Conventon met.

In proportion on reading the declaration of rights, on motion of Mr. Earl, that the following be inserted as an article therein: "That all persons, who from religious scruples esteem it unlawful to take an oath on any occasion, may be allowed to make their solemn affirmation or affirmation in all civil and criminal cases, in such manner as their religious principles have induced them to point out for the attestation of the truth." The previous question was called for and put. Whether the above question be now put? Carried in the negative.

It was then moved by Mr. Johnson, that the following be inserted as an article in the declaration of rights: "That the manner of administering an oath to any person, ought to be such as those of the religious persuasion, profession or denomination of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being, and that the people called Quakers, those called Dunkers, and those called Mennonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation, in the manner that Quakers have been heretofore allowed to affirm, and to be of the same avail as an oath; in all such cases as the affirmation of Quakers hath been allowed and accepted within this State, instead of an oath; and further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or for security for the peace; and Quakers, Dunkers, or Mennonists, ought also on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital." To which an amendment was proposed by Mr. S. Chase, to strike out the latter part of the proposed article, which follows in their words, "and Quakers, Dunkers, or Mennonists, ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital." On which amendment the question was put and carried in the negative.

**AFFIRMATIVE.**

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The question was then put on the whole article, and refused in the affirmative.

The order of the day that the convention will retire into a committee of the whole, to consider further of the form of government for this State, being read, the same was referred till to-morrow.

Conventon adjourns till to-morrow morning 9 o'clock.

SUNDAY, November 3, 1776.

CONVENTION met. All members present as on yesterday, except Mr. Ringgold, Mr. H. Wilton, Mr. Shepherd, Mr. Jordan, Mr. Potter, Mr. J. Mackell, Mr. B. Hall, Mr. Spigg, Mr. Hammond, and Mr. J. Wilton. The proceedings of yesterday were read.

On motion of Mr. T. Wright, That the following be inserted as an article in the declaration of rights: "That if the eastern or western shore shall hereafter judge it for their interest and happiness to separate from the other, their right so to do is hereby acknowledged." An amendment was proposed by Mr. Ewing to be inserted after the word's "that if," in the words following, "a majority of qualified voters in elections in every county on." Upon which amendment the question was put, and refused in the affirmative.

The question on the article so amended was then moved for, and the previous question called for and put. Whether the said question be now put? Carried in the negative.

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The convention having gone through the declaration of rights, paragraph by paragraph, the same was amended, and agreed to as follows:

The DECLARATION of RIGHTS.

The parliament of Great-Britain, by a declaratory act, having affirmed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance of such claim endeavoured by force of arms to subjugate the United Colonies to an unconditional submission to their will and power, and having at length restrained them to declare themselves independent states, and to frame government under the authority of the people, Therefore We, the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this state, for the better foundation, and more permanent security thereof; Declare,

1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

2. That the rights of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England or Great-Britain, and have been in-
proceedings of convention, read, and practised by the courts of law or equity; and all to all acts of assembly in force on the first of June nineteen hundred and forty-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights; subject nevertheless to the revision, combination, and amendment or repeal by the legislature of this state; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty Charles the first, to Cecilius Calvert, baron of Baltimore.

4. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and as such accountable for their conduct, whereas, whenever the ends of government are perverted, and public liberty manfully endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old, or establish a new government; the doctrine of unrepresentative and absolute power and oppression, is absurd, infamous, and destructive of the good and happiness of mankind.

5. That the right in the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to, the community, ought to have a right of suffrage.

6. That the legislative, executive, and judicial powers of government, ought to be for ever separate and difficult from each other.

7. That no power of suspending laws, or the execution of laws, unless by or derived from the legislature, ought to be exercised or allowed.

8. That freedom of speech, and debates or proceedings, in the legislature, ought not to be impeached in any other court or judicature.

9. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records, and the legislature ought not to be convened or held at any other place but from evident necessity.

10. That for the redress of grievances, and for amending, strengthening and preserving, the laws, the legislature ought to be frequently convened.

11. That every man hath a right to petition the legislature for the redress of grievances, in a peaceable and orderly manner.

12. That no aid, charge, tax, burthen, fee or fees, ought to be exacted, raised or levied, under any pretence, without the consent of the legislature.

13. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that property ought not to be assessed for the support of government, but every other person in the state ought to contribute his proportion of public taxes, the support of government according to his actual wants, real property within this state; yet fines, duties or excises, may properly and justly be imposed or laid with a political view for the good government and benefit of the community.

14. That all criminal laws ought to be avoided, as far as is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made, in any case, or at any time hereafter.

