

# MAINE STATE LEGISLATURE

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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

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Augusta:  
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

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**TWENTY-FIRST LEGISLATURE.**

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**NO. 10.**

**HOUSE.**

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**REPORT**

**OF THE**

**COMMITTEE ON ELECTIONS.**

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**SEVERANCE & DORR,.....Printers to the State.**



HOUSE OF REPRESENTATIVES, }  
Feb. 15th, 1841. }

The Committee on Elections to which was referred the remonstrance of Amasa Taylor and another, against the right of Thomas Burrill to a seat in this House, as Representative from the town of Albion, in the County of Kennebec, have had the same under consideration, and ask leave to

**R E P O R T,**

That at the meeting in Albion, on the 14th September, the vote, as returned, stood 165 for Mr. Burrill, and 164 for Mr. Taylor, and both gentlemen claim an election at that ballot; Mr. Taylor contending that the vote of Benjamin Morrill, a pauper, and the vote of T. W. S. F. Broadstreet and one Harmon, were illegally received and counted, in the 165 returned for Mr. Burrill; and that the votes of Daniel Shorey, Jr. and Samuel S. Warren, which were tendered for said Taylor and refused, should be received and added to the 164 returned for him. In regard to Morrill, it was proved by the depositions of two of the Overseers of the Poor of the city of Bangor, that his family, upon the application of his wife, had received supplies repeatedly during the summer, and in the fall, within three months previous to the election, and that the house rent of the house occupied by him and the family, had been paid by the City the fall and winter previous. It also appeared in evidence that Morrill was deranged, or partially so, and incapable of taking charge of his family, who were very poor, and that this care devolved principally upon his wife.

It was further testified that his vote was objected to on the ground of his being a pauper, and that Mr. Baker, one of the Selectmen of Albion, had made investigation some time previous, to ascertain if he was a pauper of Bangor, and upon

satisfying himself of this fact, he communicated it to Mr. Burrill, who was also one of the Selectmen. It was proved by a witness present on the occasion, that he saw Morrill's vote as he deposited it in the ballot box, and that it was for the said Burrill for Representative. In regard to this vote it would seem as if none could doubt that it was illegally received and should be rejected.

Broadstreet's father resides in Albion—and it appeared that in February, 1839, he went to China and entered Mr. Kingsbery's office as a student at Law : that in the May following, after returning to his father's for a few days, he went to Hallowell and entered the office of Mr. Emmons, where he resided, with occasionally going to his father's, until the May following, when he made an engagement with Dr. Nourse to go into the Post Office, at Hallowell, and remain until the middle of October. He remained until the 4th of September, and then went to Ellsworth and entered the office of Mr. Robinson, returned to Albion on the 14th September and voted, and then went back to Ellsworth, where he has since been. Mr. B. testified that he considered his father's house his home, and that he had always left some clothes there, and his father testified that he considered his house his home. It was proved that Broadstreet voted for Burrill. He was in his 23d year. In connection with this vote we will consider the facts in regard to Shorey. Shorey testified that he was present at the meeting on the 14th of September, and claimed the right to vote, and went forward and tendered his vote in favor of Mr. Taylor, which was rejected by the Selectmen. That he was born in Albion, where his father has resided from the early settlement of that town. He became 21 years old in September, 1837 : previous to his becoming of age he went to China and learned the Blacksmith's trade, returning frequently to his father's during the time. A few months after he became of age he returned to his father's and brought with him every thing he had, and has considered it and made it his home there ever since ;

he remained there a short time and went to school—then went to Clinton and hired out a month, then returned to his father's a short time. In February, 1838, he went to Vassalboro' and hired a shop, and worked at his trade about three months, and then returned to his father's and brought his tools and clothes, and every thing he had with him. He remained at home a few days and then went to Mr. Ford's to work, by the month, leaving his tools and most of his clothes at home, intending to return, and stayed with Mr. Ford till August, and then went home and helped his father till the last of September—then went to Houlton to hire out, leaving his trunk and most of his clothes and his tools at home, and intending to return to his father's to settle with him. Stayed there till July, 1839—worked in Old Town one month, and returned home again and stayed till the middle of September, then went to Oldtown and hired out there till the first of December, 1839, leaving as before his trunk and clothes and tools at his father's, and intending to return home—came home and stayed a few days and then set out again for employment ; his brother taking him with his father's horse and wagon, leaving as before his tools, trunk, &c. and not knowing where he should work, but intending to return and settle with his father.

