

THE CONSTITUTION OF MARYLAND.

16. That the senators shall be ballotted 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 (a) 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.

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 choose senators, another person in his place, for the residue 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 a 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; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act, (sitting the general assembly) the senate and house of delegates shall immediately thereupon proceed to a new choice in manner aforesaid.

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 free-hold of lands and tenements above the value of one thousand

(a) See 1794, ch. 49, (confirmed by 1795, ch. 11,) which directs, that members of either of the religious sects or societies called Quakers, Menonists, Tinkers 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 person 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 whatever, 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.