15. That all retrospective laws, purgatory acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; whereas no ex post facto law ought to be made.

16. That no law to attain particular persons of treason or felony, ought to be made in any case, or at any time hereafter.

17. That every freeman, for any injury done to him in his person, or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without fee, fully without any denial, and speedily without delay, according to the law of the land.

18. That all laws which they see fit, is one of the greatest securities of the lives, liberties, and estates of the people.

19. That on all criminal prosecutions, every man hath a right to be informed of the accusation against him, to have a copy of the indictment or charge in due time (if required) to prepare for his defence, to be allowed counsel, to be confronted with the witnesses against him, to have procured for his witnesses, to examine the witnesses for and against him on oath, and to a speedy trial by an impartial jury, without any unnecessary content he ought not to be found guilty.

20. That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

21. That no freeman ought to be taken or imprisoned, or disfranchised of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty or property by the judgment of his peers, or by the law of the land.

22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

23. That all warrants without oath, or affirmation, to search suspicious places, or to seize any person, or property, are grievous and oppressive; and all general warrants to search suspicious places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought to be utterly suppressed and be granted.

24. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, treason against the state, and then only on conviction and attainder.

25. That a well regulated militia is the proper and natural defence of a free government.

26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

27. That in all cases and at all times the military ought to be under strict subordination to, and control of, the civil power.

28. That no soldier ought to be quartered in any house in time of peace without the consent of the owner, and in time of war in such manner only as the legislature shall direct.

29. That no person except regular soldiers, mariners and marines, in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.

30. That the independence and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; whereas the chancellor, and all judges, ought to hold commissions during good behaviours, and the said chancellor and judges shall be removed for misbehaviour, on conviction in a court of law, and may be removed by the governor, upon
the address of the general assembly, provided that two thirds of all the members of each house concur in such address. That salaries liberal, but not profuse, ought to be secured to the chancellor and the judges, during the continuance of their commissions, in such manner and at such time as the legislature shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office civil or military, or receive fees or perquisites of any kind.

31. That a long continuance in the first executive department of power or trust, is dangerous to liberty, a rotation therefore in those departments is one of the best securities of permanent freedom.

32. That no person ought to hold at the same time more than one office of profit, nor ought any person in public trust to receive any present from any foreign prince, or state, or from the United States, or of any of them, without the approbation of this state.

33. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion are equally entitled to protection in their religious liberty, wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless under colour of religion any man shall disturb the good order, peace or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unles on contract, any particular place of worship, or any particular ministry; yet the legislature may, in their discretion, lay a general and equal tax for the support of the christian religion, leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county, but the churches, chapels, glebes, and all other property now belonging to the church of England, ought to remain to the church of England for ever. And all acts of assembly lately passed for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force and be executed, unless the legislature shall by act supercede or repeal the same; but no county court shall assess any quantity of tobacco or sum of money hereafter, upon the application of any vestrymen or churchwardens; and every incumbent of the church of England, within such limits as shall remain in his parish and performed his duty, shall be entitled to receive the provisions and support established by the said acts. An act for the support of the clergy of the church of England in this present year, and all the previous years of the present year to be held for the county in which his parish shall lie, or at least partly lie, or for such time as he has resided in his parish and performed his duty.

34. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious fact, order or denomination, or to or for the support, use or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious fact, order or denomination; and every gift or sale of goods or chattels, to go in sustenance, or to take place after the death of the giver or donor, to or for such support, use or benefit; and also every devise of goods or chattels, to or for or the support, use or benefit of, any minister, public teacher, or preacher of the gospel, as such, or any religious fact, order or denomination, without the leave of the legislature, shall be void: except always any sale, gifts, leases or devises, of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed or used, only for such purpose, or such sale, gifts, leases or devises, shall be void.

35. That no other test or qualification ought to be required on admission to any office of trust or profit, than such each of support and fidelity to this state, and such oath of office, as shall be directed by this convention, or the legislature of this state, and a declaration of a belief in the christian religion.

36. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession or denomination of which such person is one, generally esteem the most effectual confirmation, by the attestation of the Divine Being. And that the people called quakers, those called Dunkers, and those called menominis, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that quakers have been heretofore allowed to affirm, and to be of the same value as an oath, in all such cases as the affirmation of quakers hath been allowed and accepted within this state instead of an oath. And further, on such affirmation warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, and security for the peace awarded; and quakers, Dunkers, or menominis, ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital.

37. That the city of Annapolis ought to have all its rights, privileges and benefits, agreeable to its charter, and the acts of assembly confirming and regulating the same; subject nevertheless to such alterations as may be made by this convention, or any future legislature.

