

you desire my opinion in reference to the eligibility of Jno. R. Walker as Clerk to the Board of County Comrs. for St. George's County, Mr. Walker having been a Collector and as such in default to the State — The case presented is one rather for judicial, than Executive action, nevertheless in accordance with your request my opinion, though it may not be considered as, properly speaking, an official one, is at your service —

I think it was the unquestionable purpose of the Legislature in the first section of the 69th Article of the Code of general laws to exclude from every "office of profit or trust under this State" any collector or receiver of public moneys who has failed to account with the Treasury — and I do not think that the general terms used in this section is limited by the operation of the 3rd section of same Article to cases of appointment by the Governor

The latter section seems to me merely to indicate to the Executive a preliminary enquiry as to all appointments made by his authority to ascertain whether the nominees come within the terms of the first section — That the general prohibition contained in the 1st section cannot be restricted in its operation by taking and considering the two sections together is, to my mind rendered certain by the terms of the Constitution on the same subject — By the 35th section of the 3rd Article of the Constitution it is declared that "no person who may hereafter be a collector &c shall be eligible to any office of profit or trust under this State until he shall have accounted &c" — If therefore the office of Clerk to the Comrs. of St. George's County is an office "of profit or trust" within the meaning of this provision of the Constitution, it follows that the Legislature could not, even if so inclined, limit its operation to such officers only as are to be appointed by the Governor — and I can not therefore agree in the conclusion to that effect at which you say you have arrived.

I assume of course that Mr. Walker's default is to the State as Collector of State Taxes — If he has fully paid the State and is only in default to the County, it might present a different question, and your letter does not distinctly show on which account he is a defaulter

Yours very Respectfully
A. W. Bradford

Head Quarters Md. Vpls.
318 Lombard St. Baltimore
March 10th 1862

To His Excellency
A. R. Bradford
Governor of Maryland

Sir:
I have the honor of herewith transmitting