

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

No. 1.

HOUSE.

The Joint Select Committee, to whom was referred the votes for Governor, given in the several cities, towns and plantations in this State, having had the same under consideration, ask leave to

R E P O R T :

That the whole number of votes for Governor, which have been legally and constitutionally returned from the several cities, towns and plantations in the State, is sixty-eight thousand five hundred and twenty-three; that the number necessary to constitute an election, is thirty-four thousand two hundred and sixty-two; that Edward Kent has thirty-four thousand three hundred and fifty-eight; that Gorham Parks has thirty-three thousand eight hundred and seventy-nine; other persons have two hundred and eighty-six; and that Edward Kent having received one hundred and ninety-three votes more than all other persons voted for, is constitutionally elected Governor of the State of Maine.

The return of votes from the town of Bristol, was not certified on the inside by the town Clerk. These votes were allowed and counted; for Edward Kent, two hundred and twenty-five; and for Gorham Parks, two hundred and twenty-eight. The returns from Dedham, Wesley, Weston, Kingsbury, Argyle Plantation, and Plantation No. 1, North Division, Hancock, County, were not certified by either of the Selectmen, or town or plantation Clerks on the outside. The votes from said towns

and plantations were allowed and counted, viz : for Edward Kent, one hundred and eleven; and for Gorham Parks, two hundred and three. The returns from Hiram, Lincoln, Roxbury, Edinburg, Beddington, Plantation No. 23, Snowsville, and Mattawamkeag, north of Lincoln, contained no certificate of having been sealed up in open town or plantation meeting, and it was not certified in the return from No. 23, that they were declared in open meeting. These votes were allowed and counted; for Edward Kent, one hundred and seventy-two; and for Gorham Parks, two hundred and sixty-six. The return from Buckfield states that "*five votes were given for Gorham Parks after the votes were declared and counted.*" These votes were allowed and counted for Gorham Parks. The return of votes from Amity was attested by the town Clerk, and two other persons, inside, without designating their official character; they were not signed or certified on the outside by any one. These votes were allowed and counted; for Edward Kent, two; and for Gorham Parks, twenty. The return from Cornish was made upon a plantation blank return; and was signed by two persons designated as "*Assessors.*" These votes were allowed and counted; for Edward Kent, fifty-two; and for Gorham Parks, one hundred and twenty-six. The returns from Moscow and Howland, were signed by the town Clerk and one Selectman only, on the inside; but on the outside by two selectmen and the town Clerk. These votes were allowed and counted; for Edward Kent, eighty-two; and for Gorham Parks, fifty-nine. The return from Calais, states that "*it appears in evidence, that one person voted twice.*" The votes of said town were allowed and counted; for Edward Kent, two hundred and nine; and for Gorham Parks, two hundred and fifty-three. The return from Chandlerville was not dated on the outside. These votes were allowed and counted; for Edward Kent, fourteen; and for Gorham Parks, twenty-seven. The return from Plymouth states that one vote for Gorham Parks was received while counting; this vote was allowed and

counted for Mr. Parks. The return from Howland states, that "a person calling himself an inhabitant of No. 3, Eighth Range, was allowed to vote in Howland; which vote was given for Gorham Parks;" this vote was allowed and counted for Mr. Parks. The return from Hallowell, on the inside, states that the meeting was held on the second Monday of September, being the eleventh day of said month, in the year of our Lord one thousand eight hundred and ——. The blank for the date of the year was omitted to be filled up; it was perfect in all other respects. On the outside is the usual certificate, signed by the Selectmen and attested by the town Clerk, that it contained a list of the votes given in by the inhabitants of the town of Hallowell, for Governor, on the second Monday of September, 1837, and was sealed up in open town meeting. On the outside was also a memorandum, in writing, that said return was received at the office of the Secretary of State, September 12, 1837. These votes were allowed and counted; for Edward Kent, six hundred and eighteen; for Gorham Parks, one hundred and fifty-one. The return from Milford, on the outside, contains a memorandum, in writing, signed by the Secretary of State, that *it was "not sealed when received at this office,"* but it contained the usual certificate, on the outside, of the Selectmen and town Clerk, that it was sealed up in open town meeting. It does not appear to have any post mark on it; nor is there any appearance of mutilation, or erasure in the return. These votes were rejected; they were for Edward Kent, seventy-five; for Gorham Parks, forty-one. The return from Paris states, that "*one vote was given for scattering;*" this vote was rejected. The return from Lincolnville states, that one vote was given for —— Kent; this vote was rejected. The return from Greenfield was not certified, or signed, by any one on the inside; on the outside it was in proper form; these votes were for Edward Kent, sixteen; and for Gorham Parks, eighteen; and were rejected. There was no return from the town of Albany.

