
MEMORIAL

OF

SPRIGG HARWOOD, ESQ.,

IN ANSWER TO THE

MEMORIAL OF GEORGE E. GAMBRILL,

MEMORIAL.

To the Honorable,

The House of Delegates of Maryland:

The memorial of Sprigg Harwood respectfully represents that, at the election held on the seventh of November, 1865, he was a candidate for the office of Clerk of the Circuit court for Anne Arundel county; that at said election he received the highest number of votes cast in said county for the office aforesaid, and was duly declared elected thereto by the return Judges of said election, and was duly commissioned by the Governor of Maryland as Clerk of the Circuit court for Anne Arundel county; that on the twentieth day of November, 1865, he was duly sworn and qualified as Clerk as aforesaid, his bond, as required by law, having been duly executed and approved; and that he has since that time acted, and is now acting, as such Clerk and performing the duties of that office.

Your memorialist further represents, that a certain George E. Gambrill, who was also a candidate for said office, has presented a memorial to your Honorable Body, contesting the election of your memorialist and claiming the said office for himself.

The said Gambrill in his memorial charges that your memorialist was, at the time of said election, and is now, ineligible to the said office:

1st. Because he (*i. e.* your memorialist,) was then, and from the November election, 1864, had been a Senator of Maryland, representing said county (*i. e.* Anne Arundel 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 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 of the Circuit court for Anne Arundel county to a considerable extent, and he is advised that by section 16, Article 3 of the

Constitution of the State, the ineligibility of the said Harwood in this point of view will fully appear."

2d. "Because the said Harwood, at the time of his said election, was not a registered voter of said county or State, and is not such at this time."

As to the first ground of ineligibility alleged, your memorialist, whilst admitting he was a Senator, duly elected and qualified, as charged in the memorial of said Gambrill, respectfully insists that neither the salary or profits of the office of Clerk of the Circuit court for Anne Arundel county have been increased by the Act of 1865, chapter 181, or by any other Act of Assembly passed whilst your memorialist was a member of said General Assembly, within the per-view and meaning of Article 3, section 16, of the Constitution of this State.

In answer to the second ground of alleged ineligibility, your memorialist admits that at the time of said election, he was not a registered voter, but while denying that the mere fact of non-registration would render your memorialist ineligible to hold said office, he further states that, during the whole time of the sessions of the Registers for Anne Arundel county, under the provisions of the 9th section of the Registration law, to wit: from the first Tuesday in August to the third Wednesday of September, 1865, inclusive, and for some time prior and subsequent thereto, to wit: from the 1st day of July to the last day of September, 1865, your memorialist was absent from the State of Maryland, temporarily employed as an agent of the Baltimore and Ohio Railroad company, in the city of Louisville in the State of Kentucky; that although thus absent and unable to appear in person, he addressed a letter to Gassaway Winterson, Esq., one of the Registers for the First Election District of Anne Arundel county, in which your memorialist held and now holds residence, making application to be registered as a voter in said district, which said letter and application were laid before the Board of Registers for said district; but that said Board of Registers, or a majority of them, decided not to consider said application, because they required all applicants for registration to appear in person; that some time after his return to Maryland, to wit: on or about the 2d of November, 1865, your memorialist personally appeared before said Registers and renewed his application for registry, but that a majority of said Registers declined also to entertain this application of your memorialist upon the grounds that they were then sitting for the correction and final closing of the lists of voters, under the 11th section of the Registration law, and were not in their opinion authorized by that law to entertain any new applications for registry, and in that respect they conformed to the action of all the other Registers for Anne Arundel

county, under the legal advice and published opinion of the Hon. Alexander Randall, Attorney General of the State, to which your memorialist begs leave respectfully to call the attention of your Honorable Body. And your memorialist therefore avers that his application for registry was never entertained, or acted upon by said Registers, and that in the return of said Registers, a duly certified copy of which return is herewith filed, the name of your memorialist does not in any manner appear.

And your memorialist, whilst he claims his own undoubted eligibility and right to said office, denies, as claimed by the said Gambrill in his memorial, that your Honorable Body should declare or can legally declare the said Gambrill entitled thereto, even if your memorialist should be deemed ineligible thereto; but in that event it would be decided that there was no valid election of Clerk of said Circuit court, and a new election for said office would be ordered in Anne Arundel county, and the question again referred to the people.

Your memorialist having thus answered all the allegations of said Gambrill, contesting his election as aforesaid, which he is advised it is material for him to answer, respectfully asks that an opportunity will be given him to prove, as he is fully prepared to do, the allegations of this memorial, should the same or any of them be denied.

All of which is respectfully submitted.

SPRIGG HARWOOD.