38. That the liberty of the press ought to be inviolably preserved.

39. That monopolies are odious, contrary to the spirit of a free government, and the principles of comence, and ought not to be suffered.

40. That no title of nobility or hereditary honours ought to be granted in this state.

41. That the subsisting resolves of this and the federal conventions held for this colony, ought to be in force as laws, unless altered by this convention, or the legislature of this state.

42. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed or abolished, by the legislature of this state, but in such manner as this convention shall prescribe and direct. Agreeable to the order of the day, the convention resolved itself into a committee of the whole, to consider further of the form of government for this state. Mr. T. Wright in the chair. After some time spent therein, Mr. President returned the chair, and Mr. Wright reported, that the committee had, according to the direction of the committee for the form of government for this state, and had come to several resolutions thereon, which they had directed him to report, which he read in his place, and afterwards delivered them in at the table, where they were again read, and are as follow:
On motion of Mr. S. Chase, the question was put. That the following be inserted as an article in the form of government: "No person who has refused (unless from religious principles) and did not subscribe the oath upon or before the fourth day of July last, shall at all times hereafter be qualified to hold any office of profit or trust in this state, unless by act of the general assembly." Carried in the negative.

**Affirmative.**

Barrett, Bowie, Bayly, Baill, Gilpin.
Hous, B. Hal, Worthington, Shrediner, Stull, D. Smith.
Dent, Sprigg, S. Chase, Edean, J. T. Chase, Kent.

**Negative.**

Fenwick, Williams, Stevenson, Brevard, Mason, George Scott.
Plater, Felcher, Shepherd, T. May, Dicinson, Horsey.
St. George, Sherley, Bond, S. Wright, Johnson, Bilbon.
J. Wilson, Ridgeley, Love, Gibson, Gavels, Scott, Mitchell.

The convention having gone through the form of government paragraph by paragraph, and made several additions and amendments, the same was agreed to as follows:

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 freeborn, above twenty-one years of age, having a freehold of fifty acres of land in the state in which they offer to vote, and residing therein, and all freemen, having property in the state above the value of one hundred 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 freemen 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, from each, four delegates for their respective counties, of the most wise, bountiful, and discreet people of the said county, where the said delegate shall be chosen one whole year next preceding the election, above twenty-one years of age, and having in the state five years personal property above the value of five hundred pounds current money; 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 counties.

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 return the votes, and certify to the electors, if necessary, all the facts as he shall think proper, so that the whole election shall be completed 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 first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year for ever after, elect, vote once, by a majority of votes, three delegates, qualified 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 freehold of fifty acres of land in the county, distin from the city.

5. That all persons, inhabitants of Baltimore-town, and having the same qualifications as electors in the county, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year for ever after, elect, vote once, by a majority of votes, two delegates, qualified as aforesaid; but if the said inhabitants of the said town shall be so few as not to meet in five years, one halff of the whole number of voters in that 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, 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 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, 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 none shall be 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 the house of delegates shall judge of the elections and qualifications of delegates.

10. That if the qualifications of the delegates may originate all money bills, provide bills to the senate, or receive those offered by that body, and affix, differ, or propose amendments: that they may inquire, on the evidence of witnesses, into all complaints, grievances and offences, as the grand iniquity of this state, and may commit any person for any crime to the public gaol, there to remain till he be discharged by due course of law; they may expel any member for a great misdemeanor, but not another for the same cause; they may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or to the auditors to state and adjourn the same; they may call for all public or official papers and return to their issuers, or in their own hands, and may judge necessary, in the course of their inquiries, concerning affairs relating to the public interest, and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.
On motion of Mr. Earle, the question was put, That the words "by ballot" be inserted in the second article instead of the words "viva voce i" Carried in the negative.

Adjourned till 3 o'clock.

POST MERIDIE M.

Convention met.

In progress on reading the form of government, on motion of Mr. J. Hall, the question was put, That the following be an addition to the fourth article; "but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county distinct from the city?" Resolved in the affirmative.

AFFIRMATIVE.

Barnes, Fenwick, Plater, Grahame,
J. Hall, Worthington, S. Chafe, Paca,
Carroll, J. Wilbon, Earle, T. Smyth,
T. Wright, Edmondston, Mason, Dickinson,
Johnston, Gustavus Scott, George Scott, Horsey,
Chaille, Bithop, Mitchell,

NEGATIVE.

