

which such vacancy may occur, by the president of said convention, or by the governor of the state, give immediately public notice for special election to be held at the usual place of holding election in said county or city, not less than five nor more than ten days after said notice for the purpose of supplying such vacancy.

Constitution to be submitted to voters.

8. The constitution and form of government adopted by said convention shall be submitted to the legal and qualified voters of the state, for their adoption or rejection, at such time, in such manner, and subject to such regulations as the said convention may prescribe, and the provisions herein before contained for the qualification of voters and the holding of elections provided in the previous sections of this act, shall be applicable to the election to be held under this section.

Failure to make returns.

9. In case of refusal or neglect of any judges of election, or of any clerk of the court, or of any sheriff of any county, or of the sheriff of Baltimore city, to make any of the returns, or to perform any of the duties required of them respectively, by the provisions of this act, such judge, clerk or sheriff so refusing, or neglecting, shall be liable to indictment for such offence, and upon conviction thereof, shall be deemed guilty of a misdemeanor, and shall be sentenced to pay a fine of not less than one thousand dollars, and to imprisonment in the jail of the county or city where such offence may have been committed, for a term of not less than six months.

Penalty.

Persons ineligible.

10. No clergyman, minister of the gospel, preacher of any denomination, no senator or representative in congress of the United States, nor any judge of a circuit court, of the superior court, court of common pleas, or criminal court, no state's attorney, no auditor of the city of Baltimore, no clerk of any court, no register of wills, nor any sheriff shall be eligible to said convention.

Proclamation by governor.

11. The governor shall receive the returns of the number of votes cast in this state for the adoption or