

1862.

against a convention, the election of Delegates will be void.

Although the matter has been settled judicially, I deem it due to myself to explain the part I have taken in reference to the late contest for the office of Comptroller of the Treasury.

The Legislature of 1860 declared that A. Lingan Jarrett, Esq., was duly elected Comptroller of the Treasury, in consequence of alleged frauds and violence at the election in Baltimore city, in November, 1859. With the grounds of that decision I had nothing to do; therefore it would have been my duty to cause said decision to be carried into effect, had I not been fully satisfied that, in so doing, I should violate a clear and plain law of the State.

The first Section of Article 22, of the Code of Public General Laws, says that "the Comptroller shall file his bond, and qualify by making the declaration and taking the oaths required by the Constitution and laws, before the Governor, on or before the second Wednesday of January next ensuing his election; on which said second Wednesday of January the term of his office shall commence."

The decision of the Legislature was arrived at, and Mr. Jarrett presented his bond and offered to take the oath of office, long after the expiration of the period fixed by law for those purposes. As I could not administer the oath of office to him without palpably violating the law, I refused to accede to his request to do so; and took no action in the matter except to endorse upon the bond offered by him my belief that the oaths thereto were sufficient. Whereupon Mr. Jarrett instituted certain legal proceedings in the premises, which were afterward withdrawn.