

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.

14. "That the senate be chosen in the following manner: All persons, qualified as aforesaid to vote for county delegates, shall on the first Monday of September 1781, and on the same day in every fifth year for ever 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.

15. "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 for ever thereafter, and they, or any twenty-four of them to meet, 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 having therein real and personal property above the value of one thousand pounds current money.

16. "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 numbers 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 had 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.

17. "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.

18. "That the electors immediately on their meeting, and before they proceed to the election of senators, take such oath or affirmation of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath or affirmation "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."

19. "That in case of refusal, death, resignation, disqualification, or removal out of this state, of any senator, 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 chuse senators, another person in his place, for the remainder of the said term of five years.

20. "That not less than a majority of the senate, with their president, (to be chosen by them by ballot) shall constitute an house for the transacting any business, other than that of adjourning.

21. "That the senate shall judge of the elections and qualification of senators.

22. "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.

23. "That the general assembly meet annually, on the first Monday of November, and if necessary oftener.

24. "That each house shall appoint its own officers, and settle its own rules of proceeding.

25. "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 for ever 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.

26. "That the senators and delegates, on the second Tuesday of November seventeen hundred and seventy seven, and annually on the second Tuesday of November for ever 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 in 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.