provided for by this constitution, to be held during that year.

Sec. 9. At the said election the vote shall be by ballot, and each ballot shall describe thereon the words "For the constitution," or "Against the constitution," as the voter may select, and it shall be conducted in all respects as the general elections in this State are now conducted. The judges of election shall administer to every person offering to vote the oath or affirmation prescribed by this constitution, and should any person offering to vote refuse or decline to take said oath, he shall not be permitted to vote at such election, but the taking of such oath or affirmation shall not be deemed conclusive evidence of the right of such person to vote, and it shall be the duty of the return judges of said city, and of the several counties of the State, having counted the votes given for or against the adoption of this constitution, to certify the result thereof in the manner now prescribed by law, accompanied with a special statement that every person who has voted has taken the oath or affirmation prescribed by this constitution; and the governor, upon receiving such result, and ascertaining the aggregate vote throughout the State, including the soldiers' vote, hereinafter provided for, shall, by his proclamation, make known the same, and if a majority of the votes cast shall be for the adoption of this constitution, it shall go into effect on the first day of November, eighteen hundred and sixty-four.

Sec. 10. And the governor shall exclude from count the votes of any county or city, the return judges of which shall fail to certify in the returns, as prescribed by this schedule, that all persons who have voted have taken the oath prescribed to be taken, unless the governor shall be satisfied that such oath was actually administered, and that the failure to make the certificate has been from inadvertence or mistake.

SOLDIERS' VOTE.

Sec. 11. Any qualified voter of this State who shall be absent from the county or city of his residence by reason of being in the military service of the United States, so as not to be able to vote at home, on the adoption or rejection of this constitution, or for all State officers elected on general ticket, and for presidential electors and for members of Congress, at the election to be held on the Tuesday next after the first Monday in the month

of November, eighteen hundred and sixty-four, shall be entitled to vote at such elections as follows: A poll shall be opened in each company of every Maryland regiment in the service of the United States or of this State on the day appointed by this convention for taking the vote on the new constitution, or some other day not more than five days thereafter, at the quarters of the commanding officer thereof, and voters of this State belonging to such company who shall be within ten miles of such quarters on the day of election may vote at such poll; the polls shall be opened at eight o'clock a. m., and close at six o'clock p. m.; the commissioned officers of such company, or such of them as are present at the opening of the polls, shall act as judges, and any one officer shall be competent so to act, and if no officer be present, then the voters in such company present shall elect two of the voters present to act as judges of the election; before any votes are received, each of the judges shall take an oath or affirmation that he will perform the duties of judge according to law; will prevent fraud, and observe and make proper return thereof, and such oath the judges may administer to each other; the election shall be by ballot, and any voter may vote either "For the constitution" or "Against the constitution."

Sec. 12. Any qualified voter of this State who shall be absent from the city or county of his residence on the day for taking the vote on the adoption or rejection of this constitution by reason of his being in the military service of the United States, but shall be at some hospital or military post, or on duty within this State, and not with his company, may vote at the nearest poll to such place on satisfying the judges that he is a legal and qualified voter of this State.

Sec. 13. The judges may swear any one offering to vote as to his being a legal voter of this State. The judges shall take down on a poll-book or list the names of all the voters as their votes are taken, and the tickets shall be placed in a box as taken; after the polls are closed, the tickets shall be counted and strung on a thread, and the judges shall make out a certificate, which they shall sign, addressed to the governor, at Annapolis, in which they shall state they have taken the oath hereby prescribed, and shall certify the number of votes

taken, and the number of votes for the constitution and against the constitution; the said certificates shall be accompanied with the names of the voters, and shall be plainly expressed, but no particular words shall be required.

Sec. 14. The judges shall, as soon as possible, transmit said returns, with the tickets so strung, to the governor, who shall receive the return of the soldiers' vote, and shall cast up the same and judge of the genuineness and correctness of the returns, and may recount the threaded tickets so as to satisfy himself, and the governor shall count said vote with the aggregate vote of the State on the adoption or rejection of this constitution, and shall wait for fifteen days after the day on which the State vote is taken, so as to allow the returns of the soldiers' vote to be made before the result of the whole vote is announced. The governor shall receive the returns of the soldiers' vote on said election for State officers, presidential electors, and members of Congress, and shall count the same with the aggregate home vote on State officers, and the aggregate home vote in each district respectively for members of Congress.

Sec. 15. The governor shall make known to the officers of the State regiments the provisions of this article of the schedule, and request them to exercise the rights hereby conferred upon them, and shall take all means proper to secure the soldiers' vote; and the general assembly, at its first session after the adoption of this constitution, shall make proper appropriation to pay any expense that may arise herein.

Sec. 16. If this constitution shall be adopted by the people, the provisions contained herein for taking the soldiers' vote on the adoption of the constitution shall apply to all elections to be held in this State until the general assembly shall provide some other mode of taking the same.

Done in convention the sixth day of September, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

HENRY H. GOLDSBOROUGH, *President.*

Attest: W. R. COLE, *Secretary.*

CONSTITUTION OF MARYLAND,

ADOPTED BY THE CONVENTION

WHICH ASSEMBLED AT THE CITY OF ANNAPOLIS ON THE EIGHTH DAY OF MAY, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND ADJOURNED ON THE SEVENTEENTH DAY OF AUGUST, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND RATIFIED BY THE PEOPLE ON THE EIGHTEENTH DAY OF SEPTEMBER, EIGHTEEN HUNDRED AND SIXTY-SEVEN, WITH AMENDMENTS AND DECISIONS OF THE COURT OF APPEALS, TO AND INCLUDING 103 MD.

DECLARATION OF RIGHTS.

Preamble.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

Origin and foundation of government. Right of reform.

Article 1. That all Government of right originates from the People, is founded in compact only, and instituted solely for the good of the whole; and they have, at all times, the inalienable right to alter, reform or abolish their form of Government in such manner as they may deem expedient.

Hepburn's Case, 3 Bl. 95. Manly v. State, 7 Md. 147.

Constitution of U. S. the supremelaw.

Art 2. The Constitution of the United States, and the Laws made or which shall be made in pursuance thereof, and all Treaties made, or which shall be made; under the authority of the United States, are and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby, anything in the Constitution or Law of this State to the contrary notwithstanding.

Barney v. Patterson, 6 H. & J. 203. Ches. & Ohio Canal Co. v. B. & O. R. R. Co., 4 G. & J. 1. Howell v. State, 3 Gill, 14. Wilson v. Turpin, 5 Gill, 56. Larabee v. Talbott, 5 Gill, 426. Irvin v. Sprigg, 6 Gill, 200. Evans v. Sprigg, 2 Md. 457.

Art 3. The powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively, or to the People thereof.

Powers reserved.

Art. 4. That the People of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State.

State's rights.

Art. 5. That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from or under the Charter granted by His Majesty, Charles the First, to Cæcilius Calvert, Baron of Baltimore.

Common law: trial by jury.

English statutes.

Charter of the State.

State v. Buchanan, 5 H. & J. 317. Dashiell v. Attorney-General, 5 H. & J. 401. State v. Wayman, 2 G. & J. 254. State v. Bank of Maryland, 6 G. & J. 205. Smith v. State, 5 Gill, 45. Wright v. Wright's Lessee, 2 Md., 429. Manly v. State, 7 Md. 135. Broadbent v. State, 7 Md. 416. Stewart v. Mayor, &c., of Balto., 7 Md. 500. Eichelberger v. Hardesty, 15 Md., 548. Pue v. Hetzell, 16 Md., 539. Koontz v. Nabb, 16 Md., 549. McCoy v. Johnson, 70 Md., 490. Ford v. State, 85 Md., 465. Knee v. City Pass. Ry, 87 Md, 624. Danner v. State, 89 Md., 225. In re Maddox, 93 Md., 727. Beasley v. Ridout, 94 Md., 659.

Art. 6. That all persons invested with the Legislative or Executive powers of Government are Trustees of the Public, and as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Right of reform.

Non-resistance.

Art 7. That the right of the People to participate in the Legislature is the best security of liberty and the

Right of suffrage.

foundation of all free Government; for this purpose elections ought to be free and frequent, and every white* male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

Bevard v. Hoffman, 18 Md. 479.

Separation of
the depart-
ments of gov-
ernment.

Art. 8. That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

State v. Chase, 5 H. & J. 304. Crane v. Meginnis, 1. G. & J. 463. Mitchell v. Mitchell, 1 Gill, 66. Prout v. Berry, 2 Gill, 147. Miller v. State, 8 Gill, 145. Watkins v. Watkins, 2 Md., 341. Wright v. Wright, 2 Md., 429. Thomas v. Owens, 4 Md., 189. Gough v. Pratt, Adm'r. 9 Md., 526. Calvert v. Williams, 10 Md., 478. Mayor, &c., of Balto., v. State, 15 Md., 376. State v. N. C. R. W. Co., 18 Md. 193. Miles v. Bradford, 22 Md., 181. Mayor, &c., of Balto., v. Horn, 26 Md., 206. Green's Estate, 4 Md. Ch. Dec. 349. Waters v. Roche, 72 Md., 264. Van Witsen v. Gutman, 79 Md., 405. Mayor, etc., of Balto., v. Ulman, 79 Md., 469. McCrea v. Roberts, 89 Md., 251. Roby v. Prince George's Co., 92 Md., 161. Beasley, vs. Ridout, 94 Md., 659. Board of Supervisors Prince George's Co. vs. Mitchell, 97 Md., 330.

Suspension of
laws.

Art. 9. That no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.

Freedom of
speech.

Art. 10. That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.

Seat of gov-
ernment.

Art. 11. That Annapolis be the place of meeting of the Legislature; and the Legislature ought not to be convened, or held at any other place but from evident necessity.

Meeting of
Legislature.

Art. 12. That for redress of grievances, and for amending, strengthening, and for preserving the laws, the Legislature ought to be frequently convened.

Right of peti-
tion.

Art. 13. That every man hath a right to petition the Legislature for the redress of grievances in a peaceful and orderly manner.

Levying of
taxes.

Art. 14. That no aid, charge, tax, burthen or fees ought to be rated, or levied, under any pretence, without the consent of the Legislature.

*The word "white" omitted under the 15th Amendment to the Constitution of the United States.

Art. 15. That the levying of taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers out not to be assessed for the support of the Government; but every person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the Government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed, or laid with a political view for the good government and benefit of the community.

Poll tax.

Taxation according to actual worth.

Fines.

Eagan v. Charles Co., 3 H. & McH., 169. Tax Cases, 12 G. & J., 117. Waters v. State, 1 Gill, 302. Burgess v. Pue, 2 Gill, 11 and 254. State v. Mayhew, 2 Gill, 487. Howell v. State, 3 Gill, 14. Mayor, &c., of Baltimore, v. B. & O. R. R. Co., 6 Gill, 290. Bradford v. Jones, 1 Md., 368. Germania v. State, 7 Md., 1. State v. Norwood, 12 Md., 195. O'Neal v. Va. & Md. Bridge Co., 18 Md., 1. Howard v. First Independent Church, 18 Md., 451. State v. Stirling, 20 Md., 516. Tyson v. State, 28 Md., 577. State v. Cum. & Penn. R. R. Co., 40 Md., 22. State v. N. C. R. R. Co., 44 Md., 131. State v. Phil. Wilm. & Balto. R. R. Co., 45 Md., 361. Appeal Tax Court v. Rice, 50 Md., 303. Appeal Tax Court v. Patterson, 50 Md., 354. Co. Commr. of Prince George's Co. v. Commrs. of Laurel, 51 Md., 457. Mayor, &c., v. Canton Co., 63 Md., 237. Daly v. Morgan, 69 Md., 460. Commrs. Prince George's Co. v. Commrs. Laurel, 70 Md., 269. Allen v. Co. Commrs. Harford Co., 74 Md., 294. Wells v. Commrs. of Hyattsville, 77 Md., 125. U. S. Electric Power Light Co. v. State, 79 Md., 63. Rohr v. Gray, 80 Md., 274. Short v. The State, 80 Md., 292. Baltimore and Eastern Shore R. R. v. Spring, 80 Md., 510. Simpson v. Hopkins, 82 Md., 478. Faust vs. Building Ass'n, 84 Md., 186. B. C. & A. Ry. v. Wicomico Co., 93 Md., 113. Carstairs v. Cochran, 94 Md., 500. Corry v. Baltimore, 96 Md., 320. M. & C. C. of Baltimore v. Johnson, 96 Md., 737. Baltimore v. Safe Deposit and Trust Co., 97 Md., 662.

Art. 16. That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter.

Sanguinary laws.

Footte v. State, 59 Md., 264. Mitchell v. State, 82 Md., 527.

Art. 17. That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* Law ought to be made; nor any retrospective oath or restriction be imposed or required.

Retrospective laws.

McMechen v. Mayor, &c., of Balto., 2 H. & J. 41. C. & O. Canal Co. v. B. & O. R. R. Co., 4 G. & J. 1. State, use of Washington Co., v. B. & O. R. R. Co., 12 G. & J. 399. State v. Burke, 2 Gill, 79. Baugher v. Nelson, 9 Gill, 302. Wilson v. Hardesty, 1 Md. Ch., 66. Wilderman v. Mayor, &c., of Balto.,

8 Md., 551. *Thistle v. Frostburg Coal Co.*, 10 Md., 129. *State v. Norwood*, 12 Md., 195. *Willis v. Hodson*, 79 Md., 327. *Lynn v. The State*, 84 Md., 67.

Attainder.

Art. 18. That no Law to attain particular persons of treason or felony, ought to be made in any case, or at any time, hereafter.

Right to have justice.

Art. 19. That every man, for any injury done to him in his person or property ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to Law of the Land.

Wright v. Wright, 2 Md. 452. *United States Electric Power and Light Co. v. State*, 79 Md., 63. *Knee v. City Pass. Ry.*, 87 Md., 624.

Trial of facts.

Art. 20. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.

Criminal prosecutions; indictment.

Art. 21. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or Charge in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Counsel and witnesses.

Trial by jury.

Ford v. State, 12 Md., 514. *Davis v. State*, 39 Md., 355. *State v. Glenn*, 54 Md., 572. *John v. State*, 55 Md., 350. *Danner v. State*, 89 Md., 225. *Lancaster v. State*, 90 Md., 213. *Guy v. State*, 96 Md., 694.

Evidence against one-self.

Art. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

Day v. State, 7 Gill, 321. *Broadbent v. State*, 7 Md., 416. *Blum v. State*, 94 Md., 381-2.

Freemen not to be imprisoned.

Art. 23. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the Land.

Wright v. Wright, 2 Md. 429. *Mayor, etc., Baltimore v. Horn*, 26 Md. 206. *Davis v. Helbig*, 27 Md., 462. *Roth v. House of Refuge*, 31 Md. 329. *Grove v. Todd*, 41 Md. 633. *Singer v. State*, 72 Md., 464. *Ulman v. M. & C. C. Baltimore*, 72 Md. 587-609. *Scharf v. Tasker*, 73 Md. 378. *Danner v. State*, 89

Md. 225. Sprigg v. Garrett Park, 89 Md. 406. State v. Broadhurst, 89 Md. 565. State v. Knowder, 90 Md., 653. Lancaster v. State, 90 Md. 213. Lurman vs. Hitchens, 90 Md. 17. Board Police Balto. City v. Wagner, 93 Md., 182. Wagner v. Upshur, 95 Md., 519.

ART. 24. That slavery shall not be re-established in this State; but, having been abolished, under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States.

Art. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the Courts of Law. Bail and fines.

Mitchell v. State, 82 Md. 527, 532.

Art. 26. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted. Search warrants.

Blum v. State, 94 Md., 382.

Art. 27. That no conviction shall work corruption of blood or forfeiture of estate. Corruption of blood.

Art. 28. That a well regulated Militia is the proper and natural defence of a free Government. Militia.

Art. 29. That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature. Standing armies.

Art. 30. That in all cases, and at all times, the military ought to be under strict subordination to, and control, of the civil power. Military subject to civil power.

Art. 31. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by Law. Quartering of soldiers.

Art. 32. That no person except regular soldiers, marines, and mariners in the service of this State, or militia, when in actual service, ought, in any case, to be subject to, or punishable by, Martial Law. Martial law.

