

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. 1850.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

THIRTIETH LEGISLATURE.

No. 20]

[HOUSE.

STATEMENT OF FACTS.

~~~~~

AT the annual election holden on the second Monday of September, 1849, in the town of Woodstock, the whole number of votes for representative to the state legislature were 155; for Joseph H. King, 83; for George W. Millett, 72;—and in the town of Paris, as appeared by a duly certified copy of the town records of said town, the whole number of votes cast, and received, sorted, counted and declared in open town meeting by the proper officers, were as follows: for governor, whole number, 446; John Hubbard, 336; Elijah L. Hamlin, 67; George F. Talbot, 43. Whole number of votes for county treasurer, 414. Whole number of votes for county commissioner, 389. Whole number of votes for representative to the state legislature, 380; of which George W. Millett had 216; Joseph H. King, 163; Joseph King, 1. Memorandum was duly made by the clerk of the votes as above in open town meeting upon a sheet of paper as record, from which the record was transcribed, and the return required by law to be made to the secretary of state was duly made and signed by the selectmen and clerk in open town meeting; also, the usual credentials or certificates of the votes were made and signed by said officers, in accordance with said vote as received, sorted, counted, declared, and recorded in open town meeting.

Joseph H. King contests the right of said George W. Millett to a seat as representative and claims that a plurality of the votes cast for representative in said district were cast for said King and not for said Millett. Legal notice of King's intention to contest was considered by your committee as proved. No depositions have been taken by said King, in accordance with the provisions of the revised statutes, to prove his claim to a seat as representative, and he relies on the following statements, received by your committee without the sanction of an oath.

Elisha Morse states, that he was one of the board of selectmen of the town of Paris, of which Joseph H. King was chairman; both of them were present at the annual meeting in said town on the second Monday of September, 1849; he (Morse) assisted in counting the votes; thinks Mr. King did not count. While they were counting he (Morse) was frequently called off to receive votes. Commenced counting about fifteen minutes before sun-down. The number of votes as sorted, counted and declared in open town meeting, were as appears by the record;—that he, with the other officers, signed, in town meeting, the return to be made to the secretary of state, and also signed another paper which he believes was a printed blank with a certificate of the votes for representative, both of which agreed with the record; that he did not know of any mistake in the count until the next day about ten or eleven o'clock, when he and Mr. Partridge (third selectman) counted the votes which were found with the town clerk, who also assisted in counting; they then counted as follows: whole number of votes for representative, 435; George W. Millett had 216; Joseph H. King, 216; Joseph King, 1; Francis Bemis, 1; James T. Clark, 1. On the morning of the day after the election his (Morse's) attention was called to a mistake in the count by a Mr. Goodenow, which was the first he (Morse) heard of it. On the thirteenth of September said Morse and Partridge met with the selectmen of Woodstock to compare the votes from said towns. The credentials containing the statement of votes, which were

signed by the selectmen and clerks in open town meeting, were not given to Mr. Millett, but a paper of which the annexed sheet marked A was said to have been a true copy, was given or sent to to him.

Hiram Hubbard, clerk of the town of Paris, states that he was present at the town meeting; that some person objected to Mr. King's counting the votes, and that he (King) did not assist in counting in the meeting. After the votes were counted and declared and record thereof made, as stated by Mr. Morse, the meeting adjourned. He (Mr. Hubbard) then put the votes (which, after counting, were brushed off on a board or slide,) into a box and carried them to his house. After supper, carried the votes to his store, and put them on a shelf behind the counter; the box was an open cigar box. In the evening, Mr. Stevens came to the store and wanted to take the votes; he (Hubbard) declined to give them, but on Stevens saying that Mr. King wanted them, Hubbard pointed out where they were and Stevens took them and carried them away;—brought them back in about an hour. Hubbard then took the votes and carried them to his house and locked them up, where they remained until the next day about noon, when they were counted, as stated by Mr. Morse.

Rufus S. Stevens states that he was at King's house on the evening of the election. Mr. King requested him to go and get the votes, and he went to the store for them. After telling the clerk that King wanted the votes, Hubbard pointed out where they were, on a shelf in the store. Stevens then took them away, carried them to King's house and delivered them to him. Mr. Cummings also went with Stevens to King's house; the votes were there counted and were, for Joseph H. King, 216; for George W. Millett, 216; for Joseph King, 1; for Francis Bemis, 1; James T. Clark, 1. Millett's votes were counted first. Neither Cummings or Stevens counted the votes with King's name upon them; King counted those himself. Some of the time Stevens looked over

King's shoulder. Stevens did not know how many votes King had except from what King told him.

Simon H. Cummings states, that he went to Mr. King's with Mr. Stevens and at his (Stevens') request; that King took out the votes and they were counted; thinks that he (Cummings) counted or assisted in counting one pile or part of a pile of Millett's votes; can't say how many there were. The votes were given to Mr. Stevens.

JOHN J. TALBOT, *Chairman.*

## (A.)

At a legal meeting of the inhabitants of the towns of Paris and Woodstock, on the tenth day of September, A. D. one thousand eight hundred and forty-nine, qualified by the constitution to vote for representative to the state legislature, to give in their votes for a representative to represent said towns as a representative district in the state legislature, and the same were received, sorted, counted and declared in open town meeting, by the selectmen of said towns, who presided, and in the presence of the clerks of said towns, who formed lists of the persons voted for and made record thereof, as follows :

*Town of Paris, as declared in town meeting.*

George W. Millett, two hundred and sixteen.

Joseph H. King, one hundred and sixty-three.

Joseph King, one.

*Town of Woodstock, as declared in town meeting.*

Joseph H. King, eighty-three.

George W. Millett, seventy-two.

The whole number of ballots declared, was five hundred and thirty-five; the said George W. Millett having the plurality as declared.

Having reason to suspect there was a mistake in counting the votes, on the tenth instant, the undersigned selectmen, together with the clerk of the town of Paris, did meet on the eleventh instant, and recount the votes (being preserved by the clerk of said town,) and found that George W. Millett had two hundred and sixteen; Joseph H. King, two hundred and sixteen; Joseph King, one; Francis Bemis, one; James T. Clark, one.

The whole number of votes given in in said town of Paris, was four hundred and thirty-five.

Given under our hands, this thirteenth day of September, A. D. one thousand eight hundred and forty-nine.

ELISHA MORSE,  
AUSTIN PARTRIDGE, } *Selectmen of Paris.*

PERRIN DUDLEY,  
ADONIRAM CURTIS, } *Selectmen of Woodstock.*

This may certify that I have compared this with the original certificate, signed by the selectmen of Paris and Woodstock, on the thirteenth day of September, A. D. one thousand eight hundred and forty-nine, and find it to be a true copy.

ELISHA MORSE.

SEPTEMBER 14, 1849.





# STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, July 19, 1850.

ORDERED, That 350 copies of the foregoing statement of facts,  
be printed for the use of the House.

EDMUND W. FLAGG, *Clerk.*