
MEMORIAL

OF

GEORGE E. GAMBRILL, ESQ.,

TO THE HOUSE OF DELEGATES,

CONTESTING THE

ELECTION OF SPRIGG HARWOOD, ESQ.

AS

CLERK OF THE CIRCUIT COURT

FOR

ANNE ARUNDEL COUNTY.

MEMORIAL.

To the Honorable;

The House of Delegates of the State of Maryland.

The memorial of George E. Gambrill, of Anne Arundel county, respectfully represents to your Honorable Body; that on the seventh day of November in the year eighteen hundred and sixty-five, a general election was ordered and held in Anne Arundel county, for clerk of the Circuit court for said county, to fill the vacancy caused by the death of the previous incumbent, Nicholas H. Green.

That at the said election, your memorialist was a candidate and received a large number of votes. But he avers that at the same election a certain Sprigg Harwood and Benjamin E. Gantt were also candidates, and the said Sprigg Harwood was returned as having received five hundred and forty votes; your memorialist as having received three hundred and seventy-eight votes, and the said Benjamin E. Gantt as having received two hundred and twenty votes, as will appear from the returns duly lodged in the office of the Governor. He charges that the said Harwood at the time of said election was ineligible to the said office, because he was then, and from the November election 1864, had been a Senator of Maryland, representing said county, in the Legislature, and at the January Session 1865, during said term, the profits of the office of clerk of the Circuit court, had been increased in different respects by laws passed by the said Legislature at their said January Session, 1865, and especially by the passage of the Act of 1865, chapter 181, in reference to the issuing of licenses by clerks of the Circuit court to persons to catch oysters, which increased the fees, commissions and profits of the clerk to the Circuit court for Anne Arundel county to a considerable extent, and he is advised that by section 16, of article 3, of the Constitution of the State the ineligibility of the said Harwood, in this point of view will fully appear.

And he charges that the said Harwood was ineligible to the said office, because the said Harwood at the time of said election was not a registered voter of the said county or State, and is not such at this time.

Your memorialist further avers that he gave notice to His Excellency the Governor, as soon as said returns were lodged with him, that he intended to contest the right of said Harwood to the said office, and desired him not to issue a commission to said Harwood, but the Governor conceiving as your memorialist understands, that his duty in the matter was purely ministerial, considered it proper to issue a commission to the said Harwood, who now holds the said office and is receiving the emoluments thereof, among other, the increased profits of the same arising from the passage of the said laws so passed during his term as Senator as aforesaid.

Your memorialist charges that at the time of said election he was a duly qualified and registered voter of Anne Arundel county, and eligible to said office of clerk.

He further alleges that within thirty days after said election he gave notice in writing to said Harwood, that he should contest the said election before the House of Delegates, and he is advised that the said Harwood, having been wholly ineligible to said office at the time of said election, all the votes cast then for him as clerk should be disregarded, as cast for a disqualified and ineligible person, and your memorialist being the candidate who at said election received the greatest number of votes cast for a qualified and eligible person, is entitled to the said office, and to perform its duties, receive its emoluments and enjoy its franchises.

He therefore, prays your Honorable Body to enquire into the said election by taking evidence or otherwise, as you shall see fit, and to decide that your petitioner is entitled to said office.

And as duty, &c.

Yours,

GEO. E. GAMBRILL.

MARYLAND, ANNE ARUNDEL COUNTY, TO WIT.

To his Excellency Augustus W. Bradford,

Governor of the State of Maryland:

Whereas an election for a Clerk of the Circuit court for Anne Arundel county, was held on the first Tuesday after the first Monday of November, 1865, being the seventh of the said month, in the districts of said county, distinguished by Nos. 1, 2, 3, 4, 5, 8, and Annapolis, conformably to the Constitution and Laws of this State.

And whereas, we the subscribers attending Judges at the close of the election, in said districts, having this day assembled at the usual place of the sitting of the Circuit court of said county, with the books of the polls in which are endorsed the several certificates agreeably to law, and having cast up the whole number of votes given in said districts, according to the respective certificates made out on the day of the election by the Judges, it appears that Sprigg Harwood has the greatest number of legal votes.

Whereupon we do determine, declare, and return, that Sprigg Harwood is duly elected Clerk for the Circuit court for Anne Arundel county.

Given under our hands this ninth day of November, eighteen hundred and sixty-five.

District No. 1, Nathaniel Chew,
" " 2, C. S. Waters,
" " 2, J. B. Nichols,
" " 4, Owen Disney,
" " 5, James M. Lucas,
" " 8, Edwin L. Griffith,
Annapolis, P. C. Clayton.

We the subscribers attending Judges at the close of an election, held on the seventeenth day of November, 1865, in the several election districts of Anne Arundel county, distinguished by Nos. 1, 2, 3, 4, 5, 8, and Annapolis, do certify that the following is a true statement of all the votes given in the said districts for a Clerk of the Circuit court for Anne Arundel county.

	Spri ^g g Harwood.	George E. Gambrill.	Benj a. Ganu.
District No. 1,	41	28	4
" " 2,	66	27	42
" " 3,	76	7	88
" " 4,	83	37	54
" " 5,	44	27	7
" " 8,	118	19	6
Annapolis,	112	233	19
	540	378	220

In witness whereof, we have hereunto set our hands this
day of November, 1865.

District No. 1, Nathaniel Chew,

" " 2, C. S. Waters,

" " 3, J. B. Nichols,

" " 4, Owen Disney,

" " 5, James M. Lucas,

" " 8, Edwin L. Griffith,

Annapolis, P. C. Clayton.

MARYLAND,

Anne Arundel County, } ss.

I hereby certify that the foregoing is a true copy of the
certificate of all the votes lodged with me by the Judges of an
election, held at the time and places and for the purposes
therein mentioned.

SEAL.

In testimony whereof, I hereto set my hand
and affix the seal of the Circuit court for Anne
Arundel county, this 13th day of November,
1865.

A. CLAUDE, Clerk.