Dent, Parnham, B. Mackall, Fitzhugh, J. Mackall, Bowie,
Marbury, Hammond, Bayly, Williams, Fischer, Beall,
Edelen, Shriver, Beall, Ridgely,
Deye, Stevenfon, J. Smith, J. T. Chafe, Bond,
Love, Archer, Ewing, D. Smith,
Brevard, Kent, S. Wright, Gibson,

On motion of Mr. J. T. Chafe, That the following be inserted as an addition to the fifth article; "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." And in case the inhabitants of the said town shall so increase, as that the number of persons having right of suffrage therein shall be equal to the number of voters in any one county in this state, then the said town shall send four representatives to the house of delegates." It was moved and agreed, that the proposition containing of two parts should be separated. The question was then put on the first part, which follows in these words; "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," and resolved in the affirmative.

An amendment was then proposed to the latter part, to insert the words "the largest" instead of the words "any one," upon which amendment the question was put and resolved in the affirmative.

The question was then put on the latter part so amended, and carried in the negative.

AFFIRMATIVE.

Fenwick, Hammond, Stull, Love, Earle, Dickinson,
Dent, J. Hall, Ridgely, Archer, Kent, George Scott,
Parnham, J. Wilbon, Deye, Gilpin, S. Wright, Horsey,
Fitzhugh, Williams, Stevenfon, D. Smith, Edmondston,
J. Mackall, Shriver, Bond, Brevard, Gibson,
Bowie, Beall, Earle, Chaille, Mitchell,

NEGATIVE.

Barnes, B. Hall, S. Chafe, Fischer, Ewing, Mason,
Plater, Spring, Paca, Edelen, T. Smyth, John,on,
B. Mackall, Marbury, Carroll, J. Smith, Bruff,
Grahame, Worthington, Bayly, J. T. Chafe,
11. That the Senate may be at full and perfect liberty to exercise their judgment in passing laws, and that they may not be compelled by the House of delegates, either to reject a money bill which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment contrary to the public welfare, the House of delegates shall not, on any occasion, or under any pretence, annex to any bill a money bill, any manner, clause or provision, not immediately relating to, and necessary to, the imposing, affecting, levying or applying, the taxes or fund for which such bill is to be raised for the support of government, or the current expenses of the state; and to prevent alteration about such bills, it is declared, that no bill imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformoration of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill affecting, levying or applying duties, taxes, or other taxes for the support of government, or the current expenses of the state, or applying taxes, duties or other taxes for the support of government, or for the purpose of paying the expenses of the Senate, shall be accounted a money bill.

12. That the House of delegates may punish, by impeachment, any person who shall be guilty of a contempt in their view, by any disorderly or inconsiderable behaviour, or by threats to, abuse of, members, or by any obstruction to their proceedings; they may also punish, by impeachment, any person who shall be guilty of a breach of privilege, by assaill in civil process, or by assaulting, any of their members, during their sitting, or on their way to or return from the House of delegates, or by any affront or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from, the House, or by refusing any person to be served by the House; and the Senate may execute the same power, in similar cases.

13. That the treasurers (one for the western and another for the eastern shore) and the commissioners of the loan-office, may be appointed by the House of delegates during their pleasure, and in case of refusal, death, resignations, disqualification, or removal out of the State, of any of the said commissioners or treasurers, in the recess of the general assembly, the Governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly.

14. That the Senate be chosen in the following manner: All persons, qualified as aforesaid to vote for county delegates, shall, on the first Monday of September, 1781, and on the same day in every fifth year for ever after, be elected, by a majority of votes, two persons for their respective counties, to be qualified as aforesaid to be elected county delegates, to be electors of the Senate; and the Senate 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 hold and be judge of the said election, and make returns thereof as aforesaid: And all persons qualified as aforesaid to vote for delegates for the city of Annapolis and Baltimore-town, shall on the said first Monday of September, 1781, and on the same day in every fifth year for ever after, be elected, by a majority of votes, one person for the said city and town respectively. Who, when so elected, are aforesaid to be elected a delegate for the said city and town, and shall hold their election in the same manner as the election of delegates for the said city and town, the right to elect the said elector with respect to Baltimore-town to continue as long as the right to elect delegates for the said town.

15. That the said electors of the Senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September, 1781, and on the same day in every fifth year for ever after, and there, or any twenty-four of them, in the Senate, shall proceed to elect, by ballot, either out of their own number, or at large, such persons as they shall judge fit and proper to be senators, and fix six to reside on the eastern shore, men of the utmost wisdom, experience and virtue, above twenty-five years of age, residents of the State above three whole years next preceding the election, and having therein real and personal property above the value of one thousand pounds currency.

