

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

---

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

---

1849.

---

---

# TWENTY-EIGHTH LEGISLATURE.

---

No. 9.

HOUSE.

---

---

## STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, }  
June 16, 1848. }

The committee on elections, to whom were referred the credentials of George W. Haskell, who claims a seat in this house as representative from the district composed of the towns and plantations of Hodgdon, New Limerick, Linneus, Weston, &c., and also the remonstrance of Jabez Daggett against the right of said Haskell, together with certain depositions, have had the same under consideration, and now

### REPORT:

The whole number of votes given in said district, for representative, on the seventeenth day of January, 1848, (it being the seventh trial for representative in said district,) as appears by certificates from the towns of Hodgdon, New Limerick, Linneus, Weston, Amity, and the plantations of Molunkus, Orient, Reed, Benedicta, and Bancroft, was two hundred and eighty,—of which one hundred and forty-two were for George W. Haskell, one hundred and twelve for Jabez Daggett, and twenty-six scattering.

In the return from Amity, it is certified that at the meeting held

in that town, there were given in from township No. 11, seven votes, six of which were for Jabez Daggett, and one for George W. Haskell. This township is an unincorporated and unorganized place adjoining said town, but it is not so stated in the return. This omission was not regarded by the committee as a sufficient reason for rejecting these votes, and they were allowed and counted.

The claimant was duly notified that his right to hold a seat in this house by virtue of the election had on the seventeenth day of January, would be contested, on the eighth day of April last. The remonstrant contends that the said Haskell did not receive a majority of the legal votes thrown in said district, illegal votes having been admitted, which were thrown for said Haskell. In support of this allegation, the depositions of Absalom S. Dow, William White, James White, Charles White, and Thomas White, 2d, were introduced and read.

Absalom S. Dow deposes, that to the best of his knowledge and belief he was born in the province of New Brunswick—was twenty-seven years of age in May last, and has never been naturalized; that he attended town meeting in New Limerick at the last trial for representative, and there voted for George W. Haskell. It further appears that said Dow, on the day of election, was one of the board of selectmen of New Limerick.

William White, of Hodgdon, deposes, that he is the father of James White and Charles White, both of Hodgdon, and that he and the said James and said Charles were born in the province of New Brunswick. James White deposes, that he attended town meeting in Hodgdon at the last trial for representative, and voted for George W. Haskell; that he was twenty-seven years of age last December. Charles White also deposes, that he attended town meeting in Hodgdon at the last trial for representative, and voted for George W. Haskell; that he was twenty-six years of age last February.

Thomas White, 2d, deposes, that he was born in the province of New Brunswick, and has never been naturalized—and is forty years of age the present month; that he attended town meeting in Hodgdon at the last trial for representative, and voted for George

W. Haskell. He has voted in Hodgdon some eight or ten years in all, and claims to be an American citizen by reason of his father having been one. His father was examined in open town meeting in Hodgdon in reference to his right to vote, and was there admitted a voter. In reply to a question relative to his father being treated as a British subject in New Brunswick, he further testifies, that he knows nothing to the contrary, and thinks that he (his father) never paid an alien tax. It was also proved that Thomas White of Hodgdon, uncle of Thomas White, 2d, and of James White and Charles White, was naturalized in one of the courts of this state, in 1836.

It will be perceived from these depositions, that the evidence in relation to the ages and place of birth of Absalom S. Dow and Thomas White, 2d, and the ages of James White and Charles White, is of a hearsay character, and in a court of law would not be permitted to go to the jury. But without determining the precise amount of credibility to which these depositions are entitled on these points, the question whether these deponents were qualified electors, or in other words, citizens of the United States, may be determined in part from the fourth section of the act of congress passed April 14th, 1802, by which it is provided that children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered citizens of the United States; *provided* that the right of citizenship shall not descend to persons whose fathers have never resided within the United States. This provision, says Chancellor Kent, is not prospective in its operation, and applied only to children of persons, who, at the time of the passage of the act, were, or had been citizens of the United States. Whether James White or Charles White was ever naturalized, or not, we are not informed; and no circumstances appear in the testimony which would, in the opinion of your committee, preclude them, or the other two voters, from the possibility of being entitled, by virtue of the above provision, to the rights of American citizens. At any rate, your committee believe it would be acting upon quite too

strong a presumption, from the evidence before them, to reject their votes as illegal.

The remonstrant further contends, that there was no meeting legally called in Bancroft at the last trial for representative in said district ; and also, that at the meeting of the selectmen and assessors of the several towns and plantations for the purpose of comparing the lists of votes thrown in said district, the return from Bancroft was not signed by the clerk of that plantation, and was otherwise informally certified.

In support of this allegation, Joseph E. Shorey deposes, that he was clerk of Bancroft plantation for the year 1847,—that at the annual meeting held in that plantation in April that year, it was voted that the warrants calling or notifying plantation meetings should be posted up at the clerk's office, and at the dwelling-house of Samuel Cleaves. After the fourth trial for representative, which was on the fifteenth day of November, 1847, despairing of effecting a choice, the assessors determined not to notify any further meeting for that purpose. There was none notified, that he is aware of, and no warrant was posted up at the clerk's office or house—and there is no record in the clerk's office, of any meeting held after the fourth trial.

Daniel Cummings deposes, that at a meeting of the selectmen and assessors of the several towns and plantations held at his house on the twentieth day of January, for the purpose of comparing the lists of votes, Seth Spaulding appeared with the return from Bancroft, which was not signed by the clerk of that plantation. Spaulding claimed to be the clerk of the meeting held in Bancroft, and as such he then signed the return.

The certificate from Bancroft, presented by Haskell, is attested by Seth Spaulding as clerk ; and by this certificate it appears that six votes were thrown in that plantation for George W. Haskell, and two votes for Thomas J. Brown.

The most important question which puts in issue the legality of the meeting held in Bancroft, relates to the vote which is represented to have been passed at the annual meeting in April, pre-

## ELECTIONS.

5

scribing the manner in which subsequent meetings should be warned, of which vote the usual and proper evidence would be the record itself, or a copy of the record. Neither has been produced.

Your committee, in view of all the evidence before them, report the resolve which is herewith submitted.

WM. H. LOWELL, *Chairman.*

## STATE OF MAINE.

---

*Resolved,* That George W. Haskell, having been  
2 legally and constitutionally elected a representative  
3 from the district composed of the towns and planta-  
4 tions of Hodgdon, New Limerick, Linneus, Weston,  
5 Amity, &c., is entitled to a seat in this house.





STATE OF MAINE.



HOUSE OF REPRESENTATIVES, June 16, 1848.

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

SAMUEL BELCHER, *Clerk.*