Art. 33. That the independency and uprightness of Judges are essential to the impartial administration of Justice, and a great security to the rights and liberties of the People; wherefore, the Judges shall not be re- Judiciary.

moved, except in the manner, and for the causes, provided in this Constitution. No Judge shall hold any other office, civil or military or political trust, or employment of any kind whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; or receive fees, or perquisites of any kind, for the discharge of his official duties.

Bradford v. Jones, 1 Md. 368. Cantwell v. Owens, 14 Md. 215. McCrea v. Roberts, 89 Md., 251. Supervisors v. Todd, 97 Md., 247.

Rotation in office.

Art. 34. That a long continuance in the Executive Departments of power or trust is dangerous to liberty; a rotation, therefore, in those Departments is one of the best securities of permanent freedom.

Holding offices.

Art. 35. That no person shall hold, at the same time more than one office of profit, created by the Constitution or Laws of this State; nor shall any person in public trust receive any present from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State.

Presents.

Religious liberty.

Art. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought, by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or the world to come.

Witnesses.

Judefind v. State, 78 Md. 510.

Oath of office.

Art. 37. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

Davidson v. Brice, 91 Md. 688.

Art. 38. That every gift, sale or devise of land to any Minister, Public Teacher or Preacher of the Gospel, as such, or to any Religious Sect, Order or Denomination, or to, or for the support, use or benefit of, or in trust for, any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination; and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the Seller or Donor, to or for such support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, without the prior or subsequent sanction of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land, not exceeding five acres, for a church, meeting-house, or other house of worship, or parsonage, or for a burying-ground, which shall be improved, enjoyed or used only for such purpose; or such sale, gift, lease or devise shall be void.

Devises and grants to ministers and religious bodies, and for burying grounds,

Vansant v. Roberts, Admr., 3 Md., 119. Grove vs. Trustees of the Disciples, 33 Md., 451. England, Ex'r v. Vestry of P. George's Par., 53 Md., 466. Church Extension Society v. Smith, 56 Md., 362. Halsey v. Prot. Epis. Church, 75 Md., 275. Kelso vs. Stigar, 75 Md., 376. Rogers v. Sisters of Charity, 97 Md., 550.

Art. 39. That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

Administering oaths.

Art. 40. That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

Liberty of the Press.

Negley v. Farrow, 60 Md., 148.

Art. 41. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

Monopolies.

The Broadway and Locust Point Ferry Co. v. Hankey, 31 Md., 346. Wright vs. State, 88 Md., 443. Scholle v. State, 90 Md., 734.

Art. 42. That no title of nobility or hereditary honors ought to be granted in this State.

Titles of nobility.

Duties of the
Legislature.

Art. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general amelioration of the condition of the people.

Clark vs. Md. Institute, 87 Md., 663.

Constitutions
apply in war
and peace.

Art. 44. That the provisions of the Constitution of the United States, and of this State, apply as well in time of war as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

Rights retain-
ed by the peo-
ple.

Art. 45. This enumeration of Rights shall not be construed to impair or deny others retained by the People.

Campbell's Case, 2 Bl., 209.

CONSTITUTION

ALL AMENDMENTS ARE INCLUDED IN BRACKETS AND FOLLOW
THE SECTIONS AS ORIGINALLY ADOPTED.

ARTICLE I.

ELECTIVE FRANCHISE.

SECTION 1. All elections shall be by ballot; and every white* male citizen of the United States, of the age of twenty-one years, or upwards, who has been a resident of the State for one year, and of the Legislative District of Baltimore city, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district in which he resides, at all elections hereafter to be held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress, Senators, Delegates, or other Officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district, in which he offers to vote, for six months next preceding the election; but a person, who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election distinct from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

Elections by
ballot.

Qualifications
of voters.

Residence

Removal.

Bevard v. Hoffman, 18 Md. 479. Miles v. Bradford, 22 Md. 171. Shaeffer v. Gilbert, 73 Md. 66. Southerland v. Norris, 74 Md. 326. Kemp v. Owens, 76 Md. 237. Langhammer v. Munter, 80 Md. 518. Hanna v. Young, 84 Md. 179. Howard v. Skinner, 87 Md. 558. Davidson v. Brice, 91 Md. 688.

Sec. 2. No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter, be entitled to vote at any election in this State; and no person under guardianship, as a lunatic, or as a person *non compos mentis*, shall be entitled to vote.

Disqualifica-
tions.

State v. Bixler, 62 Md. 354.

*The word "white" became inoperative under the 15th Amendment to the Constitution of the United States.

Bribery.

Sec. 3. If any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security, for the payment or the delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or person proposed, or voted for, as Elector of President and Vice-President of the United States, or Representative in Congress, or for any office of profit or trust, created by the Constitution or Laws of this State, or by the Ordinances, or Authority of the Mayor and City Council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall, on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Penalties.

Punishment
for illegal
voting.

Sec. 4. It shall be the duty of the General Assembly to pass Laws to punish, with fine and imprisonment, any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in this Article), or shall, at the same election, vote in more than one election district, or precinct, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Registration.

Sec. 5. The General Assembly shall provide by law for a uniform Registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which Registration shall be conclusive evidence to the Judges of election of the right of every person thus registered to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the City of Baltimore, unless his name appears in the list of registered voters; and until the General Assembly shall hereafter pass an Act for the Registration of the names of voters, the law in force on the first day of June, in the year eighteen hundred and sixty-seven, in reference thereto, shall be continued in force, except so far as it may be inconsis-

tent with the provisions of this Constitution; and the registry of voters, made in pursuance thereof, may be corrected, as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

Miles v. Bradford, 22 Md., 176. Smith v. Stephan, 66 Md., 381.

Sec. 6. Every person elected or appointed to any office of profit or trust, under this Constitution, or under the laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: I, ———, do swear, (or affirm, as the case may be,) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———, according to the Constitution and Laws of this State, (and, if a Governor, Senator, Member of the House of Delegates, or Judge), that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ———

Oath of office.

Thomas v. Owens, 4 Md., 189. Archer v. State, 74 Md., 410 and 443. Keyser v. Upshur, 92 Md., 728. Davidson v. Brice, 91 Md., 685.

Sec. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office provided for in the sixth section of this Article, shall be considered as having refused to accept the said office; and a new election or appointment shall be made, as in case of refusal to accept, or resignation of an office; and any person violating said oath shall, on conviction thereof, in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be thereafter incapable of holding any office of profit or trust in this State.

New election
on refusal to
take oath.

Archer v. State, 74 Md., 443. Davidson v. Brice, 91 Md., 684.

CONSTITUTION OF

ARTICLE II.

EXECUTIVE DEPARTMENT.

Governor's
term of office.

SECTION 1. The executive power of the State shall be vested in a Governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; but the Governor chosen at the first election under this Constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected; unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

Miles v. Bradford, 22 Md., 183.

Time, place
and manner
of electing
Governor.

Sec. 2. An election for Governor, under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the General Assembly; and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of Delegates, and the returns thereof under seal to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to said Speaker, at the commencement of the session of the General Assembly next ensuing said election.

Plurality to
elect.

Sec. 3. The Speaker of the House of Delegate shall then open the said returns in the presence of both Houses; and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify, in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

The vote.

House to de-
cide all ques-
tions.

Sec. 4. If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates, and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates; and if

the person or persons, having the highest number of votes, be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the General Assembly shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken *viva voce*. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the vote should again be equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of Governor must have attained the age of thirty years, and must have been for ten years a citizen of the State of Maryland, and for five years next preceding his election a resident of the State, and, at the time of his election, a qualified voter therein.

Qualifications
of Governor.

Sec. 6. In the case of death or resignation of the Governor, or of his removal from the State, or other disqualification, the General assembly, if in session, or if not, at their next session, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

Election by
Assembly.

Sec. 7. In case of any vacancy in the office of Governor, during the recess of the Legislature, the President of the Senate shall discharge the duties of said office, until a Governor is elected, as herein provided for; and in case of the death or resignation of the said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner, and for the same interval, devolve upon the Speaker of the House of Delegates. And the Legislature may provide by Law, for the impeachment of the Governor; and in case of his conviction, or his inability, may declare what person shall perform the Executive duties; and for any vacancy in said office not herein provided for, provision may be made by Law; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

Succession.

Impeachment.

Sec. 8. The Governor shall be the Commander-in-Chief of the land and naval forces of the State; and may call out the Militia to repel invasions, suppress insurrec-

Governor to be
Commander-
in-Chief of
Militia.

tions, and enforce the execution of the Laws; but shall not take the command in person, without the consent of the Legislature.

Scholle v. State, 90 Md. 733.

Duties.

Sec. 9. He shall take care that the Laws are faithfully executed.

Appointments.

Sec. 10. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for; unless a different mode of appointment be prescribed by the Law creating the office.

Davis v. State, 7 Md. 151. Cantwell v. Owens, 14 Md. 215. Scholle v. State, 90 Md. 743.

Appointments during recess.

Sec. 11. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur; and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature.

Watkins v. Watkins, 2 Md. 341. Cantwell v. Owens, 14 Md. 215. Smoot v. Somerville, 59 Md. 84. Kroh v. Smoot, 62 Md. 172. Ash v. McVey, 85 Md. 119. Sappington v. Slade, 91 Md. 645. School Commissioners v. Goldsborough, 90 Md. 204.

Rejection by Senate.

Sec. 12. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the Legislature.

Townsend v. Kurtz, 83 Md. 331.

Time of nomination.

Sec. 13. All civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature; and their term of office, except in cases otherwise provided for in this Constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless removed from office), and until their successors, respectively, qualify according to Law; but the term of office of the

Term of office.

Inspectors of Tobacco shall commence on the first Monday of March next ensuing their appointment.

Dyer v. Bayne, 54 Md. 87. Smoot v. Somerville, 59 Md. 84. Merrill v. School Commrs. Garrett Co., 70 Md. 269. Commrs. Calvert Co. v. Hellen, 72 Md. 603. Sappington v. Slade, 91 Md. 645.

Sec. 14. If a vacancy shall occur during the session of the Senate, in any office which the Governor and Senate have the power to fill, the Governor shall nominate to the Senate, before its final adjournment, a proper person to fill said vacancy, unless such vacancy occurs within ten days before said final adjournment.

Vacancy during session.

Smoot v. Somerville, 59 Md., 84. Ash v. McVey, 85 Md., 119.

Sec. 15. The Governor may suspend or arrest any military officer of the State for disobedience of orders or other military offence; and may remove him in pursuance of the sentence of a Court Martial; and may remove for incompetency or misconduct, all civil officers who received appointment from the Executive for a term of years.

Courts martial.

Cantwell v. Owens, 14 Md., 215. Harman v. Harwood, 58 Md., 1. Townsend v. Kurtz, 83 Md., 331. School Commrs. v. Goldsborough, 90 Md., 195.

Sec. 16. The Governor shall convene the Legislature, or the Senate alone, on extraordinary occasions; and whenever from the presence of an enemy, or from any other cause, the Seat of Government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

Extra sessions of Legislature.

Sec. 17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the co-ordinate, Executive and Judicial Departments, every Bill which shall have passed the House of Delegates, and the Senate shall, before it becomes a law, be presented to the Governor of the State; if he approve he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its Journal and proceed to reconsider the Bill; if, after such reconsideration, three-fifths of the members elected to that House shall pass the Bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if it pass by three-fifths of the members elected to that House it shall become a

Veto power.

Vetoed bills: how passed.

Yeas and nays.

Veto within
six days.

Veto of items.

Governor to
examine
Treasury ac-
counts.

Recommendations.

Pardons.

Notice in
newspapers.Reports to
Legislature.

law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the Governor within six days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not be a law.

[The Governor shall have power to disapprove of any item or items of any Bills making appropriations of money embracing distinct items, and the part or parts of the Bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless repassed according to the rules or limitations prescribed for the passage of other Bills over the Executive veto.]*

Hamilton v. State, 61 Md., 28. Lankford v. Commrs. Somerset, Co., 73 Md., 105. Warfield v. Vandiver, 191 M., 78.

Sec. 18. It shall be the duty of the Governor, semi-annually, (and oftener, if he deems it expedient), to examine under oath the Treasurer and Comptroller of the State on all matters pertaining to their respective offices, and inspect and review their bank and other account books.

Sec. 19. He shall, from time to time, inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 20. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases in which he is prohibited by other Articles of this Constitution; and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due the State, except in cases of fines and forfeitures; and before granting a *nolle prosequi*, or pardon, he shall give notice, in one or more newspapers, of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either Branch of the Legislature, whenever required, the petitions, recommendations and reasons which influenced his decision.

*Thus amended by Chapter 194, Acts of 1890, ratified by the people, November 3rd, 1891.

Sec. 21. The Governor shall reside at the seat of government, and receive for his services an annual salary of four thousand five hundred dollars.

Residence and salary of the Governor.

Sec. 22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and receive an annual salary of two thousand dollars, and shall reside at the seat of government; and the office of Private Secretary shall thenceforth cease.

Secretary of State.

Sec. 23. The Secretary of State shall carefully keep and preserve a record of all official acts and proceedings, which may at all times be inspected by a committee of either branch of the Legislature; and he shall perform such other duties as may be prescribed by law, or as may properly belong to his office, together with all clerical duty belonging to the Executive Department.

Duties of Secretary of State.

Lankford v. Commrs. Somerset Co., 73 Md., 105.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. The Legislature shall consist of two distinct branches—a Senate and a House of Delegates—and shall be styled the General Assembly of Maryland.

Bradshaw v. Lankford, 73 Md., 428. Warfield v. Vandiver, 101 Md., 78.

Sec. 2. Each County in the State, and each of the three Legislative Districts of Baltimore City, as they are now, or may hereafter be defined, shall be entitled to one Senator, who shall be elected by the qualified voters of the Counties, and of the Legislative Districts of Baltimore City, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereafter provided for.

Election of Senators.

Term.

[Sec. 2. The City of Baltimore shall be divided into four legislative districts, as near as may be, of equal population and of contiguous territory, and each of said legislative districts of Baltimore City, as they may from time to time be laid out, in accordance with the provisions hereof, and each county in the State shall be entitled to one Senator, who shall be elected by the

Legislative districts.

Election of
Senators.

Term.

Representa-
tion in House

Basis of repre-
sentation in
House.

qualified voters of the said legislative districts of Baltimore City, and of the counties of the State, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereafter provided for.]*

Sec. 3. Until the taking and publishing of the next National Census, or until the enumeration of the population of this State, under the authority thereof, the several counties and the City of Baltimore, shall have a representation in the House of Delegates, as follows: Allegany County, five Delegates; Anne Arundel County, three Delegates; Baltimore County, six Delegates; each of the three Legislative Districts of the City of Baltimore, six Delegates; Calvert County, two Delegates; Caroline County, two Delegates; Carroll County, four Delegates; Cecil County, four Delegates; Charles County, two Delegates; Dorchester County, three Delegates; Frederick County, six Delegates; Harford County, four Delegates; Howard County, two Delegates; Kent County, two Delegates; Montgomery County, three Delegates; Prince George's County, three Delegates; Queen Anne's County, two Delegates; St. Mary's County, two Delegates; Somerset County, three Delegates; Talbot County, two Delegates; Washington County, five Delegates, and Worcester County, three Delegates.†

SEC. 4. As soon as may be after the taking and publishing of the next National Census, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to wit: Each of the several Counties of the State having a population of eighteen thousand souls, or less, shall be entitled to two Delegates, and every County having a population of over eighteen thousand, and less than twenty-eight thousand souls, shall be entitled to three Delegates; and every County having a

*Thus amended by Act of 1900, Chapter 469, ratified by the people at November election, 1901.