Remonstrances were referred to the Committee against the reception of the votes of the towns of Leeds, Fayette and Fairfield. It is alleged in the remonstrance from the town of Leeds, that the votes were not sealed up in open town meeting; but there is on the return the certificate prescribed by law, that the votes were sealed up in open town meeting, signed by the Selectmen and town Clerk. The Committee decided in relation to towns where the returns furnished no evidence of having been sealed up in open town meeting, that the votes should be accepted and counted: they refused, in this case, to admit parol evidence, to contradict the legal certificate made by the Selectmen and town Clerk, which they had adjudged to be unnecessary, in so large a class of cases, and accepted the votes.

It was alleged in the remonstrance from the town of Fayette, that during an adjournment of the meeting for Governor, the box containing the ballots was placed in the window of the meeting house and that the chairman observed to the selectmen who had charge of the same, not to suffer them to be handled or disturbed, but that an individual other than the selectmen and not acting under the solemnities of an oath, did take the ballot box and receive a number of votes—the committee understood this as a distinct charge of fraud in relation to the votes so alleged to have been given, and on that ground and that ground only, went into a full examination of all the evidence offered. It appeared in evidence that during a suspension or adjournment of the meeting for the purpose of transacting town business, the ballot box containing the votes for Governor was placed on the sill of the window of the pulpit—and was exposed to the view of the meeting generally—that during a short period, when neither of the selectmen were in the pulpit, nor any other person than the Town Clerk and Samuel Hersey, who had gone into the pulpit to write, that an individual came to the pulpit with three young men, all legal voters in said town, and whose names were on the check list, and

asked Hersey to hand down the box and let them vote, that he took the box from the window, stepped to the side of the pulpit, and received from each of the three persons a single vote for Governor and then replaced the box on the window sill, that these votes, were for Edward Kent, and that they were the only votes thrown by these men on that day, and that they were received without the knowledge of the selectmen—and that no other persons than the selectmen and town clerk and Mr. Hersey were in the pulpit during the suspension or adjournment of the meeting, and that the window stool of the pulpit was some 6 or 10 steps above the floor of the house—the committee believing that these facts, did not require the disfranchisement of the electors of Fayette, accepted and counted the votes of that town, excepting the three as aforesaid.

It is alleged in the remonstrance from the town of Fairfield that the selectmen did not themselves, sort, count and declare all the votes for Governor as required by the constitution, but permitted some of the votes to be taken by an individual to a window, beyond the supervision of the selectmen and not in the presence of the town clerk, to sort and count them, and that the individual so taking the votes did count and throw away said votes, and returned to the selectmen a minute only of the number of votes so counted, and that the selectmen without ever having counted said votes added the votes so counted to those counted by themselves—the committee admitted the evidence in relation to this allegation in the remonstrance for the same reason as in the remonstrance of Fayette, on the suggestion of fraud—and it appeared from the testimony in the case that after sorting the votes, the selectmen found a small number of from five to seven, of what the witness called mixed votes, being such as did not contain the names of all the candidates generally voted for for Governor and Senators, some of them being written votes, and one of them only having on it the name of any candidate for Governor, that being for Gorham Parks—that these mixed votes were replaced in the ballot box and

handed by one of the selectmen to Samuel Burrell who was in the same pew with the selectmen and who had been clerk of said town—that said Burrell counted and sorted said votes and put them on a list of the votes which he made, and that after the selectmen had counted and listed the other votes, he handed these votes back to one of the selectmen, that they were then examined by the selectmen and put on the lists of votes kept by them, that the lists kept by the selectmen and the lists kept by Burrell were then compared and found to correspond.