16. That the senators shall be balloted for at one and the same time, and out of the gentlemen, residents of the western shore, who shall be proposed as senators. And none, who shall, on thinking the ballots appear to have the greatest number of returns declared on their behalf, shall be immediately declared to have obtained the election, and the gentlemen, residents of the eastern shore, who shall be proposed as senators, and those who shall on thinking 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 returns, 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 should have had the 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, none or all of said senators, on the second ballot, shall by lot be chosen, and if 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 of fidelity to the Senate, as this constitution, 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, on a member of the council, the Senate shall immediately therewith, or at their next meeting thereafter, elect by ballot, in the same manner as the electors are above directed to elect a senator, another person in his place, for the residue of the term of five years.

20. That no senator shall be a member of the House of delegates, with their consent, or without their consent, (to be chosen by them by ballot) shall enrol a bond for the faithful discharge of any business, other than that of adjourning.

21. That the Senate shall judge of the elections and qualifications 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, disallow, or propose amendments.

23. That the general assembly meet annually, on the first Monday of November, and if necessary.
That each house shall appoint its own officers, and settle its own rules of proceeding.

That a person of widower, 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 its committee 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 between those who have an equal number, and the person chosen governor shall, after being declared, remove out of the house, or refuse to act, (fitting the general dignity of the state and house of delegates shall immediately thereafter proceed to a new choice in manner aforesaid.

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 hereafter, 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 freedhold of lands and tenements, above the value of one thousand pounds current money, to be the council to the government, whose proceedings shall be always entered on record, to sit for the term whereof any member may enter his dissent, and their advice, if required by the governor, or any member of the council, shall be given in writing; and the members giving the same respectively, which proceedings of the council shall be laid before the senate, or house of delegates, as called for by them, or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and of secrecy, in such manner as shall be directed by the board to keep secret.

That the delegates to congress from this state shall be chosen annually, or superseded in the mean time by the joint ballot of both houses of assembly, and that there be a rotation, in such manner that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress in the same term in which he shall have been elected governor, nor within the space of five years next preceding the election, and having therein five thousand pounds current money, shall be eligible to fit in congress.

That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator or delegate, before he acts as such, shall take an oath of support and fidelity to this state as aforesaid, and before the election of the governor, or members of the council, shall take an oath, to ches without favour, affection, partiality or prejudice, such persons as they shall appoint to be member of the council, as they, in their judgment and confidence, believe best qualified for the office.

That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and name one of those days, or some day between, and the assembly shall then meet and be held accordingly, and he shall, if necessary, by advice of the council, call them before the time to which they shall in any manner be adjourned, on giving not less than ten days notice thereof, but the governor shall not adjourn the assembly otherwise than as aforesaid, nor prorogue or dissolve it at any time.

That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election, and having therein the free and personal property above the value of five thousand pounds current money, one thousand pounds whereat at least to be of freehold estate, shall be eligible as governor.

That the governor shall not continue in office longer than three years successively, nor be eligible as governor until the expiration of four years after he shall have been out of that office.

That upon the death, resignation, or removal out of this state, of the governor, the first named of the council for the time being shall act as governor, and qualify in the same manner, and shall immediately call a meeting of the general assembly, giving not less than fourteen days notice of the meeting, at which the governor shall be appointed, in manner aforesaid, for the residue of the year.

That the right and the content of the council, may embody the militia, and when embodied, shall alone have the direction thereupon; that they shall have the direction of all the regular land and sea forces under the laws of this state, but he shall not command in person unless advised thereto by the council, and then only so long as they shall approve thereof, and may also direct and control all other the executive powers of government, where the performance of the council is not required, according to the laws of this state, and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct; and may, during the recess of the general assembly, lay embargoes to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding three months in any one year, summoning the general assembly to meet within the time of the continuance of such embargo, and may upon good cause, and compel any vessel to ride quarantine, if such vessel, or the port from which the shall have come, shall, on flying grounds, be suspected to be infected with the plague; but the governor shall not, under any pretense, use any power or prerogative, by virtue of any law, statute or custom, of England or Great-Britain.

That the members of the council, or any three or more of them, when convened, shall constitute a board for the transacting of business; that the governor for the time being shall preside in the council, and be entitled to a vote on all questions in which they shall be divided in opinion; and in the absence of the governor, the first named of the council shall preside, and as such shall also vote in all cases where the other members disagree in their votes.

That in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereafter, or at their next meeting thereafter, shall elect, by ballot, another person, qualified as aforesaid, in his place, for the residue of the year.

