

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PRINTED BY ORDER OF

# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1843.**

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*AUGUSTA:*

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

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TWENTY-THIRD LEGISLATURE.

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No. 6.]

[SENATE.

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REPORT

OF THE

COMMITTEE ON ELECTIONS.

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[Wm. R. SMITH & Co.....Printers to the State.]



# R E P O R T .

The Committee of the Senate, to whom were committed the returns for Senators from the Fourth Senatorial District, Kennebec, have had the same under consideration, and

## R E P O R T :

That the whole number of ballots returned, is	6,964
Necessary to an election, . . . . .	3,483
We find the returns contain, for	
John Otis, . . . . .	3,327
Merrill Clough, . . . . .	3,359
Asa Smiley, . . . . .	3,618
James Conner, (exclusive of votes of Belgrade,*)	3,518
John Hubbard, . . . . .	2,634
Jacob Main, . . . . .	2,625
David Stanley, . . . . .	2,630
Jacob Southwick, . . . . .	533
Paul Stickney, . . . . .	529
Samuel Benjamin, . . . . .	543
Luther Crosby, . . . . .	402
And for all others, . . . . .	371

Your committee believe that the law of 1842, forming the Fourth Senatorial district, to be the only constitutional law now existing for the formation of said district; and that it was the duty of the voters within the same to conform to the provisions of that law. From an inspection of the returns, we find that the number of ballots returned does not correspond with the number of votes contained therein. In most of the towns the number of votes is

\* In the return from this town, we have a certificate from the returning officers themselves, that certain ballots contained therein had upon them more than three names.—In the return from the town of Wales, we have the certificate of their officers that certain ballots were rejected, containing each four names.

too large for the number of ballots, creating a strong presumption that in most of the towns some of the ballots contained more than the legal number of names, or candidates to be elected—but as the returns themselves do not contain such evidence as would warrant us in correcting any supposed errors contained therein, except in the towns of Belgrade and Wales, named above, your committee have allowed and counted the votes as returned, except where additional and satisfactory proof was adduced as to the legality or illegality of any of the ballots returned.

The committee being clearly of opinion, that for a voter to place upon his ballot the names of a greater number of persons than the law allows to be elected in his district, is a gross and palpable violation of law; and is disorderly, and subversive of that certainty so necessary to a right decision of the Senate as to the election of its own members, and is corrupt in its tendency.

However anxious to guard, with watchful care, the rights of the voter, and to protect his rights from the wrong doings of others, yet this would seem to your committee not a case requiring from us their sympathy in his behalf.

In this case, if the voter suffer, he suffers from a wrong perpetrated by *himself*. He came forward with a ballot containing the names of more persons than the law allowed him the right of voting for, thereby becoming a *prominent*, and, in fact, a *chief* actor of the wrong committed. Such can have little reason to complain, should the penalty of this wrong be visited upon themselves.

In the case under consideration, the duty of the voter, in our opinion, is too plain to require elaborate elucidation or argument.

The 20th section of the 6th chapter of the Revised Statutes, requires “that the qualified electors shall give in their votes for the officer or officers to be chosen on one list or ballot, or so *many* of such officers as the person voting may determine to vote for.” It will here be perceived, that the voter may vote for as *many of the officers to be elected as he pleases*, but not for *these* and as many *more* as he pleases.

That a great evil would result from permitting the voter to determine, not only for *whom* he may vote, but for *how many*, must be obvious to all.

If in *this* case we permit the voter, with impunity, to place more than the legal number of names upon his ballot, it must be allowed in other cases, and if allowed, regardless of law, to place on his ballot one additional name, upon the same principle he may add hundreds, rendering the law a mere dead letter. The law may fix upon *one number* to be elected, and the voter upon *another*, and *much greater*, and put it out of the power of *this* or any *other body* to correct the error. Your committee, therefore, have, in all cases where the proof was clear and certain, rejected all the ballots containing the names of more persons than the elector had, by law, a right to vote for.

In pursuance of this determination, evidence has been received relative to the ballots thrown in the following towns, to wit:—

Augusta.—In this town, it was proved that 469 ballots contained four names each, and these were rejected,	469
Hallowell.—In this town, it was in proof that 337 ballots contained four names each, and these were rejected,	337
Monmouth.—It was proved that 155 of the ballots thrown in this town, contained four names each, and are rejected,	155
Readfield.—It was proved that 159 of the ballots thrown in this town, contained four names each, and are rejected,	159
Vassalboro'.—It was proved that 323 of the ballots thrown in this town, contained four names each, and these are rejected,	323
Mount Vernon.—In this town, it was proved that 139 of the ballots thrown, contained four names each, and are rejected,	139
Gardiner.—In this town, it was proved that 210 of the ballots thrown, contained four names each, and are rejected,	210
Sidney.—It was satisfactorily proved that 200 of the ballots thrown in this town, contained four names each, and are rejected,	200

Belgrade.—Proof was contained in the return from this town, that 140 of the ballots thrown in that town, had four names, and these are rejected, . . .	140
Whole number of ballots rejected, is, . . .	2,132
Whole number of ballots contained in the returns, including Belgrade, is, . . .	6,964
Whole number of ballots rejected, . . .	2,132
Whole number allowed and counted, is, . . .	4,832
Necessary to an election, . . .	2,417
No. of ballots allowed and counted for John Hubbard, is	2,634
“ “ “ Jacob Main, is	2,625
“ “ “ David Stanley, is	2,630

and they are severally elected.

Therefore, *Resolved*, That John Hubbard, Jacob Main, and David Stanley, having severally received a majority of all the ballots constitutionally and legally thrown and returned to the office of the Secretary of State from the fourth Senatorial district, are duly elected Senators for the said fourth district for the current political year.

All which is respectfully submitted.

THEODORE INGALLS, *Chairman*.

Per Order.

Jan. 11, 1843.



IN SENATE, Jan. 11, 1843.

Read and accepted.

JERE HASKELL, *Secretary*.



# STATE OF MAINE.

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IN SENATE, January 11, 1843.

ORDERED, That 500 copies of the foregoing Report, be printed for the use of the Senate.

Attest :

JERE HASKELL, *Secretary.*