

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1833.**

---

---

**STATE OF MAINE.**

**HOUSE OF REPRESENTATIVES, }  
January 16, 1833. }**

The Committee of this House on contested Elections, to whom was referred the cases of **Enoch Farnham**, and **John Wellington**, each claiming a seat in this House as Representative from the district composed of the town of **Albion**, and the territory north of said town, in the County of **Kennebec**, have had the same under consideration, and ask leave to Report the following statement of facts and Resolve.

It was in evidence before your Committee, that a legal meeting of the Inhabitants of the town of **Albion**, qualified by the Constitution to vote for Representatives, was holden on the second Monday of September last; at which meeting, as appears from the certificate of the Selectmen of **Albion**, one hundred and eight votes were given for **Enoch Farnham**, for Representative, and one hundred and five votes for **John Wellington**, for the same office.

It was farther proved, or admitted, before your Committee, that eight persons, inhabiting the territory north of **Albion**, an unincorporated, and an

unorganized place, being classed with the town of Albion by the Apportionment Resolve of 1831, appeared at said meeting and offered their votes as qualified electors. That it does not appear that said eight persons had ever been taxed by the town of Albion, or made any application to be taxed, or ever had any state tax assessed upon them; although there was some evidence to show that a county tax, for the purpose of making a road through said territory, had been imposed on its inhabitants. Nor does it appear that said eight persons ever had their names entered on the list of voters in Albion, though they made application to have their names so inserted, during the meeting on said day of election. It farther appeared, that the town clerk of Albion, on the forenoon of the day of election, saw five or six of the said eight men from the territory north of said town, and at a place about two miles distant from said meeting, and told them he thought they had no constitutional right to vote in the town of Albion, unless they were taxed; and that one of them replied, that they had rather not vote, than be taxed, and have the privilege of voting. It was in evidence, however, that said persons afterwards went to said town meeting, and claimed the right to vote. It farther appeared that the selectmen of Albion, presiding at said meeting, declined receiving the votes of said eight persons in the ballot box, alleging that their votes ought not to

be received, while some of the inhabitants of Albion were desirous their votes should be received. And it appears that the votes of said eight persons were finally received in a hat, and the same counted by the board of the selectmen and town clerk of Albion; and a record was made of them, and returned separately, on the same paper, for the action of the Legislature: and that, after the votes of Albion had been declared by the selectmen, they were asked how many votes there were put into the hat, and for whom they were. The chairman of said selectmen then declared there were eight votes, all of which were for John Wellington.

And it farther appears to your Committee that, in the return of votes made by the selectmen of Albion, to the office of the Secretary of State, the following statement is made, viz:—

‘ For Enoch Farnham, one hundred and eight votes,  
 “ John Wellington, one hundred and five votes,  
 “ John Wellington, eight votes were given in by inhabitants residing on the territory north of Albion, who have never been taxed by assessors of said Albion, and never had their names entered on the list of voters.’

It is apparent that, if said eight votes, given by said inhabitants of the territory north of Albion, are to be received, John Wellington was duly elected Representative from the before named District; if

they are to be rejected, Enoch Farnham was elected Representative for said District.

Your Committee therefore Report a blank Resolve to be filled as the House may determine, on the right of the before named eight individuals, residing on the territory north of Albion, to vote in said town of Albion, for a Representative to this Legislature; and on the question, whether the votes of said eight persons, were received, sorted, counted, and declared as the law requires.

**JOSIAH PIERCE, *Chairman.***

---

**RESOLVE.**

**STATE OF MAINE.**

*House of Representatives, January 16, 1833.*

*Resolved, That*

from the District composed of the town of Albion, and the territory north of Albion, in the County of Kennebec, was constitutionally elected a member of this House, and that he is entitled to a seat in the same.

---

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
*January 16, 1833.* }

*Ordered,* That two hundred copies of the foregoing Report and Resolve be printed for the use of the Members.

[Extract from the Journal.]

Attest:

ASAPH R. NICHOLS, *Clerk.*