

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1851--2.

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**Augusta:**

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1852.

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# THIRTY-FIRST LEGISLATURE.

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No. 1.]

[SENATE.

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## STATE OF MAINE.

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IN SENATE, May 20, 1851.

THE committee to whom was referred the memorial of George M. Chase, alledging that Jeremiah Fowler is not elected to a seat in the senate by a majority of the legal votes from the eighth senatorial district, have had the same under consideration, and after a patient hearing of the parties, and duly weighing the evidence in the case,

### REPORT :

That the Hon. Jeremiah Fowler did receive the requisite number of the legal and constitutional votes of said district, to entitle him to an election from the same, and that he is therefore duly elected.

JAMES BELL, *Chairman.*

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IN SENATE, May 20, 1851.

Recommitted with instructions to report a statement of facts.

A. H. SMALL, *Secretary.*

## STATE OF MAINE.

IN SENATE, May 22, 1851.

THE select committee to whom was referred the memorial of the Hon. Geo. M. Chase against the election of the Hon. Jeremiah Fowler as senator, by a majority of the legal votes, from the eighth senatorial district, report the following facts, to wit: The whole number of votes from said district, as appears from the returns to the secretary of state, was 2,426; necessary to a choice, 1,214; and Jeremiah Fowler has 1,214.

From a certificate from the town clerk of the town of Edmunds, in said district, it appears that the whole number of votes in said town for senator was 52; and, by inspection of the return from said town to the secretary of state, it appears that there were only 51 votes returned, which would increase the whole number of votes to 2,427, leaving the number necessary to a choice the same as before stated, 1,214. The additional vote was for Micah J. Talbot.

In a letter, of the date of April 15, 1851, from Mr. Chase to J. C. Talbot, jr., of Lubec, where Mr. Fowler resides, Mr. Chase desires Mr. Talbot to say to Mr. Fowler that he designs to contest his seat in the senate; and also present to Mr. Fowler copies of certain affidavits, to be used in the proposed investigation. Mr. Talbot, a few days afterwards, made the communication, as desired, to Mr. Fowler, and also gave him copies of the affidavits, as requested.

This was the first and only notice to Mr. Fowler, of any intention to contest his seat, except it might be a conversation between Mr. Chase and Mr. Fowler, upon the boat, while on their way to the present session of the legislature.

Some of the affidavits were taken in October and November last, and the last two on the 5th and 6th of May, instant, at Calais.

There was no evidence that Mr. Fowler, or any one in his behalf, attended the taking of any of the affidavits, or that he had any knowledge of the time and place when and where they were to be taken. It is claimed that the following named persons voted illegally for Mr. Fowler, to wit: John Wilcox, of Trescott, voted in Lubec; John Brooks, of Lubec; David Harris, John Harris, and Abram Randall, of Trescott; and Ansel Rumrey, of Calais.

To show the illegality of Wilcox's vote, his own affidavit was introduced, in which he says, that he was present at the town meeting in Lubec; that he put into the ballot box a vote given him by Jeremiah L. Ring; that he did not look at the vote himself; that he was born in the province of Nova Scotia, and has never been naturalized; that all the home he has had for the last year has been in the town of Trescott. Wilcox signed the affidavit by making his mark.

The affidavit of Uriah Coolidge was introduced to show the illegality of both Wilcox's and Brooks' votes; in which Coolidge says, that he was at the meeting in Lubec, and kept a check-list; that Brooks and Wilcox both voted; that Wilcox came to the polls with a leading whig—the post-master; that, before he voted, Coolidge objected, when some one—Coolidge is quite sure it was the post-master—said, “his name is on the list,” and, at that instant, Wilcox voted by permission of one of the selectmen. Wilcox's name was not on the list. The town officers were all whigs. All the whig votes had the name of Jeremiah Fowler upon them. Never knew Wilcox to vote before. Coolidge does not believe that either Brooks or Wilcox was a legal voter. The affidavit of J. C. Talbot, jr., was also introduced to show the illegality of Brooks' and Wilcox's votes. Talbot says that he has known Brooks and Wilcox for several years; that before, or on the day of the town meeting in the spring of 1849, he asked Brooks if he was going to vote, and he said he was no voter—never voted in his life. Talbot says he never was considered a voter—never knew him to vote prior to

1849. Wilcox has said to Talbot, since the last September election, that he had no right to vote, and should not have voted unless he had been a "little tight," and strongly urged by Mr. Ring.

