

MAINE STATE LEGISLATURE

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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

Augusta:
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

TWENTY-FIRST LEGISLATURE.

NO. 16.

HOUSE.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS

IN THE CASE OF

THOMAS BURRILL.

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

R E P O R T .

The Committee on Elections, to whom was referred the remonstrance of Amasa Taylor, 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 annual meeting in Albion, on the fourteenth of September last, the votes, as returned, were, for Thomas Burrill 165, for Amasa Taylor 164. Each of them claim an election at that ballot. Mr. Burrill claims to have received a majority of the votes thrown, and relies on the certificate of the Selectmen and Town Clerk to establish the fact. Mr. Taylor contends that Benjamin Morrill, T. W. S. F. Bradstreet, and one Hermon, were permitted to vote; that each of them voted for Mr. Burrill, and that they were not legal voters in the town of Albion; and that the votes of Daniel Shorey, Jr. and Samuel S. Warren, who, he contends, were legal voters, and who would have voted for him, the said Taylor, were refused, though they offered to vote.

In regard to Benjamin Morrill, who, it is contended, was a pauper, Henry Call, one of the Overseers of the Poor of the city of Bangor, testifies that he "finds, by the inspection of Mr. McIntire's books, that a barrel of flour was, on the twenty-ninth day of August, A. D. 1840, furnished and sent to Mr. Benjamin Morrill, of Albion, by my request, which stands charged to the city of Bangor. I gave the direction to Mr.

McIntire to furnish the supplies, in my official capacity, as an Overseer of the Poor. I also recollect that another small bill of supplies was furnished said Morrill some time since March, and prior to Sept. 14, 1840." Bradford Harlow testifies "that he has been an Overseer of the Poor, for the city of Bangor, for the period of four or five years, and that on or about the tenth day of September, A. D. 1840, Mrs. Morrill, wife of Benjamin Morrill, of Albion, in the County of Kennebec, called on me, as one of the Overseers of the city, for assistance. She made the application on behalf of her husband. The Overseers gave her either a verbal or written order on the firm of H. Cargill & Co. for the sum of five dollars. Since that time, the said H. Cargill & Co. have rendered in their bill for articles furnished Mrs. Morrill, to the amount of five dollars, which has been paid by the city. The city have also paid the rent of the house in which the said Morrill now lives, in Albion, from July, 1839, to March, 1840, at the rate of twenty-four dollars by the year, as near as I can recollect. The city have also paid two dollars to Mrs. Morrill, by an order on Mr. McIntire, on the twenty-third day of June, 1840."

This is all the testimony that was offered to the Committee, to prove that Mr. Morrill was a pauper. It was proved that Mr. Morrill had received no assistance from the town of Albion, and that neither he nor none of his family, nor no other person on their behalf, had ever made application to the Overseers of the Poor of the town of Albion for any assistance. Mr. Baker, one of the Overseers of Albion, testified that he offered Mrs. Morrill assistance, if she required it; but she did not call for any thing, but said she expected to have to. Mr. Baker also testified that, in November or December last, he, as one of the appraisers, set off real estate to the value of about fifty dollars, on an execution against said Benjamin Morrill. There was no evidence that the city of Bangor was bound to support Morrill or his family, or that they had ever resided in that city. It was proved that Morrill's name was on the list of voters

posted up by the Selectmen of Albion prior to the election, and that he voted at that election. John Crosby testified that he saw Morrill vote, and that he voted for Thomas Burrill for Representative. At the time Mr. Crosby was before the Committee, Mr. Burrill and his counsel were not present, and had no opportunity to cross-examine him; but he was questioned by the chairman of the Committee.

Stephen B. Getchell testified that he was present at the election in Albion, in September last; that he saw Benjamin Morrill vote; that at the time Morrill voted he saw John Crosby; that Morrill was in the desk, and Crosby was at the steps at the west end of the desk, at least ten feet distant from Morrill; that he could not have seen Morrill's vote so as to read a name on it, at the time he voted.