It is further alleged in said remonstrance that a meeting was held under a moderator for the transaction of town business immediately after receiving the votes for Governor, which was first adjourned one hour, and finally adjourned to the second Saturday in October, and that after said final adjournment the selectmen proceeded to sort, count and declare the votes for Governor,—the committee do not perceive that these facts if true should have any influence on the legality of the meeting for receiving the votes for Governor, and as the selectmen and town clerk had certified in their return, which is in the form prescribed by the constitution and the laws, inside and out; that the votes were sorted, counted, declared and sealed up in open town meeting, the committee declined to admit any testimony on this part of the remonstrance, and accepted and counted the votes of Fairfield.

The constitution of the State having provided that the votes for Governor shall be received, sorted, counted, declared, recorded and sealed up in open town meeting, and returned into the Secretary's office, and laid by him before the Senate and House of Representatives, and the form of return having been established by law—the committee believed, that it might not be competent to them or the Legislature to go into any testimony to invalidate or contradict the returns or disfranchise the electors of towns whose returns were made according to the constitution and the laws, excepting in cases where fraud was suggest-

ed or alleged. Your committee were disposed distinctly to recognize this rule in relation to the returns from the towns of Leeds, Fairfield and Fayette—the evils resulting from a different course would in the opinion of your committee tend to protracting indefinitely the organization of the Government, and to removing the guards set by the Constitution and the laws around the rights of suffrage.

CHARLES FOX, Per order.

**LIST OF VOTES RETURNED FOR GOVERNOR,
FOR THE YEAR 1838.**

COUNTY OF YORK.

	Kent	Parks		Kent	Parks
Acton	94	107	Limington	117	197
Alfred	92	132	Newfield	105	119
Berwick	155	108	North Berwick	75	123
Biddeford	181	126	Parsonsfeld	79	264
Buxton	309	247	Saco	395	220
Cornish	52	126	Sanford	118	174
Eliot	61		Shapleigh	42	178
Hollis	250	214	South Berwick	187	60
Kennebunk	213	197	Waterborough	52	200
Kennebunk Port	212	229	Wells	93	154
Kittery	25	154	York	129	195
Lebanon	180	154			
Lyman	155	115		3488	3938
Limerick	117	140			

Gorham Parsons had 98 in Elliot ; Rufus McIntire had 7 in Newfield and 1 in South Berwick; David Boyd had 1 in South Berwick.

COUNTY OF CUMBERLAND.

	Kent	Parks		Kent	Parks
Baldwin	40	130	North Yarmouth	359	94
Brunswick	385	232	Otisfield	118	70
Bridgton	140	193	Poland	98	233
Cape Elizabeth	41	189	Portland	1342	874
Cumberland	109	120	Pownal	104	104
Danville	80	77	Raymond	85	161
Durham	126	142	Scarborough	48	274
Falmouth	160	146	Sebago	42	51
Freeport	234	148	Standish	122	223
Gorham	291	268	Westbrook	176	351
Gray	49	223	Windham	142	170
Harpswell	112	57	Gore between Poland } and Raymond }		6
Harrison	110	91			
Minot	287	254			
Naples	76	48		5054	5078
New Gloucester	178	144			

Josiah W. Pierce had 1 in Freeport; Robert Kent had 1 in Gorham; Rufus McIntire had 1 in Gray and 4 in Poland; John Hodgdon had 5 in Poland; Eliphalet Davis had 1 in Poland; Josiah Pierce, William King, Joseph Sturdevant and F. O. J. Smith had 1 each in Portland.

COUNTY OF LINCOLN.