Brooks' affidavit was introduced, relating to his own vote; in which he says that he voted the whig ticket. He was born in Annapolis, Nova Scotia; is forty-one years old; was never naturalized; never voted till the spring or fall of 1849; has been informed that his father was born in Philadelphia, and was a soldier of the revolution; that his mother was born in Haverhill, Mass., and that they went to Annapolis soon after the war. I was allowed to vote without objection. Brooks signs his affidavit by making his mark.

To show the illegality of the votes of David and John Harris, the affidavit of James Nutter, of Trescott, was introduced; in which he says that John Balch brought David Harris, and his son John Harris, to the polls to vote; their names were not on the check list. David Harris was sworn, and stated, that, according to the best of his knowledge, he was born in Virginia, and went from thence to Yarmouth, Nova Scotia, when about six months old; his son John was born in said Yarmouth. They were both allowed to vote, and voted the whig ticket.

Said Nutter further states that Abram Randall voted the whig ticket in said Trescott, and that Randall said that he had resided in said town more than three months before said meeting—on the 9th of September, 1850; he would not swear to it, but believed that he had. Nutter knew that he did not come into said town to reside before June 15, 1850.

The affidavit of Benj. Harris, of Eastport, was introduced, as touching the legality of the votes of David and John Harris. Benjamin says that he is 64 years old; was born in Yarmouth, Nova Scotia; has known David Harris, now of Trescott, from his birth; he knew his father, David Harris, senior; he says that David Harris of Trescott was born in said Yarmouth. Benjamin is a relative of said David Harris and his son, and has no doubt that David Harris, senior, was born at said Yarmouth. David Harris of Trescott was married before he removed from Yarmouth. Benjamin

was intimately acquainted with David Harris, senior, and his son, and their families. The affidavit of Geo. T. Hunter, of Lubec, was also introduced, relating to the votes of David and John Harris; in which he says that he has known David Harris, of Trescott, for more than forty years; that he knew him in Yarmouth, Nova Scotia, and also his father, David Harris; and that the general reputation and belief at said Yarmouth was that David Harris, father of David Harris now of Trescott, was born in said Yarmouth, and Hunter believes that he was. David Harris, of Trescott, and his son John, were born in said Yarmouth, and are not citizens of the United States.

The affidavit of Mary Ann Bailey, of Calais, relating to the vote of Ansel Rumrey, was introduced; in which she says that she was born in 1824, and that Ansel Rumrey, her brother, of said Calais, she verily believes and has been informed, was born April 3, 1832; his age is so recorded in our family Bible, which was given to me by my mother, and which I now have. I recollect when my father made the record; it was about the time my brother and his twin were born; he voted in Calais at the last September election, and I understood that he voted the whig ticket, but I do not know.

Winthrop Young, of said Calais, says, in his affidavit, that, in a recent conversation with said Rumrey, he said that he voted the whig ticket, except for representative. Young knew that he voted—he saw him vote; his right to vote was questioned, but he was allowed to vote on his own statement.

Your committee would observe that all these affidavits were taken *ex parte*; and they are herewith submitted.