That the council shall have power to make the great bills of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practiced in this state.
PROCEEDINGS of CONVENTION:

37. That no senator, delegate, of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person during the time for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state while he acts as such; and no person holding a place of profit, or receiving any part of the profits of any office, shall hold any office of profit, or any part of the profits, sitting on any agency for the supply of clothing or provisions for the army, holding any office under the United States, or any of them, or a minister or preacher of the gospel, of any denomination, or any person employed in the regular land service, or marine, of this or the United States, shall have a seat in the general assembly or the council of this state.

38. That every governor, senator, delegate to congress or assembly, and member of the council, before he is qualified, shall take an oath, that he will not receive, directly or indirectly, at any time, any part of the profits of any office of profit, during his acting in his office of governor, senator, delegate to congress or assembly, or member of the council, or any part of the profits, arising on any agency, for the supply of clothing or provisions for the army or navy.

39. That if any senator, delegate to congress or assembly, or member of the council, shall hold or execute any office of profit, or receive, directly or indirectly, at any time, any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to congress or assembly, or member of the council, the same, on conviction in a court of law, by the oath of two credible witnesses, shall be void, and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may direct.

40. That the chancellor, all judges, the attorney-general, clerks of the general court, the clerks of the county courts, the registrars of the land-office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

41. That there shall be a register of wills appointed for each county, who shall be commissioned by the governor in the joint name of the senators and members of the council, and that upon the death, resignation, disqualification, or removal out of the county, or other legal vacancies, all commissions to the register of wills, given by the council, and by the last preceding the vacant place, shall be void, and a register of wills shall be appointed in the same manner as the chancellor, by the governor in the joint name of the senators and members of the council, or his deputy, to hold the same until the meeting of the general assembly.

42. That the certificates of the county clerk shall be held in every county by ballot, every third year, that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor for the said office, and having served for three years, such person shall be ineligible for the four years next succeeding; but with security to be taken every year and returned to the county clerk after the sheriff's certificate before the governor is done. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person chosen as aforesaid, shall be commissioned by the governor to execute the said office for the residue of the said three years, the said person giving bond with security as aforesaid, and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of the council, will nominate a fit and proper person to execute the said office for the residue of the said three years, the said person giving bond with the same security and oath; the election shall be held at the time and place appointed for the election of delegates, and the justices three therefor summoned to attend for the preservation of the peace shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein, and all freemen above the age of twenty-one years, having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot for three years preceding the election, shall have a right of suffrage; no person to be eligible to the office of sheriff for a county, but that he be an inhabitant of the said county, above the age of twenty-one years, and having real and personal property in the state above the value of one thousand pounds current money; the justices aforesaid shall examine the ballots, and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, who shall appoint the number of ballots for each of them.

43. That every person who shall offer himself for delegates to congress, for the senate, or for the sheriff, shall, if required by any three persons qualified to vote, before he be admitted to poll, take such oath or affirmation of support and fidelity to this state as this convention or the legislature shall direct.

44. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

45. That no field officer of the militia shall be eligible as a senator, delegate, or member of the council, or as an officer in the militia, or as an officer in the militia, or in any other capacity to be appointed for the several counties of this state shall have been resident of the county respectively in which they shall be appointed before their election, and shall continue resident of said county respectively during their continuance in office.

46. That the judges of the general court and justices of the county courts may appoint the clerks of their respective courts, and in case of refusal, death, resignation, disqualification, or removal out of the state, or from their respective stations, of the clerks of the general court, or of either of them, in the vacation of the said court; and in case of the refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court of which he is clerk, the governor, with the advice of the council, may appoint a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next general court or county court, as the case may be.

47. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney-general, naval officers, officers in the regular land and sea service, officers of the militia, registrars of the land-office, surveyors, and all other civil officers of governments, auditors, surveyors, censors, overseers of the roads only excepted, and may also suspend or remove any civil officer who has not a commission due to him, in such manner as may be prescribed for any militia officer for one month, and may also suspend or remove any regular officer in the land or sea service; and the governor may remove or suspend any militia officer in pursuance of the judgment of a court martial.

48. That all civil officers, of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually in the third week of November, but if any of them
them shall be re-appointed, they may continue to sit without any new commission or qualification; and every officer, though not re-appointed, shall continue to act until the person who shall be appointed and commissioned shall be sworn in.

50. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath, that he will not, through favour, partiality or partiality, vote for any person to office, and that he will vote for such person as in his judgment and conscience he believes most fit and best qualified for the office, and that he has not made, nor shall make, any promise or engagement to give his vote or interest in favour of any person.

