

But even if these opinions should not meet with our approval—as they do—the language of the Constitution is too imperative to be disregarded by any one who values the oath he has taken to observe its requirements.

It is admitted that Mr. Harwood was a Senator in 1865; that he qualified as such; that the election in November, 1865, to fill a vacancy in the office of clerk of the Circuit Court was had “during the period of time for which he was elected” Senator, and that at election he received a plurality of votes for the office; that Gambrill received the next highest number, and that he was a qualified candidate; and the disputed points under the section are, first, whether the salary or profits of the office of clerk of the Circuit Court for Anne Arundel county were increased during the term for which Mr. Harwood was elected Senator; and, second, whether, if this be so, an increase of the salary or profits of the office of clerk of that county was within the meaning of the section under consideration.

As to the first point, the undersigned can have no doubt. There are numbers of Acts which were passed during January session, 1865, most of them by the aid of Mr. Harwood’s vote as Senator, the inevitable result of which was to increase the salary or profits of that office. Among those referred to are the following:—Chap. 130, directing the registration of births, marriages, &c.; chap. 174, entitled, an Act for the registration of voters, &c.; chap. 181, known as the oyster law; chap. 190, amending the Code relating to mechanics’ liens.

In the opinion of the undersigned, the direct effect of these laws is to increase the profits of the clerk’s office. The degree of the increase is unimportant; the ineligibility is as complete where the increase is small as where it is large. But in fact, the proper execution of the laws enumerated above must enhance the profits of the office in no inconsiderable degree. It is in evidence before the committee, that up to a day named, two hundred licenses to oystermen had already been issued by the clerk of Anne Arundel county, the direct fees for which amount to one hundred dollars; while the commissions on the cost of the licenses amount to fifty dollars.

It was argued before the committee that a great many laws passed by the General Assembly might incidentally increase the fees of the clerk, and that the only laws comprehended by the section of the Constitution above referred to were such as had for *their object* the increase of the profits. But the undersigned cannot assent to this view of the subject.

Such a construction would render the section perfectly ineffectual, for any member of the Legislature who desired to