JAMES BELL, *Chairman.*

## CERTIFICATE AND AFFIDAVITS.

At a legal meeting of the inhabitants of the town of Edmunds, in the county of Washington, holden on the ninth day of September last, at one o'clock in the afternoon, the said inhabitants then gave in their votes for a senator for the eighth senatorial district, and the same were duly received, sorted, counted and declared by the selectmen who presided, and in presence of the town clerk who formed a list of the persons voted for, and made a record thereof, as follows—to wit:


|                                          |    |
|------------------------------------------|----|
| For George M. Chase, thirty-three votes, | 33 |
| For Jeremiah Fowler, eleven votes,       | 11 |
| For Micah J. Talbot, one vote,           | 1  |
| For Adna Leighton, seven votes,          | 7  |
| Total,                                   | 52 |

I hereby certify the above is a true copy of the record.

Attest:                                   ISAAC HOBART, *Town Clerk.*

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I, John Wilcox, of Trescott, of lawful age, do, on oath, depose and testify that I was present at the annual town meeting holden at Lubec on the ninth day of September, 1850, and that I voted by putting into the ballot box (held by the selectmen for the purpose of receiving votes) a vote which was given to me by Jeremiah L. Ring, of Lubec; I did not look at the vote myself, but was urged by him to go and put it into the box. I was born in Kempt, in the province of Nova Scotia, and have never been naturalized. My home for the last year has been in the town of Trescott—all the home which I have had. My father is not an American citizen. I voted because I was urged to by Mr. Ring, and never voted before.

his  
JOHN  WILCOX.  
mark.

WASHINGTON, ss.—OCT. 25, 1850.—Personally appeared the above, named John Wilcox, and made oath to the truth of the above affidavit by him subscribed before me.

J. C. TALBOT, JR., *Justice of Peace.*



I, Uriah Coolidge, of Lubec, do, on oath, testify, depose and say, that I was present at the annual meeting holden in said Lubec on the ninth day of September, 1850, for the annual election of state officers, and that I kept the check list at the polls, and in company with the selectmen checked the names of persons on said list as they voted. John Brooks, of Lubec, and also John Wilcox, voted, and their votes were received and counted with the other votes received. John Wilcox came to the polls with a leading whig, (the post-master of Lubec, who appeared to have charge of him,) and before he (Wilcox) voted I objected to his voting and challenged his vote; some one, I am quite sure the post-master, who was with him, said, "*His name is on the list.*" At that instant he put into the ballot box a vote, by permission of one of the selectmen who held the box, and was the only selectman present at that time. I still protested against his voting, and on searching over the check list his (Wilcox's) name could not be found, and was not on the list of voters; this vote of Wilcox's was the only one received before the name of the voter was found on the list. The town officers presiding at said meeting were all whigs. I was present at the counting of all the votes thrown at said election, and there were no votes thrown having the name of Wm. G. Crosby upon them but what also had the name of Jeremiah Fowler upon the same for senator. I never knew of said Wilcox voting before, or claiming any right to vote before; said Wilcox has resided in this vicinity more than ten years; neither he nor his other three brothers, all of whom are of age, nor his father, have ever been considered as citizens unless they have been naturalized. I never believed that either John Wilcox or John Brooks were legal voters in Lubec.

URIAH COOLIDGE.

WASHINGTON, ss.—Personally appeared the above-named Uriah Coolidge, and made oath to the truth of the above affidavit, by him subscribed before me.

J. C. TALBOT, JR., *Justice of Peace.*

## STATE OF MAINE.

WASHINGTON, ss.—On this 8th day of November, A. D. 1850, personally appeared, before me a justice of the peace within and for the county and state aforesaid, John C. Talbot, jr., of Lubec, who being duly sworn according to law, declares that he is acquainted with John Brooks of Lubec, and John Wilcox of Trescott, and has been for several years past—that some time in the spring of 1849, on or about the day of the annual spring meeting, he asked the said Brooks if he was going to town meeting to vote—said Brooks replied “that he was no voter and never voted in his life.” Said Brooks was never considered to be a voter in this town and I never knew of his voting prior to 1849. John Wilcox has said to me since the election in September last, that he had no right to vote and should not have voted at the late election if he had not been a “*little tight*” and strongly urged by Mr. Ring.

JOHN C. TALBOT, jr.