T. W. S. F. Bradstreet, whose vote is objected to by Mr. Taylor, is a young gentleman, 21 years of age, and is a student at law. His father resides in Albion. In February, 1839, he commenced the study of the law with Mr. Kingsbery, at China. Previous to that time he had resided with his father, at Albion. In May following he returned to his father's house, and remained a short time, and then went to Hallowell and entered the office of Mr. Emmons, where he resided, occasionally going to his father's, until May, 1840, when he made an engagement with Dr. Nourse to go into the Post Office, at Hallowell, and remain until October. While in the Post Office he continued the study of the law, under the direction of Mr. Emmons. He left the Post Office, at Hallowell, the first of September, and then went to Ellsworth and entered the office of Thomas Robinson, Esq. On the 14th of September, he returned to Albion, and voted for Mr. Burrill for Representative, and soon after returned to Ellsworth, where he has since been. Mr. Bradstreet testifies that he considers his father's house his home, and that he has always so considered it; that a part of his clothes have always been at his father's house. His father testified that he considered

his house his son's home, and that he assists him in pursuing his studies, by furnishing him with clothing and money.

In relation to Mr. Hermon, there was no evidence before the Committee to show he had not a right to vote in Albion, and none that was conclusive to show how he voted.

Daniel Shorey, who claimed a right to vote, but whose vote was refused, testified that he offered to vote for Amasa Taylor, for Representative from the town of Albion, at the September election. He stated that he was born in Albion where his father now resides; that he became 21 years old in September, 1837, previous to which time he went to China to learn the blacksmith's trade, returning frequently to his father's during the time. Three or four months after he became of age, he went to his father's, in Albion, and took his clothes with him, and remained there two weeks, and went to school. He then went to Clinton, and worked a month, and then returned to his father's a short time. In February, 1838, he went to Vassalborough and hired a shop, and established himself as a blacksmith, and carried on business for himself for about three months. He then gave up business in Vassalborough, and returned to his father's, and took with him his clothes and tools. He remained at his father's a few days, and then went to work for a Mr. Ford, in China, and worked for him until August, and then went to his father's and worked for him until the last of September. He then went to Houlton, having left his tools at his father's, and remained there until July, 1839; then went to Oldtown, and worked there one month, and then returned to his father's, and remained until the middle of September; then went to Oldtown, and hired out till the first of December, 1839. He then went to his father's and staid a few days, and then set out again seeking for employment. He found employment in Thomaston, and hired out there for a year, and would have remained if his health would have permitted him to work. In August last, being out of health, he returned to his father's, in Albion. In September he returned

to Thomaston, but the man with whom he had been at work having engaged other help, he returned to Albion, where he has since been. He stated that a part of his clothing had always been at his father's, and that he had always considered that his home. But to contradict his own statement, he admitted that he voted in China, at the annual election in September, 1837. He also testified that since he became 21 he had not been a resident in Albion, at any one time, for the term of three months. In 1838, he claimed the right to vote in Albion, but his vote was rejected by the Selectmen.

Samuel S. Warren, whose vote was not received by the Selectmen, resided in Clinton in the fall of 1839, being engaged in the practice of the law. On the first of November he went to Albion, and opened an office there, intending to remain there if he found business. He remained there during the winter—boarding in Albion and occasionally visiting his family, which were in Clinton. In April last his family broke up house keeping in Clinton, and all his family left that town—his wife and three of her children went to Montville, where they have since continued to reside, on a visit, and to do business, at which place she has a son in law, at whose house she has spent most of her time. Two of his children have resided in Winslow since his family broke up house keeping in Clinton—one of his children has been with him at Albion. On breaking up house keeping at Clinton, his wife took with her two Cows, a bureau and such clothing as she might want. He took with him all his clothing to Albion. His bedding remained in Clinton until August, when he moved it to Albion where it is now stored. Mr. Warren stated to the Committee that since April last it has been his intention to settle with his family at Albion, and that he shall do so as soon as he can procure a house. He also stated to the Committee that his wife was only on a visit to her daughter, who is married and lives in Montville. When his vote was challenged in September, he stated to the Selectmen that his wife was a *boarder* at

Montville. He explained the discrepancy by saying that at the time he made the statement to the Selectmen, he had not ascertained the facts in the case, and that he had since learned her daughter charged his wife nothing for her board. Mr. Warren was not taxed in Albion in May last.

The Committee having thus endeavored to present all the material testimony in the investigation of this case, would respectfully submit the decision of this question to the House.

EBENEZER TRASK,

Per order of the Committee.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 3, 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:

GEO. C. GETCHELL, *Clerk.*