

The memorialists, however, while engaged in this proceeding, have prayed the Senate to appoint a Committee to inquire into the truth of the allegations of their respective memorials, with power to hold its sessions in the City of Baltimore, and there to take testimony in addition to that taken under the provisions of the Code, to which allusion has already been made.

Under Article 3, Section 19, of the Constitution of this State, it is provided that each House shall be judge of the qualifications and elections of its members as prescribed by the Constitution and Laws of this State.

It is not necessary that your Committee should express any opinion upon the point, whether it is competent for the Legislature to abridge by any law, the Constitutional power of the Senate to judge of the qualifications and elections of its own Members. It is quite certain that the Legislature has power to provide by law for taking testimony in such cases, and that, as a general rule, the Senate ought to consider only such testimony as has been taken in the manner prescribed by the General Laws of the State, regulating the taking of testimony when a seat in the Senate is contested.

The provisions made by Article 35, of the Code, Sections 52 to 66, both included, affords the amplest means of inquiry to any candidate who desires to bring the facts of any election to the consideration of the Senate; and these means are as completely applicable to a case where an election sought to be set aside as void, as they are to a case in which the seat is actually claimed by the contestant.

For these reasons, your Committee is of the opinion that the request of the memorialists for the appointment of a Committee of the Senate, which shall have power to take testimony, and to consider evidence taken in a different manner from that prescribed by the Code, ought not to be granted.

In so far as these memorials present any claim to contest the seats of the said J. H. Cooper and Eugene T. Joyce, they are wholly unsupported by any evidence.

Your Committee, therefore, ask to be discharged from their further consideration, and report the following resolution for the action of the Senate.

Resolved, That John H. Cooper is duly entitled to his seat as a Senator from the First Legislative District of Baltimore city, and that Eugene T. Joyce is duly entitled to his seat as a Senator from the Third Legislative District of Baltimore city.

By order of the Committee,
A. P. GORMAN,
Chairman.