

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

THIRTY-THIRD LEGISLATURE.

HOUSE.]

[No. 1.

REPORT

OF THE

COMMITTEE ON ELECTIONS.

HOUSE OF REPRESENTATIVES, }
FEBRUARY 6, 1854. }

The Committee on Elections, to which was referred the remonstrance of Jeremiah Foster against the right of Stephen T. Harris to a seat in this House, and claiming himself to be elected in the said district, ask leave to

REPORT:

That in the Representative district composed of Machias-port, East Machias, Whiting and Plantation No. 18, the votes at the September election were for Harris 208, for Foster 196, all others 71, giving Harris a plurality of twelve votes. The whole vote of Machias-port is objected to. If these votes be rejected, the vote of the district will be for Harris 105, for Foster 166, giving Foster a plurality of sixty-one votes. If a portion only of the votes of Machias-port should

be rejected, to wit : that portion which was not received at the place at which the meeting was warned and held, Foster would be elected.

The objections to the votes of Machias-port are :

First. That the meeting was not held till its close at the place designated in the warrant for the same, but was adjourned to another place not so designated in the warrant.

Second. That the votes were not received, sorted and declared in open town meeting, warned and notified according to law, as required by the constitution, but were removed in part, and all sorted, counted and declared in a place not designated in the warrant, and many hours after the adjournment of the meeting called by the said warrant.

Third. That if the votes received at the place designated in the warrant, had been there sorted, counted and sealed up in open town meeting, the remonstrant would have received a plurality of the votes in said district, and would have been declared to be elected, and that the returns and certificates show a plurality against him, and in favor of the sitting member, only by reason of votes which were not received in open town meeting holden at the place set forth in said warrant.

The facts found by the committee, are as follows :

The town of Machias-port, had in 1850, a population of 1266. The town meetings in that place for the September elections have been holden at the school-house near the Congregational meeting-house in that town for the last twenty-five years. The meeting was warned to be held at that place at 10 o'clock, A. M. Sept. 12, 1853. It was opened at 10 o'clock and continued open till about half past six P. M. At that time there were present, as one witness says, from twelve to twenty persons ; another says six. A vote was taken to adjourn to the post office in the village, distant about one-fourth of a mile, and thereupon the Selectmen and Town Clerk, the Clerk carrying the ballot-box, proceeded to the post office. After the adjournment, a notice was posted up on the door of the house setting forth the place of adjournment. The witness who wrote the notice, says it was so dark that it was with diffi-

culty he could see to write it. Another witness who came to the school-house at the time of the adjournment, says that he saw the paper on the door, but it was so dark he could not read it. No other information was given of the place to which the meeting adjourned. The polls were re-opened at the post office, and about an hour after so re-opened, and after some votes had been received, the votes were counted, and found to be for Harris 72, for Foster 25. These votes added to the votes of the other towns and plantation would give Harris 177, Foster 191, and would elect Foster. This state of the vote on enquiry was publicly made known. It appeared that leading and active politicians from other towns arrived at the post office soon after the polls were re-opened.

It appeared by the deposition of one witness, that a voter coming in while the votes were being so counted, took a vote from the pile of votes that had been counted, and put it into the ballot-box as his vote. This was contradicted by the deposition of one of the Selectmen, who testified that the votes which had been counted were put into hats and set away. The post office is a room nineteen feet by eight and a half feet, and a counter across the end leaves but fourteen feet in the open part. The Town Clerk testified that the September meeting had on two former years adjourned to the post office; but he did not state the time in the day or the reason of such adjournment, nor whether it was before or after the close of the polls. The reason stated for the adjournment by the Town Clerk, was, that about a dozen panes of glass were broken in the windows of the school-house, and that there was no stove in the house. It appeared that the twelfth of September was a pleasant day; also that a school had been kept in the said school-house the preceding summer.

Neither of the parties resided in Machias-port.

The committee are of opinion that the provisions of the constitution and laws were not observed in the receiving, sorting, counting and declaring the votes, and that the post office, not having been designated in the warrant as the place for holding the meeting, votes could not lawfully be received, sorted,

MAJORITY REPORT.

counted, declared or sealed up at this place in accordance with the constitution. They therefore have directed me to report the accompanying resolve which is herewith submitted.

J. B. HILL.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
FEBRUARY 6, 1854. }

Resolved, That Stephen T. Harris is not elected, and that Jeremiah Foster is elected a Representative from the District composed of the towns of Machias-port, East Machias, Whiting, and Plantation No. Eighteen, and that the said Foster is entitled to a seat in this House.