†Under the State Census authorized by the Act of 1901 (Special Session), and by the amendment to Sec. 2, the allotment of representation of the several counties in the House of Delegates is as follows: Allegany County, five; Anne Arundel County, four; Baltimore County, six; Calvert County, two; Caroline County, two; Carroll County, four; Cecil County, three; Charles County, two; Dorchester County, four; Frederick County, five; Garrett County, two; Harford County, four; Howard County, two; Kent County, two; Montgomery County, four; Prince George's County, four; Queen Anne's County, three; Somerset County, three; St. Mary's County, two; Talbot County, three; Washington County, five; Wicomico County, three; Worcester County, three; and Baltimore City, twenty-four delegates. Total, 101.

population of twenty-eight thousand, and less than forty thousand souls, shall be entitled to four Delegates; and every County having a population of forty thousand, and less than fifty-five thousand souls, shall be entitled to five Delegates; and every County having a population of fifty-five thousand souls, and upwards, shall be entitled to six Delegates, and no more; and each of the three Legislative Districts of the City of Baltimore shall be entitled to the number of Delegates to which the largest County shall or may be entitled, under the foregoing apportionment. And the General Assembly shall have power to provide by law, from time to time, for altering and changing the boundaries of the three existing Legislative Districts of the City of Baltimore, so as to make them, as near as may be, of equal population; but said Districts shall always consist of contiguous territory.

Legislative districts in Baltimore City may be changed.

[Sec. 4. As soon as may be, after the taking and publishing of the National Census of 1900, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to wit: Each of the several counties of the State, having a population of eighteen thousand souls or less, shall be entitled to two delegates; and every county having a population of over eighteen thousand and less than twenty-eight thousand souls, shall be entitled to three delegates; and every county having a population of twenty-eight thousand and less than forty thousand souls, shall be entitled to four delegates; and every county having a population of forty thousand and less than fifty-five thousand souls, shall be entitled to five delegates; and every county having a population of fifty-five thousand souls and upwards, shall be entitled to six delegates and no more; and each of the Legislative Districts of the City of Baltimore shall be entitled to the number of delegates to which the largest county shall or may be entitled under the foregoing apportionment, and the General Assembly shall have the power to provide by law, from time to time, for altering and changing the boundaries of the existing legislative districts of the City of Baltimore, so as to make them as near as may be of equal population; but said district shall always consist of contiguous territory.]*

Basis of representation.

Legislative districts in Baltimore City may be changed.

*Thus amended by Act of 1900, Chapter 432, ratified by the people at November election, 1901.

CONSTITUTION OF

Governor to
arrange rep-
resentation.

Sec. 5. Immediately after the taking and publishing of the next National Census, or after any State enumeration of population, as aforesaid, it shall be the duty of the Governor, then being, to arrange the representation in said House of Delegates in accordance with the apportionment herein provided for; and to declare, by Proclamation, the number of Delegates to which each County and the City of Baltimore may be entitled under such apportionment; and after every National Census taken thereafter, or after any State enumeration of population thereafter made, it shall be the duty of the Governor, for the time being, to make similar adjustment of representation, and to declare the same by Proclamation, as aforesaid.

Proclamation.

Election of
Delegates.

Sec. 6. The members of the House of Delegates shall be elected by the qualified voters of the Counties, and the Legislative Districts of Baltimore City, respectively, to serve for two years from the day of their election.

Term.

Time of elec-
tion.

Sec. 7. The first election for Senators and Delegates shall take place on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven; and the election for Delegates, and as nearly as practicable, for one-half of the Senators shall be held on the same day in every second year thereafter.

Classification
of Senators.

Sec. 8. Immediately after the Senate shall have convened, after the first election, under this Constitution, the Senators shall be divided by lot into two classes, as nearly equal in number as may be. Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-nine, for the term of four years, to supply their places; so that, after the first election, one-half of the Senators may be chosen every second year. In case the number of Senators be hereafter increased, such classification of the additional Senators shall be made as to preserve, as nearly as may be, an equal number in each class.

Covington v. Buffett, 90 Md., 577. Weddle v. School Commrs., 94 Md., 344.

Qualifications
of Senators
and Dele-
gates.

Sec. 9. No person shall be eligible as a Senator or Delegate who, at the time of his election, is not a citizen of the State of Maryland, and who has not resided therein for at least three years next preceding the day of his election, and the last year thereof, in the County,

or in the Legislative District of Baltimore City, which he may be chosen to represent, if such County or Legislative District of said City shall have been so long established; and if not, then in the County or City, from which, in whole or in part, the same may have been formed; nor shall any person be eligible as a Senator unless he shall have attained the age of twenty-five years, nor as a Delegate unless he shall have attained the age of twenty-one years, at the time of his election.

Sec. 10. No member of Congress, or person holding any civil or military office under the United States shall be eligible as a Senator or Delegate; and if any person shall, after his election as Senator or Delegate, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat. Ineligibles.

Sec. 11. No Minister or Preacher of the Gospel, or of any religious creed or denomination, and no person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible as Senator or Delegate. Ineligibles.

Sec. 12. No Collector, Receiver or holder of public money shall be eligible as Senator or Delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury all sums on the books thereof charged to and due by him. Defaulters in eligible.

Sec. 13. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates, or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten days' notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and if during the recess of the Legislature, and more than ten days before its termination, such death shall occur, or such resignation, refusal to act or disqualification be communicated in writing to the Governor by the person so resigning, refusing or disqualified, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said Speaker or President might have done during Vacancies.

CONSTITUTION OF

the session of the General Assembly; provided, however, 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.

Covington v. Buffett, 90 Md. 576.

Time of meeting of Legislature.

Sec. 14. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-eight, and on the same day in every second year thereafter, and at no other time, unless convened by Proclamation of the Governor.

Limit of sessions.

Sec. 15. The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety days; and each member thereof shall receive a compensation of five dollars per diem for every day he shall attend the session, but not for such days as he may be absent, unless absent on account of sickness or by leave of the House of which he is a member; and he shall also receive such mileage as may be allowed by law, not exceeding twenty cents per mile; and the presiding officer of each House shall receive an additional compensation of three dollars per day. When the General Assembly shall be convened by Proclamation of the Governor, the session shall not continue longer than thirty days, and in such case the compensation shall be the same as herein prescribed.

Compensation

Mileage.

Extra sessions

Books not to be purchased.

Sec. 16. No book, or other printed matter, not appertaining to the business of the session, shall be purchased or subscribed for, for the use of the members of the General Assembly, or be distributed among them, at the public expense.

Disqualifications.

Sec. 17. No Senator or Delegate, after qualifying as such, notwithstanding he may thereafter resign, shall during the whole period of time for which he was elected be eligible to any office which shall have been created, or the salary or profits of which shall have been increased, during such term.

Freedom of debate.

Sec. 18. No Senator or Delegate shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Powers of each House.

Sec. 19. Each House shall be judge of the qualifications and elections of its members, as prescribed by the Constitution and Laws of the State; shall appoint its own officers, determine the rules of its own proceed-

ings, punish a member for disorderly or disrespectful behavior, and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence.

Covington v. Buffett, 90 Maryland, 569.

Sec. 20. A majority of the whole number of members elected to each House shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

Quorum.

Sec. 21. The doors of each House and of the Committee of the Whole shall be open, except when the business is such as ought to be kept secret.

Sessions to be open.

Sec. 22. Each House shall keep a Journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

Journals to be published.
Yeas and nays.

Sec. 23. Each House may punish by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; provided, such imprisonment shall not at any one time exceed ten days.

Disorderly persons.

Sec. 24. The House of Delegates may inquire, on the oath of witnesses, into all complaints, grievances and offences, as the Grand Inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law. They may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary, in the course of their inquiries, concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State to be sued for any breach thereof; and with the view to the more certain prevention or correction of the abuses in the expenditures of the money of the State, the General Assembly shall create, at every session thereof, a Joint Standing

Powers of House.

Grand inquest

May call for persons and papers.

Contracts.

Committee of the Senate and House of Delegates, who shall have power to send for persons and examine them on oath and call for public or official papers and records; and whose duty it shall be to examine and report upon all contracts made for printing, stationery, and purchases for the public offices and the library, and all expenditures therein, and upon all matters of alleged abuse in expenditures, to which their attention may be called by resolution of either House of the General Assembly.

Marshall v. Harwood, 7 Md. 466.

Adjournment.

Sec. 25. Neither House shall, without the consent of the other, adjourn for more than three days at any one time, nor adjourn to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

Impeachment.

Sec. 26. The House of Delegates shall have the sole power of impeachment in all cases; but a majority of all the members elected must concur in the impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to the law and the evidence; but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

Bills.

Sec. 27. Any bill may originate in either House of the General Assembly, and be altered, amended or rejected by the other; but no bill shall originate in either House during the last ten days of the session, unless two-thirds of the members elected thereto shall so determine by yeas and nays; nor shall any bill become a law until it be read on three different days of the session in each House, unless two-thirds of the members elected to the House where such bill is pending shall so determine by yeas and nays; and no bill shall be read a third time until it shall have been actually engrossed for a third reading.

**Passage of
bills.**

Sec. 28. No bill shall become a law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the yeas and nays be recorded; nor shall any resolution requiring the action of both Houses be passed except in the same manner.

Sec. 29. The style of all laws of this State shall be, "Be it enacted by the General Assembly of Maryland," and all laws shall be passed by original bill; and every law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; and no law, nor section of law, shall be revived or amended by reference to its title or section only; nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the Act; and it shall be the duty of the General Assembly, in amending any article or section of the Code of Laws of this State, to enact the same as the said article or section would read when amended. And whenever the General Assembly shall enact any Public General Law, not amendatory of any section or article in the said Code, it shall be the duty of the General Assembly to enact the same, in articles and sections, in the same manner as the Code is arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

Style of laws.

Mode of enactment.

Limitations.

Davis v. State, 7 Md. 151. Keller v. State, 11 Md. 525. Parkinson v. State, 14 Md. 184. Trustees of Allegany Co. School v. Maffit, 22 Md. 126. McPherson v. Leonard, 29 Md. 377. Cearfoss v. State, 42 Md. 403. McGrath v. State, 46 Md. 632. Co. Commrs. of Dorchester Co. v. Meekins, 50 Md. 28. Second German-American Bldg. Asso. v. Newman, 50 Md. 62. Co. Commrs. of Talbot Co. v. Co. Commrs. of Queen Anne Co., 50 Md. 245. Mayor, &c., of Balto. v. Reitz, 50 Md. 574. State v. Fox, 51 Md. 411. Co. Commrs. of Prince George Co. v. Commrs. of Laurel, 51 Md. 457. Mayor, &c., of Balto., v. Stoll, 52 Md. 435. Maryland Agricultural College v. Keating, 58 Md. 580. Steifel v. Maryland Institute for the Blind, 61 Md. 144. Slymer v. State, 62 Md. 237. State v. Norris, 70 Md. 91. Trustees Catholic, &c., v. Manning, 72 Md. 116. Ellicott Co. v. Speed, 72 Md. 22. Commrs. Calvert Co. v. Hellen, 72 Md. 605. Scharf v. Tasker, 73 Md. 378. Lankford v. Commrs. Somerset Co., 73 Md. 105. Gans v. Carter, 77 Md. 1. Bond v. State, 78 Md. 523. Drennen v. Banks, 80 Md. 310. Whitman v. State, 80 Md. 410. Mayor & C. Council Balto. v. Keeley Institute, 81 Md. 106. State v. Applegarth, 81 Md. 293. Garrison v. Hill, 81 Md. 551. State v. Schultz Gas, &c., 83 Md. 58. State v. Benzinger, 83 Md. 481. Plinney v. Sheppard Hospital, 88 Md. 636. Steenken v. State, 88 Md. 710. Stevens v. State, 89 Md. 670. Luman v. Hitchens, 90 Md. 14. Mealy v. Hagerstown, 92 Md. 741. Herbert v. Balto. Co., 97 Md. 639. Swan v. Kemp, 97 Md. 691. Price v. Liquor License Commrs., 98 Md. 346. Queen Anne's County v. Talbot County, 98 Md. 13. Kalke v. Wilkinson, 99 Md. 238. Brown v. Md. Telephone Co., 101 Md. 574.

Sec. 30. Every bill, when passed by the General Assembly, and sealed with the Great Seal, shall be presented to the Governor, who, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the Great Seal, to the several courts, in the same manner as has been heretofore usual in this State.

Bills to be signed by Governor.

Laws to be recorded in the Court of Appeals.

Parkinson v. State, 14 Md. 184. Berry v. Balto. & Drum Point R. R. Co., 41 Md. 446. Legg v. Mayor, &c., of Annapolis, 42 Md. 203. Hamilton v. State, 61 Md. 14. Allegany County v. Warfield, 100 Md. 516.

When laws
take effect.

Sec. 31. No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein.

Parkinson v. State, 14 Md. 184. Risewick v. Davis, 19 Md. 96.

Appropriations.

Sec. 32. No money shall be drawn from the Treasury of the State by any order or resolution, nor except in accordance with an appropriation by law; and every such law shall distinctly specify the sum appropriated and the object to which it shall be applied; provided that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly at each session the amount expended, and the purposes to which it was applied. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws after each regular session of the General Assembly.

Contingent
fund.

Financial
statement to
be published
with laws.

Thomas v. Owens, 4 Md. 189. McPherson v. Leonard, 29 Md. 377.

Special laws
prohibited.

Sec. 33. The General Assembly shall not pass local or special laws in any of the following enumerated cases, viz: For extending the time for the collection of taxes, granting divorces, changing the name of any person, providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees, giving effect to informal or invalid deeds or wills, refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor or officers of the Treasury Department. And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law. The General Assembly, at its first session after the adoption of this Constitution, shall pass general laws providing for the cases enumerated in this section which are not already adequately provided for, and for all other cases where a General Law can be made applicable.

Whittington v. Polk, 1 H. & J. 236. Horsey v. State, 3 H. & J. 2. Gover v. Hall, Exr., 3 H. & J. 43. Partridge v. Dorsey, 3 H. & J. 302. Crane v. Meginnis, 1 G. & J. 463. Dulany v. Tilghman, 6 G. & J. 461. Norris v. Trustees of the Abingdon Academy, 7 G. & J. 7. Barrett v. Oliver, 7 G. & J. 191. Lawrence v.

Hicks, 8 G. & J. 386. The Regents of the University of Maryland, v. Williams, 9 G. & J. 365. Dorsey v. Gilbert, 11 G. & J. 87. Cromwell v. State, 12 G. & J. 257. Prout v. Berry, 12 G. & J. 286. State v. B. & O. R. R. Co. 12 G. & J. 400. Campbell's Case, 2 Bl. 209. Wright v. Wright, 2 Md. 429. Rock Hill College v. Jones, 47 Md. 16. Pumphrey v. Mayor, &c., of Baltimore-47 Md. 145. O'Brian & Co. v. Co. Commrs. of Baltimore Co., 51, Md. 15. Co. Commrs. of Prince George Co. v. Co. Commrs. of Laurel, 51 Md. 457. Montague v. State, 54 Md. 481. Hodges v. Balto. Passenger Railway Co., 58 Md. 603. Lankford v. Commrs. Somerset Co., 73 Md. 105. Gans v. Carter, 77 Md. 1. Revell v. Mayor, etc., of Annapolis, 81 Md. 1. Hamilton v. Carroll, 82 Md. 326. Mealy v. Hagerstown, 92 Md. 745. Herbert v. Balto. Co., 97 Md. 634. Baltimore City v. Allegany County, 99 Md. 1.

Sec. 34. No debt shall be hereafter contracted by the General Assembly unless such debt shall be authorized by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same; and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and interest thereon shall be fully discharged. The credit of the State shall not in any manner be given, or loaned to, or in aid of any individual association or corporation; nor shall the General Assembly have the power in any mode to involve the State in the construction of Works of Internal Improvement, nor in granting any aid thereto, which shall involve the faith or credit of the State; nor make any appropriation therefor, except in aid of the construction of Works of Internal Improvement in the counties of St. Mary's, Charles and Calvert, which have had no direct advantage from such works as have been heretofore aided by the State; and provided that such aid, advances or appropriations shall not exceed in the aggregate the sum of five hundred thousand dollars. And they shall not use or appropriate the proceeds of the Internal Improvement Companies, or of the State tax, now levied, or which may hereafter be levied, to pay off the public debt [or] to any other purpose until the interest and debt are fully paid or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly may, without laying a tax, borrow an amount never to exceed fifty thousand dollars to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

State v Hendrickson, 15 Md. 205.

Sec. 35. No extra compensation shall be granted or allowed by the General Assembly to any Public Officer, Agent, Servant or Contractor, after the service shall have

Debts regulated.

Credit of the State not to be given.

Public debt.

Temporary deficiencies.

Extra compensation prohibited.

been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

Lotteries prohibited.