Sworn to and subscribed before me the day and year above written.

G. HUNTER, *Justice Peace.*

I, John Brooks, of Lubec, on oath, depose and say that I was present at the annual election holden in Lubec on the ninth day of September, 1850, and that I voted for state officers by putting into the ballot box a vote similar and alike the one annexed, marked A; that I was born at Annapolis, Nova Scotia, and am now in the forty-fifth year of my age; that I was never naturalized, and that I never voted (or supposed I had a right to vote) before the annual spring meeting held in 1849, or at the fall election of 1849, when I was allowed to vote. I have been informed that my father was born in Philadelphia, and that he was a soldier in the revolutionary war, and that my mother was born in Haverhill, Mass., and that they went to Annapolis soon after the war, and I believe it to be true; and I came to Lubec when I was in my seventeenth year. I never testified to these facts, and was allowed to vote without being questioned.

JOHN <sup>his</sup> ~~X~~ BROOKS.  
mark.

WASHINGTON, ss.—LUBEC, OCT. 18, 1850.—Personally appeared before me, the subscriber, the above-named John Brooks, and made oath to the above deposition, by him subscribed.

J. C. TALBOT, JR., *Justice of Peace.*

The annexed deposition was taken at the request of Geo. M. Chase, Esq., of Calais.

J. C. TALBOT, JR., *Justice of Peace.*

(A)

FOR GOVERNOR—

WM. G. CROSBY.

For Representative to Congress—

JAMES S. PIKE.

For State Senator—

JEREMIAH FOWLER.

For County Commissioner—

JOHN GARDNER.

For County Treasurer—

JAMES POPE.

For Representative to State Legislature—

SAMUEL FOWLER.

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STATE OF MAINE.

WASHINGTON, ss.—On this eighth day of November, 1850, personally appeared before me, a justice of the peace, within and for said county, James Nutter, Esq., of Trescott, who, being duly sworn according to law, declares that he is one of the selectmen of the town of Trescott, and presided at the meeting holden in said town for the election of state officers, on the ninth day of September last; that at said meeting Mr. John Balch, of Trescott, brought up to the ballot box David Harris and his son John Harris, of said Trescott, and claimed that they had a right to vote at said meeting. Neither of their names were on the check list as voters. He (Nutter) objected to their voting, as he did not consider them voters; after considerable discussion, David Harris was sworn, and under oath said that, *according to his*

*knowledge*, he was born in Virginia, and came from Virginia to Yarmouth, Nova Scotia, when he was about six months old; that his son John was born in said Yarmouth. He (David) would not swear positively, but said he thought he was born in Virginia. The father and son were then allowed to vote, and each of them voted a vote similar to the one annexed, marked A; and said votes were received, counted and declared in said meeting, and record thereof made. I do not consider that said Harris's were either of them voters, and never did; neither of them have ever been naturalized. Said Nutter further states, on oath, that one Abram Randall, of said Trescott, also voted at said meeting in Trescott, and threw a vote like the vote annexed, marked A; that said vote was received because said Randall said that he had resided in said Trescott for more than three months prior to said election; his vote was objected to, but was received; he would not swear positively that he had resided in Trescott for three months, but said he believed he had. I know now that he did not come into Trescott before the fifteenth day of June, 1850, to reside there, and that he was not a legal voter in said town, at said election on the ninth day of September, 1850.

JAMES NUTTER.

Subscribed and sworn to this eighth day of November, A. D. 1850.

JOHN C. TALBOT, JR., *Justice of Peace.*

(A)

FOR GOVERNOR—

WM. G. CROSBY.

For Representative to Congress—

JAMES S. PIKE.

For State Senator—

JEREMIAH FOWLER.

For County Commissioner—

JOHN GARDNER.

For County Treasurer—

JAMES POPE.

For Representative to State Legislature—

SAMUEL FOWLER.

STATE OF MAINE.  

