

REPORT.

*To the Honorable,
the House of Delegates of Maryland:*

The committee on Elections, to whom were referred the memorial of George E. Gambrill, contesting the right of Sprigg Harwood to hold the office of Clerk of the Circuit Court for Anne Arundel county, and the counter memorial of Sprigg Harwood, insisting upon his right to retain the said office, respectfully report:

That they have carefully examined the law and the facts as fully presented before them by the respective parties and their counsel, and the majority of the committee have arrived at the conclusion that the House should adopt the accompanying resolutions admitting the contestant to the said office.

The first ground upon which Mr. Gambrill claims the office is that Mr. Harwood, in the year 1865, was a Senator representing Anne Arundel county in the General Assembly; that during the January session of 1865, sundry laws were passed increasing the salary or profits of the said office; that the election was had during the period of time for which he was elected Senator, and that consequently he was ineligible to the said office at the time of the said election, according to the provisions of section 16 of Article 3 of the Constitution.

That section reads thus:—“*No Senator or Delegate, after qualifying as such, notwithstanding he may thereafter resign, shall during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased during such term, or shall, during said whole period of time, be appointed to any civil office by the Executive or General Assembly.*”

A similar provision, but much less stringent in its language, is to be found in the Constitution of 1850, and also in the Constitution of the United States, and of almost every State. This should be a sufficient vindication of its propriety, to satisfy any mind of its wisdom. Every commentator upon this point has testified to its value and the necessity of its enforcement.