Sec. 36. No Lottery grant shall ever hereafter be authorized by the General Assembly.

Lucas v. McBlair, 12 G. & J. 1. State v. Hawkins, 96 Md. 133.

Slaves.

Sec. 37. The General Assembly shall pass no Law providing for payment by this State for Slaves emancipated from servitude in this State; but they shall adopt such measures as they may deem expedient to obtain from the United States compensation for such Slaves, and to receive and distribute the same equitably to the persons entitled.

Sec. 38. No person shall be imprisoned for debt.

State v. Mace, 5 Md. 337. Trail v. Snouffer, 6 Md. 308.

Banks.

Sec. 39. The General Assembly shall grant no charter for Banking purposes, nor renew any Banking Corporation now in existence, except upon the condition that the Stockholders shall be liable to the amount of their respective share or shares of stock in such Banking Institution, for all its debts and liabilities upon note, bill or otherwise; the books, papers and accounts of all Banks shall be open to inspection under such regulations as may be prescribed by Law.

Hammond v. Strauss, 53 Md. 1. Helfrich v. Catonsville Water Co., 74 Md. 269. O'Brien v. Baltimore Belt R. R. Co., 74 Md. 363. Charters of Banks, 102 M. 514, 619.

Compensation for property taken for public use.

Sec. 40. The General Assembly shall enact no Law authorizing private property to be taken for public use, without just compensation as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

C. & O. Canal Co. v. B. & O. Railroad Co., 4 G. & J. 1. Tidewater Canal Co. v. Archer, 9 G. & J. 479. B. & S. Railroad Co. v. Compton, 2 Gill, 20. Alexander v. Mayor, &c., of Balto., 5 Gill, 383. Binney's Case, 2 Bl. 99. Waring v. Warring, 2 Bl. 673. Hepburn's case, 3 Bl. 95. Compton v. The Susquehanna Railroad, 3 Bl. 386. Baltimore v. McKim, 3 Bl. 453. Hamilton v. Annapolis & Elkrige Railroad Co., 1 Md. Ch. 107. Harness v. Chesapeake & Ohio Canal Co., 1 Md. Ch. 248. Hamilton v. Annapolis & Elkrige Railroad Co., 1 Md. 553. Hoyer v. Swan, 5 Md. 237. Moale v. Mayor, &c., of Balto., 5 Md. 314. Steuart v. Mayor, &c., of Balto., 7 Md. 500. Graff v. Mayor, &c., Balto., 10 Md. 544. Reddall v. Bryan, 14 Md. 444. Western Md. R. R. Co. v. Owings, 15 Md. 199. Kane v. Mayor, &c., of Balto., 15 Md. 240. State v. Graves, 19 Md. 369. Douglass v. Boonsborough

Turnpike R. Co., 22 Md. 229. Western Md. R. R. Co. v. Patterson, 37 Md. 125. State v. Consolidation Coal Co., 46 Md. 1. Mayor, &c., of Cumberland v. Wilison, 50 Md. 138. P. R. R. Co., v. B. & O. R. R. Co., 60 Md. 267. American Telephone Co. v. Pearce, 71 Md. 535. Ulman v. M. & C. C. Balto., 72 Md. 587-609. Helfrick v. Catonsville Water Co., 74 Md. 269. O'Brien v. Balto. Belt R. R. Co., 74 Md. 363. Balto. Belt Railroad Co. v. Baltzell, 75 Md. 94. Mayor, &c., Balto. v. Ulman, 79 Md. 469. Van Witsen v. Gutman, 79 Md. 405. Garrett v. Lake Roland Elevated R. R. Co., 79 Md. 277. Deems v. Mayor and City Council of Balto., 80 Md. 164. Balto. and Eastern Shore R. R. v. Spring, 80 Md. 510. Turnpike Co. v. R. R. Co., 81 Md. 247. Mayor & City Council of Balto. et al., v. The Keeley Institute, 81 Md. 106. Baumgardner v. Fowler, 82 Md. 631. Poole v. Falls Road Ry., 88 Md. 536.

Sec. 41. Any Citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those offending, shall ever thereafter be incapable of holding any office of profit or trust under this State, unless relieved from the disability by an Act of the Legislature.

Duellists.

Sec. 42. The General Assembly shall pass Laws necessary for the preservation of the purity of elections.

Elections.

Sec. 43. The property of the wife shall be protected from the debts of her husband.

Wife's property protected.

Schindel v. Schindel, 12 Md. 294. Steffey v. Steffey, 19 Md. 9. Kennedy v. Lange, 50 Md. 91. Clark v. Wooton, 63 Md. 113. Beall v. Frank, 93 Md. 335.

Sec. 44. Laws shall be passed by the General Assembly to protect from execution a reasonable amount of the property of the debtor, not exceeding in value the sum of five hundred dollars.

Exemption.

Sec. 45. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts and Registers of Wills, in the Counties of this State and the City of Baltimore, and for the collection thereof; provided, the amount of compensation to any of the said officers in the various Counties shall not exceed the sum of three thousand dollars a year, and in the City of Baltimore thirty-five hundred dollars a year, over and above office expenses, and compensation to assistants; and provided further that such compensation of Clerks, Registers, assistants and office expenses shall always be paid out of the fees or receipts of the offices, respectively.

Compensation of Clerks and Registers.

Banks v. State, 60 Md. 305.

Grants from
U. S.

Sec. 46. The General Assembly shall have power to receive from the United States any grant or donation of land, money, or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant.

Contested
elections.

Sec. 47. The General Assembly shall make provisions for all cases of contested elections of any of the officers, not herein provided for.

State v. Jarrett & Harwood, 17 Md. 309. Groome v. Gwinn, 43 Md. 572.

Corporations.

Sec. 48. Corporations may be formed under general Laws; but shall not be created by special act, except for municipal purposes, and except in cases where no general Laws exist, providing for the creation of Corporations of the same general character, as the corporation proposed to be created; and any act of incorporation passed in violation of this section shall be void. And as soon as practicable, after the adoption of this Constitution, it shall be the duty of the Governor to appoint three persons learned in the Law, whose duty it shall be to prepare drafts of general Laws, providing for the creation of corporations, in such cases as may be proper, and for all other cases, where a general Law can be made; and for revising and amending, so far as may be necessary or expedient, the General Laws which may be in existence on the first day of June, eighteen hundred and sixty-seven, providing for the creation of corporations, and for other purposes; and such drafts of Laws shall by said commissioners, be submitted to the General Assembly, at its first meeting, for its action thereon; and each of said commissioners shall receive a compensation of five hundred dollars for his services, as such commissioner.

All Charters granted or adopted in pursuance of this section, and all Charters heretofore granted and created, subject to repeal or modification, may be altered, from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to Banks, or the incorporation thereof.

Corporations.

[Sec. 48. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes and except in cases where no general Laws exist, providing for the creation of corporations of the same general character as the corporation proposed to be created, and any act of incorporation passed

in violation of this section shall be void; all charters granted or adopted in pursuance of this section, and all charters heretofore granted and created subject to repeal or modification, may be altered from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to banks or the incorporation thereof; the General Assembly shall not alter or amend the charter of any corporation existing at the time of the adoption of this Article, or pass any other general or special Law for the benefit of such corporation except upon the condition that such corporation shall surrender all claim to exemption from taxation or from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy or in anywise avail itself of any rights, privileges, or advantages that may hereafter be granted or conferred by any general or special Act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter, and shall be thereafter subject to taxation as if no such exemption has been granted by its charter.]*

New Central Coal Co. v. George's Creek Coal and Iron Co., 37 Md. 537. Montell & Co. v. Consolidated Coal Co., 39 Md. 164. State v. Northern Central R. R. Co., 44 Md. 131. Reed v. Balto. Trust and Guarantee Co., 72 Md. 531. Jackson v. Walsh, 75 Md. 304. Webster v. Cambridge Female Seminary, 78 Md. 193. Phinney v. Sheppard Hospital, 88 Md. 638. State v. N. C. Ry. Co., 90 Md. 471. Scholle v. State, 90 Md. 734. Mealey v. Hagerstown, 92 Md. 745.

Sec. 49. The General Assembly shall have power to regulate by law, not inconsistent with this Constitution, all matters which relate to the Judges of Election, time, place and manner of holding elections in this State, and of making returns thereof. Elections.

Lankford v. Commrs. Somerset Co. 73 Md. 105.

Sec. 50. It shall be the duty of the General Assembly at its first session, held after the adoption of this Constitution, to provide by Law for the punishment, by fine, or imprisonment in the Penitentiary or both, in the discretion of the Court, of any person who shall bribe or attempt to bribe any Executive, or Judicial officer of the State of Maryland, or any member, or officer of the General Assembly of the State of Maryland, or of any Municipal Corporation in the State of Maryland, or any Executive officer of such corporation, in order to influence him Bribery.

*As amended by Charter 195, Acts of 1890, ratified by the people November 3, 1891.

Punishment. in the performance of any of his official duties; and also, to provide by Law for the punishment, by fine, or imprisonment in the Penitentiary, or both, in the discretion of the Court, of any of said officers, or members, who shall demand or receive any bribe, fee, reward or testimonial for the performance of his official duties, or for neglecting or failing to perform the same; and also, to provide by Law for compelling any person so bribing, or attempting to bribe, or so demanding or receiving a bribe, fee, reward or testimonial, to testify against any person or persons who may have committed any of said offences; provided, that any person so compelled to testify shall be exempted from trial and punishment for the offence of which he may have been guilty; and any person convicted of such offence shall, as part of the punishment thereof, be forever disfranchised and disqualified from holding any office of trust or profit in this State.

Evidence.

Disqualification.

Taxation of personal property. Sec. 51. The personal property of residents of this State shall be subject to taxation in the county or city where the resident *bona fide* resides for the greater part of the year, for which the tax may or shall be levied, and not elsewhere, except goods and chattels permanently located, which shall be taxed in the city or county where they are so located.

Taxation of personal property. [Sec. 51. The personal property of residents of this State shall be subject to taxation in the county or city where the resident *bona fide* resides for the greater part of the year for which the tax may or shall be levied, and not elsewhere, except goods and chattels permanently located, which shall be taxed in the city or county where they are so located, but the General Assembly may by law provide for the taxation of mortgages upon property in this State and the debts secured thereby in the county or city where such property is situated.]*

Hopkins v. Baker, 78 Md. 363. Faust v. Building Association, 84 Md. 186. B. C. & A. Ry. v. Wicomico Co., 93 Md., 113. City v. Safe Deposit and Trust Co., 97 Md., 659. Baltimore City v. Allegany County, 99 Md., 1.

Private claims. Sec. 52. The General Assembly shall appropriate no money out of the Treasury for payment of any private claim against the State exceeding three hundred dollars, unless said claim shall have been first presented to the Comptroller of the Treasury, together with the proofs upon which the same is founded, and reported upon by him.

*Thus amended by Chapter 426, Acts of 1890, ratified by the people November 3, 1891.

Sec. 53. No person shall be incompetent, as a witness, on account of race or color, unless hereafter so declared by Act of the General Assembly.

Witnesses.

Sec. 54. No County of this State shall contract any debt, or obligation, in the construction of any Railroad, Canal, or other Work of Internal Improvement, nor give, or loan its credit to or in aid of any association, or corporation, unless authorized by an Act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates in the newspapers published in such County, and shall also be approved by a majority of all the members elected to each House of the General Assembly, at its next session after said election.

Counties forbidden to contract debts without authority.

Baltimore & Drum Point Railroad Company v. Pumphrey, 74 Md. 86. Baltimore & Eastern Shore R. Co. v. Spring, 80 Md. 510.

Sec. 55. The General Assembly shall pass no law suspending the privilege of the Writ of *Habeas Corpus*.

Habeas Corpus.

Sec. 56. The General Assembly shall have power to pass all such Laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any Department or office of the Government, and the duties imposed upon them thereby.

Powers of Assembly.

Sec. 57. The Legal rate of Interest shall be *six per cent. per annum*, unless otherwise provided by the General Assembly.

Interest.

Bandel v. Isaac, 13 Md. 202. Birmingham v. Md. Land and Perm. Homestead Association of Balto. Co., 45 Md. 541. Citizens' Land Co. v. Uhler, 48 Md. 455.

Sec. 58. The Legislature, at its first session after the ratification of this Constitution, shall provide by Law for State and municipal taxation upon the revenues accruing from business done in the State by all foreign corporations.

Foreign corporations.

Sec. 59. The office of "State Pension Commissioner" is hereby abolished; and the Legislature shall pass no law creating such office, or establishing any general pension system within this State.

Pension system abolished.

ARTICLE IV.

JUDICIARY DEPARTMENT.

Part I:—General Provisions.

Courts.

SECTION 1. The Judicial power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the City of Baltimore as are hereinafter provided for, and Justices of the Peace; all said Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing therefrom. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practiced in this State, or may hereafter be prescribed by Law.

Justices of the Peace.

Ex parte O'Neill 8 Md. 227. Shafer v. Mumma, 17 Md. 331.

Qualifications of Judges.

Sec. 2. The Judges of all of the said Courts shall be citizens of the State of Maryland, and qualified voters under this Constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election or appointment in the judicial circuit, as the case may be, for which they may be respectively elected or appointed. They shall be not less than thirty years of age at the time of their election or appointment, and shall be selected from those who have been admitted to practice Law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

Holt v. Tennallytown, etc., R. Co., 81 Md. 219.

Election of Judges.

Sec. 3. The Judges of the said several Courts shall be elected in the Counties by the qualified voters in their respective Judicial Circuits as hereinafter provided, at the general election to be held on the Tuesday after the first Monday in November next, and in the City of Baltimore, on the fourth Wednesday of October next. Each of the said Judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after; but in case of any Judge who shall attain the age of seventy years whilst in office, such Judge may be continued in office by the General Assembly for such further time as they may think fit, not to exceed the term for which he

Term of office.

was elected, by a resolution to be passed at the session next preceding his attaining said age. In case of the inability of any of said Judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor, to retire said Judge from office.

Retirement.

Sec. 4. Any Judge shall be removed from office by the Governor, on conviction in a Court of Law, of incompetency, of wilful neglect of duty, misbehavior in office or any other crime, or on impeachment, according to this Constitution, or the Laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

Removal of Judges.

Sec. 5. After the election for Judges, to be held as above mentioned, upon the expiration of the term, or in case of the death, resignation, removal, or other disqualification of any Judge, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next general election for members of the General Assembly, when a successor shall be elected, whose tenure of office shall be the same, as hereinbefore provided; but if the vacancy shall occur in the city of Baltimore, the time of election shall be the fourth Wednesday in October following.

Election of Judges.

[Sec. 5. After the election for Judges, as hereinbefore provided, there shall be held in this State, in every fifteenth year thereafter, on the Tuesday after the first Monday in November of such year, an election for Judges as herein provided; and in case of death, resignation, removal or disqualification by reason of age or otherwise of any Judge, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next General Election for members of the General Assembly, when a successor shall be elected, whose term of office shall be the same as hereinbefore provided, and upon the expiration of the term of fifteen years for which any Judge may be elected to fill a vacancy, an election for his successor shall take place at the next General Election for members of the General Assembly to occur upon or after the expiration of his said term; and the Governor shall appoint a person duly qualified to hold said office from the expiration of such term of fifteen years until the election and qualification of his successor.]*

Appointment by Governor.

*Thus amended by Act of 1880, ch. 417, ratified by the people at November election, 1881.

Duties.

Sec. 6. All Judges shall, by virtue of their offices be Conservators of the Peace throughout the State; and no fees, or perquisites, commission or reward of any kind, shall be allowed to any Judge in this State, besides his annual salary, for the discharge of any Judicial duty.

Ex Parte O'Neill, 8 Md. 227. State v. Glenn, 54 Md. 572. Sevinsky v. Wagus. 76 Md. 335.

**Disqualifica-
tions.**

Sec. 7. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by Law, or where he shall have been of counsel in the case.

Crawford v. Crawford, 22 Md. 447.

