

moneys and who has failed to fairly account with the Treasury, and to whom is charged on the books thereof, any sum as due to the State, shall be taken and deemed to all intents and purposes as ineligible as Senator or Delegate, or to any office of profit or trust, under this State, until he shall have accounted for and paid into the Treasury all sums on the books thereof charged to and due by him.

Ineligibility not to be removed.

SEC. 2. *And be it enacted*, That inasmuch as it is the meaning and purpose of the constitutional provision, that the person appointed or elected should be eligible at the time of the appointment or election as the case may be, it is herein declared that an ineligibility resulting from a failure to pay into the Treasury as is hereinbefore provided, shall not be removed so as to validate an election or appointment already had or made by an accounting with, and payment into the Treasury, but shall only remove such ineligibility in so far as future elections or appointments may be involved.

Governor may issue commission.

SEC. 3. *And be it enacted*, That in each and every case in which the governor shall be called upon to issue a commission to any officer under the constitution and laws of this State, it shall be his duty to apply to the Comptroller of the Treasury to know if the party desiring to be commissioned, is in default to the State, and on the Comptroller certifying that such person is not a defaulter to the State, the Governor may issue the commission if all the other requirements of the constitution and laws have been complied with, and not otherwise.

Writ of quo warranto.

SEC. 4. *And be it enacted*, That whenever the Governor shall be apprised that a commission has been inadvertently issued to any one, he shall cause the State's Attorney of the particular county or of the city of Baltimore, to sue out of the Circuit Court for the said county, or from the Superior Court of Baltimore city, a writ of *quo warranto* to be directed to the person professing to hold the office mentioned in the commission, which may have been so as is hereinbefore mentioned improvidently issued to inquire into the right whereby such office is so held, and if it shall appear on the trial that at the time of the election or appointment of such person that he had not accounted with and paid into the Treasury of the State any moneys which he should have accounted for and paid into the Treasury before such election or appointment, then and in such case the court before which such trial may be had shall adjudge

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SEC. 5. of the State of this State and shall come to them that an spective cou at the time of fault to the T and paying ought to have to cause inq State, for a commissione of the Compt the proceeding fourth section do, such fail and sufficient

SEC. 6. as to the leg ranto in the shall be deen tution, prose authorised an

SEC. 7. in this act, sh any officer wi his commissio vided, but on effect as if h sioned.

SEC. 8. of the Compt officer of this least sixty day ment of his a for such defic the duty of th for one month counties of th names and ti such deficienc

SEC. 9. An elections of th every session the books of t