

THE CONSTITUTION AND FORM OF GOVERNMENT,

Agreed to by the DELEGATES OF MARYLAND in free and full CONVENTION assembled.

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

2. That the house of delegates shall be chosen in the following manner: All free men, above twenty-one years of age, having a free-hold of fifty acres of land in the county in which they offer to vote, and residing therein, and all free men, 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 free men 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, (a) 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 county.

3. 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 judge 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.

4. 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 for ever 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 free-hold of fifty acres of land in the county, distinct from the city.

5. That all persons, inhabitants of Baltimore-town, and having the same qualifications as electors in the county, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year for ever 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 the number of persons having right of suffrage therein shall have been, for the space of seven years successively, less than one half of the number of voters in some one county in this state, such town thenceforward shall 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.

6. That the commissioners of the said town, (b) 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.

7. 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 the least, excluding the day of notice and the day of election, shall be given.

8. That not less than a majority of the delegates, with their speaker, (to be chosen by them by ballot,) constitute a house for the transacting any business, other than that of adjourning.

9. That

(a) See 1791, ch. 80, (confirmed by November, 1792, ch. 22.) which declares, that no member of congress, or person holding an 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 profit, or trust under this state.

(b) See 1797, ch. 57, (confirmed by 1798, ch. 2.) which declares, that the mayor and second branch of the city council of the city of Baltimore, or any three or more of them for the time being, shall be judges of the elections for delegates of the city of Baltimore, and for electors of the senate.