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WASHINGTON, ss.—On this third day of May, A. D. 1851, personally appeared before me, a justice of the peace within and for the county aforesaid, Benjamin Harris, of Eastport, in said county, who, being duly sworn, according to law, testifies and says that he is sixty-four years of age, and was born in Yarmouth, in the British province of Nova Scotia; that he has known David Harris, now of Trescott, in the county of Washington aforesaid, from the time of his birth; that he knew said Harris in Yarmouth aforesaid, and also knew his father, David Harris, senior; that David Harris, of Trescott, was born in said Yarmouth (at which place this affirmant resided at the time of the birth of the said David); that this affirmant is a relative of the said David Harris and his son, and verily believes and has no doubt that said David Harris, senior, was born at said Yarmouth; that the said David Harris, of Trescott was married before he removed from Yarmouth aforesaid, and some of his children were born prior to that time; that he was intimately acquainted with the said David Harris, senior, and his son, and their families.

BENJAMIN HARRIS.

Subscribed and sworn before me the day and year above written.

BION BRADBURY, *Justice of the Peace.*

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STATE OF MAINE.  

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WASHINGTON ss.—On this 7th day of November, A. D. 1850, personally appeared before me a justice of the peace within and for the county aforesaid, George T. Hunter, Esq., of Lubec, who being duly sworn according to law, declares that he was born in Shelburne, Nova Scotia, and that he has been acquainted with David Harris, now of Trescott, for more than forty years—that he knew said Harris in Yarmouth, Nova Scotia, and also was acquainted with his father (David Harris, of the same name)—that the general reputation and belief at said Yarmouth was that David Harris, father of the David Harris now of Trescott, was born in said Yarmouth, and that he believes from his acquaintance with the family that such is the truth. He further states

that David Harris now of Trescott, and his John were both born in Yarmouth, Nova Scotia, and are not citizens of the United States—that he lived near the said David Harris from the time of his said Harris' marriage, until he (Hunter) was thirty years of age, and was intimately acquainted with said Harris's family.

G. T. HUNTER.

Sworn to and subscribed before me the day and year above written.

JOHN C. TALBOT, jr, *Justice Peace.*

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I, Mary Ann Bailey, of Calais, in the county of Washington, wife of Samuel Bailey, depose and say that I was born in the year 1824, and that Ansel Rumrey of Calais, is my brother—he was born as I verily believe and have been informed, April 3d, A. D. 1832. His age is so recorded in our family Bible which was given to me by my mother and which I now have. I recollect the time my father made the record—it was about the time Ansel and his twin were born. He voted in Calais the last annual election and I understood he voted the whig ticket but I do not know.

MARY ANN BAILEY.

Calais, May 5, 1851.

WASHINGTON, ss.—May 5, 1851. Then personally appeared Mary Ann Bailey the above named and made oath to the truth of the foregoing statement by her subscribed.

Before me, Wm. L. McALLESTER, *Justice of the Peace.*

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I, Winthrop Young, of Calais, in the county of Washington, on oath, say, that I had a conversation with Anson or Ansel Rumrey, of this town, a short time ago, upon the subject of his voting at the annual election in this town last September; he told me he voted the whig ticket for all the whig candidates except representative to the legislature; he said for this office he voted for David Pinio—for the democratic candidate. I know that said Rumrey voted in this town last fall at the

election for governor, &c. ; I saw him vote. His right to vote was objected to by the democrats on account of his minority, but he was allowed to vote on his own statement.

WINTHROP YOUNG.

CALAIS, May 6, 1851,

WASHINGTON, ss.—MAY 6, 1851. Then personally appeared Winthrop Young, and made oath that the statement by him subscribed is true.

Before me, WM. L. McALLESTER, *Justice of Peace.*

## STATE OF MAINE.

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IN SENATE, May 22, 1851.

ORDERED, That 100 copies of the foregoing statement of facts, reported by Mr. Bell, from the committee on elections, together with the former report and the affidavits herein mentioned, be printed for the use of the Senate.

A. H. SMALL, *Secretary.*