Sec. 8. The parties to any cause may submit the same to the court for determination, without the aid of a jury; and the Judge, or Judges of any Court of this State, except the Court of Appeals, shall order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment, pending in such court, to be transmitted to some other court, (and of a different circuit, if the party applying shall so elect,) having jurisdiction in such cases, whenever any party to such cause, or the counsel of any party, shall make a suggestion, in writing, supported by the affidavit of such party or his counsel, or other proper evidence, that the party cannot have a fair or impartial trial in the court in which suit, or action, issue or petition, presentment or indictment is pending, or when the Judges of said court shall be disqualified under the provisions of this Constitution to sit in any such suit, action, issue or petition, presentment or indictment; and the General Assembly shall make such modifications of existing Law as may be necessary to regulate and give force to this provision.

**Trial without
jury.**

[Sec. 8. The parties to any cause may submit the same to the Court for determination without the aid of a Jury and in all suits or actions at law, issues from the Orphans' Court or from any Court sitting in Equity, and in all cases of presentments or indictments for offences which are or may be punishable by death pending in any of the Courts of Law of this State having jurisdiction thereof, upon suggestion in writing under oath of either of the parties to said proceedings, that such party cannot have a fair and impartial trial in the Court in which the same may be pending, the said Court shall order and direct the Record of Proceedings

**Removal
cases. of**

in such Suit or Action, Issue, Presentment or Indictment, to be transmitted to some other Court having jurisdiction in such case, for trial; but in all other cases of Presentment or Indictment pending in any of the Courts of Law in this State having jurisdiction thereof, in addition to the suggestion in writing of either, of the parties to such Presentment or Indictment that such party cannot have a fair and impartial trial in the Court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear to the Court that such suggestion is true, or that there is reasonable ground for the same; and thereupon the said Court shall order and direct the Record of Proceedings in such Presentment or Indictment to be transmitted to some other Court having jurisdiction in such cases for trial; and such right of removal shall exist upon suggestion in cases when all the Judges of said Court may be disqualified, under the provisions of this Constitution to sit in any case; and said court to which the Record of Proceedings in such Suit or Action, Issue, Presentment or Indictment may be so transmitted, shall hear and determine the same in like manner as if such Suit or Action, Issue, Presentment or Indictment had been originally instituted therein; and the General Assembly shall make such modification of existing law as may be necessary to regulate and give force to this provision.]*

State v. Dashiell, 6 H. & J. 268. Wright v. Hamner, 5 Md. 370. State v. Shillinger, 6 Md. 449. Manly v. State, 7 Md. 135. Brown v. Gilmor, 8 Md. 322. Jerry v. Townsend, 9 Md. 145. Hoshall v. Hoffacker, 11 Md. 364. Latrobe v. Mayor & C. C. of Balto., 19 Md. 13. Griffin v. Leslie, 20 Md. 15. Price v. Nesbitt, 29 Md. 263. Deford v. State, 30 Md. 179. Gambrill v. Parker, 31 Md. 1. Cross v. Kent, 32 Md. 581. Hall v. Schuchardt, 34 Md. 15. Kimball v. Harman, 34 Md. 401. Hoyer v. Colton, 43 Md. 421. Geekie v. Harboud, 52 Md. 460. Trahern v. Hamill, 53 Md. 90. Desche v. Gies, 56 Md. 135. Weiskittle v. State, 58 Md. 155. McMillan v. State, 68 Md. 307. Belair, etc., Club v. State, 74 Md. 297. Caledonian F. I. Co. v. Traub, 86 Md. 93. City Pass. Ry. Co. v. Nugent, 86 Md. 360. State v. Kiefer, 90 Md. 174.

Sec. 9. The Judge or Judges of any Court may appoint such officers for their respective Courts as may be found necessary; and such officers of the Courts in the City of Baltimore shall be appointed by the Judges of the Supreme Bench of Baltimore City. It shall be

Officers of
Court; how
appointed.

*Thus amended by Act of 1874, ch. 364, ratified by the people at November election, 1875.

the duty of the General Assembly to prescribe by law a fixed compensation for all such officers, and said Judge or Judges shall from time to time investigate the expenses, costs and charges of their respective Courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

Prince George's Co. v. Mitchell, 97 Md. 330.

Records.

Fees.

Visitorial power.

Rules.

Sec. 10. The Clerks of the several Courts created or continued by this Constitution shall have charge and custody of the records and other papers; shall perform all the duties, and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law. And the office and business of said Clerks, in all their departments, shall be subject to the visitorial power of the Judges of their respective Courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said offices; and it shall be the duty of the Judges of said Courts, respectively, to make from time to time such rules and regulations as may be necessary and proper for the government of said Clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly.

Peter v. Prettyman, 62 Md. 566.

Election returns.

Commissions.

Sec. 11. The election for Judges hereinbefore provided, and all elections for Clerks, Registers of Wills and other officers provided in this Constitution, except State's Attorneys, shall be certified, and the returns made by the Clerks of the Circuit Courts of the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections the person having the greatest number of votes shall be declared elected.

Brooke v. Widdicombe, 39 Md. 386. Groome v. Gwinn, 43 Md. 572.

Tie elections.

Sec. 12. If in any case of election for Judges, Clerks of the Courts of Law, and Register of Wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates

at such election, and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

Brooke v. Widdicombe, 39 Md. 386. Ijams v. Duvall, 85 Md. 252. Wills v. Moore, 86 Md. 449.

Sec. 13. All Public Commissions and Grants shall run thus: "The State of Maryland, &c.," and shall be signed by the Governor, with the Seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed as heretofore, or as may hereafter be provided by law; and all indictments shall conclude, "against the peace, government and dignity of the State."

Style of Com
missions.

Part II.—Court of Appeals.

Sec. 14. The Court of Appeals shall be composed of the Chief Judges of the first seven of the several Judicial Circuits of the State and a Judge from the City of Baltimore specially elected thereto, one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge; and in all cases until action by the Senate can be had, the Judge so designated by the Governor shall act as Chief Judge. The Judge of the Court of Appeals from the City of Baltimore shall be elected by the qualified voters of said city at the election of Judges to be held therein, as hereinbefore provided; and in addition to his duties as Judge of the Court of Appeals, shall perform such other duties as the General Assembly shall prescribe. The jurisdiction of said Court of Appeals shall be co-extensive with the limits of the State, and such as now is or may hereafter be prescribed by Law. It shall hold its sessions in the City of Annapolis, on the first Monday in April, and the first Monday in October; [on the second Monday in January, the first Monday in April and the first Monday in October]* of each and every year, or at such other times as the General Assembly may by Law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require; and it shall be competent for the Judges temporarily to transfer their sittings elsewhere upon sufficient cause.

Chief Judge.

Jurisdiction.

Sessions.

Van Nostrand v. Carr, 30 Md. 128. State v. Shields, 49 Md. 301. Sevinsky v. Wagus, 76 Md. 335.

*Terms thus arranged by Act of 1886, ch. 185.

CONSTITUTION OF

Quorum.

Judge below
not to sit.

Opinion.

Sec. 15. Four of said Judges shall constitute a quorum; no cause shall be decided without the concurrence of at least three; but the Judge who heard the cause below shall not participate in the decision; in every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the record.

Johns v. Johns, 20 Md. 58. Wells v. Monroe, 86 Md. 450.

Publication of
Reports.

Sec. 16. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

Clerk.

Sec. 17. There shall be a Clerk of the Court of Appeals, who shall be elected by the legal and qualified voters of the State, who shall hold his office for six years, and until his successor is duly qualified; he shall be subject to removal by the said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law; and in case of a vacancy in the office of said Clerk, the Court of Appeals shall appoint a Clerk of said Court, who shall hold his office until the election and qualification of his successor, who shall be elected at the next general election for members of the General Assembly; and the person so elected shall hold his office for the term of six years from the time of election.

Wells v. Monroe, 86 Md. 450.

Rules for Ap-
peals.

Sec. 18. It shall be the duty of the Judges of the Court of Appeals, as soon after their election under this Constitution as practicable, to make and publish rules and regulations for the prosecution of appeals to said appellate court whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the court below shall constitute the record on appeal and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said Court of Appeals so as to prevent delays and promote brevity in all records and proceedings brought into said court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of appeals therein; and the said Judges shall make such reductions in the fees and expenses of the said court as they may deem advisable.

Record.

Practice.

Costs.

It shall also be the duty of said Judges of the Court of Appeals, as soon after their election as practicable, to devise and promulgate by rules or orders, forms and modes of framing and filing bills, answers and other proceedings and pleadings in Equity; and also forms and modes of taking and obtaining evidence, to be used in Equity cases; and to revise and regulate, generally, the practice in the Courts of Equity of this State, so as to prevent delays, and to promote brevity and conciseness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses attending the same. And all rules and regulations hereby directed to be made shall, when made, have the force of Law until rescinded, changed or modified by the said Judges, or the General Assembly.

Rules in
Equity.

B. & O. R. R. Co. v. State, 29 Md. 252. Gabelein v. Plaenker, 36 Md. 61. Meloy v. Squires, 42 Md. 378.

Part III.—Circuit Courts.

Sec. 19. The State shall be divided into eight Judicial Circuits, in manner following, viz: The Counties of Worcester, Somerset, Dorchester and Wicomico,* shall constitute the First Circuit; the Counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the Second; the Counties of Baltimore and Harford, the Third; the Counties of Allegany, Washington and Garrett,† the Fourth; the Counties of Carroll, Howard and Anne Arundel, the Fifth; the Counties of Montgomery and Frederick, the Sixth; the Counties of Prince George's, Charles, Calvert and St. Mary's, the Seventh, and Baltimore City, the Eighth.

Judicial Cir-
cuits.

Sec. 20. A Court shall be held in each County of the State, to be styled the Circuit Court for the County in which it may be held. The said Circuit Courts shall have and exercise, in the respective Counties, all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by Law.

County
Courts.

Jurisdiction.

Truett v. Legg, 32 Md. 147.

*Wicomico formed since the adoption of this Constitution.

†Garrett formed since the adoption of this Constitution

Chief Judge
and two As-
sociates.

Residence.

Terms.

Quorum.

Sec. 21. For each of the said Circuits (excepting the Eighth) there shall be a Chief Judge and two Associate Judges, to be styled Judges of the Circuit Court, to be elected or appointed as herein provided. And no two of said Associate Judges shall at the time of their election, or appointment, or during the term for which they may have been elected or appointed, reside in the same County. If two or more persons shall be candidates for Associate Judge in the same County, that one only in said County shall be declared elected who has the highest number of votes in the Circuit. In case any two candidates for Associate Judge, residing in the same County, shall have an equal number of votes, greater than any other candidate for Associate Judge in the Circuit, it shall be the duty of the Governor to order a new election for one Associate Judge; but the person residing in any other County of the Circuit, and who has the next highest number of votes, shall be declared elected. The said Judges shall hold not less than two terms of the Circuit Court in each of the Counties, composing their respective Circuits, at such times as are now, or may hereafter be prescribed, to which Jurors shall be summoned; and in those Counties where only two such terms are held, two other and intermediate terms, to which Jurors shall not be summoned; they may alter or fix the times for holding any or all terms, until otherwise prescribed, and shall adopt rules to the end that all business not requiring the interposition of a Jury shall be, as far as practicable, disposed of at said intermediate terms. One Judge in each of the above Circuits shall constitute a quorum for the transaction of any business; and the said Judges, or any of them, may hold Special Terms of their Courts, whenever in their discretion, the business of the several Counties renders such Terms necessary.

Gambrill v. Parker. 31 Md. 1. Jackson v. State, 87 Md. 196. Roby v. Prince George Co., 92 Md. 163. Beasley v. Ridout, 94 Md. 659.

Court in *banc*.

Sec. 22. Where any Term is held, or trial conducted by less than the whole number of said Circuit Judges, upon the decision or determination of any point or question by the Court, it shall be competent to the party against whom the ruling or decision is made, upon motion, to have the point or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose; and the motion for such reservation shall be entered of

record during the sitting at which such decision may be made; and the several Circuit Courts shall regulate, by rules, the mode and manner of presenting such points or questions to the Court in *banc*, and the decision of the said Court in *banc* shall be the effective decision in the premises, and conclusive, as against the party at whose motion said points or questions were reserved; but such decision in *banc* shall not preclude the right of appeal or writ of error to the adverse party in those cases, civil or criminal, in which appeal or writ of error to the Court of Appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of Appeals from judgments of Justices of the Peace, nor to Criminal cases below the grade of felony, except when the punishment is confinement in the penitentiary; and this section shall be subject to such provisions as may hereafter be made by law.

Shueey v. Stoner, 47 Md. 107. Costidan v. Bond, 65 Md. 122.

Sec. 23. The Judges of the respective Circuit Courts of this State, and of the Courts of Baltimore City, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

Opinions.

Sec. 24. The salary of each Chief Judge, and of the Judge of the Court of Appeals from the City of Baltimore, shall be three thousand five hundred dollars, and of each Associate Judge of the Circuit Court, shall be two thousand eight hundred dollars per annum payable quarterly, and shall not be diminished during his continuance in office.*

Salaries.

Sec. 25. There shall be a Clerk of the Circuit Court for each County, who shall be elected by a plurality of the qualified voters of said County, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law. In case of a vacancy in the office of Clerk of a Circuit Court, the Judges of said Court shall have power to fill such vacancy until the general election for

Clerks.

*By the Act of 1892, ch. 388, the salary of the Chief Judges was increased to four thousand five hundred dollars, and of the Associate Judges to three thousand six hundred dollars per annum.

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Delegates to the General Assembly, to be held next thereafter, when a successor shall be elected for the term of six years.

Dowling v. Smith, 9 Md. 242. Stansbury v. Middleton, 11 Md. 296. Wells v. Monroe, 86 Md. 449.

Deputy Clerks.

Sec. 26. The said Clerks shall appoint, subject to the confirmation of the Judges of their respective Courts, as many deputies under them as the said Judges shall deem necessary to perform, together with themselves, the duties of the said office, who shall be removable by the said Judges for incompetency, or neglect of duty, and whose compensation shall be according to existing or future provisions of the General Assembly.

*Part IV.—Courts of Baltimore City.***Courts.**

Sec. 27. There shall be in the Eighth Judicial Circuit six Courts, to be styled the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City* and the Criminal Court† of Baltimore.

Jurisdiction.

Sec. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court‡ shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and except in applications for the benefit of the Insolvent Laws of Maryland, and in cases of Appeal from judgments of Justices of the Peace in said city, whether civil or criminal, or arising under the ordinances of the Mayor and City Council of Baltimore, of all of which appeal cases the Baltimore City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have exclusive jurisdiction in all applications for the benefit of the Insolvent Laws of Maryland, and the supervision and control of the Trustees thereof.

State v. Mace, 5 Md. 337. Manly v. State, 7 Md. 135. Abbott v. Gatch, 13 Md. 314. Miller v. Barroll, 14 Md. 173. Van Nostrand v. Carr, 30 Md. 128. Page v. Mayor and C. C. of Balto., 34 Md. 558. Rohr v. Anderson, 51 Md. 205. Reese v. Hawkes, 63 Md. 130.

*Circuit Court No. 2 established by Act of 1858, ch. 194.

†Criminal Court No. 2 established by rule of the Supreme Bench, December 21, 1897. See 87 Md. 191.

‡The jurisdiction of the Baltimore City Court, the Superior Court and the Court of Common Pleas was enlarged by the Act of 1870, ch. 177.

Sec. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in Equity within the limits of said city, and all such jurisdiction as the present Circuit Court of Baltimore City has; provided, the said Court shall not have jurisdiction in applications for the writ of *habeas corpus* in cases of persons charged with criminal offenses.

Jurisdiction of
Circuit Court.

Sec. 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such Appeal Cases as are herein assigned to the Baltimore City Court.

Jurisdiction of
Criminal
Court.

Sec. 31. There shall be elected by the legal and qualified voters of said city, at the election, hereinbefore provided for, one Chief Judge and four Associate Judges, who, together, shall constitute the Supreme Bench of Baltimore City, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualifications of Judges and their removal from office, and shall exercise the jurisdiction, hereinafter specified, and shall each receive an annual salary of three thousand five hundred dollars,* payable quarterly, which shall not be diminished during their term of office; but authority is hereby given to the Mayor and City Council of Baltimore to pay to each of the said Judges an annual addition of five hundred dollars to their respective salaries; provided, that the same being once granted shall not be diminished nor increased during the continuance of said Judges in office.

Supreme
Bench
of Baltimore
City.

