

John Lee Carroll had received the highest number of votes at the election held for Governor, on November 2d, 1875, he was thereupon declared to be elected Governor of this State, and afterwards qualified as Governor, in the manner prescribed by the Constitution, on the day appointed by that instrument.

Your Committee would not advert to these circumstances, except for the fact that the letter of Mr. Harris seems to call in question the rightfulness of the course which has been thus pursued. Your Committee submits that the circumstances, thus stated, show a simple and absolute compliance, by the Speaker and the two Houses of the General Assembly, with the requirements of the Constitution. The propriety of the action thus taken cannot be controverted.

It may be assumed to be a settled principle of American Law that the right to assume the functions of an elective office depends, in the first instance, wholly and exclusively upon the returns or certificates of election. Those persons who have been duly returned, and declared elected, are always considered to be rightfully entitled to their respective offices, until their election is investigated and set aside.

The Hon. John Lee Carroll having been declared elected, and having duly qualified, it became the duty of your Committee to consider every memorial in opposition to that election which was referred to it; and, in case such election was contested, to proceed, under the orders of this House, to take testimony in relation to such contested election.

With this purpose in view, and with the memorial of Mr. Harris in its possession, your Committee notified Mr. Harris to appear before it.

Your Committee understands, from the letter of Mr. Harris, that he declines to be considered as a claimant of the office of Governor of this State, or so contesting in his own person the election of Mr. Carroll. He invites your Committee and this House only to consider the testimony taken in the cases of the contested elections of Members of the House of Delegates from Baltimore city, and to take such order, or course, thereafter as may be proper.

Your Committee submits that evidence taken in a contest between sitting members of the House of Delegates, and gentlemen contesting their several rights to such seats, is not testimony which can be considered by your Committee, or by this House, in determining the right of the present Governor to the office to which he has been declared to have been elected. The gentleman declared to have been elected Governor, and Mr. Harris, are not parties to that controversy. Such testimony, taken under the provisions of Ar-