

Election of the 5th Election District of Somerset County, State of Maryland, at the election held on the seventh day of November, 1865, delivered to them by Isaac Gibbons, Esq., before they proceeded to receive the ballots of voters.

Test :

L. R. POLK,

*One of the Judges of Election in the
5th Election District of Somerset County, Md.*

PRINCESS ANNE, Dec. 12, 1865.

To the Honorable, the House of Delegates of Maryland :

The memorial of John R. Franklin would respectfully set forth, that at an election held on the 7th November last he was a candidate for the office of circuit judge of the 12th Judicial Circuit of Maryland, and having received a majority of the legal votes cast in the counties composing said circuit, for the said office, as appears by the returns of the judges of election therein, he was duly commissioned by the Executive, and has qualified as judge of the said circuit by taking the oaths required by the constitution and laws of the state. But your memorialist has been notified by the Hon. Thomas A. Spence, who was also a candidate and received votes for the said office at the said election, of his intention to contest the same, upon the following grounds, to wit :

First, that your memorialist was and is ineligible, because he was not at the time of the election, registered as a qualified voter, but was rejected as such by the officers of Registration of the 2nd election district of Worcester Co.

And secondly, that in the 5th, 8th, 10th, 11th and 15th election districts of Somerset county, many illegal votes were received and counted, said votes being illegal because the persons depositing them were not registered as qualified voters, and that if said illegal votes had been rejected and those only counted which were legal, the said Thomas A. Spence, instead of your memorialist, would have received a majority of the votes cast in the counties composing said circuit. And he is advised that the said Thomas A Spence, in pursuance of the said notice, has memorialised your honorable body, praying to be declared to have been duly elected as circuit judge of the said circuit.

To these grounds of objection to his election your memorialist begs leave to respond. In doing so, he disclaims all intention of denying the constitutionality or validity of the Registry Law ; neither does he presume to call in question