Term.

Salary.

Sec. 32. It shall be the duty of the said Supreme Bench of Baltimore City, as soon as the Judges thereof shall be elected and duly qualified, and from time to time, to provide for the holding of each of the aforesaid Courts, by the assignment of one or more of their number to each of the said Courts, who may sit either separately or together in the trial of cases; and the said Supreme Bench of Baltimore City may, from time to time, change the said assignment, as circumstances may require, and the public interest may demand; and the Judge or Judges, so assigned to the said several Courts, shall, when holding the same, have all the powers and exercise all the jurisdiction which may belong to the Court so

Assignment of
Judges.

*Increased by Act of 1892, ch. 388, to four thousand five hundred dollars.

being held; and it shall also be the duty of the said Supreme Bench of Baltimore City, in case of the sickness, absence or disability of any Judge or Judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said Judge or Judges, as aforesaid, before some one or more of the Judges of said Court.

Jackson v. State, 87 Md. 192.

Supreme
Bench.

Rules.

Jurisdiction
on motions.

Sec. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty, to provide for the holding of as many general Terms as the performance of its duties may require, such general Terms to be held by not less than three Judges; to make all needful rules and regulations for the conduct of business in each of the said Courts, during the session thereof, and in vacation, or in Chambers, before any of said Judges; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said Courts, where such motions arise either, on questions of fact, or for misdirection upon any matters of Law, and all motions in arrest of judgment, or upon any matters of Law determined by the said Judge, or Judges, while holding said several Courts; and the said Supreme Bench of Baltimore City shall make all needful rules and regulations for the hearing before it of all said matters; and the same right of appeal to the Court of Appeals shall be allowed from the determination of the said Court on such matters, as would have been the right of the parties if said matters had been decided by the Court in which said cases were tried.

[The Judge, before whom any case may hereafter be tried, in either the Baltimore City Court, the Superior Court of Baltimore City, or the Court of Common Pleas, shall have exclusive jurisdiction to hear and determine, and the said Judge shall hear and determine all motions for a new trial where such motions arise, either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law, determined by the said Judge, and all such motions shall be heard and determined within thirty days after they are made.]*

Dykes v. Banks, 31 Md. 239. Roth v. House of Refuge, 31 Md. 329. Merrick v. B. & O. R. R. Co., 33 Md. 481. Gibbons v. Cherry, 53 Md. 144.

*Thus amended by the Act of 1870, ch. 177, as provided by Section 39, of Article 4, of the Constitution.

Sec. 34. No appeal shall lie to the Supreme Bench of Baltimore City from the decision of the Judge or the Judges holding the Baltimore City Court in case of appeal from a Justice of the Peace; but the decision by said Judge or Judges shall be final; and all writs and other process issued out of either of said Courts, requiring attestation, shall be attested in the name of the Chief Judge of the said Supreme Bench of Baltimore City.

Appeals from
Justices.

Sec. 35. Three of the Judges of said Supreme Bench of Baltimore City shall constitute a quorum of said Court.

Quorum.

Sec. 36. All causes depending, at the adoption of this Constitution, in the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Circuit Court of Baltimore City, shall be proceeded in, and prosecuted to final judgment or decree, in the Courts, respectively, of the same name established by this Constitution, except cases belonging to that class, jurisdiction over which is by this Constitution transferred to the Baltimore City Court, all of which shall, together with all cases now pending in the City Court of Baltimore, be proceeded in and prosecuted to final judgment in said Baltimore City Court.

Cases pending.

Orrick v. Boehm, 49 Md. 72.

Clerks.

Sec. 37. There shall be a Clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election to be held in said city on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law. The salary of each of the said Clerks shall be thirty-five hundred dollars a year, payable only out of the fees and receipts collected by the Clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of Clerk of any of said Courts, the Judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy until the general election of Delegates to the General Assembly to be held next

Term.

Salary.

Vacancies.

thereafter, when a Clerk of said Court shall be elected to serve for six years thereafter; and the provisions of this Article in relation to the appointment of Deputies by the Clerks of the Circuit Courts in the counties shall apply to the Clerks of the Courts in Baltimore City.

Wells v. Monroe, 86 Md. 450. *Vansant v. State*, 96 Md. 127.

Licenses.

Sec. 38. The Clerk of the Court of Common Pleas shall have authority to issue within said city all marriage and other licenses required by law, subject to such provisions as are now or may be prescribed by Law. The Clerk of the Superior Court of said city shall receive and record all deeds, conveyances and other papers, which are or may be required by Law to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the Law or Equity side of Baltimore County Court and the dockets thereof, so far as the same have relation to the City of Baltimore, and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City unless otherwise provided by Law.

Additional Court.

Sec. 39. The General Assembly shall, whenever it may think the same proper and expedient, provide, by Law, another Court for the City of Baltimore, and prescribe its jurisdiction and powers; in which case there shall be elected by the voters of said City, qualified under this Constitution, another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers, as are herein provided for the Judges of said Supreme Bench of Baltimore City; and all of the provisions of this Constitution relating to the assignment of Judges to the Courts, now existing in said City, and for the dispatch of business therein, shall apply to the Court, for whose creation provision is made by this Section.* And the General Assembly may reapportion, change or enlarge the jurisdiction of the several Courts in Baltimore City. Until otherwise provided by Law, the Clerk of the Superior Court of Baltimore City, of the Court of Common Pleas, of the Circuit Court of Baltimore City, of the Baltimore City Court, and of the Criminal Court of Baltimore, shall each give Bond in such penalty as is now prescribed by Law to be given by the Clerks of the Courts, bearing the same names, under the present Constitution.

*Under this section, the General Assembly, by the Act of 1888, Chapter 194, established the Circuit Court No. 2 of Baltimore City, conferring upon it the same jurisdiction as that possessed by the Circuit Court of Baltimore City.

[Sec. 39. The General Assembly shall, as often as it may think the same proper and expedient, provide by Law for the election of an additional Judge of the Supreme Bench of Baltimore City, and whenever provision is so made by the General Assembly, there shall be elected by the voters of said City another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers as are, or shall be, provided by the Constitution or Laws of this State, for the Judges of said Supreme Bench of Baltimore City, and the General Assembly may provide by Laws, or the Supreme Bench by its rules for requiring causes in any of the Courts of Baltimore City to be tried before the court without a jury, unless the litigants or some one of them shall within such reasonable time or times as may be prescribed, elect to have their causes tried before a jury. And the General Assembly may reapportion, change or enlarge the jurisdiction of the several Courts in said city.]†

Additional
Judges.

Part V.—Orphans' Courts.

Sec. 40 The qualified voters of the City of Baltimore, and of the several counties, shall on the Tuesday next after the first Monday in November next, and on the same day in every fourth year thereafter, elect three men to be Judges of the Orphans' Courts of said city and counties, respectively, who shall be citizens of the State, and residents for the twelve months preceding, in the city, or county, for which they may be elected. They shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe. Each of said Judges shall be paid a per diem for the time they are actually in session, to be regulated by Law, and to be paid by the said city, or counties, respectively. In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the same for the residue of the term.

Three Judges.

Term.

Jurisdiction.

Per diem.

Vacancies.

Ijams v. Duvall, 85 Md. 252. *Wells v. Monroe*, 86 Md. 448.

Sec. 41. There shall be a Register of Wills in each county of the State, and the City of Baltimore, to be elected by the legal and qualified voters of said counties and city, respectively, who shall hold his office for six

Register of
Wills.

Term.

†Thus amended by Chapter 313, Acts of 1892, ratified by the people November 7th, 1893.

vacancy.

years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office in the same manner that the Clerks of the Courts are removable. In the event of any vacancy in the office of the Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court, in which such vacancy occurs, until the next general election for Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter.

Sappington v. Scott, 14 Md. 40.

Part VI.—Justices of the Peace.

Appointment.

Sec. 42. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several counties, and the Mayor and City Council of Baltimore, respectively, shall appoint such number of Constables, for the several Election Districts of the counties and wards of the City of Baltimore, as are now or may hereafter be prescribed by Law; and Justices of the Peace and Constables so appointed shall be subject to removal by the Judge or Judges having criminal jurisdiction in the county or city, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law. The Justices of the Peace and Constables so appointed and commissioned shall be Conservators of the Peace; shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal in all cases from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by Law.

Constables.

State v. Mace, 5 Md. 337. Cantwell v. Owens, 14 Md. 215. Smith v. Thursby, 28 Md. 244. Herbert v. Balto. Co., 97 Md. 639.

Vacancies.

Sec. 43. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term; and in case of a vacancy in the office of Constable, the County Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

Cantwell v. Owens, 14 Md. 215. Mayor, etc., of Balto., v. State, 15 Md. 376.

Part VII.—Sheriffs.

Sec. 44. There shall be elected in each County, and in the City of Baltimore, in every second year, one person, resident in said County or City, above the age of twenty-five years, and at least five years preceding his election, a citizen of this State, to the office of Sheriff. He shall hold his office for two years, and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification, or removal from the County or City, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

Election.

Qualifications.

Term.

Vacancy

Beasley v. Ridout, 94 Md. 656.

Sec. 45. Coroners, Elisors and Notaries Public may be appointed for each County and the City of Baltimore in the manner, for the purpose and with the powers now fixed, or which may hereafter be prescribed by law.

Coroners, &c.

ARTICLE V.

ATTORNEY-GENERAL AND STATE'S ATTORNEYS.

Attorney-General.

Sec. 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day in every fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a court of law.

Election.

Term.

Groome v. Gwinn, 43 Md. 572. Parker v. State, 99 Md. 189.

Sec. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several Counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide

Returns of election.

CONSTITUTION OF

on the election and qualification of the person returned; and in case of a tie between two or more persons to designate which of said persons shall qualify as Attorney-General, and to administer the oath of office to the person elected.

Groome v. Gwinn, 43 Md. 572.

Duties.

Sec. 3. It shall be the duty of the Attorney-General to prosecute and defend on the part of the State all cases which at the time of his appointment and qualification, and which thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the General Assembly, or either branch thereof, the Governor, the Comptroller, the Treasurer, or any State's Attorney, on any legal matter, or subject depending before them, or either of them; and when required by the Governor or the General Assembly, he shall aid any State's Attorney in prosecuting any suit or action brought by the State in any Court of this State, and he shall commence and prosecute or defend any suit or action in any of said Courts, on the part of the State, which the General Assembly, or the Governor, acting according to law, shall direct to be commenced, prosecuted or defended; and he shall receive for his services an annual salary of three thousand dollars; but he shall not be entitled to receive any fees, perquisites or rewards whatever, in addition to the salary aforesaid, for the performance of any official duty; nor have power to appoint any agent, representative or deputy, under any circumstances whatever; nor shall the Governor employ any additional counsel in any case whatever, unless authorized by the General Assembly.

Salary.

Mayor, &c., of Balto. v. Gill, 31 Md. 375.

Qualifications.

Sec. 4. No person shall be eligible to the office of Attorney-General, who is not a citizen of this State, and a qualified voter therein, and has not resided and practiced Law in this State for at least ten years.

Groome v. Gwinn, 43 Md. 572.

Vacancy.

Sec. 5. In case of vacancy in the office of Attorney-General, occasioned by death, resignation, removal from the State or from office, or other disqualification, the said vacancy shall be filled by the Governor for the residue of the term thus made vacant.

Sec. 6. It shall be the duty of the Clerk of the Court of Appeals and of the Commissioner of the Land Office, respectively, whenever a case shall be brought into said court or office, in which the State is a party or has interest, immediately to notify the Attorney-General thereof.

The State's Attorneys.

Sec. 7. There shall be an Attorney for the State in each County and the City of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-seven, and on the same day every fourth year thereafter; and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law, or by a vote of two-thirds of the Senate, on the recommendation of the Attorney-General.

Election.

Term.

Jackson v. State, 87 Md. 195.

Sec. 8. All elections for the State's Attorney shall be certified to and returns made thereof by the Clerks of the said counties and city to the Judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned; and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the person elected.

Returns of election.

Sec. 9. The State's Attorney shall perform such duties and receive such fees and commissions as are now or may hereafter be prescribed by law, and if any State's Attorney shall receive any other fee or reward than such as is or may be allowed by Law, he shall, on conviction thereof, be removed from office; *provided*, that the State's Attorney for Baltimore City shall have power to appoint one Deputy, at a salary of not more than fifteen hundred dollars per annum, to be paid by the State's Attorney out of the fees of his office, as has heretofore been practised.

Fees.

[Sec. 9. The State's Attorney shall perform such duties and receive such fees and commissions or salary, not exceeding three thousand dollars, as are now or may hereafter be prescribed by law; and if any State's Attorney shall receive any other fee or reward than such as is or may be allowed by law, he shall, on conviction thereof, be removed from office; provided, that the State's Attorney for Baltimore City shall receive an annual salary of forty-five hundred dollars, and shall have power to appoint one deputy, at an annual salary, not exceeding three thousand dollars, and such other assistants at such annual salaries not exceeding fifteen hundred dollars each, as the Supreme Bench of Baltimore City may authorize and approve; all of said salaries to be paid out of the fees of the said State's Attorney's office, as has heretofore been practised.]*

Qualifications.

Sec. 10. No person shall be eligible to the office of State's Attorney who has not been admitted to practice Law in this State, and who has not resided for at least two years in the county or city in which he may be elected.

Vacancy.

Sec. 11. In case of vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the Judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.

Jackson v. State, 87 Md. 195.

Duties.

Sec. 12. The State's Attorney in each county, and the City of Baltimore, shall have authority to collect, and give receipt, in the name of the State, for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer. And the State's Attorney of each county, and the City of Baltimore, before he shall enter on the discharge of his duties, shall execute a bond to the State of Maryland, for the faithful performance of his duties, in the penalty of ten thousand dollars, with two or more sureties, to be approved by the Judge of the Court having criminal jurisdiction in said counties or city.

*Thus amended by Act of 1900, ch. 185, ratified by the people at the November election, 1901.

ARTICLE VI.

TREASURY DEPARTMENT.

Section 1. There shall be a Treasury Department, consisting of a Comptroller, chosen by the qualified electors of the State, at each regular election of members of the House of Delegates, who shall receive an annual salary of two thousand five hundred dollars; and a Treasurer, to be appointed by the two Houses of the Legislature, at each regular session thereof, on joint ballot, who shall receive an annual salary of two thousand five hundred dollars; and the terms of office of the said Comptroller and Treasurer shall be for two years, and until their successors shall qualify; and neither of the said officers shall be allowed, or receive any fees, commissions or perquisites of any kind in addition to his salary for the performance of any duty or services whatsoever. In case of a vacancy in either of the offices by death, or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election, or a choice by the Legislature, as the case may be, and until the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of Government, and shall take such oath, and enter into such bonds for the faithful discharge of their duties as are now, or may hereafter be prescribed by law.

Comptroller.

Salary.
Treasurer.

Salary.

Term.

Vacancies.

Bonds.

Thomas v. Owens, 4 Md. 189. Archer v. State, 74 Md. 410 and 443. Davidson v. Brice, 91 Md. 682.

Sec. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; superintend and enforce the prompt collection of all taxes and revenue; adjust and settle, on terms prescribed by law, with delinquent collectors and receivers of taxes and State revenue; preserve all public accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by Law, all warrants for money to be paid out of the Treasury, in pursuance of appropriations by Law, and countersign all checks drawn by the Treasurer upon any bank or banks, in which the moneys of the State may, from time to time, be deposited; prescribe the formalities of the transfer of stock, or other evidence of the

Comptroller's
duties.

State debt, and countersign the same, without which such evidence shall not be valid; he shall make to the General Assembly full reports of all his proceedings, and of the state of the treasury department within ten days after the commencement of each Session; and perform such other duties as shall be prescribed by Law.

Billingsley v. State, 14, Md. 369.