	Kent	Parks		Kent	Parks
Alna	130	14	Phippsburg	161	71
Bath	500	177	Richmond	157	68
Boothbay	94	100	St. George	9	135
Bowdoin	157	128	Thomaston	325	398
Bowdoinham	208	116	Topsham	198	110
Bremen	40	39	Union	181	117
Bristol	225	228	Waldoborough	405	174
Cushing	15	77	Wales	28	76
Dresden	161	128	Warren	122	82
Edgecomb	81	68	Washington	93	123
Friendship	7	113	Westport	14	54
Georgetown	29	108	Whitefield	130	111
Jefferson	147	115	Wiscasset	255	108
Lewiston	176	123	Woolwich	148	18
Lisbon	235	127	Patricktown Plant.	13	46
Newcastle	169	46			
Nobleborough	103	188		4716	3586

Robert P. Dunlap had 1 in Alna, 1 in Bath and 2 in Thomaston; John Holmes had 1 New Castle; Hartley Hiscock and Thomas G. Pilsbury had 1 each in Nobleborough; Ether Shepley had 1 in Richmond; Charles Pope had 2 in St. George; Rufus McIntire had 2 in Thomaston, 1 in Wales and 33 Warren.

COUNTY OF HANCOCK.

	Kent	Parks		Kent	Parks
Aurora	15	4	Mariaville	26	22
Amherst	21	26	Mt. Desert	70	98
Bluehill	197	103	Orland	87	84
Brooksville	101	63	Otis	4	13
Bucksport	249	235	Penobscot	76	136
Castine	95	60	Sedgwick	156	168
Cranberry Isles	18	14	Sullivan	48	79
Dedham	24	42	Surry	15	85
Deer Isle	104	150	Swan's Island	1	22
Eastbrook	8	12	Trenton	34	101
Eden	50	67	Vinalhaven	56	144
Ellsworth	165	220	Waltham	18	18
Franklin	30	54	No. 1 North Division		14
Gouldsborough	123	68			
Greenfield	rejected			1871	2145
Hancock	80	43			

COUNTY OF WASHINGTON.

	Kent	Parks		Kent	Parks
Addison	55	65	Pembroke	56	61
Alexander	9	62	Perry	74	43
Amity	2	20	Princeton	15	12
Baileyville	3	57	Robbinston	41	57
Baring	23	26	Steuben	99	35
Beddington	3	17	Trescott	42	21
Calais	209	253	Wesley	21	25
Cherryfield	145	46	Weston	29	42
Charlotte	16	30	Whiting	28	28
Columbia	88	55	Plant. of Monticello		17
Cooper	35	57	No. 23, Plantation	7	18
Crawford		44	Haynesville, Town-	} 2	4
Cutler	17	86	ship A, 2d Range		
Dennysville	46	3	Township No. 18,	} 2	2
Eastport	136	81	given in at East Ma-		
East Machias	97	88	chias.		
Edmunds	12	18	Belfast Academy	} 1	1
Harrington	77	113	Grant, given in at		
Hodgdon	14	27	Houlton	} 1	1
Houlton	36	86	Framingham Acade-		
Jonesborough	35	42	my Grant, given in		
Jonesport	27	69	at Monticello	} 2	2
Linneus	3	25	Bridgewater Acade-		
Lubec	116	113	my Grant, given in		
Machias	173	45	at Monticello		
Machias Port	59	76			
Marion	12	17		1876	1996
New Limerick	13	6			

John C. Talbot had 1 in Columbia, and 1 in East Machias; Robert P. Dunlap had 3 in Eastport, and 1 in East Machias.

COUNTY OF KENNEBEC.

	Kent	Parks		Kent	Parks
Albion	106	122	New Sharon	154	138
Augusta	584	398	Pittston	237	68
Belgrade	145	92	Readfield	239	61
China	243	221	Rome	83	30
Chesterville	95	52	Sidney	286	76
Clinton	120	236	Temple	64	104
Dearborn	43	74	Vassalborough	432	97
Farmington	204	183	Vienna	83	33
Fayette	125	20	Waterville	269	224
Gardiner	428	233	Wayne	94	49
Greene	81	112	Wilton	126	141
Hallowell	618	151	Windsor	149	44
Leeds	178	122	Winthrop	284	93
Litchfield	225	95	Winslow	127	84
Monmouth	169	149			
Mt. Vernon	199	58		6190	3560

Rufus McIntire had 5 in Augusta, 5 in Gardiner, and 4 in Waterville; Robert P. Dunlap had 2 in Winthrop; John Holmes had 1 in Winthrop.