51. That there be two reguilers of the land-office, one upon the western and one upon the eastern shore; that there, respectively, as on the days and at the times therein prescribed, they shall appoint public officers, and deposit in the offices of the said reguilers, in such manner as shall hereafter be provided by the General Government.

52. That every chancellor, judge, reguiler of wills, commissioner of the land-office, attorney-general, sheriff, treasurer, naval officer, reguiler of the land-office, reguiler of the chancery court, and every clerk of the common law courts, surveyor, and auditor of public accounts, before he acts as such, shall take an oath, that he will not, directly or indirectly, receive any fee or reward for doing his office of ________ , but what is or shall be allowed by law, nor will, directly or indirectly, receive the profits, or any part of the profits, of any office held by any other person, and that he does not hold the same office in trust for or for the benefit of any other person.

53. That if any governor, chancellor, judge, reguiler of wills, attorney-general, reguiler of the land-office, commissioner of the land-office, reguiler of the chancery court, or any clerk of the common law courts, treasurer, naval officer, sheriff, surveyor, or auditor of public accounts, shall receive, directly or indirectly, any money, or any part of the money, or any part of the profits, of any office held by any other person, during his acting in the office in which he is appointed, his election, appointment and commission, on conviction in a court of law, by the oath of two credible witnesses, shall be void, and he shall forfeit the punishment of a fine, the amount of the profits for ever, or, disqualification for ever from holding any office or place of trust or profit, as the court may adjudge.

54. That no person shall give any bribe, present or reward, or any present, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be appointed, favorably to any of the said offices, or to any office of profit or trust, now created or hereafter to be created in this state, the person giving and the person receiving the same, on conviction in a court of law, shall be for ever disqualification from holding any office of trust or profit in the state.

55. That every person offering or attempting to offer, on the execution of the oath, shall, before he enters on the execution thereof, take the oath to wit: "I, A. B. do swear, that I do not hold my own benefit in allegiance to the king of Great-Britain, and that I will be faithful and bear true allegiance to the state of ________ ." And shall also subscribe a declaration of his belief in the christian religion.

56. That there be a court of appeals, composed of persons of integrity and found judgment in the law, whose judgments shall be final and conclusive in all cases of appeal from the general court, court of chancery, and court of admiralty. That no person of integrity and found judgment in the law, be appointed chancellor, judge, or reguiler of the land-office, or any of the common law courts, shall, at any time, receive the fees or take any part of the fees, of any office held by any other person, during his acting in the office in which he is appointed, his election, appointment and commission, on conviction in a court of law, by the oath of two credible witnesses, shall be void, and he shall forfeit the punishment of a fine, the amount of the profits for ever, or, disqualification for ever from holding any office or place of trust or profit, as the court may adjudge.

57. That if any person shall give any bribe, present or reward, or any present, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be appointed, favorably to any of the said offices, or to any office of profit or trust, now created or hereafter to be created in this state, the person giving and the person receiving the same, on conviction in a court of law, shall be for ever disqualification from holding any office of trust or profit in the state.

58. That the twenty-fifth of November in this present year, and that the elections of the Senate meet at Annapolis on Monday the ninth of December in this present year, and that the Senate shall be held on Wednesday the eighteenth of December for delegates to serve in general assembly, and for the election of the president of the Senate, as shall be directed by the Senate, in the manner prescribed by law.

59. That the Senate shall hold its meetings on the days and at the times therein provided for, and of the Senate, in the manner prescribed by law.

60. That the Senate shall hold its meetings on the days and at the times therein provided for, and of the Senate, in the manner prescribed by law.

61. That to introduce the new government, an election be held for the elections of the Senate on Monday the twenty-fifth of November in this present year, and that the elections of the Senate meet at Annapolis on Monday the ninth of December in this present year, and that the Senate shall be held on Wednesday the eighteenth of December for delegates to serve in general assembly, and for the election of the president of the Senate, as shall be directed by the Senate, in the manner prescribed by law.

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PROCEEDINGS of CONVENTION.

taken in manner aforesaid for persons to be recommended for such offices, and the persons in whole favour such ballot shall pass shall be commissioned as aforesaid.

That the said elections for all the counties in this state, except Washington, Montgomery, Cecil, and Queen-Anne's, be held at the places of holding the county courts of those counties respectively.

That the elections for Washington county be held at Haggs-town.

That the elections for Montgomery county be held at the house now occupied by Charles Hungerford.

That the elections for Cecil county be held at the Head of Elk. And,

That the elections for Queen-Anne's county be held at Chester mill, where George Hanson now dwells.

That Abraham Barnes, Hugh Hopewell, and Henry Tubman, Esquires, or any two or one of them, be judge of and hold the elections for St. Mary's county.

