

Sec. 17. 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.

The position of general counsel to the state tax commission held not to be an office within the meaning of this section. *State Tax Commission v. Harrington*, 126 Md. 159.

In providing a different method of electing town clerk of Westernport, and giving him duty of collecting taxes and making different provision as to his compensation, Legislature did not create office within meaning of this section. Intent of this section. Presumption in favor of eligibility. *Westernport v. Green*, 144 Md. 86.

Ch. 153, Acts of 1936 (Sp. Sess.), held to create the office of Justice of the Peace to which the respondent (a member of the State Senate), was appointed, he being ineligible for appointment to such office under this section. *Kimble v. Bender*, 173 Md. 608.

Sec. 18. No Senator or Delegate shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Sec. 19. Each House shall be judge of the qualifications and elections of its members, as prescribed by the Constitution and Laws of the State; shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior, and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offense.

Under this section the senate is made the final and exclusive judge of all questions of law and fact respecting election returns or the qualification of its members so far as they are involved in the determination of the right of any person to be a member thereof. *Price v. Ashburn*, 122 Md. 525.

Since, under this section, the senate is the only tribunal which has the power to decide whether a vacancy in the office of state senator exists, the courts have no jurisdiction to determine that question. *Covington v. Buffett*, 90 Md. 569.

If a bill is constitutionally passed, no inquiry will be made as to whether the senate in its reconsideration thereof, complied with its rule on that subject; the presumption is conclusive that it has done so. *Baltimore, etc., Warehouse Co. v. Canton Lumber Co.*, 118 Md. 149. And see *Lankford v. Somerset County*, 73 Md. 149.

Sec. 20. A majority of the whole number of members elected to each House shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

Sec. 21. The doors of each House and of the Committee of the Whole shall be open, except when the business is such as ought to be kept secret.

Sec. 22. Each House shall keep a Journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

This section is mandatory. The yeas and nays should be entered on the journals; query as to whether they *must* be. Act of 1922, ch. 383, providing a Washington county school bond issue, held not to have been validly passed by the legislature. Authorities reviewed. *Washington County v. Baker*, 141 Md. 626.

See notes to sec. 30.

Sec. 23. Each House may punish by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; provided, such imprisonment shall not at any one time exceed ten days.