

## REPORT.

The undersigned begs leave to submit the following Minority Report, in the case of the contested election in Howard county:

By the 18th section of the 3d Article of the Constitution of Maryland, it is provided, "that each House shall be the judge of the qualifications and elections of its members, subject to the Laws of the State." Thus the power of the Senate to pronounce any person elected thereto, disqualified to occupy a seat in the body, can only be exercised in accordance with the terms of the Constitution itself, which is the highest law of the State.

The first question that arises in this case is this: Can the Senate, on the charge of disloyalty, dis-seat a member who has been elected by a majority of the qualified voters of his county, and who has taken the oath prescribed by the 7th section of the 1st Article of the Constitution? The undersigned believes that a careful examination of the terms of the Constitution will demonstrate, that taking the oath prescribed is in itself, conclusive proof that the person taking it is not disqualified for any of the causes set forth in the first Article, until such person shall be convicted in a court of law of swearing falsely in the premises.

In the 4th section of the 1st Article, the oath to be taken by voters is very similar to that afterwards prescribed in the 7th section for persons elected or appointed to office, and in the 4th section it is expressly declared, "that the taking of such oath shall not be deemed conclusive evidence of the right of such person to vote." Now, not only is no such clause to be found in the 7th section, but the 8th section, in regard to persons elected or appointed to office, who have taken the prescribed oath, provides, "that any person swearing or affirming falsely in the premises shall, on conviction in a Court of Law incur the penalties for wilful and corrupt perjury, and thereafter shall be incapable of holding any office of profit or trust in this State." It is clearly the meaning of the Constitution, that conviction for perjury in a Court of Law shall be absolutely necessary to disqualify for disloyalty any person