

Constitutional construction, that the special enumeration of one class of cases is the exclusion of all others. But the case of the Governor does not depend upon even this plain principle alone. It is expressly provided by the 4th Section, of Art. 2, of the Constitution, that "all questions in relation to the eligibility of Governor, and the returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates." In Section 3rd, of the same Article, which prescribes the manner in which the returns of the election for Governor shall be opened, and declares that the person having the highest number of votes shall be the Governor, there is not one word prescribing his immediate qualification or installation, in case his election or eligibility should have been previously put in question before the House. On the contrary, the very direction that he shall qualify on the second Wednesday of January next ensuing, is enlarged to meet the case of any difficulty by the words, "or as soon thereafter as may be practicable." And to avoid the possibility of any vacancy occurring in the office of Governor, it is further provided by Section 1, of Article 2, of the Constitution, that the term of office of Governor shall "continue for four years, and until his successor shall have qualified." Indeed, it is hardly just to the ability and experience of the framers of the Constitution to suggest it as possible, that they intended to direct the immediate installation of a gentleman as Governor, when his election or his qualifications might be actually in dispute before them at this time, and when it might be their duty to depose him the week or even the day after. They could hardly have meant that any candidate should be clothed with the dignity, to say nothing of the influence and patronage of the Chief Executive office, while it was still in doubt whether he had the slightest title to assume them.

The facts to which these observations apply in the present case, are indisputably the following: Immediately after the organization of the House, the memorial of Mr. Harris was presented. As it pleased the majority of the House to deny to it a place among the printed proceedings, the undersigned are compelled to insert it here, in order that its tenor may be recalled to the recollection of the Honorable Body to which it was presented. It is in these words:

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

The memorial and protest of J. Morrison Harris, of Baltimore county, respectfully represents:

That he was a candidate for the office of Governor at the election held on the second of November last, for which office the Hon. John Lee Carroll was also a candidate.