COUNTY OF OXFORD.

	Kent Parks			Kent Parks	
Andover	60	32	Madrid	6	23
Albany	no return		Norway	172	138
Berlin	10	43	Newry	5	58
Bethel	64	205	Oxford	59	141
Brownfield	48	128	Paris	93	276
Buckfield	45	237	Porter	38	163
Byron	13	18	Peru	3	64
Canton	35	109	Roxbury	3	20
Carthage	25	28	Rumford	77	125
Denmark	18	131	Stoneham		26
Dixfield	68	121	Stow	2	57
Fryeburg	116	98	Sumner	52	100
Greenwood	23	65	Sweden	48	42
Gilead	17	30	Turner	116	200
Hartford	79	145	Waterford	122	95
Hebron	95	45	Weld	64	72
Hiram	90	91	Woodstock	4	94
Howard's Gore	10	8	Holmes and Andover		
Hamlin's Grant	1	10	West Surplus	no return	
Jay	127	96	Township of Riley		
Lovell	78	68	given in Newry		6
Livermore	293	138			
Mexico	19	42		2198	3588

William Thompson had 1 in Hartford; Enoch Timberlake and Nathan Cutler 1 each in Livermore; Stephen Emery 1 in Turner.

COUNTY OF SOMERSET.

	Kent Parks			Kent Parks	
Abbot	35	59	Freeman	36	63
Anson	209	36	Fairfield	237	149
Athens	126	68	Greenville	2	16
Avon	24	79	Hartland	30	74
Bingham	59	26	Harmony	41	78
Brighton	23	79	Industry	80	53
Blanchard	17	27	Kingsbury	10	15
Bloomfield	180	14	Kingfield	52	41
Canaan	84	108	Lexington	12	36
Cornville	100	53	Madison	159	100
Concord	51	19	Mercer	140	92
Cambridge	19	21	Mayfield	9	11
Chandlerville	14	27	Moscow	40	12
Elliotsville	6	3	Monson	52	26
Embden	64	57	New Portland	86	74

	Kent	Parks		Kent	Parks
New Vineyard	41	44	Strong	68	80
Norridgewock	221	84	Salem	57	12
Palmyra	126	72	Skowhegan	150	97
Parkman	65	74	Wellington	27	20
Phillips	80	115	Wilson	2	11
Pittsfield	35	103	East Pond Plantation	21	33
Ripley	21	63	Township No. 8, given in Elliottsville		2
Shirley		33			
Solon	83	55			
St. Albans	135	80		3226	2581
Starks	97	87			

Rufus McIntire had 1 in Abbot, 1 in Palmyra; Joseph Cutler had 1 in Mercer; John Hodgdon had 1 in Phillips; Ether Shepley had 2 in Skowhegan; Robert P. Dunlap had 2 in Monson.

COUNTY OF PENOBSCOT.

	Kent	Parks		Kent	Parks
Atkinson	54	60	Lagrange	36	25
Bangor	992	464	Lee	21	77
Barnard	13	8	Levant	106	108
Brewer	175	150	Lincoln	62	122
Brownville	74	7	Madawaska	no return	
Bradford	33	106	Maxfield	19	22
Burlington	6	45	Milford	rejected	
Bradley	22	57	Milton	13	35
Carmel	38	72	Milo	57	50
Charleston	82	130	Newburg	47	92
Corinna	81	149	Newport	57	100
Corinth	82	140	Orono	411	367
Chester	20	17	Orrington	169	66
Dexter	99	145	Plymouth	48	74
Dixmont	110	106	Passadumkeag	31	50
Dover	118	120	Sangerville	113	73
Glenburn	42	76	Sebec	89	95
Etna	40	43	Springfield	29	46
Exeter	109	183	Stetson	50	65
Eddington	36	77	Williamsburg	19	
Edinburg	7	6	Argyle Plantation	27	65
Enfield	12	38	Bowerbank Plantation	12	4
Foxcroft	107	66	No. 4, East Penob- scot River	} no return	
Garland	86	85	East Cold Stream	} no return	
Guilford	41	89	No. 6, East of Spring- field	} 25	10
Greenbush	15	40	No. 3, 8th Range		1
Hampden	161	193	Snowsville	1	5
Howland	42	47	Mattawamkeag	2	4
Hermon	24	119			
Huntressville	9	18			
Kirkland	15	35			
Kilmarnock	41	21		4230	4468

