

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1849.

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# TWENTY-EIGHTH LEGISLATURE.

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No. 3.

HOUSE.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
May 30, 1848. }

THE Committee on Elections, to which were referred the credentials of Richard H. Ford, who claims a seat in this house as representative from the town of Minot, and the remonstrance of Garrish Bridgham and others, against the right of the said Ford to hold a seat in this house, having had the same under consideration, now

### REPORT:

From the certificate of the selectmen and clerk of Minot, it appears that at a legal meeting held in that town on the second Monday of September last, for the election of State officers, the vote for representative stood as follows:

Richard H. Ford had . . . . .	133	votes.
Garrish Bridgham had . . . . .	119	“
Alexander B. Dwinel had . . . . .	2	“
Albert Valentine had . . . . .	4	“
Barnabas B. Perry had . . . . .	3	“
Amos Hersey had . . . . .	1	“
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Whole number, . . . . .	262	
Necessary to a choice, . . . . .	132	

From the foregoing return it appears that Richard H. Ford having received a majority of all the votes thrown, was duly elected representative. Notice to the claimant, that his right to a seat in this house by virtue of this election would be contested, was served on him on the twelfth day of April last.

The remonstrants contend that said Ford has been illegally and improperly returned a member of this house, because "on the day of election the selectmen of Minot closed the polls at an unusual and unseasonable hour, and that they unreasonably refused to receive the votes of many legal voters, although properly offered and in due season; and that if fairness had been practiced, the result of the election would have been different."

To support the allegations set forth in the remonstrance, the depositions of Charles Moody, Jacob Dwinel, Robert Pierce, Ebenezer Verril, and William Cobb, jr., citizens and legal voters in Minot, have been produced, from which the committee gather the following facts:

That the votes for State officers, including the votes for representative, were declared at twenty minutes past two o'clock in the afternoon. Within half an hour afterwards, Charles Moody offered his vote for representative, which, he deposes, was not for Richard H. Ford—and it was refused;—notwithstanding the said Moody continued to insist upon his right to vote.

Between three and four o'clock, six other voters, Robert Pierce, Charles Wolcott, Simon Chase, A. B. Dwinall, Andrew Peterson, and Mr. York, presented their votes for representative to the selectmen, but they were refused. The six votes thus offered and refused had upon them the name of Garrish Bridgham.

It does not appear that the votes of these persons were rejected because they did not possess qualifications requisite to constitute them legal voters, but the reason, and only reason, assigned by the selectmen, was, that the time for balloting had passed, and there was to be a meeting for town business. Such a meeting was in accordance with the usage which had prevailed in the town of Minot—to hold

meetings for the transaction of town business on the day of the election of State officers.

It was also in evidence before the committee, that when the votes were about to be declared by the selectmen, objection was made by several individuals, and the selectmen were informed that about a dozen voters "were coming, and were on the way." That it was customary to keep the polls open so long as calls were made by the selectmen for votes, and they were answered that the votes were not all in.

If these votes which were rejected, were improperly and illegally excluded, and should have been received and counted, it is apparent that no choice was effected. But as there is concerned in this case, an important principle concerning the right of suffrage—and the power and duties of officers presiding at elections, your committee have formed no conclusion as to the validity of the election, but submit the matter, with the foregoing statement of facts, for decision, to the good sense and judgment of the house.

Respectfully submitted.

WM. H. LOWELL, *Chairman.*

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, May 30, 1848.

ORDERED, That three hundred and fifty copies of the foregoing Report be printed for the use of the House.

SAMUEL BELCHER, *Clerk.*