**Treasurer's
duties.**

Sec. 3. The Treasurer shall receive the moneys of the State, and, until otherwise prescribed by law, deposit them, as soon as received, to the credit of the State, in such bank or banks as he may, from time to time, with the approval of the Governor, select (the said bank or banks giving security, satisfactory to the Governor, for the safekeeping and forthcoming, when required, of said deposits), and shall disburse the same for the purposes of the State, according to law, upon warrants drawn by the Comptroller, and on checks countersigned by him, and not otherwise; he shall take receipts for all moneys paid by him; and receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller, without which warrants, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon warrants, issued by the Comptroller, he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking fund. Every bond, certificate, or other evidence of the debt of the State shall be signed by the Treasurer, and countersigned by the Comptroller; and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provisions for the loss of certificates, or other evidences of the debt; and may prescribe, by Law, the manner in which the Treasurer shall receive and keep the moneys of the State.

Accounts.

Sec. 4. The Treasurer shall render his accounts quarterly to the Comptroller, and shall publish monthly, in such newspapers as the Governor may direct, an abstract thereof, showing the amount of cash on hand, and the place or places of deposit thereof; and on the third day of each regular session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him, from time to time,

rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the money in his hands, and perform all other duties that shall be prescribed by Law.

Sec. 5. The Comptroller shall qualify and enter on the duties of his office on the third Monday of January next succeeding the time of his election, or as soon thereafter as practicable. And the Treasurer shall qualify within one month after his appointment by the Legislature.

Time of qualification.

Archer v. State, 74 Md. 410.

Sec. 6. Whenever during the recess of the Legislature charges shall be preferred to the Governor against the Comptroller or Treasurer for incompetency, malfeasance in office, wilful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor forthwith to notify the party so charged, and fix a day for a hearing of said charges; and if from the evidence taken, under oath on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove said offending officer and appoint another in his place, who shall hold the office for the unexpired term of the officer so removed.

Removal.

ARTICLE VII.

SUNDRY OFFICERS.

County Commissioners—Surveyor—State Librarian—Commissioner of the Land Office—Wreck Master.

Section 1. County Commissioners shall be elected on general ticket of each county by the qualified voters of the several counties of this State, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day in every second year thereafter. Their number in each county, their compensation, powers and duties, shall be such as are now or may be hereafter prescribed by Law.

County Commissioners.

[Sec. 1. County Commissioners shall be elected on general ticket of each county by the qualified voters of the several counties of the State, on the Tuesday next after the first Monday in the month of November, commencing in the year eighteen hundred and ninety-one; their number in each county, their compensation, powers

County Commissioners.

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and duties shall be such as now or may be hereafter prescribed by law, they shall be elected at such times, in such numbers and for such periods not exceeding six years, as may be prescribed by law.]*

Commrs. of Washington County v. Nesbit, 6 Md. 468. Commrs. of Public Schools v. County Commrs. of Allegany Co., 20 Md. 439. Worman, et al. v. Hagan, et al. 78 Md. 152. Brown v. Brooks, 95 Md. 739. Prince George's Co. v. Mitchell, 97 Md. 336.

Surveyor.

Sec. 2. The qualified voters of each County, and of the City of Baltimore shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and on the same day in every second year thereafter, elect a Surveyor for each County and the City of Baltimore, respectively, whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by law. And any vacancy in the office of Surveyor shall be filled by the Commissioners of the Counties, or by the Mayor and City Council of Baltimore, respectively, for the residue of the term.

Vacancy.

State Librarian.

Sec. 3. The State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. His salary shall be fifteen hundred dollars a year; and he shall perform such duties as are now, or may hereafter be prescribed by Law; and no appropriation shall be made by Law to pay for any clerk, or assistant to the Librarian. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass a Law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give a bond, in such penalty as the Legislature may prescribe, for the proper discharge of his duties.

Salary.

Marshall v. Harwood, 5 Md. 423. Silver v. Magruder 32 Md. 387.

Commissioner of Land Office

Sec. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor

*Thus amended by Act of 1890, chapter 255, and adopted by vote of people November 3, 1890.

shall be appointed and qualified. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by Law, and shall also be the Keeper of the Chancery Records. He shall receive a salary of One Thousand, five hundred dollars per annum, to be paid out of the Treasury, and shall charge such fees as are now, or may be hereafter fixed by Law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office, and as keeper of the Chancery Records, to the Comptroller of the Treasury, and shall pay the same semi-annually into the treasury.

Duties.

Salary.

Sec. 5. The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of, and safely keep all papers, records, relics, and other memorials connected with the early history of Maryland, not belonging to any other office.

State Papers.

Sec. 6. The qualified voters of Worcester County shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and every two years thereafter, elect a Wreck-Master for said County, whose duties and compensation shall be the same as are now or may be hereafter prescribed by law; the term of office of said Wreck-Master shall commence on the first Monday of January next succeeding his election, and a vacancy in said office shall be filled by the County Commissioners of said County for the residue of the term.

Wreck Master.

ARTICLE VIII.

EDUCATION.

SECTION 1. The General Assembly, at its first session after the adoption of this Constitution, shall, by law, establish throughout the State a thorough and efficient system of free Public Schools; and shall provide by taxation, or, otherwise, for their maintenance.

Public Schools

Clark v. Md. Institute, 87 Md. 661.

Sec. 2. The system of Public Schools, as now constituted, shall remain in force until the end of the said first session of the General Assembly, and shall then expire, except so far as adopted or continued by the General Assembly.

Sec. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of education.

School fund.

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ARTICLE IX.

MILITIA AND MILITARY AFFAIRS.

Organization.

SECTION 1. The General Assembly shall make, from time to time, such provisions for organizing, equipping and disciplining the Militia, as the exigency may require, and pass such Laws to promote Volunteer Militia Organizations as may afford them effectual encouragement.

Adjutant General.

Sec. 2. There shall be an Adjutant-General appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in pursuance of the sentence of a court-martial.

Duties.

He shall perform such duties and receive such compensation or emoluments as are now or may be prescribed by law. He shall discharge the duties of his office at the seat of government, unless absent under orders, on duty; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service and mustered in with troops.

Watkins v. Watkins, 2 Md., 341. McBlair v. Bond, 41 Md. 137.

Sec. 3. The existing Militia Law of the State shall expire at the end of the next session of the General Assembly, except so far as it may be re-enacted, subject to the provisions of this Article.

ARTICLE X.

LABOR AND AGRICULTURE.*

SECTION 1. There shall be a Superintendent of Labor and Agriculture elected by the qualified voters of this State at the first General election for Delegates to the General Assembly after the adoption of this Constitution, who shall hold his office for the term of four years, and until the election and qualification of his successor.

Sec. 2. His qualifications shall be the same as those prescribed for the Comptroller; he shall qualify and enter upon the duties of his office on the second Monday of January next succeeding the time of his election; and a vacancy in the office shall be filled by the Governor for the residue of the term.

*This Article expired by limitation.

Sec. 3. He shall perform such of the duties now devolved by Law upon the Commissioner of Immigration, and the Immigration Agent, as will promote the object for which those officers were appointed, and such other duties as may be assigned to him by the General Assembly, and shall receive a salary of twenty-five hundred dollars a year; and after his election and qualification, the offices before mentioned shall cease.

Sec. 4. He shall supervise all the State Inspectors of agricultural products and fertilizers, and from time to time shall carefully examine and audit their accounts, and prescribe regulations not inconsistent with Law, tending to secure economy and efficiency in the business of their offices. He shall have the supervision of the Tobacco Warehouses, and all other buildings used for inspection and storage purposes by the State; and may, at the discretion of the Legislature, have the supervision of all public buildings now belonging to, or which may hereafter be, erected by the State. He shall frequently inspect such buildings as are committed to his charge, and examine all accounts for labor and materials required for their construction or repairs.

Sec. 5. He shall inquire into the undeveloped resources of wealth of the State of Maryland, more especially concerning those within the limits of the Chesapeake Bay and its tributaries, which belong to the State, and suggest such plans as may be calculated to render them available as sources of revenue.

Sec. 6. He shall make detailed reports to every General Assembly within the first week of its session, in reference to each of the subjects committed to his charge, and he shall also report to the Governor, in the recess of the Legislature, all abuses or irregularities which he may find to exist in any department of public affairs with which his office is connected.

Sec. 7. The office hereby established shall continue for four years from the date of the qualification of the first incumbent thereof, and shall then expire, unless continued by the General Assembly.

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ARTICLE XI.

CITY OF BALTIMORE.

Section 1. The inhabitants of the City of Baltimore qualified by Law to vote in said city for members of the House of Delegates, shall on the fourth Wednesday of October, eighteen hundred and sixty seven, and on the same day in every fourth year thereafter, elect a person to be Mayor of the City of Baltimore, who shall have such qualifications, receive such compensation, discharge such duties, and have such powers as are now, or may hereafter be prescribed by Law; and the term whose office shall commence on the first Monday of November succeeding his election, and shall continue for four years, and until his successor shall have qualified; and he shall be ineligible for the term next succeeding that for which he was elected.

Mayor.

[Sec. 1. The inhabitants of the City of Baltimore, qualified by Law to vote in said city for members of the House of Delegates, shall on the Tuesday after the first Monday of November, eighteen hundred and eighty-nine, and on the same day in every second year thereafter, elect a person to be Mayor of the City of Baltimore, who shall have such qualifications, receive such compensation, discharge such duties, and have such powers as are now, or may hereafter be prescribed by Law; and the term of whose office shall commence on the first Monday of November succeeding his election, and shall continue for two years, and until his successor shall have qualified.]*

City Council.

Sec. 2. The City Council of Baltimore shall consist of two branches, one of which shall be called the First Branch, and the other the Second Branch, and each shall consist of such number of members, having such qualification, receiving such compensation, performing such duties, possessing such powers, holding such terms of office, and elected in such manner, as are now, or may hereafter be prescribed by Law.

Sec. 3. An election for members of the First and Second Branch of the City Council of Baltimore shall be held in the City of Baltimore on the fourth Wednesday of October, eighteen hundred and sixty-seven; and for members of the First Branch on the same day in every

*Thus amended by ch. 123, Acts of 1898. By ch. 116, Acts of 1870, the term of Mayor was made two years; and by ch. 397, Acts of 1888, the day of election was set for the Tuesday after the first Monday in November. Act of 1898, ch. 123, made the first Monday in May 1899, the day of election, and every four years afterward.

year thereafter; and for members of the Second Branch on the same day in every second year thereafter; and the qualification for electors of the members of the City Council shall be the same as those prescribed for the electors of Mayor.

[Sec. 3. An election for members of the First Branch of the City Council of Baltimore shall be held in the City of Baltimore on the Tuesday after the first Monday of November in every year; and for members of the Second Branch on the Tuesday after the first Monday of November eighteen hundred and eighty-nine, and on the same day in every second year thereafter; and the qualification for electors of the members of the City Council shall be the same as those prescribed for the electors of Mayor.]*

Time of elections.

Sec. 4 The regular sessions of the City Council of Baltimore (which shall be annual), shall commence on the third Monday of January of each year, and shall not continue more than ninety days, exclusive of Sundays; but the Mayor may convene the City Council in extra session whenever, and as often as it may appear to him that the public good may require, but no called or extra session shall last longer than twenty days, exclusive of Sundays.

Sessions.

Limitation.

Extra sessions

Sec. 5. No person elected and qualified as Mayor, or as a member of the City Council, shall, during the term for which he was elected, hold any other office of profit or trust, created, or to be created by the Mayor and City Council of Baltimore, or by any Law relating to the Corporation of Baltimore, or hold any employment or position, the compensation of which shall be paid, directly or indirectly, out of the City Treasury; nor shall any such person be interested, directly or indirectly, in any contract to which the City is a party; nor shall it be lawful for any person holding any office under the City, to be interested, while holding such office, in any contract to which the City is a party.

Disqualifications.

Sec. 6. The Mayor shall, on conviction in a Court of Law, of wilful neglect of duty, or misbehavior in office, be removed from office by the Governor of the State, and a successor shall thereafter be elected, as in a case of vacancy.

Removal of Mayor.

*Thus amended by the Act of 1888, ch. 397. Further amended by Act of 1898, ch. 123.

Debts.

Sec. 7. From and after the adoption of this Constitution, no debt (except as hereinafter excepted), shall be created by the Mayor and City Council of Baltimore; nor shall the credit of the Mayor and City Council of Baltimore be given or loaned to, or in aid of any individual, association, or corporation; nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the City, nor make any appropriation therefor, unless such debt or credit be authorized by an Act of the General Assembly of Maryland, and by an ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, and approved by a majority of the votes cast at such time and place; but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the City Treasury, or to provide for any emergency arising from the necessity of maintaining the police, or preserving the safety and sanitary condition of the City, and may make due and proper arrangements and agreements for the removal and extension, in whole or in part, of any and all debts and obligations created according to Law before the adoption of this Constitution.

Mayor, etc., of Balto. v. Gill, 31 Md. 375. Pumphrey v. Mayor & C. C. of Balto., 47 Md. 145. Balto. City v. Gorter, 93 Md. 1.

Laws in force.

Sec. 8. All Laws and Ordinances now in force applicable to the City of Baltimore, not inconsistent with this Article, shall be, and they are hereby continued until changed in due course of Law.

Hooper v. New, 85 Md. 565.

Changes authorized.

Sec. 9. The General Assembly may make such changes in this Article, except in Section 7th thereof, as it may deem best; and this Article shall not be so construed or taken as to make the political corporation of Baltimore independent of, or free from the control which the General Assembly of Maryland has over all such Corporations in this State.

Pumphrey v. Mayor, etc., of Balto., 47 Md. 145.

ARTICLE XII.

PUBLIC WORKS.

Section 1. The Governor, the Comptroller of the Treasury, and the Treasurer shall constitute the Board of Public Works in this State. They shall keep a journal of their proceedings, and shall hold regular sessions in the City of Annapolis on the first Wednesday in January, April, July and October in each year, and oftener if necessary; at which sessions they shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.

Board.

Sessions.

Powers.

Sec. 2. They shall exercise a diligent and faithful supervision of all Public Works in which the State may be interested as Stockholder or Creditor, and shall represent and vote the stock of the State of Maryland in all meetings of the stockholders of the Chesapeake and Ohio Canal; and shall appoint the Directors in every Railroad and Canal Company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of the respective Companies for which they are appointed or elected. And the President and Directors of the said Chesapeake and Ohio Canal Company shall so regulate the tolls of said Company from time to time as to produce the largest amount of revenue, and to avoid the injurious effect to said Company of rival competition by other Internal Improvement Companies. They shall require the Directors of all said Public Works to guard the public interest and prevent the establishment of tolls which shall discriminate against the interest of the citizens or products of this State, and from time to time, and as often as there shall be any change in the rates of toll on any of the said Works, to furnish the said Board of Public Works a schedule of such modified rates of toll, and so adjust them as to promote the agricultural interests of the State; they shall report to the General Assembly at each regular session, and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said Public Works; they shall perform such other duties as may be hereafter prescribed by Law, and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer shall receive no additional salary for services rendered by them as members of the Board of Pub-

Duties.

lic Works. The provisions of the Act of the General Assembly of Maryland of the year 1867, chapter 359, are hereby declared null and void.

Sec. 3. The Board of Public Works is hereby authorized to exchange the State's interest as Stockholder and Creditor in the Baltimore and Ohio Railroad Company for an equal amount of the bonds or registered debt now owing by the State, to the extent only of all the preferred stock of the State on which the State is entitled to only six per cent. interest, provided such exchange shall not be made at less than par, nor less than the market value of said stock; and the said Board is authorized, subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in the other Works of Internal Improvement, whether as a Stockholder or a Creditor, and also the State's interest in any banking corporation, receiving in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest; provided, that the interest of the State in the Washington Branch of the Baltimore and Ohio Railroad be reserved and excepted from sale; and provided further, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Susquehanna and Tidewater Canal Companies shall go into effect until the same shall be ratified by the ensuing General Assembly.

Powers.

[Sec. 3. The Board of Public Works is hereby authorized, subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in all works of internal improvement, whether as a Stockholder or a Creditor, and also the State's interest in any banking corporation, receiving in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest.]*

*Thus amended by Act 1890, ch. 362, and ratified by the people November 3rd, 1891.

ARTICLE XIII.

NEW COUNTIES.

Section 1. The General Assembly may provide, by Law, for organizing new Counties, locating and removing county seats, and changing county lines; but no new county shall be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said new county; and whenever a new county shall be proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters of such part of each of said counties, respectively, shall be required; nor shall the lines of any county be changed without the consent of a majority of the legal voters residing within the district, which, under said proposed change, would form a part of a county different from that to which it belonged prior to said change; and no new county shall contain less than four hundred square miles. nor less than ten thousand white inhabitants; nor shall any change be made in the limits of any county, whereby the population of said county would be reduced to less than ten thousand white inhabitants, or its territory reduced to less than four hundred square miles.

