

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 freehold of fifty acres of land in the county, distinct from the city (m).

5. That all persons, inhabitants of Baltimore town (n), 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 (o), elect viva voce (p), by a majority of votes, two delegates, qualified as aforesaid; but if the said inhabitants of the town (q), 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, 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 (r); 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 (s).

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 the house of delegates shall judge of the elections and qualifications of delegates.

(m) This part of the constitution was abolished by the act of November 1809, ch. 38, confirmed by 1810, ch. 49, whereby the right of persons having such freehold in the county was taken away.

(n) See notes (a) and (c) to the second section.

(o) See note (d) to the second section.

(p) See note (e) to the second section.

(q) See note (n).

(r) This section of the constitution, by which the commissioners of Baltimore town were made judges of the election for delegates therein, was altered in that respect by 1797, ch. 57, confirmed by 1798, ch. 2, which declared; that the Mayor and Second Branch of the City Council, or any three or more of them, for the time being, should be judges thereof; which part of the constitution was abrogated by the acts which have been referred to of 1798, ch. 115, and 1799, ch. 48.

(s) By the act of 1793, ch. 115, confirmed by 1799, ch. 48, the parts of the 2d, 3d, 5th, 14th, and 42d sections of the constitution, which related to the judges, place, time and manner, of holding elections for delegates, &c. were abrogated, and the same were to be regulated by law. The 7th section is not mentioned therein, but under the last part of the provision it has been considered, that elections to fill vacancies were included, and that they are to be regulated by law, (as to the judges, place, time and manner,) instead of being a part of the constitution, except in the city of Annapolis, to which the said acts did not extend. Accordingly it will be seen, that a provision was made on this subject by the act of 1799, ch. 50, to regulate elections, in the 6th section, which was re-enacted *verbatim* in the 35th sec. of the act of 1805, ch. 97, entitled, "An act to reduce into one the several acts of assembly respecting elections, and to regulate said elections."