Rufus McIntire has 2 in Bangor, 1 in Brewer, 2 in Bradford, 1

in Dixmont, 8 in Etna, 9 in Exeter, 3 in Hampden, 10 in Lincoln, 2 in Newburg, 2 in Orono, 5 in Orrington, and 1 in Mattawamkeag; Allen H. Cobb had 3 in Bangor; William Emerson, Robert P. Dunlap, A. H. Cobb, and Levi Cutter had 1 each in Bangor; John Hodgdon had 3 in Brewer; Ruphous M'Tire had 1 in Huntressville.

COUNTY OF WALDO.

	Kent	Parks		Kent	Parks
Appleton	39	62	Montville	96	115
Belfast	241	296	Monroe	48	118
Belmont	33	140	Northport	16	109
Brooks	64	65	Prospect	72	257
Burnham	10	74	Palermo	45	134
Camden	187	194	Searsmont	73	101
Frankfort	142	192	Swanville	10	77
Freedom	24	127	Thorndike	24	67
Hope	105	131	Troy	73	92
Islesborough	10	47	Unity	44	108
Jackson	35	37	Waldo Plantation	18	46
Knox	5	79			
Lincolnton	78	196			
Liberty	17	75			
				1509	2939

Rufus McIntire had 2 in Belfast, 4 in Frankfort, 1 in Prospect, 7 in Thorndike; Alexander McIntire had 1 in Frankfort; Thomas Perkins had 1 in Frankfort; Stephen C. Johnson had 1 in Liberty; Robert P. Dunlap had 3 in Montville, and 1 in Monroe; Josiah Pierce had 1 in Montville; Elisha Gordon had 1 in Thorndike; Gorham Hamilton had 1 in Unity.

RECAPITULATION of Votes for Governor for 1838.

COUNTIES.	Edward Kent.	Gorham Parks.	Rufus McIntire.	Gorham Parsons.	Robert P. Dunlap.	John Hodgdon.	Ether Shepley.	Allen H. Cobb.	Josiah Pierce.	John Holmes.	Charles Pope.	John C. Talbot.	David Boyd.	Josiah W. Pierce.	Robert Kent.	Eliphalet Davis.	William King.	Joseph Sturdevant.	F. O. J. Smith.	Hartley Hiscock.	Thomas G. Pillsbury	William Thompson	Enoch Timberlake.	Nathan Cutler.	Stephen Emery.	Joseph Cutler.	William Emerson.	A. H. Cobb.	Levi Cutler.	Ruphous McTire.	Alexander McIntire.	Thomas Perkins.	Stephen C. Johnson	Elisha Gordon.	Gorham Hamilton.		
YORK	3458	3938	8	98									1																								
CUMBERLAND	5054	5078	5			5			1					1	1	1	1	1	1	1																	
LINCOLN	4716	3586	36		4		1			1	2										1	1															
HANCOCK	1871	2145																																			
WASHINGTON	1876	1996					4						2																								
KENNEBEC	6190	3560	14		2					1																											
OXFORD	2198	3588																																			
SOMERSET	3226	2581	2		2	1	2																			1											
PENOBSCOT	4230	4468	46		1	3		3																													
WALDO	1509	2939	14		4				1																												
	34358	33879	125	98	17	9	3	3	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	

Edward Kent has - - - - - 34,358

Gorham Parks - - - - - 33,879

All others - - - - - 286---34,165

Edward Kent has over all other persons voted for - - - 193 votes.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
January 8, 1838. }**

Read and ordered that the same lie on the table, and that the Clerk be directed to procure one thousand copies of this report, together with the list of votes given in the several cities, towns and plantations in this State for Governor, in September last, accompanying the same, to be printed for the use of the Members of the House.

[Extract from the Journal.]

Attest: **GEORGE C. GETCHELL, Clerk.**