County seats.

Consent of voters.

Area and population.

State v. Manly, 7 Md. 135. Eichelberger v. Hardesty, 15 Md. 54. School Commrs. of Wicomico Co. v. School Commrs. of Worcester Co., 35 Md. 200. Daly v. Morgan, 69 Md. 460.

Sec. 2. At the election to be held for the adoption or rejection of this Constitution, in each election district, in those parts of Worcester and Somerset Counties, comprised within the following limits, viz: Beginning at the point where Mason and Dixon's line crosses the channel of Pocomoke River, thence following said line to the channel of the Nanticoke River, thence with the channel of said river to Tangier Sound, or the intersection of Nanticoke and Wicomico Rivers, thence up the channel of the Wicomico River to the mouth of Wicomico Creek, thence with the channel of said creek and Passerdike Creek to Dashield's or Disharoon's Mills, thence with the mill-pond of said mills and branch following the middle prong of said branch, to Meadow Bridge, on the road dividing the Counties of Somerset and Worcester, near the southwest corner of farm of William P. Morris, thence due east to the Pocomoke River, thence with the channel of said river to the beginning; the Judges of Election, in each of said districts, shall receive the ballots of each elector, voting at said election, who has

Wicomico county.

CONSTITUTION OF

resided for six months preceding said election within said limits, for or against a new County; and the Return Judges of said election districts shall certify the result of such voting, in the manner now prescribed by Law, to the Governor, who shall by proclamation make known the same, and if a majority of the legal votes cast within that part of Worcester County, contained within said lines, and also a majority of the legal votes cast within that part of Somerset County, contained within said lines, shall be in favor of a new County, then said parts of Worcester and Somerset Counties shall become and constitute a new County, to be called Wicomico County; and Salisbury shall be the County seat. And the inhabitants thereof shall thenceforth have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other Counties of this State.

Provisions.

Sec. 3. When said new County shall have been so created, the inhabitants thereof shall cease to have any claim to, or interest in, the county buildings and other public property of every description belonging to said Counties of Somerset and Worcester respectively, and shall be liable for their proportionate shares of the then existing debts and obligations of the said Counties according to the last assessment in said Counties, to be ascertained and apportioned by the Circuit Court of Somerset County, as to the debts and obligations of said County, and by the Circuit Court of Worcester County as to the debts and obligations of Worcester County, on the petition of the County Commissioners of the said Counties, respectively; and the property in each part of the said Counties included in said new County shall be bound only for the share of the debts and obligations of the County from which it shall be separated; and the inhabitants of said new County shall also pay the County taxes levied upon them at the time of the creation of such new County, as if such new County had not been created; and on the application of twelve citizens of the proposed County of Wicomico, the Surveyor of Worcester County shall run and locate the line from Meadow Bridge to the Pocomoke River previous to the adoption or rejection of this Constitution, and at the expense of said petitioners.

Sec. 4. At the first general election held under this Constitution the qualified voters of said new County shall be entitled to elect a Senator and two Delegates to the General Assembly, and all such County or other

officers as this Constitution may authorize, or require to be elected by other Counties of the State; a notice of such election shall be given by the sheriffs of Worcester and Somerset Counties in the manner now prescribed by Law; and in case said new County shall be established, as aforesaid, then the Counties of Somerset and Worcester shall be entitled to elect but two Delegates each to the General Assembly.

Sec. 5. The County of Wicomico, if formed according to the provisions of this Constitution, shall be embraced in the First Judicial Circuit, and the times for holding the Courts therein shall be fixed and determined by the General Assembly.

Sec. 6. The General Assembly shall pass all such Laws as may be necessary more fully to carry into effect the provisions of this Article.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

Section 1. The General Assembly may propose Amendments to this Constitution; provided that each Amendment shall be embraced in a separate Bill, embodying the Article or Section, as the same will stand when amended and passed by three-fifths of all the members elected to each of the two Houses, by yeas and nays, to be entered on the Journals with the proposed Amendment. The Bill or Bills proposing amendment or amendments shall be published by order of the Governor, in at least two newspapers in each County, where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in the City of Baltimore, one of which shall be in the German language, once a week for at least three months preceding the next ensuing general election, at which the proposed amendment or amendments shall be submitted, in a form to be prescribed by the General Assembly, to the qualified voters of the State for adoption or rejection. The votes cast for and against said proposed amendment or amendments, severally, shall be returned to the Governor, in the manner prescribed in other cases, and if it shall appear to the Governor that a majority of the votes cast at said election on said amendment or amendments, severally, were

Proposal.

Publication.

Vote.

Returns.

Proclamation.

cast in favor thereof, the Governor shall, by his proclamation, declare the said amendment or amendments having received said majority of votes, to have been adopted by the people of Maryland as part of the Constitution thereof, and thenceforth said amendment or amendments shall be part of the said Constitution. When two or more amendments shall be submitted in manner aforesaid, to the voters of this State at the same election, they shall be so submitted as that each amendment shall be voted on separately.

Worman, et al. v. Hagen, et al. 78 Md. 152. Warfield v. Vandiver, 101 Md. 78.

Convention
every twenty
years.

Sec. 2. It shall be the duty of the General Assembly to provide by Law for taking, at the general election to be held in the year eighteen hundred and eighty-seven, and every twenty years thereafter, the sense of the people in regard to calling a convention for altering this Constitution; and if a majority of voters at such election or elections shall vote for a convention, the General Assembly, at its next session, shall provide by Law for the assembling of such convention, and for the election of Delegates thereto. Each County and Legislative District of the City of Baltimore shall have in such convention a number of Delegates equal to its representation in both Houses at the time at which the convention is called. But any Constitution, or change, or amendment of the existing Constitution, which may be adopted by such convention, shall be submitted to the voters of this State, and shall have no effect unless the same shall have been adopted by a majority of the voters voting thereon.

ARTICLE XV.

MISCELLANEOUS.

Returns of
fees.

Section 1. Every person holding any office created by, or existing under the Constitution, or Laws of the State (except Justices of the Peace, Constables and Coroners), or holding any appointment under any Court of this State, whose pay or compensation is derived from fees or moneys coming into his hands for the discharge of his official duties, or in any way growing out of or connected with his office, shall keep a book in which shall be entered every sum or sums of money received by him, or on his account, as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom

it is directed to be kept, shall be returned yearly to the Comptroller of the State for his inspection, and that of the General Assembly of the State, to which the Comptroller shall, at each regular session thereof, make a report showing what officers have complied with this section; and each of the said officers, when the amount received by him for the year shall exceed the sum which he is by Law entitled to retain as his salary or compensation for the discharge of his duties, and for the expenses of his office, shall yearly pay over to the Treasurer of the State, the amount of such excess, subject to such disposition thereof as the General Assembly may direct; if any of such officers shall fail to comply with the requisitions of this section for the period of thirty days after the expiration of each and every year of his office, such officer shall be deemed to have vacated his office, and the Governor shall declare the same vacant, and the vacancy therein shall be filled as in case of vacancy for any other cause, and such officer shall be subject to suit by the State for the amount that ought to be paid into the Treasury; and no person holding any office created by or existing under this Constitution or Laws of the State, or holding any appointment under any Court in this State, shall receive more than three thousand dollars a year as a compensation for the discharge of his official duties, except in cases specially provided in this Constitution.

Salary limit.

Banks v. State, 60 Md. 305. *Goldsborough v. Lloyd*, 86 Md. 376.

Sec. 2. The several Courts existing in this State at the time of the adoption of this Constitution shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at Law and in Equity, in all respects, as if this Constitution had not been adopted; and when said Courts shall be so superseded, all causes then depending in said Courts shall pass into the jurisdiction of the several Courts, by which they may be respectively superseded.

Jurisdiction of Courts.

Sec. 3. The Governor and all officers, civil and military, now holding office under this State, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their offices (unless inconsistent with or otherwise provided in this Constitution), until they shall be superseded under its provisions, and until their successors shall be duly qualified.

Officers to continue in office.

Smith & Davis v. Thursby, 28 Md. 244.

CONSTITUTION OF

Sec. 4. If at any election directed by this Constitution, any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered by the Governor, except in cases specially provided for by this Constitution.

Trial by jury.

Sec. 5. In the trial of all criminal cases, the jury shall be the Judges of Law, as well as of fact.

Franklin v. State, 12 Md. 236. Phipps v. State, 22 Md. 380. League v. State, 36 Md. 257. Wheeler v. State, 42 Md. 563. Broll v. State, 45 Md. 356. Beard v. State, 71 Md. 275.

Right to jury.

Sec. 6. The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

Gittings v. State, 33 Md. 458. Capron v. Devries, 83 Md. 220. City Pass. Ry. Co. v. Nugent, 86 Md. 349. Caledonian Fire Insurance Co. v. Franke, 86 Md. 93. Knee v. City Pass. Ry., 87 Md. 624.

General elections.

Sec. 7. All general elections in this State shall be held on the Tuesday next after the first Monday in the month of November, in the year in which they shall occur; and the first election of all officers, who, under this Constitution, are required to be elected by the people, shall, except in cases herein specially provided for, be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven.

Wells v. Monroe, 86 Md. 451.

Notice.

Sec. 8. The Sheriffs of the several Counties of this State, and of the City of Baltimore, shall give notice of the several elections authorized by this Constitution, in the manner prescribed by existing Laws for elections to be held in this State, until said Laws shall be changed.

Terms of office

Sec. 9. The term of office of all Judges and other officers, for whose election provision is made by this Constitution, shall, except in cases otherwise expressly provided herein, commence from the time of their election; and all such officers shall qualify as soon after their election as practicable, and shall enter upon the duties of their respective offices immediately upon their qualification; and the term of office of the State Librarian and of Commissioner of the Land Office shall commence from the time of their appointment.

Sec. 10. Any officer elected or appointed in pursuance of the provisions of this Constitution, may qualify, either according to the existing provisions of Law, in relation to officers under the present Constitution, or before the Governor of the State, or before any Clerk of any Court of Record in any part of the State; but in case an officer shall qualify out of the County in which he resides, an official copy of his oath shall be filed and recorded in the Clerk's office of the Circuit Court of the County in which he may reside, or in the Clerk's office of the Superior Court of the City of Baltimore, if he shall reside therein.

Qualification
of officers.

Oath to be re-
corded.

VOTE ON THE CONSTITUTION.

For the purpose of ascertaining the sense of the people of this State in regard to the adoption or rejection of this Constitution, the Governor shall issue his Proclamation within five days after the adjournment of this convention, directed to the Sheriffs of the City of Baltimore and of the several Counties of this State, commanding them to give notice in the manner now prescribed by Law in reference to the election of members of the House of Delegates, that an election for the adoption or rejection of this Constitution will be held in the City of Baltimore, and in the several Counties of this State, on Wednesday, the eighteenth day of September, in the year eighteen hundred and sixty-seven, at the usual places of holding elections for members of the House of Delegates in said city and counties. At the said election the vote shall be by ballot, and upon each ballot there shall be written or printed the words, "For the Constitution," or "Against the Constitution," as the voter may elect; and the provisions of the Laws of this State relating to the holding of general elections for members of the House of Delegates, shall in all respects apply to and regulate the holding of the said election. It shall be the duty of the Judges of Election in said city and in the several counties of the State to receive, accurately count and duly return the number of ballots so cast for or against the adoption of this Constitution, as well as any blank ballots which may be cast, to the several Clerks of the Circuit Courts of this State, and to the Clerk of the Superior Court of Baltimore City, in the manner now prescribed by Law, in reference to the election of members of the House of Delegates, and duplicates thereof, directly to the Governor; and the several clerks aforesaid shall return to the Governor, within ten days after said election, the number of ballots cast for or

against the Constitution, and the number of blank ballots; and the Governor, upon receiving the returns from the Judges of Election, or the clerks as aforesaid, and ascertaining the aggregate vote throughout the State, shall, by his proclamation, make known the same; and if a majority of the votes cast shall be for the adoption of this Constitution it shall go into effect on Saturday, the fifth day of October, eighteen hundred and sixty-seven.

Done in Convention, the seventeenth day of August, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States the ninety-second.

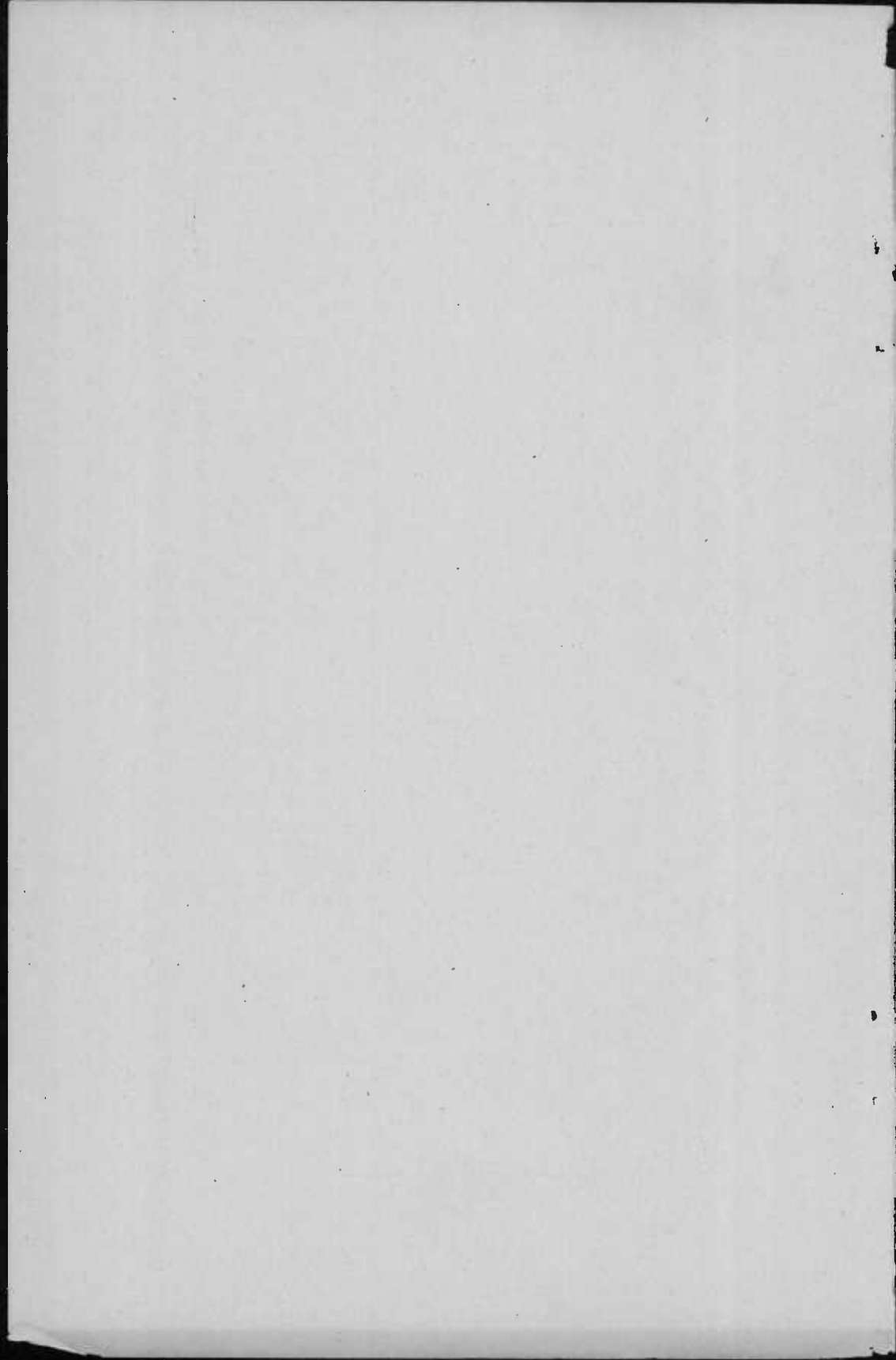
RICHARD B. CARMICHAEL,

President of the Convention.

MILTON V. KIDD,

Secretary.





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