

ment, and the duties imposed upon them thereby."

The committee recommend that the eighth section of this article be also transferred to the article on the legislative department. This section is in the words following:

"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."

In the third section of this article, strike out the word "on" and insert the word "at." In the second line of the same section insert the word "an" before the word "equal," and in the fourth line insert the word "for" after the word "provided." In the same line strike out the word "otherwise" after the word "specially."

In the second line of the fifth section insert the words "of law" after the word "courts," and in the third line the words "in controversy" after the word "amount."

The committee further report that they have considered the section which was specially referred to them by the convention. That section reads thus:

"Section — There shall be an election held in the several counties and in the city of Baltimore on the Tuesday next after the first Monday in the month of November, in every second year. The first election to be held in the year eighteen hundred and sixty-five, at which election all clerks of courts and registers of wills, judges of the orphans' courts, sheriffs, county commissioners and all other county officers elected by the people, shall be chosen whenever an election for any such officer is required to be held, but this shall not apply to the municipal officers of any incorporated town or city."

The committee recommend the adoption of this section in the following modified form:

Section 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' courts,) 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.

Mr. DEER. I would inquire how that section affects the provisions of section six, which has been adopted. That section reads:

"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, &c."

It was supposed that under that provision the clerks of the several courts throughout the State would continue in office, until the terms for which they had been elected would expire. It occurs to me that the section just read might affect this section, and create a necessity for the election of clerks before the period contemplated by this ninth section.

Mr. PUGH. I would suggest that the words in the proposed section—"whose terms are about to expire"—meets that ground.

Mr. STIRLING. It strikes me that it would be better, instead of saying "county officers," to name the officers intended to be embraced by that term. I do not know what effect it may have in the city of Baltimore, where we make a distinction between county and city officers.

Mr. HESS. It is stated in the body of the constitution itself in what years all officers shall be elected. All that this section does, is to say that there shall be a new election in the year when their terms expire.

Mr. STIRLING. I am not speaking in regard to the expiration of the terms of office, but in regard to what is meant by "county officers." There are certain officers elected in the city of Baltimore, by general ticket, who are municipal officers; yet they occupy the same ground as county officers. The original resolution I offered, and which was referred to the committee on revision, contained a proviso which I will move to have inserted here, as follows:

"Provided that this shall not be taken to include the municipal officers of any incorporated town or city."

I do that for fear the words "county officers" might lead to some misconstruction.

Mr. HESS. The section proposed by the committee on revision speaks of those county officers required to be elected under this constitution. I am not aware that this constitution provides for the election of any municipal officers of any incorporated town or city.

Mr. STIRLING. Very well; my amendment may not be necessary, and I will withdraw it.

The section, as proposed by the committee on revision, was then adopted.

#### VOTE ON THE CONSTITUTION.

Mr. EARLE. The next amendment proposed by the committee, is to the first section of that part of the schedule which relates to the "vote