

On the second reading of the bill to alter and amend all such parts of the constitution and form of government as prevent the election of the judges of the levy court by the people, on motion by Mr. Archer, the question was put, That the word "annually" be stricken out for the purpose of inserting the words "every three years?" Determined in the negative.

On motion by Mr. Herbert, the question was put, That the whole of the said bill be stricken out for the purpose of inserting the following?

An ACT for the appointment by the people of the Justices of the Levy Courts in the several counties of this state.

WHEREAS it is the opinion of this general assembly that it would promote the interests, and gratify the wishes, of the good people of this state, to vest in the voters of the several counties of this state the power of electing the justices of the levy courts: And whereas all doubts of the right of the legislature to pass a law for that purpose are removed by judicial decisions upon the true construction of the constitution, more particularly by an unanimous decision of the court of appeals upon the act of November session, seventeen hundred and eighty-seven, chapter one, in which it was decided that to offices created by the legislature since the adoption of the constitution, a mode of appointment otherwise than by the governor and council might be provided; therefore,

Be it enacted, by the General Assembly of Maryland, That in each of the several counties of this state there shall be elected, at the time and in the manner herein after to be mentioned, seven persons to be justices of the levy court of such county, who shall have resided within such county six months next preceding their election, and that the seven persons, so elected in each county, shall compose the levy court of such county, a majority of whom shall be a quorum, and competent to do any business.

And be it enacted, That at the election of delegates to the general assembly, to take place in the several counties of this state on the first Monday in October next, and at every such election in each year thereafter, the persons qualified to vote for such delegates shall also, and on the same ballot, be entitled to vote for seven persons to be members of the levy court of the county, in the same manner as they now vote for delegates to the general assembly.

And be it enacted, That at the close of the polls in each district, the number of votes given to the several persons voted for as justices of the levy court shall be cast up by the judges or judge of election, and shall be entered upon the books of the several polls, and the same shall be subscribed by the said judges, and attested by their clerk.

And be it enacted, That at the meeting of the first named judge of each district at the county town, as directed by law, they shall cast up the whole of the votes for justices of the levy court of all the districts of such county, and shall declare the seven persons so voted for, who have the highest number of votes, to be duly elected justices of the levy court for such county; and the said judges of election shall make out, and return to the clerk of the county, a certificate that such persons are elected as aforesaid.

And be it enacted, That on a certificate of the persons elected justices of the levy court being returned to the clerk of the county as aforesaid, it shall be the duty of the said clerk to notify such persons of their election; and the persons, so elected, shall meet on the first Monday in April after such election, for the purpose of qualifying as justices of the levy court for such county, and in case a majority of them should not attend or qualify on that day, the clerk of the county court shall adjourn them from day to day until a majority of the justices do attend, when they shall qualify in the manner prescribed by former laws.

And be it enacted, That the justices of the levy court, so elected as aforesaid, or a majority of them, shall have and exercise all the powers now given to the justices of the levy court in the several counties of this state, and shall perform the duties now required of them by law until a new election of justices of the levy court shall have taken place.

And be it enacted, That in case of refusal, death, resignation, disqualification, or removal out of the county, of any person so as aforesaid elected a justice of the levy court in any of the counties of this state, and in case of any other vacancy happening in such county, the remaining justices thereof, or a majority of them, shall immediately thereupon, or at their next meeting thereafter, elect, by ballot, another person in place of the person first elected, for the residue of his term aforesaid.

And be it enacted, That in case the validity of any election to be held for justices of the levy court shall be disputed, the same shall be judged and determined by the governor, with the advice of the council, who are hereby invested with the same authority and powers, and shall observe the same rules of proceeding, in case of such disputed election, which are prescribed by law for determining the validity of elections for sheriffs, and if it shall appear that any such election of justices of the levy court has not been fairly, freely and legally made, the governor and council shall immediately issue a new writ of election, to be held in the same manner, and subject to the same rules and regulations, as are herein originally directed.

And be it enacted, That until an election shall be held in the manner prescribed by this act the justices of the levy courts of the several counties of this state shall be appointed in the manner already prescribed by law.

And be it enacted, That all such parts of former acts of assembly as are inconsistent with, or repugnant to, the provisions of this act, be and the same are hereby repealed.