

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.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

TWENTY-EIGHTH LEGISLATURE.

No. 11.

HOUSE.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
June 26, 1848. }

The committee on elections, to whom 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 against the right of said Ford,—having examined certain depositions and other papers which were referred to said committee since their report of the 30th ultimo, submit the following additional

REPORT:

The meeting held in Minot, in September last, for the choice of state officers, was warned at ten o'clock in the forenoon. The meeting held on the same day, for transaction of town business, was warned at three o'clock in the afternoon,—the latter meeting being called one hour later than had been customary in years previous to 1847. The mode of proceeding in balloting for state officers, including representative, as established by usage in the town of Minot, appears to have been, to call the names upon the check list, each voter casting his vote as his name was called.

After the call was completed, the presiding officers then commenced sorting and counting the votes, in the mean time receiving the votes of those persons who did not appear at the call of their names. After the count was finished, the votes for the several officers were then declared at the same time, beginning with the vote for governor, and ending with that for representative. The count, however, was not completed, nor the declaration made, in some instances, until after the time assigned for the opening of the second meeting. In such cases, the meeting for town purposes was organized by choosing a moderator, and was then suspended for the purpose of finishing the count, and making the declaration.

How long, or to what hour of the day, it had been customary to keep the polls open, or whether it had been usual to receive votes after the opening of the second meeting, or to wait for voters who had been sent for, and had not arrived, or not, your committee are not able to determine with any satisfactory degree of certainty. Much testimony has been adduced by both parties, to show what had been the usage of the town in these respects, but that produced by one party contradicts and conflicts with that of the other party.

The manner in which the election in question was conducted, appears to have been as follows:—The meeting for election of state officers was opened at or about eleven o'clock in the forenoon; the call of the names upon the check list was completed at half past twelve o'clock, at which time nearly all the votes were in which were thrown during the day. At two o'clock in the afternoon, after the votes had been sorted and counted, one of the presiding officers inquired if all the votes were in,—if so, he would declare the vote. Several individuals objected, saying that more voters were at the door, and some “were on the way.” Several persons then came forward to vote, and the declaration was delayed. About twenty minutes after two o'clock, the count was again adjusted, and the declaration made. One deponent testifies, that several persons also objected to the vote being declared at this time. The presiding officer who declared the vote, deposes, that

he heard but one individual object, and he was a person who was in the habit of objecting on such occasions.

After the vote for governor, senators, &c., was declared, votes were received upon questions relating to amendments of the constitution. While the vote on these questions were being counted, Charles Moody, a legal voter, who lived within half a mile from the town house, and had been sent for, presented his vote for representative, which was refused, for the reason, as one of the presiding officers deposes, that the polls were closed, and the returns made up. After the declaration of the vote upon the constitutional questions, the meeting proceeded to the transaction of town business.

No vote, besides that of Charles Moody, appears to have been offered and refused during the day, excepting the votes of Robert Pierce, Charles Wolcott, Simon Chase, A. B. Dwinall, Andrew Peterson, and Isaac York, who came from Mechanic Falls, five and a half miles distant from the town house. The first five of these individuals are represented to have been legal voters;—as to the one last named, we are not informed. It appears from the depositions of two of the selectmen, of the town clerk, and of the moderator of the meeting held in the afternoon, that when these six individuals presented their votes, it was five o'clock, or later,—that one of the selectmen had left for home,—both meetings had been dissolved, and the returns made up; that the shutters of the house had, most of them, been closed, and the only persons remaining in the house, were the officers abovementioned, and a few other individuals, from five to fifteen in number.

Roscoe L. Atwood and Calvin Bridgham testify, that no vote was taken to close the polls. One of the presiding officers also deposes, that he is not aware of any vote of the kind being passed.

A. B. Dwinall, one of the individuals whose votes were refused, deposes, that as near as he can judge, it was half past four o'clock when they offered their votes,—and that the reason given by the presiding officers for not receiving their votes, was, that “the polls were closed, and most of the people gone home.” He further

states, that he was unwell that day, and designed going to the meeting in the forenoon;—that it came on raining very hard, and he had about concluded not to go;—that he was informed by some voters who had returned from the meeting, that there was need of more votes,—and he believed, from his knowledge of the proceedings at elections, that he would be in season to cast his vote.

William Cobb, jr., deposes, that he invited these six persons to ride to the meeting in the forenoon, but they declined,—some of them replying that they could not go till afternoon.

In view of the foregoing facts, and those stated in the former report, your committee report a resolve which is herewith submitted.

WM. H. LOWELL, *Chairman.*

STATE OF MAINE.

Resolved, That Richard H. Ford, having been
2 legally and constitutionally elected representative
3 from the town of Minot, is entitled to a seat in this
4 house.

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, June 26, 1848.

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

SAMUEL BELCHER, *Clerk.*