He finally found employment in Thomaston and hired there ; he remained there till the first of August when he returned to his father's, where he has since remained. He would have remained in Thomaston a year if his health had not rendered it expedient to return home. He testified distinctly that he had ever considered his father's house his home ; that since his return from Vassalboro' he had determined to settle permanently in Albion, and had been to work out to get some means to start in the world ; that when he went away to work out he had, at no time, any intention of settling away, but always designed to return, and had always left his trunk, his tools and clothes, (except such as he wanted for immediate use) at his father's. He has since made arrangements and purchased a

part of his father's farm. He stated that in the fall of 1837, he was told he had a right to vote, and he voted in China, and that two years ago he claimed the right to vote in Albion.

Samuel S. Warren resided in Clinton in the fall of 1839, being engaged in the practice of law. On the first of November he went to Albion, and opened an office there, carrying his library, and intending to establish himself there, if business should meet his expectations. He remained during the winter, boarding in Albion, and visiting his family which was at Clinton. In the spring he came definitely to the conclusion to settle permanently in Albion, and on the last of April broke up house-keeping in Clinton, and all his family left, determining to reside no longer in that town. He continued in Albion, where he had determined to settle; but not being able to find such a house as he wanted, his wife and three of her children went to Montville on a visit to her daughter's, till such time as it would be convenient to go to Albion. Two of his children went to Winslow to his sister's, and his oldest son came and remained with him at Albion. One of his wife's daughters had spent the summer at Augusta. His wife, on breaking up living at Clinton, took with her two cows and a bureau, and such clothes as she might want for common use, and he took with him all his clothes to Albion. The bedding was stored awhile in Clinton, and then brought to Albion. His wife had in Montville and Belfast separate property of her own, which she looked after. During the summer he was in the habit of visiting her, at her daughter's house, and she of visiting him at Albion. She was not keeping house, but staying with her daughter, who received her as a visiter, and asked nothing for her board, as Mr. Warren distinctly testified, having made the inquiry during the fall. He further testified positively, that he never had any intention of settling or residing in Montville himself; that the idea never entered his mind, nor of his wife's settling there; but that on the contrary, he had come to the conclusion in the spring, to remain and settle in Albion, where he then was, and that he



considered Albion his fixed and permanent residence from that time to the present, having been engaged in the practice of law there, and keeping his office there all the time, as his only place of residence and business, and declared that he had no other place of residence.

Mr. Crosby, one of the Selectmen, testified that he understood Mr. Warren to state when he came forward and claimed the right to vote at the meeting on the 14th of September, that his wife was a regular boarder at her daughter's in Montville, but that *his* residence was in Albion.

Mr. Warren remarked that he used the expression, that his wife was a visiter or boarder, and he testified that he was now enabled to say that she was a mere visiter, and that he considered her residence to be in Albion.

He having broken up house-keeping and his residence in Clinton in April, more than three months before the election, and his wife having been in Montville and he in Albion, as before stated, during that time, it is not a case of loss of residence of three months in one place, but he has, in law, a residence duly established, for more than three months before the election, either in Albion, or in Montville. In which place is it? In that town where he is established in business, intending to remain permanently there? or that town where his wife has been visiting, or remaining with her daughter, without any intention, on her part, to settle there, and where he never had a thought of residing? It was proved that he tendered his vote for Mr. Taylor, which was refused.

The only evidence in regard to Harmon was that he was a young man 22 or 23 years old, who had been out of town two years next March; leaving no property that the witness knew of, in town. He had returned once to his father's, in Albion, prior to his coming back on the 14th of September. He used to work on a farm. It was stated that he was reported to have gone to sea the latter part of the time he had been gone from Albion; but this was mere hearsay and not proof.

One witness testified that he saw his vote as Harmon was putting it in the ballot box, and that it was a printed vote with the name of Edward Kent, for Governor, except that the name of the Representative on it was in writing, and that he did not distinctly read what the name of the Representative on it was.

Mr. Baker, one of the Selectmen, testified that he assisted in counting the votes and there was no vote with Edward Kent's for Governor, that had any other name for Representative, save Mr. Burrill.

We have now presented the material facts in the case, and upon which the rights of the claimants must depend; and it is for the House to determine to whom the seat belongs.

EBENEZER OTIS,  
Per order of the Committee.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
February 17, 1841. }

ORDERED, That the foregoing Report be laid on the table, and 400 copies be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST: GEORGE C. GETCHELL, *Clerk.*