

resident of his district at the time of the election, and having resided therein twelve calendar months immediately before, and otherways qualified according to the constitution of the United States, and the candidate having the greatest number of votes, shall be declared to be duly elected for that district.

C H A P.
XVI.

IX. AND BE IT ENACTED, That after the polls in the several counties, and the city of Annapolis and Baltimore-town, shall be closed, and the votes cast up by the judges, the names of the several persons voted for in the several counties, and the city of Annapolis and Baltimore-town, shall be written on parchment, or paper, and the number of votes for each candidate in the several counties, the city of Annapolis and Baltimore-town, enumerated and set down, which number shall be written in words at length, and not in figures; and the polls, and other papers relating to the elections, shall be sealed up and deposited with the clerks of the several courts, and on such names and numbers being so set down and written, the judges of the several elections in the city of Annapolis, Baltimore-town, and each and every county of the state, when assembled at the usual place for holding elections, shall respectively, within the space of three days after the said elections, sign and seal the papers or instruments on which the same are so written, and shall make out, sign, seal and execute, duplicate returns thereof, one whereof shall be delivered to the clerk of the county to be kept safely, and the other copy thereof shall be sealed up, and delivered or safely transmitted, by the sheriff of the proper county within ten days after each respective election, under the penalty of fifty pounds current money, to the governor and council, for their inspection and examination, (a) and the governor and council, after having received the returns, papers and instruments aforesaid, shall enumerate and ascertain the numbers of votes for each and every candidate and person so as aforesaid chosen as representatives or electors respectively, and shall thereupon declare, by proclamation signed by the governor, and without delay dispersed through the state, the names of the six persons duly elected as representatives, and the names of the eight persons duly elected as electors; and the governor and council shall, as soon as conveniently may be after such examination and declaration, transmit a certificate of the election of the representatives, under the seal of the state, to the secretary of state for the United States, or other proper officer authorized to receive the same, to be by him delivered to the house of representatives in the congress of the United States, when they shall be assembled at the time and place directed and fixed on by the congress of the United States.

Names to be written, &c.

(a) By November, 1792, ch. 34, a mode of proof is prescribed as sufficient on any indictment against a sheriff for not complying with this direction.

See 1799, ch. 50, sections 15, 16.

X. AND BE IT ENACTED, That the said elections shall be free, and made *viva voce*.

Elections to be free, &c.

XI. AND BE IT ENACTED, That the electors so as aforesaid to be chosen, shall assemble on such day as the congress of the United States shall hereafter, from time to time, determine and appoint, at the city of Annapolis, and shall then and there perform the duties enjoined upon them by the said constitution of the United States, agreeably to the directions thereof.

Electors to assemble, &c.

XII. AND BE IT ENACTED, That the said electors shall receive the same *per diem* allowance, and itinerant charges, as are allowed to members of the general assembly.

Their allowance.

XIII. AND, whereas it may happen, that in the election of representatives two or more persons may have an equal number of votes, and that in the election of electors, residents of the western shore, six or more persons residing on that shore may have an equal number of votes, and in the election of electors, residents of the eastern shore, four or more persons residing on that shore may have an equal number of votes, BE IT ENACTED, That in each of the said cases the governor and council shall determine by lot, from the candidates, who shall be the representative, and in the same manner from the candidates for electors residing on the western and eastern shores respectively, having an equal number of votes as aforesaid, who shall be the electors for the said shore.

Governor, &c. to determine by lot, &c.

XIV. AND BE IT ENACTED, That if a vacancy or vacancies shall happen in the representation of this state in the house of representatives in the congress of the United States, by death, resignation, disqualification or otherwise, the governor and council shall issue writs of election to the district where such vacancy shall happen, to fill the same in the manner herein before prescribed.

How vacancies are to be filled.

XV. AND BE IT ENACTED, That the act (b) entitled, An act directing the times, places and manner, of holding elections for representatives of this state in the congress of the United States, and

An act repealed.

(b) November, 1788, ch. 10.