

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)

Wm. F. Hill
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

HOUSE.

No. 10.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 6, 1856. }

The Committee on Elections, to whom was recommitted their former Report, with instructions to report a statement of facts upon the remonstrance of Nathaniel Spratt against the right of George Hodgdon to a seat in this House, ask leave to

REPORT A STATEMENT OF FACTS:

That the towns of Alton, Bradford, Charlestown and Lagrange, compose the Representative District under consideration; that the returns from these towns make the vote for Representative stand thus:

For George Hodgdon,	378
For Nathaniel Spratt,	376

Said remonstrant claims:

1. That in the town of Alton, the vote of one Moses Curtis, was received and counted for said Hodgdon, when in fact, said Curtis was not a legal voter, being a minor.

2. That in said town of Alton, a town vote was improperly and illegally counted for said Hodgdon, his name not being borne thereon.

3. That in the town of Bradford, three votes were given for said Spratt, more than were counted for him.

Mr. Hodgdon also alleges that in said town of Alton, one vote was improperly and illegally counted for said Spratt.

Upon the first point, evidence was adduced showing that said Curtis voted at the September election in said town, and there was introduced a certificate, purporting to be of the town clerk of Argyle, showing that the records of said town contain the following:

“Moses Curtis, son of Samuel and Harriet Curtis, born January 3, 1835.”

The Curtis who voted, was identified as the son of Samuel and Harriet Curtis, formerly resident in Argyle.

The only evidence for whom he voted, was contained in the deposition of William C. Spratt, who deposed that he “saw him deposit in the ballot box the regular democratic vote headed by Samuel Wells.”

As to the second point the testimony was somewhat various. The vote in question was not exhibited before the Committee.

H. Lancaster, one of the selectmen, and Geo. H. McKecknie, Thomas G. Spratt, William C. Spratt and Daniel Milliken describe it as a vote from which the parts of several letters had been torn from the name of George Hodgdon, supposed to have once been written upon it, and the whole of certain other letters were gone, while but a few perfect letters remained.

On the other hand, Geo. Averill, one of the selectmen, deposed that the tear encroached in some instances upon the letters, affecting the line of the name but very little—the fractures not hindering the name from being perfectly intelligible in his judgment.

Thomas J. Brown deposed, that he could read the name upon said vote—that the tear was very close to the letters, and some of them were torn—that the lower part of the first G was torn off, and some other letters mutilated.

James B. Norcross deposed, that he called on a Mr. Mansell for a vote on election day—that he had but two, which were on one piece of paper—that he laid them upon the counter and tore off one—that in doing so, the tear took off the tail of the first G and ran into some other of the letters.

It was shown that there was but one *torn* vote in the box.

The depositions of Abner Milliken, Henry S. Willa, John Y. Miles and Noah Cross were introduced to show that they each *cut* off the name of George Hodgdon—(there being 46 votes for Samuel Wells, for Governor, and 42 votes for George Hodgdon, as representative, declared.) Each of these witnesses states that he voted “the Wells or democratic ticket.”

It was proved that a certain vote was thrown in said town bearing the written name of George Hodgdon upon it; and that wafered thereon was a separate piece of paper covering said Hodgdon’s name and bearing the name of Nathaniel Spratt. This vote was counted for Nathaniel Spratt.

Upon the third point, the facts as presented were as follows:

In the town of Bradford, before the voting was completed, the votes were taken from the ballot box, and those already cast were counted by the selectmen; one of them having those for Mr. Spratt in one hand and sliding them off separately, and one of the other selectmen counting with him—both mentally, as he did so. Both of them made one hundred and sixty-five. The votes were subsequently handed to Mr. A. G. Davis, who counted them and made one hundred and sixty-eight.

One of the selectmen, Cyrus P. Church, deposes that he passed the votes to said Davis, and that he counted them there—the selectmen being present; that the ballots were of two sizes; and that being dissatisfied, he proposed to count them again, and called the attention of one of the selectmen to the difference between the count; to which he replied, that he did not know about counting them over, as they had been out of the selectmen’s hands, and others might have been added to them—that he spoke of counting the check list, but that in the excitement of the election neither the check list nor the votes were counted over again—that he believed Mr. Davis’ count correct—that 16 votes were received for Mr. Spratt after the ballots had first been taken from the box.

Augustus G. Davis deposed, that Mr. Church handed the ballots to him and asked him to count them—that he did so,

and made 168 for Nathaniel Spratt—that no ballots were added while in his possession—that he counted them twice, making the same number, and handed them back to Mr. Church, telling him of the fact that he made 168.

Edward P. Weld deposed, that he saw Mr. Church hand the ballots to Mr. Davis, who took them and laid them on a desk, and he (Weld) sat beside him at the desk and counted mentally, and made 168; that they were counted a second time, and were then handed to Mr. Church again.

James Strout, town clerk, deposed that he kept the check list the greater part of the day of election—that on the morning after election, he counted the list and found three more names checked than the number of ballots cast as recorded—that he counted the ballots on which Mr. Hodgdon's name was, in connection with Mr. Plummer, one of the Selectmen, and both made the number 90, which count he has no doubt was correct.

The return from said town was signed by all of the Selectmen and the town clerk, and was as follows:

For Nathaniel Spratt,	181
For George Hodgdon,	90

Upon this branch of the case Mr. Hodgdon introduced no testimony.

The Committee unanimously agree in the foregoing statement of facts, but a majority only concur in the following report which is herewith submitted:

That said Hodgdon is legally entitled to a seat in this House, and that said remonstrant have leave to withdraw his said remonstrance.

All which is respectfully submitted.

BENJ. A. G. FULLER, *Chairman.*

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
Feb. 6, 1856. }

ORDERED, That the usual number of copies be printed for the use of the House.

DAVID DUNN, *Clerk.*