That George Dent, Samuel Hanson, and Warren Dent, Esquires, or any two or one of them, be judge of and hold the elections for Charles county.

That William Alhunt, Samuel Chew, and Daniel Rawlings, Esquires, or any two or one of them, be judge of and hold the elections for Calvert county.

That William Beares, Enoch Magruder, and Jeremiah Magruder, Esquires, or any two or one of them, be judge of and hold the elections for Prince-George's county.

That Joseph Gallawey, Thomas Dorsey, and Thomas Watkins, Esquires, or any two or one of them, be judge of and hold the elections for Frederick county.

That Joseph Muhnoch, Zadock Magruder, and Joseph Wilkes, Esquires, or any two or one of them, be judge of and hold the elections for Montgomery county.

That William Luckett, John Ashun, and Joseph Wells, Esquires, or any two or one of them, be judge of and hold the elections for Frederick county.

That Joseph Smith, Noah Hart, and Elly Williams, Esquires, or any two or one of them, be judge of and hold the elections for Washington county.

That Thomas Gift, son, Edward Cook, and Henry Stevenson, Jun., Esquires, or any two or one of them, be judge of and hold the elections for Baltimore county.

That Amos Garrett, William Webb, and Thomas Johnson, Esquires, or any two or one of them, be judge of and hold the elections for Harford county.

That James Evans, Thomas May, and John Stockton, Esquires, or any two or one of them, be judge of and hold the elections for Cecil county.

That John Page, William Rogers, and William Bordley, Esquires, or any two or one of them, be judge of and hold the elections for Kent county.

That Thomas Ringgold, Nathaniel Wright, and Samuel Thompson, Esquires, or any two or one of them, be judge of and hold the elections for Queen-Anne's county.

That John Goldborough, William Perry, and John Bracoe, Esquires, or any two or one of them, be judge of and hold the elections for Talbot county.

That Henry Hooper, O. S., Bartholomew Ennals, and James Muir, Esquires, or any two or one of them, be judge of and hold the elections for Dorchester county.

That Henry Coffen, Foster Goldborough, and John White, Esquires, or any two or one of them, be judge of and hold the elections for Caroline county.

That Thomas Hayward, Andrew Francis Chesney, and Thomas Bruff, Esquires, or any two or one of them, be judge of and hold the elections for Somerset county.

That Joshua Mitchell, Benten Harris, and Robert Done, Esquires, or any two or one of them, be judge of and hold the elections for Worcester county.

That the mayor, recorder and aldermen, of the city of Annapolis, or any three or more of them, be judge of and hold the elections for the city of Annapolis.

That John Merriman, jun. James Calhoun, and Benjamin Griffin, Esquires, or any two or one of them, be judge of and hold the elections for Baltimore-town.

That a clerk or clerks be appointed by the said judges for making the polls at the said elections.

That every judge of the election, before he proceeds to take or receive any vote, shall take the following oath or affirmation, to wit, "I, A. B. do swear, or affirm, that I will permit all persons to vote, who shall offer to poll at the elections now to be held for county, city, or town, who in my judgment shall, according to the directions contained in the form of government, be entitled to poll at the time election, and that I will not admit any person to poll at the same election, who, before his or her name was written, or side of the poll book as a polling person, as such person in not, in my judgment, qualified to vote as aforesaid, and will in all things execute the office of judge of the said elections according to the best of my knowledge, without favour or partiality. So help me God."

That every clerk, before he enters any vote on the polls, shall take the following oath, to wit, "I, A. B. do declare, that I will well and faithfully, without favour, affection, or partiality, execute the office of clerk of the elections for county, city, or town, as aforesaid, according to the best of my knowledge. So help me God."

Adjourned till 3 o'clock.

POST MERIDIEM.

Convention met, and adjourned till to-morrow morning 9 o'clock.

SATURDAY, November 9, 1776.

CONVENTION met. All members present as on yesterday, except Mr. Earle. The proceedings of yesterday were read. Mr. Fenwick and Mr. Johnson have leave of absence.

Convention adjourned till to-morrow morning 9 o'clock.

SUNDAY, November 10, 1776.

CONVENTION met. All members present as on yesterday, except Mr. Gibson. The proceedings of yesterday were read.

On motion of Mr. S. Wright, the question was put, That a committee be appointed to revise the declaration of rights and the form of government, and that the same be read in the house and signed by the president, before the rising of this convention, and that the said committee correct language, and report to the house any inconveniencies they may discover therein? Carried in the negative.

Adjourned till 3 o'clock.

Q. Q.

POST